



AGENDA
CUYAHOGA COUNTY PUBLIC WORKS, PROCUREMENT & CONTRACTING
COMMITTEE MEETING
WEDNESDAY, JULY 31, 2019
CUYAHOGA COUNTY ADMINISTRATIVE HEADQUARTERS
C. ELLEN CONNALLY COUNCIL CHAMBERS – 4TH FLOOR
10:00 AM

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PUBLIC COMMENT**
- 4. APPROVAL OF MINUTES FROM THE JULY 17, 2019 MEETING**
- 5. MATTERS REFERRED TO COMMITTEE**
 - a) R2019-0166: A Resolution fixing the 2020 water, storm and sanitary sewer maintenance and/or sewerage treatment rates for County Sewer District Nos. 1, 1A, 2, 3, 5, 8, 9, 13, 14, 18, 20, 21, 22 and 24, in accordance with Ohio Revised Code Section 6117.02; and declaring the necessity that this Resolution become immediately effective.
 - b) R2019-0167: A Resolution approving and confirming the 2020 water, storm and sanitary sewer maintenance and/or sewerage treatment assessments for County Sewer District Nos. 1, 1A, 2, 3, 5, 8, 9, 13, 14, 18, 20, 21, 22 and 24, in accordance with Ohio Revised Code Section 6117.02; and declaring the necessity that this Resolution become immediately effective.
 - c) R2019-0168: A Resolution authorizing the County Executive to accept dedication of land for Ethan Circle in Gates Village Subdivision (Phase 2), located in Olmsted Township, as a public street (1.3775 total acres) with established setback lines, rights-of-way and easements;

authorizing the County Executive to accept dedication of easements for construction, maintenance and operation of public facilities and appurtenances in Gates Village Subdivision (Phase 2) to public use granted to the County of Cuyahoga and its corporate successors; authorizing the County Executive to execute the final Plat in connection with said dedications; and declaring the necessity that this Resolution become immediately effective.

- d) O2019-0010: An Ordinance enacting Section 806.04 of the Cuyahoga County Code to establish the Cuyahoga County Energy Participation Program, and declaring the necessity that this Ordinance become immediately effective.

6. MISCELLANEOUS BUSINESS

7. ADJOURNMENT

**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.*

***Council Chambers is equipped with a hearing assistance system. If needed, please see the Clerk to obtain a receiver.*



MINUTES

CUYAHOGA COUNTY PUBLIC WORKS, PROCUREMENT & CONTRACTING
COMMITTEE MEETING
WEDNESDAY, JULY 17, 2019
CUYAHOGA COUNTY ADMINISTRATIVE HEADQUARTERS
C. ELLEN CONNALLY COUNCIL CHAMBERS – 4TH FLOOR
10:00 AM

1. CALL TO ORDER

Chairman Tuma called the meeting to order at 10:04 a.m.

2. ROLL CALL

Mr. Tuma asked Deputy Carter to call the roll. Committee members Tuma, Miller, Conwell, Schron and Baker were in attendance and a quorum was determined. Councilmember Simon was also in attendance.

3. PUBLIC COMMENT

There were no public comments given.

4. APPROVAL OF MINUTES FROM THE JUNE 19, 2019 MEETING

A motion was made by Ms. Conwell, seconded by Mr. Schron and approved by unanimous vote to approve the minutes from the June 19, 2019 meeting.

5. MATTERS REFERRED TO COMMITTEE

- a) R2019-0149: A Resolution authorizing an amendment to Contract No. CE1700002-01 with Mott MacDonald, LLC for design engineering services for repair and resurfacing of Sprague Road from Webster Road to York Road in the Cities of Middleburg Heights, North Royalton, Parma and Strongsville, to change the scope of services, effective 6/25/2019, and for additional funds in the amount not-to-exceed

\$726,761.00; 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.

Ms. Nichole English, Transportation Planning Engineer, addressed the Committee regarding Resolution No. R2019-0149. Discussion ensued.

Committee members and Councilmembers asked questions of Ms. English pertaining to the item, which she answered accordingly.

On a motion by Mr. Tuma with a second by Mr. Schron, Resolution No. R2019-0149 was considered and approved by unanimous vote to be referred to the full Council agenda with a recommendation for passage under second reading suspension of the rules.

- b) R2019-0150: A Resolution authorizing an amendment to Contract No. CE1400135-2 with Alto 55 Erieview, LLC, as successor in interest to BZT Acquisition, LLC, for lease of space located at 75 Erieview Plaza, Cleveland, for operation of the Family Justice Center for the period 6/1/2014 - 10/31/2019 to extend the time period to 10/31/2023, and for additional funds in the amount not-to-exceed \$780,360.00; 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.

Mr. John Myers, Real Property Manager; Mr. Alex Pellom, Director of the Department of Public Safety & Justice Services; and Ms. Jill Smialek, Manager of Witness Victim Services, addressed the Committee regarding Resolution No. R2019-0150. Discussion ensued.

Committee members and Councilmembers asked questions of Mr. Myers, Mr. Pellom and Ms. Smialek pertaining to the item, which they answered accordingly.

On a motion by Mr. Tuma with a second by Mr. Schron, Resolution No. R2019-0150 was considered and approved by unanimous vote to be referred to the full Council agenda for second reading.

Ms. Conwell requested to have her name added as a co-sponsor to the legislation.

- c) R2019-0156: A Resolution authorizing a Purchase and Sale Agreement with The MetroHealth System for the transfer of certain excess County-owned real property no longer needed for public use, located on the Southeast quadrant of the intersection of West 25th Street and Sackett Avenue in the City of Cleveland, for redevelopment for low-income housing; authorizing the County Executive to take all necessary actions and to execute all documents necessary to consummate the

contemplated transactions; and declaring the necessity that this Resolution become immediately effective.

Mr. Tuma introduced a proposed substitute to Resolution No. R2019-0156. Discussion ensued.

Mr. Gregory Huth, Law Director, addressed the Committee regarding Resolution No. R2019-0156. Discussion ensued.

Committee members and Councilmembers asked questions of Mr. Huth pertaining to the item, which he answered accordingly.

A motion was then made by Mr. Miller, seconded by Mr. Schron and approved by unanimous vote to accept the proposed substitute.

Dr. Akram Boutros, President and Chief Executive Officer of The MetroHealth System; and Mr. Gregory Zucca, Director of Economic & Community Transformation at The MetroHealth System, addressed the Committee regarding Resolution No. R2019-0156. Discussion ensued.

Committee members and Councilmembers asked questions of Dr. Boutros and Mr. Zucca pertaining to the item, which they answered accordingly.

On a motion by Mr. Tuma with a second by Ms. Conwell, Resolution No. R2019-0156 was considered and approved by unanimous vote to be referred to the full Council agenda with a recommendation for passage under second reading suspension of the rules.

- d) R2019-0157: A Resolution approving Right-of-Way Exhibits as set forth in Plat No. M-5039 for replacement of Lindbergh Boulevard Culvert No. C-00.93 over a creek to the West Branch of the Rocky River in the City of Olmsted Falls; authorizing the County Executive through the Department of Public Works to acquire said necessary Rights-of-Way; and declaring the necessity that this Resolution become immediately effective.

Ms. English addressed the Committee regarding Resolution No. R2019-0157. Discussion ensued.

Committee members and Councilmembers asked questions of Ms. English pertaining to the item, which she answered accordingly.

On a motion by Mr. Tuma with a second by Ms. Conwell, Resolution No. R2019-0157 was considered and approved by unanimous vote to be referred to the full Council agenda with a recommendation for passage under second reading suspension of the rules.

- e) O2019-0010: An Ordinance enacting Section 806.04 of the Cuyahoga County Code to establish the Cuyahoga County Energy Participation Program, and declaring the necessity that this Ordinance become immediately effective.

Mr. Matthew Rymer, Maintenance Administrator; Mr. Kirkland Mizerak, Vice President of Palmer Energy Company; and Mr. Michael Dever, Director of the Department of Public Works, addressed the Committee regarding Ordinance No. O2019-0010. Discussion ensued.

Committee members and Councilmembers asked questions of Messrs. Rymer, Palmer and Mizerak pertaining to the item, which they answered accordingly.

There was no further legislative action taken on Ordinance No. O2019-0010.

6. MISCELLANEOUS BUSINESS

There was no miscellaneous business.

7. ADJOURNMENT

With no further business to discuss and on a motion by Mr. Tuma with a second by Mr. Schron, the meeting was adjourned at 11:38 a.m., without objection.

County Council of Cuyahoga County, Ohio

Resolution No. R2019-0166

Sponsored by: County Executive Budish/Department of Public Works	A Resolution fixing the 2020 water, storm and sanitary sewer maintenance and/or sewerage treatment rates for County Sewer District Nos. 1, 1A, 2, 3, 5, 8, 9, 13, 14, 18, 20, 21, 22 and 24, in accordance with Ohio Revised Code Section 6117.02; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the County Executive/Department of Public Works/County Sanitary Engineer recommends fixing water, storm and sanitary sewer maintenance and/or sewerage treatment rates for the County Sewer District Nos. 1, 1A, 2, 3, 5, 8, 9, 13, 14, 18, 20, 21, 22 and 24 for Fiscal 2020; and

WHEREAS, the County has contractual obligations with communities to operate and maintain water lines and sewerage systems including storm sewers, sanitary sewers, wastewater treatment plants, and pumping stations; and

WHEREAS, the funds are necessary to pay for the treatment and disposal costs, and for proper maintenance and operation of the water lines and sewerage systems in said districts for Fiscal 2020; and

WHEREAS, in accordance with the Ohio Revised Code Section 6117.02, the County may levy an assessment to pay the cost and expense of the maintenance and operation of such improvements, including the disposal of sewage; and

WHEREAS, said water, storm and sanitary sewer maintenance and/or sewerage treatment rates shall be applied as follows:

Single Family	Front footage x maintenance rate
Condominiums	Average front footage for the community x 0.87 x sewer maintenance rate
Apartments	Per settlement formula per Common Pleas Case #245631
Commercial	Front footage x maintenance rate x 1.15
Industrial	Front footage x maintenance rate x 1.15

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 in order to provide funds with which to maintain and operate water lines and sewerage systems in County Sewer District Nos. 1, 1A, 2, 3, 5, 8, 9, 13, 14, 18, 20, 21, 22 and 24 for Fiscal 2020, the following rates shall be charged to the actual and/or potential users of such sewerage system:

**Sewer Maintenance Rate
(Per Front Foot)**

2020

Sewer Area No. 1

Brooklyn	
Sanitary Sewer	\$ 2.00
Storm Sewer	\$.60
Linndale - All Sewers	\$ 2.50
Parma Heights	
Sanitary Sewer	\$ 1.20
Storm Sewer	\$ 1.25
Water Transmission Lines	\$ 0.05

Sewer Area No. 1A

Parma	
Sanitary Sewers	\$ 1.75
Storm Sewers	\$ 0.40

Sewer Area No. 2

Brooklyn Heights	
Sanitary Sewers	\$ 1.50
Storm Sewers	\$ 0.25
Seven Hills - Sanitary Sewers	\$ 1.00 (A)

Sewer Area No. 3

Beachwood	
Sanitary Sewers	\$ 0.75
Storm Sewers	\$ 0.75
Gates Mills - Sanitary Sewers	\$ 10.00
Highland Heights	
Sanitary Sewers	\$ 1.00
Storm Sewers	\$ 1.50
Lyndhurst - Sanitary Sewers	\$ 1.00
Mayfield Heights	
Sanitary Sewers	\$ 2.50
Storm Sewers	\$ 0.00

Mayfield Village - Sanitary Sewers	\$ 4.00
Pepper Pike - Sanitary Sewers	\$ 2.50
	\$ 200.00 (B)
Richmond Heights	
Sanitary Sewers	\$ 2.00
Storm Sewers	\$ 0.70
South Euclid - Sanitary Sewers	\$ 1.00 (C)

Sewer Area No. 5

Beachwood	
Sanitary Sewers	\$ 0.75
Storm Sewers	\$ 0.75
Bedford Heights - Sanitary Sewers	\$ 1.95
Highland Hills - Storm Only	\$ 2.50
North Randall	
Sanitary Sewers	\$ 0.75
Storm Sewers	\$ 1.75
Orange Village - Sanitary Sewers	\$ 3.00
Warrensville Heights - Storm Only	\$ 2.50

Sewer Area No. 8

Middleburg Heights	
Sanitary Sewer	\$ 2.00
Storm Sewer	\$ 0.50
Water Transmission Lines	\$ 0.20

Sewer Area No. 9

Garfield Heights	
Sanitary Sewers	\$ 2.20
Storm Sewers	\$ 0.70
Maple Heights	
Sanitary Sewers	\$ 2.25
Storm Sewers	\$ 0.70
Water Transmission Lines	\$ 0.10

Sewer Area No. 13

Brecksville	
Sanitary Sewers	\$ 2.50
Storm Sewers	\$ 2.10
Broadview Heights	
Sanitary Sewers	\$ 1.50

Sewer Area No. 14

Olmsted Township	
Sanitary Sewers	\$ 3.50
Storm Sewers	\$ 0.47

Sewer Area No. 18

Oakwood - Sanitary Sewers \$ 1.50

Sewer Area No. 20

Bedford - Sanitary Sewers \$ 1.60

Walton Hills - Sanitary Sewers \$ 1.60 (D)

\$ 150.00 (E)

Sewer Area No. 21

Woodmere

Sanitary Sewers \$ 2.25

\$ 225.00 (F)

\$ 150.00 (F)

Storm Sewers \$ 0.40

Water Transmission Lines \$ 0.10

Sewer Area No. 22

Newburgh Heights - All Sewers \$ 6.20

Sewer Area No. 24

East Cleveland - All Sewers \$ 3.00

- (A) Rate Applies to properties served by County Improvement No. 231.
- (B) Flat Rate: \$200.00 per year to residential parcels tributary to Creekside, (ten years - beginning 1/1/2016). Commercial charge based on water consumption.
- (C) Rate Applies to portion of South Euclid tributary to County Improvement Nos. 3-A-1 and 3-A-2 only.
- (D) Rate Applies to commercial/industrial parcels only
- (E) Flat Rate: \$150.00 charge for a residential parcel served by sanitary sewers.
- (F) Flat Rate: \$225.00 charge for each improved parcel.
\$150.00 charge for each unimproved parcel.

Any charges that are not paid shall be certified to the County Fiscal Officer, as provided by law, for collection.

SECTION 2. That the Clerk of Council be, and she is hereby, instructed to transmit a copy of this Resolution to the County Fiscal Officer.

County Council of Cuyahoga County, Ohio

Resolution No. R2019-0167

Sponsored by: County Executive Budish/Department of Public Works	A Resolution approving and confirming the 2020 water, storm and sanitary sewer maintenance and/or sewerage treatment assessments for County Sewer District Nos. 1, 1A, 2, 3, 5, 8, 9, 13, 14, 18, 20, 21, 22 and 24, in accordance with Ohio Revised Code Section 6117.02; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the County Sanitary Engineer has prepared and presented to the County Council for the County of Cuyahoga, Ohio the 2020 water, storm and sanitary sewer maintenance and/or sewerage treatment assessments for County Sewer District Nos. 1, 1A, 2, 3, 5, 8, 9, 13, 14, 18, 20, 21, 22 and 24; and

WHEREAS, funds are necessary to pay for the operation and maintenance of water lines, sewerage systems, including storm sewers, sanitary sewers, wastewater treatment plants, and pumping stations for said Districts for Fiscal 2020; and

WHEREAS, the primary goal is to collect all operational expenditures from revenues collected from users of the water lines and sewerage systems; and

WHEREAS, in accordance with the Ohio Revised Code Section 6117.02, the County may levy an assessment to pay the cost and expense of the maintenance and operation of such improvements, including the disposal of sewage; 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 water, storm and sanitary sewer maintenance and/or sewerage treatment assessments for County Sewer District Nos. 1, 1A, 2, 3, 5, 8, 9, 13, 14, 18, 20, 21, 22 and 24, as prepared and filed with the Council by the County Sanitary Engineer be, and the same are, hereby approved and confirmed and said assessments are hereby ordered recorded in the original assessment records of the County of Cuyahoga, Ohio for the year 2020, to which reference is hereby made a part hereof, as fully and completely as though set forth at length and rewritten herein.

SECTION 2. That there be, and hereby is, levied and assessed upon the several lots and parcels of land listed and described in said report the amount set forth to be assessed by the County of Cuyahoga, Ohio, through the Department of Public Works/County Sanitary Engineer, upon each of said lots and parcels of land.

SECTION 3. That the said assessments so made, approved and confirmed, are hereby certified to the County Fiscal Officer for collection.

SECTION 4. That the installments of such assessments, when collected, shall be placed to the credit of the Department of Public Works/County Sanitary Engineer's fund to be used for the purposes set forth in the Resolution directing the Department to prepare such assessments.

SECTION 5. That the Clerk of Council be, and she is hereby, instructed to transmit a copy of this Resolution to the County Fiscal Officer and one copy to the Department of Public Works/County Sanitary Engineer.

SECTION 6. It is necessary that this Resolution become immediately effective to comply with the Ohio Revised Code, Section 6117.33, which provides that assessments for such rates must be certified on or before the second Monday in September, that being September 9, 2019. Provided that this Resolution receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (1) its approval by the County Executive through signature, (2) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Cuyahoga County Charter, or (3) its passage by at least eight members of Council after disapproval pursuant to Section 3.10(7) of the Cuyahoga County Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

SECTION 7. It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and 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: July 23, 2019

Committee(s) Assigned: Public Works, Procurement & Contracting

Journal _____
_____, 2019

County Council of Cuyahoga County, Ohio

Resolution No. R2019-0168

<p>Sponsored by: County Executive Budish on behalf of Cuyahoga County Planning Commission</p>	<p>A Resolution authorizing the County Executive to accept dedication of land for Ethan Circle in Gates Village Subdivision (Phase 2), located in Olmsted Township, as a public street (1.3775 total acres) with established setback lines, rights-of-way and easements; authorizing the County Executive to accept dedication of easements for construction, maintenance and operation of public facilities and appurtenances in Gates Village Subdivision (Phase 2) to public use granted to the County of Cuyahoga and its corporate successors; authorizing the County Executive to execute the final Plat in connection with said dedications; and declaring the necessity that this Resolution become immediately effective.</p>
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WHEREAS, pursuant to Ohio Revised Code Section 711.10, the Cuyahoga County Planning Commission has authority to adopt regulations and procedures governing the proposed divisions of land to review and approve, approve with conditions, or to disapprove the proposed preliminary plan of new major subdivisions; and

WHEREAS, the Cuyahoga County Land Development Regulations originally adopted November 8, 2007 and amended December 9, 2010, require the Cuyahoga County Planning Commission to refer the final dedication plat to the County “for acceptance of dedication of land for any public street, highway or other public ways, open space, or public easement on the final plat;” and

WHEREAS, the Cuyahoga County Planning Commission has granted conditional approval of the Final Plat for Gates Village Phase 2 on May 9, 2019; and

WHEREAS, pursuant to the above regulations, acceptance of the dedication of land for Ethan Circle in Gates Village Subdivision (Phase 2) as a public street (1.3775 acres total) with established setback lines, rights-of-way and easements; and also, accepting and dedicating easements for the construction, maintenance and operation of public facilities and appurtenances in the Gates Village Subdivision (Phase 2); and

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

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

SECTION 1. That the County Council hereby authorizes the County Executive to accept dedication of land for Ethan Circle in Gates Village Subdivision (Phase 2), located in Olmsted Township, as a public street (1.3775 acres total) with established setback lines, rights-of-way and easements; and authorizes the County Executive to accept dedication of easements for construction, maintenance and operation of public facilities and appurtenances in Gates Village Subdivision (Phase 2) to public use granted to the County of Cuyahoga and its corporate successors.

SECTION 2. That the County Executive is authorized to execute the final Plat in connection with said dedications of land.

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: July 23, 2019

Committee(s) Assigned: Public Works, Procurement & Contracting

Journal _____
_____, 20__

County Council of Cuyahoga County, Ohio

Ordinance No. O2019-0010

Sponsored by: County Executive Budish/Department of Public Works	An Ordinance enacting Section 806.04 of the Cuyahoga County Code to establish the Cuyahoga County Energy Participation Program, and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, pursuant to Section 9.48 (B)(2) of the Ohio Revised Code, a political subdivision may “participate in a joint purchasing program operated by or through a national or state association of political subdivisions in which the purchasing political subdivision is eligible for membership;” and

WHEREAS, Section 3.09 of the Cuyahoga County Charter Section provides that the powers of the County Council include the ability to adopt legislation “to cooperate or join by contract with any municipality, county, state or political subdivision or agency thereof;” and,

WHEREAS, Section 501.03(A) of the Cuyahoga County Code sets forth that “the County Executive, through the appropriate departments of county government acting under his/her direction or other county entities, may ... enter into all contracts ... and execute all necessary documents for the administration and conclusion of contracts;” and

WHEREAS, Section 501.03(B) sets forth that “the County Executive may perform any of the functions that he or she may perform under Chapter 501 of the County Code through his or her duly authorized designees;” and

WHEREAS, the County Commissioners Association of Ohio (“CCAO”), through its affiliate CCAO Service Corporation (“CCAOSC”), has established certain joint energy purchasing programs under the authority of Section 9.48 of the Ohio Revised Code in order to assist eligible Ohio counties or boards, agencies, districts or other instrumentalities which are affiliated with them in securing competitively priced energy supplies through various energy purchase agreements favorable to participants; and

WHEREAS, CCAOSC’s joint energy purchasing programs include energy purchase agreements for natural gas, electricity and solar energy; and

WHEREAS, Cuyahoga County is a member of CCAO and wishes to participate in the CCAOSC's joint energy purchasing programs; and

WHEREAS, CCAOSC wishes to avail itself of the expertise of CCAOSC Energy Solutions, a subsidiary of Palmer Energy Company, Inc., Toledo, Ohio, as manager of the Program (the "Manager"); and

WHEREAS, the County agrees that it is necessary and desirable to establish the Cuyahoga County Energy Participation Program in order to create and adopt comprehensive guidelines for the funding, management and administration of CCAOSC's joint energy purchasing programs; and

WHEREAS, the participation in the joint energy purchasing programs established by CCAOSC will result in increased efficiency in local government and reduce the financial strain on the County's citizens; 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. Section 806.04 of the Cuyahoga County Code is hereby enacted as follows:

Section 806.04: Cuyahoga County Energy Participation Program

A. Definitions:

"CCAO" means the County Commissioners Association of Ohio, whose mission is to advance effective county government and to offer member counties several enterprise services that offer superior services and save funds.

"CCAOSC" means the CCAO Service Corporation, an affiliate of CCAO.

"Energy Purchase Agreements" means the natural gas purchase agreement, electricity purchase agreement, electric aggregation purchase agreement, natural gas aggregation purchase agreement, solar power purchase agreement between the County and Supplier.

"Manager" means CCAOSC Energy Solutions, a subsidiary of Palmer Energy Company, Toledo, Ohio.

"Supplier" means any person, corporation, partnership or other organization with whom CCAOSC (or its designee) may contract for the purchase of energy supplies. The definition is limited to the purposes of this Section.

“Program” means the Cuyahoga County Energy Participation Program which consists of five components: natural gas purchasing program, electricity purchasing program, electric aggregation program, natural gas aggregation program, and a solar purchasing program.

- B. There is hereby created the Cuyahoga County Energy Participation Program for the purpose of participating in one or more Energy Purchase Agreements managed by CCAO, through its affiliate CCAOSC, managed by CCAOSC Energy Solutions, a subsidiary of Palmer Energy Company, for the acquisition of natural gas, electricity and solar energy at competitive market rates. The Department of Public Works shall administer the Program on behalf of the County.
- C. Prior to the County entering into any Energy Purchase Agreement with a Supplier, CCAOSC or the Manager shall conduct a publicly solicited request for proposals from Suppliers and shall make the request for proposals and any responses to such request available to Cuyahoga County.
- D. The Director of Public Works shall have the authority to review the competitive proposals submitted by all Suppliers, approve the Supplier with the highest scoring proposal, and make recommendations to the Manager to enter into an Energy Purchase Agreement defined in the Program. Upon written recommendation from the Director of Public Works, the Manager is hereby authorized to execute such Energy Purchase Agreements on behalf of the County.
- E. All electric purchase agreements executed under the Program shall endeavor to include 100% renewable energy in order to promote the County’s climate change action plan.
- F. To efficiently and timely realize significant cost savings in a volatile commodities market, all Energy Purchase Agreements under the Program, regardless of the monetary threshold of each agreement, shall be exempt from all approval requirements by County Council and Board of Control described in Section 501.04 of the Cuyahoga County Code.
- G. The Director of Public Works shall present to Council Committee for Public Works, Procurement and Contracting all Energy Purchase Agreements executed under the Program no later than 60 days from the effective date of such agreements.
- H. This Program shall end after a term of five (5) years from the date of the adoption of this Ordinance.

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

