

County Council of Cuyahoga County, Ohio
Ordinance No. O2022-0007

Sponsored by: Councilmembers Simon, Jones, Gallagher, Tuma and Turner	An Ordinance Enacting Chapter 703 of the County Code establishing a Justice Center Capital Projects Fund in accordance with ORC Section 5705.13 and authorizing the Fiscal Office to transfer \$53,609,757 into the Justice Center Capital Projects Fund, and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, ORC Section 5705.13(C) authorizes the establishment of a capital projects fund for the purpose of accumulating resources for the construction of fixed assets of the County; and

WHEREAS, the County desires to create a capital projects fund in accordance with ORC Section 5705.13 to accumulate resources for the construction of a new County correction center and County courthouse and related improvements; and

WHEREAS, Cuyahoga County received \$239,898,257 from the Federal Government through the American Rescue Plan Act (ARPA); and

WHEREAS, Cuyahoga County calculated 100% of the ARPA dollars as loss revenue under the U.S. Department of the Treasury Final Rule; and

WHEREAS, all of the ARPA dollars have been deposited in the County's General Fund as loss revenue; and

WHEREAS, \$53,609,757 of the ARPA funding deposited in the County's General Fund remains uncommitted and set aside for projects in the 2023-2024 biennium; and

WHEREAS, it is necessary that this Ordinance become immediately effective in order that critical service provided by the County can continue and to provide for the efficient and effective operation of the County.

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

SECTION 1. That new Chapter 703 of the Cuyahoga County Code is enacted to read as follows:

Chapter 703: Capital Projects Fund

Section 703.01: Fund Established

The Fiscal Officer is hereby directed to establish a separate fund in the General Fund designated the Justice Center Capital Projects Fund in accordance with ORC Section 5705.13(C), for collecting and expending funds for the purposes set forth herein.

Section 703.02: Use of Capital Projects Fund

Funds in the Justice Center Capital Projects Fund shall be used solely to fund acquisition for, construction of, and improvements to a County correction center and courthouse.

Section 703.03: Source of Capital Projects Funds

As of the effective date of this Chapter, the Fiscal Officer shall immediately transfer \$53,609,757 from the General Fund into the Justice Center Capital Projects Fund. The Council may approve additional appropriations or cash transfers into the Justice Center Capital Projects Fund as needed.

Section 703.04: Termination of Capital Projects Fund

- A. The Justice Center Capital Projects Fund shall terminate on the earliest of:
1. Ten years from the effective date of this Chapter;
 2. A total of \$250,000,000.00 is accumulated in the Justice Center Capital Projects Fund; or
 3. Repeal of this Chapter 703.
- B. Any funds remaining in the Justice Center Capital Projects Fund upon its termination shall be returned to the General Fund

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 the preamble. Provided that this Ordinance receives the affirmative vote of 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 all 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 the 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 Ms. Simon, seconded by Ms. Turner, the foregoing Ordinance was duly adopted.

Yeas: Conwell, Turner, Stephens, Simon, Baker, Sweeney, Tuma, Gallagher and Jones

Nays: Miller and Schron

County Council President _____
Date

County Executive _____
Date

Clerk of Council _____
Date

First Reading/Referred to Committee: August 2, 2022

Committee(s) Assigned: Committee of the Whole

Legislation Substituted in Committee: November 22, 2022

Committee Report/Second Reading: November 22, 2022

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