



AGENDA
CUYAHOGA COUNTY COMMITTEE OF THE WHOLE MEETING
TUESDAY, MAY 14, 2024
CUYAHOGA COUNTY ADMINISTRATIVE HEADQUARTERS
C. ELLEN CONNALLY COUNCIL CHAMBERS – 4TH FLOOR
3:00 PM

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC COMMENT

4. ITEMS REFERRED TO COMMITTEE

- a) R2024-0129: A Resolution making an award on RQ12232 and authorizing a lease agreement bearing Contract No. 4313 with Cleveland Superior LLC, for lease of space located at 1801 Superior Avenue, Cleveland, Ohio, for the period 7/1/2024 – 6/3/2041 in the amount not-to-exceed \$91,000,000.00, which includes but is not limited to rent, initial capital expenditures, management fees, utilities, operating expenses, and a general contingency amount; authorizing the County Executive to execute the lease agreement and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective. [See Page 3]

- b) O2024-0004: An Ordinance repealing and replacing Chapter 703 of the County Code establishing a Justice Center Capital Projects Fund within the General Fund, and directing the deposit of specified sales and use tax proceeds therein; and declaring the necessity that this Ordinance become immediately effective. [See Page 6]

5. MISCELLANEOUS BUSINESS

6. 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.*

County Council of Cuyahoga County, Ohio

Resolution No. R2024-0129

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| <p>Sponsored by: County Executive Ronayne/Departments of Public Works</p> <p>Co-sponsored by: Councilmembers Conwell, Miller, and Byrne</p> | <p>A Resolution making an award on RQ12232 and authorizing a lease agreement bearing Contract No. 4313 with Cleveland Superior LLC, for the lease of space located at 1801 Superior Avenue, Cleveland, Ohio 44114, for the period of 7/1/2024 – 6/3/2041 in an amount not-to-exceed \$91,000,000.00, which includes but is not limited to rent, initial capital expenditures, management fees, utilities, operating expenses, and a general contingency amount; authorizing the County Executive to execute the lease agreement and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.</p> |
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WHEREAS, the County Executive/Departments of Public Works recommends making an award on RQ12232 and entering into a lease agreement bearing Contract No. 4313 with Cleveland Superior LLC, for lease of space located at 1801 Superior Avenue, Cleveland, Ohio 44114, for the period of 7/1/2024 – 6/30/2041 in an amount not-to-exceed \$91,000,000.00; and

WHEREAS, the not-to-exceed \$91,000,000.00 amount is to be paid over seventeen (17) years and accounts for rent in the amount of \$49,678,927.98 for the initial term of the lease, initial capital expenditures of \$550,000.00, estimated management fees of \$2,019,500.00, estimated utilities payments of \$10,304,000.00, estimated operating expenses of \$27,553,500.00, plus a general contingency for other related potential costs and expenses of \$894,072.02; and

WHEREAS, the primary goal of this project is to provide appropriate space for operations of the Cuyahoga County Board of Elections, including additional footage for early in-person voting and enhanced on-site voter parking, as well as certain offices of the Department of Health and Human Services; and

WHEREAS, this project is funded by 61% General Fund and 39% Health and Human Service Levy Funds; and

WHEREAS, the lease premises is located in Cuyahoga County Council District 7; 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 RQ12232 and authorizes entering into a lease agreement with Cleveland Superior LLC, for lease of space located at 1801 Superior Avenue, Cleveland, Ohio 44114, for the period of 7/1/2024 – 6/30/2041 in an amount not-to-exceed \$91,000,000.00.

SECTION 2. That the County Executive is authorized to execute the lease agreement bearing Contract No. 4313 and all documents consistent with this Resolution.

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

SECTION 4. It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

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

Yeas:

Nays:

County Council President Date

County Executive Date

Clerk of Council Date

First Reading/Referred to Committee:

Committee(s) Assigned:

Journal _____
_____, 20__

County Council of Cuyahoga County, Ohio

Ordinance No. O2024-0004

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| Sponsored by: Councilmembers Kelly and Stephens | An Ordinance repealing and replacing Chapter 703 of the County Code establishing a Justice Center Capital Projects Fund within the General Fund, and directing the deposit of specified sales and use tax proceeds therein; and declaring the necessity that this Ordinance become immediately effective. |
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WHEREAS, on December 6, 2022, Cuyahoga County Council approved Ordinance No. O2022-0007, which enacted Chapter 703 of the County Code establishing a Justice Center Capital Projects Fund in accordance with ORC Section 5705.13(C); and

WHEREAS, on December 14, 2023, Cuyahoga County Council approved Ordinance Nos. O2023-0012 and O2023-0013, which enacted Chapter 723 of the County Code codifying the existing sales and use taxes for Cuyahoga County and extending the quarter percent sales tax for an additional forty years commencing on October 1, 2027; and

WHEREAS, Cuyahoga County Council desires to restrict the uses of the quarter percent sales and use taxes enacted under Section 727.01(B) and Section 727.02(B) of the County Code for the purpose of acquiring, constructing, renovating, furnishing, equipping and otherwise improving a County corrections center and courthouse, effective on December 1, 2027 (when the first collection of the aforesaid extended tax is to be made), by establishing an account or fund within the General Fund to be called the “Justice Center Capital Projects Fund”; and

WHEREAS, by establishing the new Justice Center Capital Projects Fund within the General Fund, the aforementioned fund created under ORC Section 5705.13(C) is duplicative and unnecessary and Council thus desires to “rescind” it under ORC Section 5705.13(C) and transfer any and all proceeds therein to the new Justice Center Capital Projects Fund.

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

SECTION 1. Chapter 703 of the Cuyahoga County Code is hereby repealed in its entirety and replaced as follows:

Chapter 703: Justice Center Capital Projects Fund

Section 703.01: Fund Established

Pursuant to the home rule power of local self-government vested in Cuyahoga County by the Charter and the Ohio Constitution, the Fiscal Officer is hereby directed to establish a separate fund in the General Fund designated the Justice Center Capital Projects Fund, for collecting and expending funds for the purposes set forth herein.

Section 703.02: Use of Justice Center Capital Projects Fund

Funds in the Justice Center Capital Projects Fund shall be used solely for the purpose of acquiring, constructing, renovating, furnishing, equipping, and otherwise improving a County corrections center and courthouse.

Section 703.03: Source of Justice Center Capital Projects Funds

Beginning December 1, 2027, the Fiscal Officer shall deposit monies from the General Fund and other legally available sources into the Justice Center Capital Projects Fund no less frequently than biannually, in an amount equal to 100% of the amount collected annually under Section 727.01(B) and Section 727.02(B) of the County Code, net of debt service, financing costs, and any refinancing premium relating to any obligations for capital projects as described in Section 703.02, above, and expenses associated with administering collection of any such sources. Additionally, the entire remaining balance of the Justice Center Capital Projects Fund previously established pursuant to ORC Section 5705.13(C) shall be transferred to the new Justice Center Capital Projects Fund after the rescission of the previously established fund, which is to occur upon the effective date of this Section.

Section 703.04: Reporting of the Justice Center Capital Projects Fund

The Fiscal Officer shall report quarterly to Council the revenues, expenditures, and balance of the Justice Center Capital Projects Fund. The quarterly reports shall be sent to the Clerk of Council.

Section 703.05: Termination of Justice Center Capital Projects Fund

The Justice Center Capital Projects Fund shall terminate if Chapter 703 is repealed by County Council. Any funds remaining in the Justice Center Capital Projects Fund upon its termination shall be returned to unrestricted sales and use tax uses within the General Fund.

SECTION 2. Upon the effective date of this Ordinance, the existing Justice Center Capital Projects Fund created under ORC Section 5705.13(C) shall be rescinded and any and all money in said fund transferred to the General Fund (whence

