

# County Council of Cuyahoga County, Ohio

## Ordinance No. O2013-0009

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| <p>Sponsored by: <b>County Executive FitzGerald/Department of Public Works</b></p> <p>Co-sponsored by: <b>Councilmembers Miller, Simon, Jones, Conwell, Rogers and Germana</b></p> | <p><b>An Ordinance</b> establishing the Cuyahoga Countywide Preventive Maintenance Program, and declaring the necessity that this Ordinance become immediately effective.</p> |
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WHEREAS, Cuyahoga County Charter Section 3.09, Subsection 8 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, for the planning, development, construction, acquisition or operation of any public improvement or facility, or for providing a common service, and to provide the terms upon which the County shall perform any of the services and functions of any other county or any municipality or other political subdivision;” and,

WHEREAS, pursuant to the Ohio Revised Code 302.21, the County may enter into an agreement with any municipal corporation to perform any function, or render any service, on behalf of the contracting subdivision or its legislative authority; and,

WHEREAS, through the Cuyahoga Countywide Preventive Maintenance Program, the County will perform certain preventive maintenance services relating to roadways, as outlined in the individual agreements with the participating municipalities; and,

WHEREAS, the services provided under the Cuyahoga Countywide Preventive Maintenance Program may include, but are not necessarily limited to, the following tasks: sidewalk repairs, curb ramp repairs, rebuilding catch basins/manholes, pavement striping, crack sealing and street sweeping; and,

WHEREAS, it is necessary that this Ordinance become immediately effective in order that critical services provided by Cuyahoga County can commence and continue on behalf of the various municipalities within the County’s jurisdiction.

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

**SECTION 1.** There is hereby established the Cuyahoga Countywide Preventive Maintenance Program to provide preventive maintenance services relating to

roadways with the participating municipalities. The Department of Public Works shall administer the program.

**SECTION 2.** The services provided under the Cuyahoga Countywide Preventive Maintenance Program may include, but are not necessarily limited to, the following tasks: sidewalk repairs, curb ramp repairs, rebuilding of catch basins/manholes, pavement striping, crack sealing and street sweeping. Participating municipalities shall reimburse the County for all the services provided under the Countywide Preventive Maintenance Program.

**SECTION 3.** All contracts and agreements under the Cuyahoga Countywide Preventive Maintenance Program shall be reviewed and approved by the appropriate approval authority depending on the monetary threshold of each such contract or agreement in accordance with the Cuyahoga County Contracting and Purchasing Procedures Ordinance.

**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 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 Mr. Jones, seconded by Ms. Conwell, the foregoing Ordinance was duly enacted.

Yeas: Rogers, Simon, Greenspan, Miller, Brady, Germana, Gallagher, Schron, Conwell, Jones and Connally

Nays: None

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County Council President

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Date

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

\_\_\_\_\_  
Date

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Clerk of Council

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Date

First Reading/Referred to Committee: February 26, 2013

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

Committee Report/Second Reading: March 12, 2013

Additional Sponsorship Requested on the Floor: March 12, 2013

Additional Sponsorship Requested on the Floor: March 27, 2013

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