



**AGENDA  
CUYAHOGA COUNTY COUNCIL REGULAR MEETING  
TUESDAY, JULY 26, 2011  
CUYAHOGA COUNTY JUSTICE CENTER  
COUNCIL CHAMBERS – 1<sup>ST</sup> FLOOR  
6:00 PM**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PLEDGE OF ALLEGIANCE**
- 4. SILENT MEDITATION**
- 5. PUBLIC COMMENT RELATED TO AGENDA**
- 6. APPROVAL OF MINUTES**
  - a) July 12, 2011 Meeting
- 7. MESSAGES FROM THE COUNTY EXECUTIVE**
- 8. COMMITTEE REPORT AND CONSIDERATION OF A MOTION OF COUNCIL FOR SECOND READING ADOPTION UNDER SUSPENSION OF RULES**
  - a) M2011-0039: A Motion confirming the County Executive's appointment of Lawrence Benders to serve on the Cleveland/Cuyahoga County Workforce Investment Board, and declaring the necessity that this Motion become immediately effective. (Pending Committee Recommendation.)

Sponsor: Council President Connally

Committee Assignments and Chairs: Human Resources, Appointments & Equity – Conwell and Economic Development & Planning – Schron

**9. CONSIDERATION OF AN ORDINANCE OF COUNCIL FOR FIRST READING ADOPTION UNDER SUSPENSION OF RULES**

- a) O2011-0035: An Ordinance amending Ordinance No. O2011-0023, which adopted a permanent Code of Ethics, and declaring the necessity that this Ordinance become immediately effective.

Sponsor: Councilmember Greenspan

**10. CONSIDERATION OF ORDINANCES OF COUNCIL FOR FIRST READING AND REFERRAL TO COMMITTEE**

- a) O2011-0031: An Ordinance providing for the adoption of a campaign finance policy for Cuyahoga County.

Sponsor: Councilmember Greenspan

- b) O2011-0032: An Ordinance establishing guidelines under which Council is to consider and approve subsidies to boards, commissions, agencies, corporations, and other entities or authorities over which the County Council does not have direct, immediate oversight of daily, operational management decisions.

Sponsor: Councilmember Greenspan

**11. CONSIDERATION OF RESOLUTIONS FOR FIRST READING ADOPTION UNDER SUSPENSION OF RULES**

- a) R2011-0235: A Resolution amending the 2011 Annual Appropriation Measure by providing for additional fiscal appropriations from the General Fund and other funding sources, for appropriation transfers between budget accounts, and for cash transfers between budgetary funds, in order to meet the budgetary needs of various County departments, offices, and agencies; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Fiscal Officer/Office of Budget & Management

- b) R2011-0236: A Resolution amending Resolution No. R2011-0201 dated 6/28/2011, which authorized the County Executive to enter into an agreement with Cuyahoga County District Board of Health in the amount not-to-exceed \$5,000.00 for the period 8/1/2008 - 9/30/2012, by changing the scope of services to assessment of playgrounds located in East Cleveland and to conduct health monitoring activities in

connection with the U.S. Environmental Protection Agency Brownfields Assessment Grants; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Development

## **12. CONSIDERATION OF A RESOLUTION FOR FIRST READING ADOPTION UNDER SUSPENSION OF RULES/EXECUTIVE SESSION**

- a) R2011-0237: A Resolution to \_\_\_\_\_ the report containing findings and recommendations of Fact-finder Burt W. Griffin on open issues in negotiations between the County and the Ohio Patrolmen's Benevolent Association, for a first collective bargaining agreement covering four employees in the classification of Lieutenant at the Sheriff's Department, and declaring the necessity that this resolution become immediately effective.

Sponsor: County Executive FitzGerald/Sheriff

## **13. CONSIDERATION OF RESOLUTIONS FOR FIRST READING AND REFERRAL TO COMMITTEE**

- a) R2011-0238: A Resolution authorizing the County Executive to enter into an agreement with City of Cleveland Heights in the amount not-to-exceed \$512,500.00 for lead hazard remediation for the period 7/1/2011 – 7/31/2014, and declaring the necessity that this resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Development

- b) R2011-0239: A Resolution authorizing awards to various municipalities, in the total amount of \$1,150,000.00, for various municipal grant projects for the Neighborhood Stabilization Program for the period 7/12/2011 - 1/11/2013; authorizing the County Executive to enter into agreements consistent with said awards:

- 1) City of Bedford in the amount of \$150,000.00
- 2) City of Cleveland Heights in the amount of \$250,000.00
- 3) City of Lakewood in the amount of \$250,000.00
- 4) City of Shaker Heights in the amount of \$250,000.00
- 5) Village of Newburgh Heights in the amount of \$250,000.00

Sponsor: County Executive FitzGerald/Department of Development

- c) R2011-0240: A Resolution authorizing awards to various municipalities, in the total amount of \$2,109,532.00, for various municipal grant projects for the Community Development Block Grant Program for the period 7/1/2011 - 12/31/2012; authorizing the County Executive to enter into agreements consistent with said awards:

- 1) City of Maple Heights for the Broadway Avenue Reconstruction Project in the amount of \$500,000.00
- 2) City of North Olmsted for the County Club Boulevard Streetscape Project in the amount of \$350,000.00
- 3) Village of Oakwood for the Richmond-Broadway Intersection Realignment Project in the amount of \$350,000.00
- 4) City of Parma Heights for the Ackley Boulevard Reconstruction Project Phase 2 in the amount of \$150,000.00
- 5) City of Bedford for the Historic Bedford Automobile Enhancement Project in the amount of \$150,000.00
- 6) City of Shaker Heights for the Gridley Triangle Park Improvements Project in the amount of \$120,000.00
- 7) City of Bay Village for the Senior Center ADA Improvements Project in the amount of \$49,900.00
- 8) City of Brooklyn for the Removing Barriers to Limited Mobility Seniors and Handicapped Individuals Project in the amount of \$93,312.00
- 9) City of Berea for the Polish Village Neighborhood Improvement Project Phase 2 in the amount of \$150,000.00
- 10) Village of Woodmere for the Police and Fire Department Building and Site Improvement Project in the amount of \$136,320.00
- 11) Village of Newburgh Heights for a Comprehensive Community Development Plan Update in the amount of \$30,000.00
- 12) City of Fairview Park for a Master Plan Update in the amount of \$30,000.00

Sponsor: County Executive FitzGerald/Department of Development

- d) R2011-0241: A Resolution authorizing the County Executive to enter into an amendment to Contract No. CE1000585-01 with United Labor Agency, Inc. for Employment Connection employer services for the period 7/1/2010 – 6/31/2011 to extend the time period to 6/30/2012 and for additional funds in the amount \$1,272,000.00; and declaring the necessity that this resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Workforce Development, in partnership with City of Cleveland/Cuyahoga County Workforce Investment Board

- e) R2011-0242: A Resolution authorizing the County Executive to enter into amendments to contracts with various providers for Employment Connection One-Stop operation and services to adult job seekers for the period 7/1/2010 - 6/30/2011 to extend the time period to 6/30/2012; and declaring the necessity that this resolution become immediately effective.

- 1) Contract No. CE1000589-01 with Mature Services, Incorporated in the amount not-to-exceed \$101,825.00
- 2) Contract No. CE1000590-01 with Towards Employment, Incorporated in the amount not-to-exceed \$250,000.00
- 3) Contract No. CE1000591-01 United Labor Agency, Inc. in the amount not-to-exceed \$2,028,000.00

Sponsor: County Executive FitzGerald/Department of Workforce Development, in partnership with City of Cleveland/Cuyahoga County Workforce Investment Board

#### **14. COMMITTEE REPORTS AND CONSIDERATION OF RESOLUTIONS FOR SECOND READING ADOPTION UNDER SUSPENSION OF RULES**

- a) R2011-0215: A Resolution authorizing the County Executive to enter into an amendment to Agreement No. AG1000313-02, 03 with City of Euclid for the HOME Rehabilitation and Resale of Single-Family Homes Program for the period 10/1/2010 - 12/31/2012 to change the terms, effective 4/1/2011, and for additional funds in the amount of \$105,966.00; and declaring the necessity that this Resolution become immediately effective. (Pending Committee Recommendation.)

Sponsor: County Executive FitzGerald/Department of Development

Committee Assignment and Chair: Economic Development & Planning – Schron

- b) R2011-0216: A Resolution authorizing awards on RQ20209 to Alabasi Construction Incorporated in the amount of \$1,466,661.00 and to Scharton Electric Company, Inc. in the amount of \$106,970.00 for heating unit replacement and associated energy conservation activities at the Westerly Apartments, located at 14300 Detroit Avenue, Lakewood, in connection with the Home Weatherization Assistance Program for the period 8/1/2011 - 11/30/2011; authorizing the County Executive to enter into contracts consistent with said awards; and declaring the necessity that this Resolution become immediately effective. (Executive Approval No. EA2011-0474 - authority to seek proposals.) (Pending Committee Recommendation.)

Sponsor: County Executive FitzGerald/Department of Development

Committee Assignment and Chair: Economic Development & Planning  
– Schron

- c) R2011-0217: A Resolution amending the 2011 Annual Appropriation Measure by providing for additional fiscal appropriations from the General Fund and other funding sources, for appropriation transfers between budget accounts, and for cash transfers between budgetary funds, in order to meet the budgetary needs of various County departments, offices, and agencies; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Fiscal Officer/Office of Budget & Management

Committee Assignments and Chairs: Finance & Budgeting – Miller;  
Health, Human Services & Aging – Brady and Justice Affairs – Simon

- d) R2011-0223: A Resolution declaring that public convenience and welfare requires resurfacing of Taylor Road from Euclid Avenue to the East Cleveland South Corporation Line in the City of East Cleveland; total estimated construction cost \$1,375,000.00; finding that special assessments are not to be levied and collected to pay for any part of the County's costs of said improvement; and authorizing the County Executive to enter into an agreement of cooperation with City of East Cleveland in connection with said project.

Sponsor: County Executive FitzGerald/Department of Public Works/  
County Engineer

Committee Assignment and Chair: Public Works, Procurement &  
Contracting – Jones

- e) R2011-0224: A Resolution authorizing the County Executive to enter into an agreement of cooperation with Village of Bratenahl for replacement of Lakeshore Boulevard Bridge No. 188.

Sponsor: County Executive FitzGerald/Department of Public Works/  
County Engineer

Committee Assignment and Chair: Public Works, Procurement &  
Contracting – Jones

- f) R2011-0225: A Resolution authorizing the County Executive to enter into a Local Public Agency agreement with Ohio Department of Transportation for local replacement and rehabilitation of the following bridges: Miles Road Bridge over the Chagrin River in the City of Bentleyville, Monticello Boulevard Bridge over the Rocky River in the City of North Olmsted, Hilliard Road Bridge over the Rocky River in the City of Lakewood and Cedar Point Road Bridge over the West Branch of Euclid Creek in the City of South Euclid; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works/  
County Engineer

Committee Assignment and Chair: Public Works, Procurement &  
Contracting – Jones

- g) R2011-0226: A Resolution authorizing the County Executive to approve an additional settlement in the amount of \$150.00 in connection with the appropriation of property rights for the grading, draining and paving of Bainbridge Road from S.O.M. Center Road to the Solon East Corporation Line in the City of Solon for Parcel No. 113T, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works/  
County Engineer

Committee Assignment and Chair: Public Works, Procurement &  
Contracting – Jones

- h) R2011-0227: A Resolution authorizing the County Executive to approve an additional settlement in the amount of \$310.00 in connection with the appropriation of property rights for the grading, draining and paving of Bainbridge Road from S.O.M. Center Road to the Solon East Corporation Line in the City of Solon for Parcel No. 129T, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works/  
County Engineer

Committee Assignment and Chair: Public Works, Procurement &  
Contracting – Jones

- i) R2011-0228: A Resolution authorizing an award on RQ19570 to Town Center Construction, LLC, in the amount of \$360,900.00 for construction of an Energy Center at the Cuyahoga County Fairgrounds in connection with the Fairgrounds Wind Turbine Project; authorizing the County

Executive to enter into a contract consistent with said award; and declaring the necessity that this Resolution become immediately effective. (Pending Committee Recommendation.)

Sponsor: County Executive FitzGerald/Department of Public Works

Committee Assignments and Chairs: Committee Assignments and Chairs: Economic Development & Planning – Schron and Environment & Sustainability – Rogers

- j) R2011-0229: A Resolution amending Resolution No. R2011-0034 dated 1/25/2011, which authorized an economic development loan in the amount not-to-exceed \$800,000.00 for construction of a facility to be located on Cornell Road, Cleveland, to change the name of the borrower from SDC University Circle Developer LLC to SDC University Circle LL LLC; and declaring the necessity that this Resolution become immediately effective. (Pending Committee Recommendation.)

Sponsor: County Executive FitzGerald/Department of Development

Committee Assignment and Chair: Economic Development & Planning – Schron

- k) R2011-0230: A Resolution authorizing a Brownfields Redevelopment Fund loan in the amount not-to-exceed \$1,000,000.00 to Miceli-Lograsso Development III LLC for a Phase II Expansion Project, located at 2800 East 90<sup>th</sup> Street, Cleveland; authorizing the Director or Deputy Chief of Staff to execute all documents required in connection with said loan; and declaring the necessity that this Resolution become immediately effective. (Pending Committee Recommendation.)

Sponsor: County Executive FitzGerald/Department of Development

Committee Assignment and Chair: Economic Development & Planning – Schron

- l) R2011-0231: A Resolution authorizing the County Executive to enter into a contract with Toshiba Business Solutions - OH in the amount not-to-exceed \$4,000,000.00 for Countywide enterprise digital and print management services using "green" friendly technology for the period 7/1/2011 - 6/30/2016, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Information Services Center

Committee Assignment and Chair: Finance & Budgeting - Miller

- m) R2011-0232: A Resolution authorizing the County Executive/Office of Procurement & Diversity to participate in the Ohio Department of Transportation Cooperative Purchasing Program for the period 5/1/2011 - 4/30/2013, in accordance with Ohio Revised Code Section 5513.01(B); and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Office of Procurement & Diversity

Committee Assignment and Chair: Public Works, Procurement & Contracting – Jones

- n) R2011-0233: A Resolution authorizing the County Executive to enter into a contract with Berea Children’s Home in the amount not-to-exceed \$507,600.00 for Community-based Treatment Center management services for the period 1/1/2011 - 6/30/2011, and declaring the necessity that this Resolution become immediately effective.

Sponsors: County Executive FitzGerald and Juvenile Court

Committee Assignment and Chair: Justice Affairs – Simon

- o) R2011-0234: A Resolution authorizing an award on RQ19343 to First Energy Solutions in the amount of \$5,500,000.00 for the purchase of electric utility services for County-owned facilities for the period 6/1/2011 – 5/31/2012; authorizing the County Executive to enter into a contract consistent with said award; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works

Committee Assignment and Chair: Public Works, Procurement & Contracting – Jones

## **15. COMMITTEE REPORTS AND CONSIDERATION OF ORDINANCES FOR SECOND READING ADOPTION UNDER SUSPENSION OF RULES**

- a) O2011-0026: An Ordinance adopting the five-year Economic Development Plan, in accordance with Section 7.05 of the Charter of Cuyahoga County, and declaring the necessity that this Ordinance become immediately effective.

Sponsors: County Executive FitzGerald/Department of Development and Councilmembers Schron and Gallagher

Committee Assignment and Chair: Economic Development & Planning – Schron

- b) O2011-0029: An Ordinance amending Ordinance No. O2011-0016 to establish the organizational structure of the Department of Law.

Sponsor: County Executive FitzGerald/Department of Law

Committee Assignment and Chair: Justice Affairs – Simon

- c) O2011-0030: An Ordinance amending Ordinance No. O2011-0014 establishing the Board of Control, establishing procedures governing the making of County contracts and the purchasing of County supplies and equipment, providing procedures for the making of public improvements, establishing procedures under which the County Executive may employ experts and consultants in connection with the administration of the affairs of the County; and declaring the necessity that this Ordinance become immediately effective.

Sponsors: County Executive FitzGerald and Councilmember Miller

Committee Assignment and Chair: Public Works, Procurement & Contracting – Jones

## **16. CONSIDERATION OF ORDINANCES FOR FIRST READING AND REFERRAL TO COMMITTEE**

- a) O2011-0033: An Ordinance establishing the procedures for authorization of settlement of litigation by or against the County or any of its officers, employees, departments, offices, agencies, boards, commissions, or other authorities; and declaring the necessity that this Ordinance become immediately effective.

Sponsors: County Executive FitzGerald/Department of Law and Council President Connally

- b) O2011-0034: An Ordinance providing for the adoption of the administrative rules for the Cuyahoga County Human Resource Commission and declaring the necessity that this Ordinance become immediately effective.

Sponsor: County Executive FitzGerald/Human Resource Commission

**17. MISCELLANEOUS COMMITTEE REPORTS**

**18. MISCELLANEOUS BUSINESS**

**19. PUBLIC COMMENT UNRELATED TO AGENDA**

**20. ADJOURNMENT**

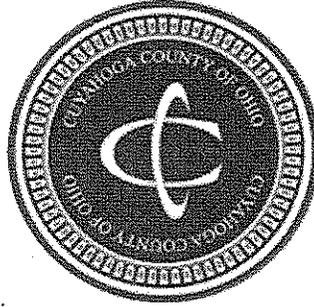
NEXT MEETINGS

WORK SESSION:

TUESDAY, AUGUST 9, 2011  
4:00 PM / COUNCIL CHAMBERS

REGULAR MEETING:

TUESDAY, AUGUST 9, 2011  
6:00 PM / COUNCIL CHAMBERS



## **MINUTES**

**CUYAHOGA COUNTY COUNCIL REGULAR MEETING**

**TUESDAY, JULY 12, 2011**

**CUYAHOGA COUNTY JUSTICE CENTER**

**COUNCIL CHAMBERS – 1<sup>ST</sup> FLOOR**

**6:00 PM**

### **1. CALL TO ORDER**

**In the absence of Council President Connally, Council Vice-President Simon presided over the meeting. The meeting was called to order at 6:04 p.m.**

### **2. ROLL CALL**

**Council Vice-President Simon asked the Clerk to call the roll. Councilmembers Conwell, Rogers, Simon, Greenspan, Miller, Brady, Germana and Gallagher were in attendance. Council President Connally and Councilmember Schron were absent. Councilmember Jones entered the meeting after the roll call was taken. A quorum was determined.**

**A motion was then made by Council Vice-President Simon, seconded by Mr. Gallagher and approved by unanimous vote to excuse Council President Connally.**

**A motion was then made by Council Vice-President Simon, seconded by Mr. Gallagher and approved by unanimous vote to excuse Mr. Schron from the meeting.**

### **3. PLEDGE OF ALLEGIANCE**

**The Pledge of Allegiance was recited.**

### **4. SILENT MEDITATION**

**Council Vice-President Simon requested a moment of silent meditation in honor of those who have been affected by the heat wave and drought in the Southwest region of the country.**

5. PUBLIC COMMENT RELATED TO AGENDA

**There was no public comment.**

6. APPROVAL OF MINUTES

- a) June 28, 2011 Meeting

**A motion was made by Mr. Greenspan, seconded by Ms. Conwell and approved by unanimous vote to approve the minutes of the June 28, 2011 meeting.**

7. MESSAGES FROM THE COUNTY EXECUTIVE

- a) Contracts executed by County Executive

**Mr. Bob Ivory, Special Assistant to the County Executive, addressed Council on behalf of County Executive FitzGerald. The contracts executed by the County Executive are in the agenda packet.**

**Mr. David Merriman, Special Assistant to the County Executive, addressed Council regarding findings of The MetroHealth Task Force. Mr. Brady requested that Mr. Merriman testify to the Health, Human Services & Aging Committee.**

8. COMMITTEE REPORT AND CONSIDERATION OF A MOTION OF COUNCIL FOR SECOND READING ADOPTION UNDER SUSPENSION OF RULES

**A motion was made by Council Vice-President Simon, seconded by Mr. Miller and approved by unanimous vote to suspend Rule 9D and to place on final passage Motion No. M2011-0040.**

- a) M2011-0040: A Motion confirming the County Executive's appointment of J. B. Silvers, Ph.D. to serve on The MetroHealth System Board of Trustees, and declaring the necessity that this Motion become immediately effective.

Sponsor: Council President Connally

Committee Assignments and Chairs: Human Resources, Appointments & Equity – Conwell and Health, Human Services & Aging – Brady

**On a motion by Mr. Greenspan with a second by Ms. Conwell, Motion No. M2011-0040 was considered and approved by unanimous vote.**

9. CONSIDERATION OF RESOLUTIONS FOR FIRST READING ADOPTION UNDER SUSPENSION OF RULES

**A motion was made by Mr. Miller, seconded by Mr. Gallagher and approved by unanimous vote to suspend Rules 9D and 12A and to place on final passage Resolution Nos. R2011-0220 and R2011-0221.**

- a) R2011-0220: A Resolution amending the 2011 Annual Appropriation Measure by providing for additional fiscal appropriations from the General Fund and other funding sources, for appropriation transfers between budget accounts, and for cash transfers between budgetary funds, in order to meet the budgetary needs of various County departments, offices, and agencies; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Fiscal Officer/Office of Budget & Management

**On a motion by Mr. Miller with a second by Council Vice-President Simon, Resolution No. R2011-0220 was considered and adopted by unanimous vote.**

- b) R2011-0221: A Resolution authorizing awards on RQ19761 to various appraisers for 2012 sexennial reappraisal and annual maintenance; authorizing the County Executive to enter into contracts consistent with said awards; and declaring the necessity that this Resolution become immediately effective:

1) each in the amount of \$42,900.00 for the period 5/23/2011 - 12/31/2012:

- a) Daniel P. Forrester
- b) Edward D. Horton
- c) Wayne F. Levering
- d) Rosemary A. Schneider

2) for the period 7/5/2011 - 12/31/2012:

- e) Daniel F. Bubb Jr. in the amount of \$104,000.00
- f) John Q. Ebert in the amount of \$96,000.00
- g) James Robert Wardell in the amount of \$124,000.00

3) each in the amount of \$48,000.00 for the period 8/15/2011 - 12/31/2012:

- h) John Andrews
- i) George Gerald Burke
- j) Mark A. Butler
- k) Richard W. Carey
- l) Anthony Colabianchi
- m) Gregory W. Conte

- n) James P. Evans
- o) Timothy A. Finkler
- p) Thomas P. Hogan
- q) Christina L. Kapusi
- r) Paul Kinczel
- s) John Koz
- t) John F. Lenehan
- u) Christopher J. Loftus
- v) Bruce J. Mamer
- w) Paul McLaughlin
- x) Maria Joanne Neal
- y) Judith Patriski
- z) Stanley R. Patriski
- aa) Debbie A. Pattie
- ab) Ronald C. Retych
- ac) Daniel Rocco
- ad) Andrea Jo Roff
- ae) Kristin Sarkisian
- af) Thomas W. Shepard
- ag) David W. Ward
- ah) Crystal A. Williams
- ai) Gregory P. Zimmer

Sponsor: County Executive FitzGerald/Fiscal Officer

**On a motion by Mr. Miller with a second by Council Vice-President Simon, Resolution No. R2011-0221 was considered and adopted by unanimous vote.**

**10. CONSIDERATION OF A RESOLUTION FOR FIRST READING ADOPTION UNDER SUSPENSION OF RULES/EXECUTIVE SESSION**

**[Note: Item No. 10 was taken out of order after Item No. 17 on the agenda.]**

**A motion was made by Ms. Conwell, seconded by Mr. Gallagher and approved by unanimous vote to suspend Rules 9D and 12A and to place on final passage Resolution No. R2011-0222.**

- a) R2011-0222: A Resolution **accepting** findings and recommendations of a Fact-finder concerning negotiations between the County and the Service Employees International Union, District 1199, for 2011 wage re-opener negotiations covering approximately 123 employees in nine classifications in the Department of Public Works, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works/  
Department of Law

A motion was made by Council Vice-President Simon, seconded by Mr. Miller and approved by unanimous vote to move to Executive Session for the purpose of discussing with the Law Director matters concerning findings of a Fact-finder, and for no other purpose whatsoever. Executive Session was then called to order by Council Vice-President Simon at 6:55 p.m. The following members were present: Councilmembers Conwell, Jones, Rogers, Simon, Greenspan, Miller, Brady, Germana and Gallagher. The following additional attendees were present: Clerk of Council Jeanne Schmotzer, Law Director Majeed Makhoul, Director of Public Works Bonnie Teeuwen, Special Assistant to the County Executive David Merriman and Deputy Clerk of Council Nikima Barnhill. At 7:10 p.m., a motion was made by Mr. Miller, seconded by Mr. Gallagher and unanimously approved to adjourn Executive Session. Council Vice-President Simon then reconvened the regular meeting.

A motion was made by Mr. Miller, seconded by Mr. Rogers and approved by unanimous vote to amend Resolution No. R2011-0222 to "accept" the Fact-finder report.

On a motion by Council Vice-President Simon with a second by Mr. Germana, Resolution No. R2011-0222 was considered and adopted by unanimous vote, as amended on the floor.

#### 11. CONSIDERATION OF RESOLUTIONS FOR FIRST READING AND REFERRAL TO COMMITTEE

- a) R2011-0223: A Resolution declaring that public convenience and welfare requires resurfacing of Taylor Road from Euclid Avenue to the East Cleveland South Corporation Line in the City of East Cleveland; total estimated construction cost \$1,375,000.00; finding that special assessments are not to be levied and collected to pay for any part of the County's costs of said improvement; and authorizing the County Executive to enter into an agreement of cooperation with City of East Cleveland in connection with said project.

Sponsor: County Executive FitzGerald/Department of Public Works/  
County Engineer

**Council Vice-President Simon referred Resolution No. R2011-0223 to the Public Works, Procurement & Contracting Committee.**

- b) R2011-0224: A Resolution authorizing the County Executive to enter into an agreement of cooperation with Village of Bratenahl for replacement of Lakeshore Boulevard Bridge No. 188.

Sponsor: County Executive FitzGerald/Department of Public Works/  
County Engineer

**Council Vice-President Simon referred Resolution No. R2011-0224 to the Public Works, Procurement & Contracting Committee.**

- c) R2011-0225: A Resolution authorizing the County Executive to enter into a Local Public Agency agreement with Ohio Department of Transportation for local replacement and rehabilitation of the following bridges: Miles Road Bridge over the Chagrin River in the City of Bentleyville, Monticello Boulevard Bridge over the Rocky River in the City of North Olmsted, Hilliard Road Bridge over the Rocky River in the City of Lakewood and Cedar Point Road Bridge over the West Branch of Euclid Creek in the City of South Euclid; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works/  
County Engineer

**A motion was made by Mr. Miller, seconded by Mr. Rogers and approved by unanimous vote to amend Resolution No. R2011-0225 to correct technical errors.**

**Council Vice-President Simon then referred Resolution No. R2011-0225 to the Public Works, Procurement & Contracting Committee.**

- d) R2011-0226: A Resolution authorizing the County Executive to approve an additional settlement in the amount of \$150.00 in connection with the appropriation of property rights for the grading, draining and paving of Bainbridge Road from S.O.M. Center Road to the Solon East Corporation Line in the City of Solon for Parcel No. 113T, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works/  
County Engineer

**Council Vice-President Simon referred Resolution No. R2011-0226 to the Public Works, Procurement & Contracting Committee.**

- e) R2011-0227: A Resolution authorizing the County Executive to approve an additional settlement in the amount of \$310.00 in connection with the appropriation of property rights for the grading, draining and paving of Bainbridge Road from S.O.M. Center Road to the Solon East Corporation Line in the City of Solon for Parcel No. 129T, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works/  
County Engineer

**Council Vice-President Simon referred Resolution No. R2011-0227 to the Public Works, Procurement & Contracting Committee.**

- f) R2011-0228: A Resolution authorizing an award on RQ19570 to Town Center Construction, LLC, in the amount of \$360,900.00 for construction of an Energy Center at the Cuyahoga County Fairgrounds in connection with the Fairgrounds Wind Turbine Project; authorizing the County Executive to enter into a contract consistent with said award; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works

**Council Vice-President Simon referred Resolution No. R2011-0228 to the Economic Development & Planning Committee and to the Environment & Sustainability Committee.**

- g) R2011-0229: A Resolution amending Resolution No. R2011-0034 dated 1/25/2011, which authorized an economic development loan in the amount not-to-exceed \$800,000.00 for construction of a facility to be located on Cornell Road, Cleveland, to change the name of the borrower from SDC University Circle Developer LLC to SDC University Circle LL LLC; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Development

**Council Vice-President Simon referred Resolution No. R2011-0229 to the Economic Development & Planning Committee.**

- h) R2011-0230: A Resolution authorizing a Brownfields Redevelopment Fund loan in the amount not-to-exceed \$1,000,000.00 to Miceli-Lograsso Development III LLC for a Phase II Expansion Project, located at 2800 East 90<sup>th</sup> Street, Cleveland; authorizing the Director or Deputy Chief of Staff to execute all documents required in connection with said loan; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Development

**Council Vice-President Simon referred Resolution No. R2011-0230 to the Economic Development & Planning Committee.**

- i) R2011-0231: A Resolution authorizing the County Executive to enter into a contract with Toshiba Business Solutions - OH in the amount of \$4,000,000.00 for Countywide enterprise digital and print management services using "green" friendly technology for the period 7/1/2011 - 6/30/2016, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Information Services Center

**Council Vice-President Simon referred Resolution No. R2011-0231 to the Finance & Budgeting Committee.**

- j) R2011-0232: A Resolution authorizing the County Executive/Office of Procurement & Diversity to participate in the Ohio Department of Transportation Cooperative Purchasing Program for the period 5/1/2011 - 4/30/2013, in accordance with Ohio Revised Code Section 5513.01(B); and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Office of Procurement & Diversity

**Council Vice-President Simon referred Resolution No. R2011-0232 to the Public Works, Procurement & Contracting Committee.**

- k) R2011-0233: A Resolution authorizing the County Executive to enter into a contract with Berea Children's Home in the amount not-to-exceed \$507,600.00 for Community-based Treatment Center management services for the period 1/1/2011 - 6/30/2011, and declaring the necessity that this Resolution become immediately effective.

Sponsors: County Executive FitzGerald and Juvenile Court

**Council Vice-President Simon referred Resolution No. R2011-0233 to the Justice Affairs Committee.**

- l) R2011-0234: A Resolution authorizing an award on RQ19343 to First Energy Solutions in the amount of \$5,500,000.00 for the purchase of electric utility services for County-owned facilities for the period 6/1/2011 – 5/31/2012; authorizing the County Executive to enter into a contract consistent with said award; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works

**Council Vice-President Simon referred Resolution No. R2011-0234 to the Public Works, Procurement & Contracting Committee.**

## 12. COMMITTEE REPORTS AND CONSIDERATION OF RESOLUTIONS FOR SECOND READING ADOPTION UNDER SUSPENSION OF RULES

**A motion was made by Council Vice-President Simon, seconded by Mr. Gallagher and approved by unanimous vote to suspend Rule 9D and to place on final passage Resolution Nos. R2011-0212, R2011-0218 and R2011-0219.**

- a) R2011-0212: A Resolution amending Resolution No. R2011-0087 dated 3/8/2011, which amended the 2011 Annual Appropriation Measure by approving additional appropriation decreases, to rescind a decrease in appropriations; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Fiscal Officer/Office of Budget & Management

Committee Assignment and Chair: Finance & Budgeting – Miller

**On a motion by Council Vice-President Simon with a second by Ms. Conwell, Resolution No. R2011-0212 was considered and adopted by unanimous vote.**

- b) R2011-0218: A Resolution adopting the Annual Tax Budget, including the Cuyahoga County Library Budget, for the year 2012, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Fiscal Officer/Office of Budget & Management

Committee Assignment and Chair: Finance & Budgeting – Miller

**On a motion by Mr. Miller with a second by Ms. Conwell, Resolution No. R2011-0218 was considered and adopted by unanimous vote.**

- c) R2011-0219: A Resolution authorizing the County Executive to enter into a contract with Emerald Development and Economic Network, Inc. in the amount not-to-exceed \$1,325,520.00 for the Shelter Plus Care Sponsor-based Rental Assistance Program in connection with the FY2009 Continuum of Care Homeless Assistance Programs for the period 12/1/2010 - 11/30/2015, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Health and Human Services/Office of Homeless Services

Committee Assignment and Chair: Health, Human Services & Aging – Brady

**On a motion by Mr. Rogers with a second by Ms. Conwell, Resolution No. R2011-0219 was considered and adopted by unanimous vote.**

13. CONSIDERATION OF ORDINANCES FOR FIRST READING AND REFERRAL TO COMMITTEE

- a) O2011-0029: An Ordinance amending Ordinance No. O2011-0016 to establish the organizational structure of the Department of Law.

Sponsor: County Executive FitzGerald/Department of Law

**Council Vice-President Simon referred Ordinance No. O2011-0029 to the Justice Affairs Committee.**

- b) O2011-0030: An Ordinance amending Ordinance No. O2011-0014 establishing the Board of Control, establishing procedures governing the making of County contracts and the purchasing of County supplies and equipment, providing procedures for the making of public improvements, establishing procedures under which the County Executive may employ experts and consultants in connection with the administration of the affairs of the County; and declaring the necessity that this Ordinance become immediately effective.

Sponsors: County Executive FitzGerald and Councilmember Miller

**Council Vice-President Simon referred Ordinance No. O2011-0030 to the Public Works, Procurement & Contracting Committee.**

14. COMMITTEE REPORT AND CONSIDERATION OF AN ORDINANCE FOR SECOND READING ADOPTION UNDER SUSPENSION OF RULES

**A motion was made by Council Vice-President Simon, seconded by Mr. Brady and approved by unanimous vote to suspend Rule 9D and to place on final passage Ordinance No. O2011-0027.**

- a) O2011-0027: An Ordinance amending Ordinance No. O2011-0010 to establish divisions and sections within the Department of Public Works.

Sponsor: County Executive FitzGerald/Department of Public Works

Committee Assignment and Chair: Public Works, Procurement & Contracting – Jones

**On a motion by Council Vice President Simon with a second by Mr. Jones, Ordinance No. O2011-0027 was considered and adopted by unanimous vote.**

15. MISCELLANEOUS COMMITTEE REPORTS

**Mr. Miller provided an update regarding the midyear budget process. There will be a Finance & Budgeting Committee meeting on Wednesday, July 13, 2011 at**

10:00 a.m. and two more budget hearings will be held this week in the Health, Human Services & Aging Committee meeting scheduled for Thursday, July 14, 2011 at 1:00 p.m. and in the Justice Affairs Committee meeting scheduled for Friday, July 15, 2011 at 11:30 a.m. The Finance & Budgeting Committee meeting scheduled for Monday, July 18, 2011 has been changed from 1:00 p.m. to noon.

Mr. Greenspan reported that the next Rules, Charter Review, Ethics & Council Operations Committee meeting is scheduled for Tuesday, August 9, 2011 at 1:00 p.m. The agenda will include discussion regarding the public meetings ordinance and pending campaign finance legislation coming out of the Law Department.

Mr. Rogers reported that the next Environment & Sustainability Committee meeting is scheduled for Friday, July 15, 2011 at 1:00 p.m. Mr. Rogers continued by reporting that he as well as other members of Council and the Administration met with the Emerald Cities Collaborative, a national non-profit organization that encourages retrofitting government and private sector buildings to become energy efficient, which in turn provides workforce development opportunities.

Mr. Jones reported that the Public Works, Procurement & Contracting Committee will meet on Thursday, July 14, 2011 at 11:00 a.m.

Council Vice-President Simon reported that the Justice Affairs Committee will meet on Friday, July 15, 2011 at 11:30 a.m.

#### 16. MISCELLANEOUS BUSINESS

Ms. Conwell reported that she spent the day at Young Audiences ArtWorks, a six-week multi-disciplinary, arts-based job-training program for Northeast Ohio high school students that provides training in the arts while developing skills for the workplace.

#### 17. PUBLIC COMMENT UNRELATED TO AGENDA

There was no public comment.

#### 18. ADJOURNMENT

With no further business to discuss and on a motion by Council Vice President Simon with a second by Mr. Germana, the meeting was adjourned at 7:16 p.m., without objection.

# COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO

## MOTION NO. M2011-0039

Sponsored by: Council President Connally

**A Motion confirming the County Executive's appointment of Lawrence Benders to serve on the Cleveland/Cuyahoga County Workforce Investment Board, and declaring the necessity that this Motion become immediately effective.**

WHEREAS, pursuant to the federal Workforce Investment Act of 1998 and the provisions of ORC Chapter 6301, the former Cuyahoga County Board of Commissioners created the Cuyahoga County Workforce Investment Board (WIB) to be given the responsibility for workforce development activities; and

WHEREAS, such workforce development activities include helping individuals maximize their employment opportunities; help employers gain access to skilled workers; help employers retain skilled workers; help develop or enhance the skills of incumbent workers; improve the quality of the workforce and enhancing the productivity and competitiveness of the economy; and

WHEREAS, the Workforce Investment Board serves as the advisory body for the City of Cleveland and Cuyahoga County Departments of Workforce Development to provide resources and information through the Employment Connection (EC) system to assist area businesses with their hiring and training needs in order to stay competitive in today's environment and to provide residents of Cleveland and Cuyahoga County with the tools necessary for a competitive and successful job search; and

WHEREAS, members of the Workforce Investment Board shall be appointed to serve a three (3) year term; and,

WHEREAS, County Charter Section 6.04, entitled Special Boards and Commissions, states that "[w]hen general law or any agreement with another public agency or court order provides for appointment of members of a special board or commission or other agency by the board of county commissioners, such appointment shall be made by the County Executive, subject to confirmation by the Council;" and,

WHEREAS, County Executive Ed FitzGerald has nominated Lawrence Benders, Cuyahoga County Director of Development, to be appointed to serve on the Cleveland/Cuyahoga County Workforce Investment Board.

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

**SECTION 1.** The Council of Cuyahoga County, Ohio, hereby confirms the County Executive's appointment of Lawrence Benders, Cuyahoga County Director of Development, to serve on the Cleveland/Cuyahoga County Workforce Investment Board.

**SECTION 2.** It is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue, and to continue the usual and daily operation of the County. Provided that this Resolution receives the affirmative vote of eight members of Council, this Resolution shall become immediately effective upon the signature of the County Executive.

**SECTION 3.** It is found and determined that all formal actions of this Council concerning and relating to the passage of this Motion were passed in an open meeting of this 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, and in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by \_\_\_\_\_, seconded by \_\_\_\_\_, the foregoing Motion was duly approved.

Yeas:

Nays:

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

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

First Reading/Referred to Committee: June 28, 2011

Committee(s) Assigned: Human Resources, Appointments & Equity and Economic Development & Planning

Journal CC003  
July 26, 2011

# County Council of Cuyahoga County, Ohio

## Ordinance No. O2011-0035

Sponsored by: <b>Greenspan</b>	<b>An Ordinance</b> amending Ordinance No. O2011-0023, which adopted a permanent Code of Ethics, and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, the Cuyahoga County Council enacted a permanent Code of Ethics in Ordinance No. O2011-0008, which was signed by the Cuyahoga County Executive and went into effect on April 8, 2011, and was amended by Ordinance No. O2011-0023 effective April 26, 2011; and,

WHEREAS, the County has determined that for the contractor training to be effective, it has to be tailored to the County's respective vendor categories; and,

WHEREAS, the County has completed the initial contractor training for the construction industry, but is still in the process of preparing the contractor training for the other vendor categories; and,

WHEREAS, it is necessary to amend the Code of Ethics to extend the time period in which the contractor registration and training must be completed to enable the County to complete the institution of the training process for all categories of contractors ; and

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

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

**SECTION 1.** Section 34 of Article VII of the Cuyahoga County Code of Ethics, adopted as Ordinance No. O2011-0008, effective April 8, 2011, as amended by Ordinance No. O2011-0023 on April 26, 2011, is hereby amended to read as follows (additions are bolded, deletions are stricken out):

Section 34. ~~Contractors Registration and Reporting~~

(A) Registry. All contractors doing or seeking to do business with the County must register with the Inspector General. The registration form

shall include, but not be limited to: the contractor's corporate name, Federal Tax Identification Number, address, type of business, and names of the contractor's principals and contracts with the County during the past four years. Registrations shall be valid for twelve months. As necessary, the Inspector General may choose to require additional information.

(B) Signed Ethics Statement and Training. Contractors shall also sign an ethics statement indicating they have read, understood and agree to follow the pertinent sections of this Ordinance and attend Ethics Training within 15 days of approval from the Inspector General.

(C) First-time Awards. **Effective January 1, 2012, Registration registration** and the signed ethics statement shall be pre-conditions for the signing of any first-time contract with the County. **Effective January 1, 2012, contractors Contractors** must **also be** registered with the Inspector General before they submit competitive bids.

(D) Penalties. Contractors who fail to comply with provisions a, b, or c, shall be prohibited from entering into any contracts with the County until they are in compliance. Contractors who are found to be in violation of this Ordinance shall be removed from the registry and be prohibited from entering into contracts with the County for a period determined by the Inspector General, along with such other penalty(ies) as the Inspector General may deem appropriate.

(E) Authorization: **Effective January 1, 2012, No no** Contractor shall engage in any contracting activity until the registration process has been completed and approved by the Inspector General.

(F) Registration Date: All Contractors must register with the Inspector General ~~for~~ annually on or before December 31 for the subsequent year to which they wish to engage in contracting~~lobbying~~ activities. First time registration may take place at anytime during the calendar year for the year in which contracting activity is to take place.

(G) Term: Contractor registrations shall expire on December 31 for the respective registration year.

(H) Transparency. The Inspector General shall make all registrations available for public inspection and shall publish an active Contractor Registration List on the County website.

(I) Registry Application Fee: \$100.00

(J) Implementation Date. Contractors entering into contracts with the County on or after the effective date of this Ordinance must comply with the requirements of this Section beginning ~~July 31, 2011~~ **January 1, 2012**.

**SECTION 3. Necessity.** It is necessary that this Ordinance become immediately effective in order that critical services being provided by Cuyahoga County can continue without interruption, and to continue the usual daily operation of the County. 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 4. Open Meetings.** 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 \_\_\_\_\_, seconded by \_\_\_\_\_, the foregoing Ordinance was duly enacted.

Yeas:

Nays:

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

Journal CC003  
July 26, 2011

# County Council of Cuyahoga County, Ohio

## Ordinance No. O2011-0031

Sponsored by: Greenspan	An Ordinance providing for the adoption of a campaign finance policy for Cuyahoga County.
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WHEREAS, campaign finance laws seek to make government more honest, transparent and accountable to all citizens; and

WHEREAS, campaign finance laws help to ensure that whether a citizen can run for public office and conduct an effective campaign is determined more by the force of his or her ideas in the public arena than by his or her personal fortune or access to wealthy supporters; and

WHEREAS, the implementation of a proper campaign finance policy can amplify the First Amendment values of robust debate and participatory democracy.

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

**SECTION 1: Campaign Finance Policy.** The Campaign Finance Policy of Cuyahoga County is established as follows:

### CAMPAIGN FINANCE POLICY OF CUYAHOGA COUNTY, OHIO

#### **ARTICLE 1: Definitions**

*Anything of Value* – Has the same meaning as in Section 1.03 of the Ohio Revised Code.

*Beneficiary of a Campaign Fund* – A candidate, a County official or employee for whose benefit a campaign fund exists, and any other person who has ever been a candidate or County official or employee and for whose benefit a campaign fund exists.

*Board of Elections* – The Cuyahoga County Board of Elections.

*Campaign Committee* – Means a candidate or a combination of two or more persons authorized by a candidate under Section 3517.081 of the Ohio Revised Code to receive contributions and make expenditures.

*Campaign Fund* – Money or other property, including contributions.

*Candidate* – Any qualified person certified in accordance with the provisions of the Ohio Revised Code for placement on the official ballot of a primary, general, or special election to be held for a County office, or any qualified person who claims to be a write-

in candidate, or who knowingly assents to being represented as a write-in candidate by another at either a primary, general, or special election to be held for a County office.

*Continuing Association* – An association, other than a campaign committee, political party, legislative campaign fund, political contributing entity, or labor organization, that is intended to be a permanent organization that has a primary purpose other than supporting or opposing specific candidates, political parties, or ballot issues, and that functions on a regular basis throughout the year. “Continuing association” includes organizations that are determined to be not organized for profit under subsection 501 and that are described in subsection 501(c)(3), 501(c)(4), or 501(c)(6) of the Internal Revenue Code.

*Contribution* – A loan, gift, deposit, forgiveness of indebtedness, donation, advance, payment, or transfer of funds or anything of value, including a transfer of funds from an inter vivos or testamentary trust or decedent’s estate, and the payment by any person other than the person to whom the services are rendered for the personal services of another person, which contribution is made, received, or used for the purpose of influencing the results of an election. “Contribution” does not include any of the following:

- (i) Services provided without compensation by individuals volunteering a portion or all of their time on behalf of a person;
- (ii) Ordinary home hospitality;
- (iii) The personal expenses of a volunteer paid for by that volunteer campaign worker;
- (iv) Any gift given to a state or county political party pursuant to section 3517.101 of the Ohio Revised Code. As used in this division, “political party” means only a major political party;
- (v) Any contribution as defined in section 3517.1011 of the Ohio Revised Code that is made, received, or used to pay the direct costs of producing or airing an electioneering communication;
- (vi) Any gift given to a state or county political party for the party’s restricted fund under division (A)(2) of section 3517.1012 of the Ohio Revised Code;
- (vii) Any gift given to a state political party for deposit in a Levin account pursuant to section 3517.1013 of the Ohio Revised Code. As used in this division, “Levin account” has the same meaning as in that section;
- (viii) Any donation given to a transition fund under section 3517.1014 of the Ohio Revised Code; or
- (ix) Any contribution that is specifically exempted from the definition of “contribution” under Section 3517.08 of the Ohio Revised Code.

*County Council* – The Cuyahoga County Council.

*County Office* – The offices of Executive or Prosecutor or a position on County Council.

*County Political Party* – A subdivision of a political party located in Cuyahoga County.

*Executive* – The Cuyahoga County Executive.

*Expenditure* – The disbursement or use of a contribution for the purpose of influencing the results of an election or of making a charitable donation under division (G) of section 3517.08 of the Ohio Revised Code. Any expenditure that is specifically exempted from the definition of “expenditure” under Section 3517.08 of the Ohio Revised Code shall not be considered an “expenditure” for purposes of this Ordinance.

*General Election* – The Election held on the first Tuesday after the first Monday in each November.

*General Election Period* – Begins on the day after the primary election immediately preceding the general election at which a candidate seeks a county office specified and ends on the thirty-first day of December following that general election.

*In-Kind Contribution* – Anything of value other than money that is used to influence the results of an election or is transferred to or used in support of or in opposition to a candidate, campaign committee, political party, political action committee, or political contributing entity and that is made with the consent of, in coordination, cooperation, or consultation with, or at the request or suggestion of the benefited candidate, committee, fund, party, or entity. The financing of the dissemination, distribution, or republication, in whole or part, of any broadcast or of any written, graphic, or other form of campaign materials prepared by the candidate, the candidate’s campaign committee, or their authorized agents is an in-kind contribution to the candidate and an expenditure by the candidate.

*Labor Organization* – A labor union; an employee organization; a federation of labor unions, groups, locals, or other employee organizations; an auxiliary of a labor union, employee organization, or federation of labor unions, groups, locals, or other employee organizations; or any other bona fide organization in which employees participate and that exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, hours, and other terms and conditions of employment.

*Opponent* – A candidate is an “opponent” when the candidate has indicated on the candidate’s most recently filed designation of treasurer that the candidate seeks the same office at the same primary or general election as another candidate whose campaign committee has filed a personal funds notice required by Article 6 of this Ordinance.

*Personal Expenses* – Includes, but is not limited to, ordinary expenses for accommodations, clothing, food, personal motor vehicle or airplane, and home telephone.

*Personal Funds –*

(i) Contributions to the campaign committee of a candidate by the candidate or by the candidate's spouse, parents, children, sons-in-law, daughters-in-law, brothers, sisters, grandparents, mother-in-law, father-in-law, brothers-in-law, sisters-in-law, or grandparents by marriage; and

(ii) A loan obtained by, guaranteed by, or for the benefit of a candidate for County office shall be considered "personal funds" subject to the provisions of this Ordinance to the extent that the loan is obtained or guaranteed by the candidate or is for the benefit of the candidate and is obtained or guaranteed by the candidate's spouse, parents, children, sons-in-law, daughters-in-law, brothers, sisters, grandparents, mother-in-law, father-in-law, brothers-in-law, sisters-in-law, or grandparents by marriage. A loan that is obtained or guaranteed and that is for the benefit of a statewide candidate, senate candidate, or house candidate shall not be considered "personal funds" for the purposes of this Ordinance but shall be considered to be a "contribution" for the purposes of this Ordinance if the loan is obtained or guaranteed by anyone other than the candidate or the candidate's spouse, parents, children, sons-in-law, daughters-in-law, brothers, sisters, grandparents, mother-in-law, father-in-law, brothers-in-law, sisters-in-law, or grandparents by marriage.

*Political Action Committee –* A combination of two or more persons, the primary or major purpose of which is to support or oppose any candidate or political party, or to influence the result of any election through express advocacy, and that is not a political party, a campaign committee, a political contributing entity, or a legislative campaign fund. "Political action committee" does not include the following:

(i) A continuing association that makes disbursements for the direct costs of producing or airing electioneering communications and that does not engage in express advocacy;

(ii) A political club that is formed primarily for social purposes and that consists of one hundred members or less, has officers and periodic meetings, has less than two thousand five hundred dollars in its treasury at all times, and makes an aggregate total contribution of one thousand dollars or less per calendar year; or

(iii) A political action committee that is organized to support or oppose a ballot issue or question and that makes no contributions to or expenditures on behalf of a political party, campaign committee, legislative campaign fund, political action committee, or political contributing entity.

*Political Contributing Entity –* Any entity, including a corporation or labor organization, that may lawfully make contributions and expenditures and that is not an individual or a political action committee, continuing association, campaign committee, political party, legislative campaign fund, designated state campaign committee, or state candidate fund. For purposes of this definition, "lawfully" means not prohibited by any section of the Revised Code, or authorized by a final judgment of a court of competent jurisdiction.

“Political contributing entity” does not include a political contributing entity that is organized to support or oppose a ballot issue or question and that makes no contributions to or expenditures on behalf of a political party, campaign committee, legislative campaign fund, political action committee, or political contributing entity.

*Pre-Filing Period* – The period of time ending on the day that the candidacy petitions are due for the office for which the candidate has filed and beginning on the latest date of the following:

- (i) The first day of January of the year following the general election in which that County office was last on the ballot;
- (ii) The first day of January of the year following the general election in which the candidate was last a candidate for any office; or
- (iii) The first day of the month following the primary election in which the candidate was last a candidate for any office.

*Primary or Primary Election* - An election held for the purpose of nominating persons as candidates of political parties for election to offices, and for the purpose of electing persons as members of the controlling committees of political parties and as delegates and alternates to the conventions of political parties.

*Primary Election Period* - Begins on the beginning date of the candidate’s pre-filing period and ends on the day of the primary election.

*Prosecutor* – The Cuyahoga County Prosecutor.

## **ARTICLE 2: Applicability of General Campaign Laws**

Except as modified by this Ordinance, all provisions of Chapter 3517 of the Ohio Revised Code and all other provisions of general law related to campaigns that are applicable to candidates for County office shall continue to apply.

Nothing in this Ordinance shall affect, be used in determining, or supersede a limitation on campaign contributions as provided for in the Federal Election Campaign Act of 1971.

## **ARTICLE 3: Dollar Limits on Campaign Contributions**

### Section 3.1: Individual Contributions

(A) No individual who is seven years of age or older shall make a contribution or contributions aggregating more than:

- (i) Twelve thousand dollars (\$12,000) to the campaign committee of any one candidate for Executive or Prosecutor in a primary election period or in a general election period;

(ii) Twelve thousand dollars (\$12,000) to the campaign committee of any one candidate for County Council in a primary election period or in a general election period;

(iii) Twelve thousand dollars (\$12,000) to a county political party for any party fund dedicated to support candidates for County office in a calendar year; or

(iv) Thirty-five thousand dollars (\$35,000) to any one state political party for any party fund dedicated to support candidates for County office in a calendar year.

(B) No individual who is under seven years of age shall make any contribution to a candidate for County office.

Section 3.2: Political Action Committee Contributions

(A) Subject to Article 5 of this Ordinance, no political action committee shall make a contribution or contributions aggregating more than:

(i) Twelve thousand dollars (\$12,000) to the campaign committee of any one candidate for Executive or Prosecutor in a primary election period or in a general election period;

(ii) Twelve thousand dollars (\$12,000) to the campaign committee of any one candidate for County Council in a primary election period or in a general election period;

(iii) Thirty-five thousand dollars (\$35,000) to any one state political party for any party fund dedicated to support candidates for County office in a calendar year.

(B) No political action committee shall make a contribution to a county political party for any party fund dedicated to support candidates for County office.

Section 3.3: Campaign Committee Contributions

No campaign committee shall make a contribution or contributions aggregating more than:

(i) Twelve thousand dollars (\$12,000) to the campaign committee of any one candidate for Executive or Prosecutor in a primary election period or in a general election period;

(ii) Twelve thousand dollars (\$12,000) to the campaign committee of any one candidate for County Council in a primary election period or in a general election period;

(iii) Thirty-five thousand dollars (\$35,000) to any one state political party for any party fund dedicated to support candidates for County office in a calendar year; or

(iv) Twelve thousand dollars (\$12,000) to a county political party for any party fund dedicated to support candidates for County office in a calendar year.

Section 3.4: Political Contributing Entity Contributions

(A) Subject to Article 5 of this Ordinance, no political contributing entity shall make a contribution or contributions aggregating more than:

(i) Twelve thousand dollars (\$12,000) to the campaign committee of any one candidate for Executive or Prosecutor in a primary election period or in a general election period;

(ii) Twelve thousand dollars (\$12,000) to the campaign committee of any one candidate for County Council in a primary election period or in a general election period;

(iii) Thirty-five thousand dollars (\$35,000) to any one state political party for any party fund dedicated to support candidates for County office in a calendar year.

(B) No political action committee shall make a contribution to a county political party for any party fund dedicated to support candidates for County office.

Section 3.5: County Political Party Contributions

No county political party with a fund dedicated to support candidates for County office shall make a contribution or contributions in a primary election period or a general election period, aggregating more than:

(i) Two hundred eighty-nine thousand dollars (\$289,000) to the campaign committee of any one candidate for Executive or Prosecutor; or

(ii) Twelve thousand dollars (\$12,000) to the campaign of any one candidate for County Council.

**ARTICLE 4: Acceptance of Campaign Contributions**

(A) No campaign committee of a candidate for County office shall knowingly accept a contribution from any individual who is under seven years of age.

(B) Subject to Article 5 of this Ordinance, no campaign committee of a candidate for County office, county political party, or state political party shall accept a contribution or contributions aggregating more than the permissible contribution amounts set forth in Article 3 of this Ordinance.

**Article 5: Affiliated Organizations**

For purposes of the limitations described in this Ordinance, all contributions made by and all contributions accepted from political action committees or political contributing entities that are established, financed, maintained, or controlled by, or that are, the same

corporation, organization, labor organization, continuing association, or other person, including any parent, subsidiary, division, or department of that corporation, organization, labor organization, continuing association, or other person, are considered to have been made by or accepted from a single political action committee or political contributing entity.

## **Article 6: Deposit of Personal Funds in Candidate's Own Campaign Fund**

### Section 6.1: Deposit Required

Except as otherwise provided in Section 6.2 of this Ordinance, no candidate for County office shall make an expenditure of personal funds to influence the results of an election for that candidate's nomination or election to office unless the personal funds are first deposited into the campaign fund of that candidate's campaign committee.

### Section 6.2: Deposit Not Required

A candidate for County office may make an expenditure of personal funds without first depositing those funds into the campaign committee's funds as long as the aggregate total of those expenditures does not exceed five hundred dollars (\$500) at any time during an election period. After the candidate's campaign committee reimburses the candidate for any direct expenditure of personal funds, the amount that was reimbursed is no longer included in the aggregate total of expenditures of personal funds subject to the five-hundred-dollar limit.

### Section 6.3: Notice of Deposit

(A) If the campaign committee of any candidate for Executive or Prosecutor has received or expended or expects to expend more than one hundred thousand dollars (\$100,000) of personal funds during a primary election period or one hundred fifty thousand dollars (\$150,000) of personal funds during a general election period, the campaign committee shall file a personal funds notice in the manner provided in division (D) of this Section indicating that the committee has received or expended or expects to expend more than that amount.

(B) If the campaign committee of any candidate for County council has received or expended or expects to expend more than twenty-five thousand dollars (\$25,000) of personal funds during a primary election period or twenty-five thousand dollars (\$25,000) of personal funds during a general election period, the campaign committee shall file a personal funds notice in the manner provided in division (D) of this section indicating that the committee has received or expended or expects to expend more than that amount.

(C) For purposes of divisions (A) and (B) of this Section, when a debt or other obligation incurred by a committee or by a candidate on behalf of the candidate's committee is to be paid from "personal funds", those funds are considered to be expended when the debt or other obligation is incurred, regardless of when it is paid.

(D) The personal funds notice required in divisions (A) and (B) of this section and the declaration of no limits required under division (B) of Section 6.4 of this Ordinance shall

be filed with the Board of Elections. The personal funds notice required in divisions (A) and (B) of this section shall be filed not later than the earlier of the following times:

(i) One hundred twenty (120) days before a primary election, in the case of personal funds received, expended, or expected to be expended during a primary election period, or not later than one hundred twenty days (120) before a general election, in the case of personal funds received, expended, or expected to be expended during a general election period; or

(ii) Two (2) business days after the candidate's campaign committee receives or makes an expenditure of personal funds or the candidate makes an expenditure of personal funds on behalf of the candidate's campaign committee during that election period that exceed, in the aggregate, the amount specified in division (A) or (B) of this section.

#### Section 6.4: Declaration of No Limits

(A) Whenever a campaign committee files a notice under division (A) or (B) of Section 6.3 of this Ordinance, and the campaign committee of an opponent files a declaration of no limits pursuant to division (B) of this Section within thirty days of the filing of the personal funds notice under division (A) or (B) of Section 6.3 of this Ordinance, the contribution limitations prescribed in Articles 3 and 4 of this Ordinance no longer apply to the campaign committee of the candidate's opponent.

(B) No campaign committee of a candidate described in division (A) of this section shall accept any contribution or contributions from a contributor that exceed the limitations prescribed in Articles 3 and 4 of this Ordinance until the committee files a declaration that the committee will accept contributions that exceed those limitations. This declaration shall be filed not later than thirty (30) days after a candidate's opponent has filed a personal funds notice pursuant to division (A) or (B) of Section 6.3 of this Ordinance, shall be referred to as the "declaration of no limits," and shall list all of the following:

(i) The amount of cash on hand in the candidate's campaign fund at the end of the day immediately preceding the day on which the candidate's campaign committee files the declaration of no limits; and

(ii) The value and description of all campaign assets worth five hundred dollars or more available to the candidate at the end of the day immediately preceding the day on which the candidate's campaign committee files the declaration of no limits.

(C) A candidate who was not an opponent of a candidate who filed the personal funds notice required under division (D) of Section 6.3 of this Ordinance on the date the personal funds notice was filed may file the declaration of no limits pursuant to division (B) of this section within thirty days after becoming an opponent of the candidate who filed the personal funds notice.

(D) If the candidate whose campaign committee filed a personal funds notice under division (A) or (B) of Section 6.3 of this Ordinance fails to file a declaration of candidacy for the office listed on the designation of treasurer filed under division (D) of section 3517.10 of the Revised Code or files a declaration of candidacy or nominating petition for that office and dies or withdraws, both of the following apply to the campaign committee of that candidate's opponent if the opponent has filed a declaration of no limits pursuant to division Section 6.4 of this section:

(i) No contribution from a contributor may thereafter be accepted that, when added to the aggregate total of all contributions received by that committee from that contributor during the primary election period or general election period, whichever is applicable, would cause that committee to exceed the contribution limitations prescribed in Articles 3 and 4 of this Ordinance for the applicable election period; and

(ii) The statement of primary-day finances or the year-end statement required to be filed under division (M) of Section 9.2 of this Ordinance of the Revised Code shall be filed not later than fourteen days after the date the candidate's opponent fails to file a declaration of candidacy or nominating petition by the appropriate filing deadline, or dies or withdraws. For purposes of calculating permitted funds under division (F) of Section 9.1 of this Ordinance, the primary or general election period, whichever is applicable, shall be considered to have ended on the filing deadline, in the case of an opponent who fails to file a declaration of candidacy or nominating petition, or on the date of the opponent's death or withdrawal. In such an event, the filing of a statement of primary-day finances or year-end finances and the disposing of any excess funds as required under Section 9.2 of this Ordinance satisfies the candidate's obligation to file such a statement for that election period.

#### Section 6.5: Prohibitions

(A) No campaign committee shall fail to file a personal funds notice as required under division (A) or (B) of Section 6.3 of this Ordinance.

(B) No campaign committee shall accept any contribution in excess of the contribution limitations prescribed in Articles 3 and 4 of this Ordinance:

(i) Unless a declaration of no limits has been filed under division Section 6.4 of this Ordinance;

(ii) In violation of division (D) of Section 6.4 of this Ordinance once the candidate who filed a personal funds notice under division (D) of Section 6.3 of this Ordinance fails to file a declaration of candidacy or nominating petition or that candidate dies or withdraws.

(C) No campaign committee that violates division (A) of this Section shall expend any personal funds in excess of the amount specified in division (A) or (B) of Section 6.3 of this Ordinance, whichever is appropriate to the committee.

(D) The candidate of any campaign committee that violates this Section shall forfeit the candidate's nomination, if the candidate was nominated, or the office to which the candidate was elected, if the candidate was elected to office.

#### **Article 7: Additional Contributions for Unpaid Debt**

(A) Whenever the campaign committee of a candidate has unpaid debt at the end of a primary election period or at the end of a general election period, the committee may accept additional contributions during the immediately following election period up to the applicable limitation prescribed under this Ordinance from any individual, political action committee, political contributing entity, or other campaign committee who, during the primary or general election period for which debt remains unpaid, has contributed less than the contribution limitations prescribed under this Ordinance applicable to that individual, political action committee, political contributing entity, or other campaign committee.

(B) Any additional contribution that a campaign committee accepts under this Article shall count toward the applicable limitations prescribed under this Ordinance for that primary or general election period at the end of which the debt remains unpaid, and shall not count toward the applicable limitations for any other primary or general election period if all of the following conditions apply:

(i) The campaign committee reports, on the statement required to be filed under division (A)(2) of Section 3517.10 of the Ohio Revised Code, all debt remaining unpaid at the end of the election period. The committee shall also file a separate statement, on a form prescribed by the Board of Elections, at the same time that the committee is required to file a statement of contributions and expenditures under Section 3517.10 of the Revised Code. The separate statement shall include the name and address of each contributor who makes an additional contribution under this Article, how the contribution was applied to pay the unpaid debt as required by this Article, and the balance of the unpaid debt after each contribution was applied to it.

(ii) The additional contributions are accepted only during the primary or general election period, whichever is applicable, immediately following the election period covered in the statement filed under division (B)(i) of this Article.

(iii) All additional contributions made under this Article are used by the campaign committee that receives them only to pay the debt of the committee reported under division (B)(i) of this Article.

(iv) The campaign committee maintains a separate account for all additional contributions made under this Section and uses moneys in that account only to pay the unpaid debt reported under division (B)(i) of this Article and to administer the account.

(v) The campaign committee stops accepting additional contributions after funds sufficient to repay the unpaid debt reported under this Article have been raised and promptly disposes of any contributions received that exceed the amount of the unpaid debt by returning the excess contributions to the contributors or by giving the excess contributions to an organization that is exempt from federal income taxation under subsection 501(A) and described in subsection 501(c)(3), (4), (8), (10), or (19) of the Internal Revenue Code.

**Article 8: Disposal of Any Excess Funds and Excess Aggregate Contributions  
(without filing of “no limits” declaration)**

Section 8.1: Definitions Specific to This Article

The following definitions apply only to this Article:

(A) *Aggregate Contribution* – The total of all contributions from a contributor during the pre-filing period.

(B) *Allowable Aggregate Contribution* – Includes all of the following:

(i) In the case of a contribution from a contributor whose contributions are subject to the contribution limits described in this Ordinance, that portion of the amount of the contributor’s aggregate contribution that does not exceed the preprimary contribution limit applicable to that contributor.

(ii) In the case of a contribution or contributions from a contributor whose contributions are not subject to the contribution limits in this Ordinance, the portion of the aggregate contribution that was received as in-kind services.

(C) *Applicable Carry-In Limit* – Thirty-five thousand dollars (\$35,000) if the candidate is a candidate for County Council, and two hundred thousand dollars (\$200,000) if the candidate is a candidate for Executive or Prosecutor.

(D) *Campaign Asset* – Prepaid, purchased, or donated assets available to the candidate on the date of the filing deadline for the office the candidate is seeking that will be consumed or depleted in the course of the candidate’s election campaign, including, but not limited to, postage, prepaid rent for campaign headquarters, prepaid radio, television, and newspaper advertising, and other prepaid consulting and personal services.

(E) *Covered Candidate* – Includes both of the following:

(i) A candidate who, during the pre-filing period, accepts or has a campaign committee that accepts contributions on the candidate’s behalf for the purpose of nominating or electing the candidate to any office not subject to the contribution limits prescribed in this Ordinance; or

(ii) A person who, during the pre-filing period, accepts or has a campaign committee that accepts contributions on the person’s behalf prior to the person

deciding upon or announcing the office for which the person will become a candidate for nomination or election.

(F) *Excess Aggregate Contribution* – For each contributor, the amount by which that contributor’s aggregate contribution exceeds that contributor’s allowable aggregate contribution.

(G) *Excess Funds* – The amount by which the sum of the total cash on hand and total reported campaign assets exceeds permitted funds.

(H) *Filing Date* – The last date on which a candidacy petition may be filed for an office.

(I) *Permitted Funds* – The sum of the following:

- (i) The total of the allowable aggregate contribution of each contributor; and
- (ii) The applicable carry-in limit.

(J) *Pre-Filing Period* – The period of time ending on the day that the candidacy petitions are due for the County office for which the candidate has filed and beginning on the latest date of the following:

- (i) The first day of January of the year following the general election in which that County office was last on the ballot;
- (ii) The first day of January of the year following the general election in which the candidate was last a candidate for any office; or
- (iii) The first day of the month following the primary election in which the candidate was last a candidate for any office.

#### Section 8.2: Disposal of Any Excess Funds and Excess Aggregate Contributions

(A) Each candidate who files for County office, not later than the filing date for that office, shall dispose of any excess funds. Each covered candidate who files for County office, not later than the filing date for that office, shall dispose of any excess aggregate contributions.

(B) Any campaign committee that is required to dispose of excess funds or excess aggregate contributions under division (A) of this section shall dispose of that excess amount or amounts by doing any of the following:

- (i) Giving the amount to the treasurer of state for deposit into the state treasury to the credit of the Ohio elections commission fund created by division (I) of section 3517.152 of the Revised Code;
- (ii) Giving the amount to individuals who made contributions to that campaign committee as a refund of all or part of their contributions;

(iii) Giving the amount to a corporation that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c) of the Internal Revenue Code.

(C) Subject to division (D) of this Section, no candidate or covered candidate shall appear on the ballot, even if certified to appear on the ballot, unless the candidate's or covered candidate's campaign committee has disposed of excess funds, excess aggregate contributions, or both as required by divisions (A) and (B) of this section.

(D) If the excess aggregate contributions accepted by a covered candidate or a covered candidate's campaign committee aggregate a total of less than five thousand dollars from all contributors, that candidate shall not be prohibited from appearing on the ballot under division (C) of this Section.

(E) The campaign committee of each candidate required to dispose of excess funds under this Section shall file a report with the Board of Elections. The report shall be filed by the seventh day following the filing deadline for the office the candidate is seeking, shall indicate the amount of excess funds disposed of, and shall describe the manner in which the campaign committee disposed of the excess amount. In addition, the campaign committee of each covered candidate required to dispose of excess aggregate contributions under this section shall include in that report the source and amount of each excess aggregate contribution disposed of and shall describe the manner in which the campaign committee disposed of the excess amount.

(F) Each campaign committee of a candidate who has filed a declaration of candidacy or a nominating petition for a County office, not later than seven days after the filing date for the office the candidate is seeking, shall file a declaration of filing-day finances with the Board of Elections. A declaration of filing-day finances shall list all of the following:

(i) The amount of cash on hand in the candidate's campaign fund on the filing date for the office the candidate is seeking;

(ii) The value and description of all campaign assets worth five hundred dollars or more available to the candidate on the filing date. Assets purchased by the campaign shall be valued at actual cost, and in-kind contributions shall be valued at market value;

(iii) The total of all aggregate contributions;

(iv) The total of all allowable aggregate contributions; and

(v) The applicable carry-in limit, if any.

(G) In addition to the information required to be included in a report of filing-day finances filed under division (F) of this section, the campaign committee of each covered candidate shall include both of the following in that report:

(i) The total of all excess aggregate contributions; and

(ii) For each contributor, if any, for whom there is an excess aggregate contribution, the name, address, aggregate contribution, and excess aggregate contribution.

(H) A campaign committee of a candidate is not required to file a declaration of filing-day finances under division (F) of this section if all of the following apply:

(i) The campaign committee has not accepted, during the pre-filing period, any aggregate contribution greater than the applicable amount;

(ii) The campaign committee had less than the carry-in amount in cash on hand at the beginning of the pre-filing period; and

(iii) The candidate files a declaration with the Board of Elections not later than seven days after the filing date for the office that candidate is seeking, stating that the candidate's campaign committee has not accepted aggregate contributions as described in division (H)(i) of this section and has less than the carry-in amount in cash on hand as described in division (H)(ii) of this section.

## **Article 9: Disposal of Any Excess Funds and Excess Aggregate Contributions by Candidate Filing Declaration of No Limits or Personal Funds Notice**

### Section 9.1: Definitions Specific to This Article

The following definitions apply only to this Article:

(A) *Aggregate Contribution, Allowable Aggregate Contribution, Excess Aggregate Contribution, and Pre-Filing Period* – The same meanings as in Article 8 of this Ordinance.

(B) *Campaign Asset* - Prepaid, purchased, or donated assets, goods, or services available to the candidate's campaign committee on the date specified in the filing required under division (N) of this Section that will be consumed, depleted, or used in the course of the candidate's election campaign, including, but not limited to, postage, rent for any campaign office, radio, television, and newspaper advertising, and consulting and personal services.

(C) *Excess Funds* - The amount by which the sum of the campaign committee's cash on hand on the date specified in the filing required to be made under division (N) of this Section and total reported campaign assets exceeds permitted funds.

(D) *Filing Deadline* - The last date on which a candidacy petition may be filed for an office.

(E) *Net Cash on Hand* - The cash on hand on the day of the primary election less the sum of all debts and obligations reported under division (F) of this section.

(F) *Permitted Funds* – Includes one of the following:

(i) In the case of a disposal of excess funds under Section 9.2(A) of this Ordinance, the sum of the primary carry-in amount and the product of both of the following:

(1) The sum of the campaign committee's net cash on hand and the campaign committee's total reported campaign assets on the day of the primary election less the primary carry-in amount; and

(2) The ratio of the sum of the allowable aggregate contributions of each contributor to the sum of all contributions received, during the period extending from the first day on which, in accordance with Article 6 this Ordinance, the contribution limitations prescribed this Ordinance no longer apply to the campaign committee through the end of the primary election period.

For the purposes of division (F)(i) of this Section, the “allowable aggregate contribution” of each contributor is calculated as if the limitations on contributions prescribed in this Ordinance were in effect.

As used in division (F)(i) of this section, “primary carry-in amount” is the sum of the campaign committee's cash on hand and reported campaign assets as reported on the campaign committee's declaration of no limits filed pursuant to Section 6.4 of this Ordinance.

(ii) In the case of a disposal of excess funds under division (E) of this section, the product of both of the following:

(1) The sum of the cash on hand and reported campaign assets at the end of the thirty-first day of December immediately following the general election;

(2) The ratio of the sum of the allowable aggregate contributions of each contributor and the general carry-in amount to the sum of all contributions received during the general election period and the general carry-in amount.

For the purposes of division (F)(ii) of this section, when a candidate has filed a declaration of no limits under Section 6.4 of this Ordinance, the allowable aggregate contribution calculated for each contributor is calculated as if the limitations on contributions prescribed in this Ordinance were in effect.

As used in division (F)(ii) of this section, “general carry-in amount” is the sum of the campaign committee's reported campaign assets and net cash on hand as of the day of the primary election, after the committee has disposed of excess funds under Section 9.2(A) of this Ordinance, if required.

Section 9.2: Disposal of Any Excess Funds and Excess Aggregate Contributions by Candidate Filing Declaration of No Limits or Personal Funds Notice

(A) Except as otherwise provided in division (O) of this section, the campaign committee of any candidate who has filed a declaration of no limits in accordance with Section 6.4 of this Ordinance and to which the contribution limitations prescribed in this Ordinance no longer apply during a primary election period, shall dispose of any excess funds not later than fourteen (14) days after the day on which the primary election was held.

(B) The campaign committee of any candidate that has filed a personal funds notice under Article 6 of this Ordinance shall, at the end of the primary election period, do one of the following:

(i) Return that portion of the personal funds remaining in the candidate's campaign committee fund at the end of the primary election period that are excess funds not later than fourteen days after the day on which the primary election was held; or

(ii) Retain the personal funds remaining in the candidate's campaign committee fund at the end of the primary election period and file a statement with the Board of Elections declaring that the campaign committee will retain those remaining personal funds in the committee's campaign fund and indicating the amount of remaining personal funds that would be characterized as excess funds.

(C) If a campaign committee elects to retain personal funds pursuant to division (B)(ii) of this Section, the amount characterized as excess funds is considered to be an expenditure of personal funds for the purpose of determining whether the amount of personal funds the campaign committee has received under divisions (A) and (B) of Section 6.3 of this Ordinance during an election period exceeds the amounts specified in those divisions.

(D) Except as otherwise provided in division (O) of this section, the campaign committee of any candidate that has expended personal funds in excess of the amount specified in Article 6 of this Ordinance shall dispose of any excess funds not later than fourteen (14) days after the day on which the primary election is held or the thirty-first day of December after the day on which the general election was held, whichever is applicable, or choose to retain personal funds under division (B) of this Section. The calculation of excess funds under this division shall be made in the same manner that a campaign committee is required to dispose of excess funds under division (A) or (E) of this Section, whichever election period is applicable. For the purposes of this division, the allowable aggregate contribution of each contributor, including one or more contributions from the candidate and from the candidate's spouse, parents, children, sons-in-law, daughters-in-law, brothers, sisters, grandparents, mothers-in-law, fathers-in-law, brothers-in-law, sisters-in-law, or grandparents by marriage, is calculated for that contributor as if the contribution limitations prescribed by this Ordinance were in effect.

(E) Except as otherwise provided in division (O) of this section, the campaign committee of any candidate to which, in accordance with Section 6.4 of this Ordinance, the

contribution limitations prescribed in this Ordinance no longer apply during a general election period, shall dispose of any excess funds not later than the thirty-first day of December after the day on which the general election was held.

(F) Notwithstanding Section 8.2 of this Ordinance, the amount of excess aggregate contributions required to be disposed of under that Section by a candidate whose contribution limitations have been reimposed pursuant to Section 6.4 of this Ordinance is limited to no more than the sum of the following:

(i) The difference between the sum of the cash on hand and reported campaign assets on the date of the declaration of candidacy filing deadline, date of death, or date of withdrawal, whichever is applicable, less the sum of the cash on hand and reported campaign assets reported on the campaign committee's declaration of no limits under Section 6.4 of this Ordinance;

(ii) The sum of the aggregate excess contributions of all contributors made from the beginning of the primary election period to the day immediately preceding the day on which contribution limitations prescribed in this Ordinance became inapplicable pursuant to division Section 6.4 of this Ordinance.

(G) Any campaign committee that is required to dispose of excess funds or excess aggregate contributions under this section shall dispose of the excess amount or amounts in accordance with division (B) of Section 8.2 of this Ordinance.

(H) Any candidate who knowingly fails to dispose of excess funds or excess aggregate contributions as required by this Section, except a candidate whose campaign committee has been given a letter of substantial compliance as provided for in division (I) of this section, shall not appear on the ballot, even if the candidate has been certified to appear on the ballot.

(I) The Board of Elections shall, after initially examining and reviewing any declaration provided for in division (N) of this Section and making a determination that a campaign committee has substantially complied with the disposal requirements of this Section, promptly issue to the candidate's campaign committee a letter certifying that committee's substantial compliance.

(J) The campaign committee of a candidate for Executive or Prosecutor has not substantially complied with the disposal requirements of this Section if, upon initial review of a declaration filed pursuant to division (N) of this Section, it is discovered that the candidate's campaign committee has failed to dispose of excess funds or excess aggregate contributions totaling in the aggregate more than ten thousand dollars (\$10,000).

(K) The campaign committee of a candidate for member of County Council has not substantially complied with the disposal requirements of this Section if, upon initial review of a declaration filed pursuant to division (N) of this Section, it is discovered that the candidate's campaign committee has failed to dispose of excess funds or excess

aggregate contributions totaling in the aggregate more than twenty-five hundred dollars (\$2,500).

(L) Any campaign committee that has received a letter indicating substantial compliance as provided for in division (I) of this section shall, within thirty days after receiving such a letter, fully comply with the disposal requirements of this Section.

(M) When the campaign committee of a candidate files a personal funds notice or a declaration of no limits in accordance with Section 6.4 of this Ordinance, the campaign committee of each such candidate shall file in the case of a primary election period a declaration of primary-day finances not later than fourteen (14) days after the day on which the primary election was held, or shall file in the case of a general election period a declaration of year-end finances not later than the last business day of January of the next calendar year immediately following the day on which the general election was held.

(N) The declaration of primary-day finances and declaration of year-end finances shall be filed with the Board of Elections and shall list all of the following:

(i) The amount of net cash on hand in the candidate's campaign committee fund at the end of the day on which the primary election was held or cash on hand on the thirty-first day of December immediately following the day on which the general election was held, whichever is appropriate;

(ii) In the case of a declaration of primary-day finances, any debt or other obligation incurred by the committee during the primary election period and related to the primary election of the campaign committee's candidate;

(iii) The value and description of all campaign assets worth five hundred dollars or more available to the candidate at the end of the day on which the primary election was held or on the thirty-first day of December immediately following the day on which the general election was held;

(iv) The total of all aggregate contributions received by the candidate's campaign committee during the primary or general election period;

(v) The total of all allowable aggregate contributions received by the candidate's campaign committee during the primary or general election period, whichever is applicable. The allowable aggregate contribution of each contributor shall be calculated as if the contribution limitations prescribed by this Ordinance were in effect; and

(vi) A description of all excess funds and excess aggregate contributions disposed of by the candidate's campaign committee in accordance with this Section for that election.

(O) The campaign committee of a candidate is not required to dispose of excess funds or excess aggregate contributions under this Section if both of the following apply:

- (i) The campaign committee has not accepted any aggregate contribution greater than the amount applicable under that division; and
- (ii) The campaign committee files a statement with the Board of Elections stating that the committee has not accepted aggregate contributions as described in division (O)(1) of this section.

#### **Article 10: Contribution Limitations Adjustments**

(A) In January of each odd-numbered year, the Board of Elections, in accordance with this division and division (B) of this section, shall adjust each dollar amount specified in this Ordinance. The adjustment shall be based on the yearly average of the previous two years of the Consumer Price Index for All Urban Consumers or its successive equivalent, as determined by the United States department of labor, bureau of labor statistics, or its successor in responsibility, for all items, Series A. Using the 2008 yearly average as the base year, the Board of Elections shall compare the most current average consumer price index with that determined in the preceding odd-numbered year, and shall determine the percentage increase or decrease. The percentage increase or decrease shall be multiplied by the actual dollar figure for each office or entity specified in this Ordinance as determined in the previous odd-numbered year, and the product shall be added to or subtracted from its corresponding actual dollar figure, as necessary, for that previous odd-numbered year. The resulting figure shall then be rounded up to the nearest \$500.

If the resulting amount is less than one hundred dollars for any calculation, the Board of Elections shall retain a record of the resulting amount and the manner in which it was calculated, but shall not make an adjustment unless the resulting amount, when added to the resulting amount calculated in each prior odd-numbered year since the last adjustment was made, equals or exceeds one hundred dollars.

(B) On or before the twenty-fifth day of February of each odd-numbered year, the Board of Elections shall prepare and publish a report setting forth the maximum contribution limitations under this Ordinance, and the maximum amounts, if any, of contributions permitted to be kept under this Ordinance. The Board of Elections shall base the adjustment on the most current consumer price index that is described in division (A) of this section and that is in effect as of the first day of January of each odd-numbered year. The report and all documents relating to the calculations contained in the report are public records. The report shall contain an indication of the period in which the limitations and the maximum contribution amounts apply, and a summary of how the limitations and the maximum contribution amounts were calculated, and a statement that the report and all related documents are available for inspection and copying at the Board of Elections main offices.

On or before the twenty-fifth day of February of each odd-numbered year, the Board of Elections shall transmit the report to the Executive, Prosecutor and each member of County Council. The Board of Elections shall send the report by mail to each person who files a declaration of candidacy or nominating petition with the Board of Elections for the office of Executive, Prosecutor, or a position on County Council. The report shall be mailed on or before the tenth day after the filing.

## Article 11: Penalties

(A) Any individual who violates Section 3.1 of this Ordinance of the Revised Code and knows that the contribution the individual makes violates that division shall be fined an amount equal to three times the amount contributed in excess of the amount permitted by that division.

(B) Any political action committee that violates Section 3.2 of this Ordinance shall be fined an amount equal to three times the amount contributed in excess of the amount permitted by that division.

(C) Any campaign committee that violates Section 3.3 of this Ordinance shall be fined an amount equal to three times the amount contributed in excess of the amount permitted by that division.

(D) Any political contributing entity that violates Section 3.4 of this Ordinance shall be fined an amount equal to three times the amount contributed in excess of the amount permitted by that division.

(E) Notwithstanding divisions (A), (B), (C) and (D) of this Section, no violation of Article 3 of this Ordinance occurs if the amount transferred or contributed in excess of the amount permitted by that division meets either of the following conditions:

(i) It is completely refunded within five (5) business days after it is accepted; or

(ii) It is completely refunded on or before the tenth business day after notification to the recipient of the excess transfer or contribution by the Board of Elections that a transfer or contribution in excess of the permitted amount has been received.

(F) Any campaign committee, county political party, or state political party that violates Article of this Ordinance shall be fined an amount equal to three times the amount accepted in excess of the amount permitted by that division.

(G) Notwithstanding division (F) of this Section, no violation of Article 4 of this Ordinance occurs, if the amount transferred or contributed in excess of the amount permitted to be accepted by that division meets either of the following conditions:

(i) It is completely refunded within five business days after its acceptance;

(ii) It is completely refunded on or before the tenth business day after notification to the recipient of the excess transfer or contribution by the Board of Elections that a transfer or contribution in excess of the permitted amount has been received.

(H) Any campaign committee that accepts a contribution or contributions in violation of Article 7 of this Ordinance, uses a contribution in violation of that Article, or fails to

dispose of excess contributions in violation of that Article shall be fined an amount equal to three times the amount accepted, used, or kept in violation of that Article.

(I) A campaign committee that is required to file a declaration of no limits under Section 6.4 of this Ordinance that, before filing that declaration, accepts a contribution or contributions that exceed the limitations prescribed in this Ordinance, shall return that contribution or those contributions to the contributor.

(J) Any campaign committee that fails to dispose of excess funds or excess aggregate contributions under Articles 8 or 9 of this Ordinance in the manner prescribed by each respective Article shall give to the treasurer of state for deposit into the Ohio elections commission fund created under division (I) of section 3517.152 of the Revised Code all funds not disposed of pursuant to those divisions.

**SECTION 2.** 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 Assigned:

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

# County Council of Cuyahoga County, Ohio

## Ordinance No. O2011-0032

Sponsored by: <b>Greenspan</b>	<b>An Ordinance</b> establishing guidelines under which Council is to consider and approve subsidies to boards, commissions, agencies, corporations, and other entities or authorities over which the County Council does not have direct, immediate oversight of daily, operational management decisions.
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WHEREAS, Cuyahoga County issues levies and grants voluntary subsidies or other types of funding to boards, commissions, agencies, corporations, and other entities or authorities over which the County Council does not have direct, immediate supervision of operational, daily management decisions; and,

WHEREAS, it is necessary to establish mechanisms of fiscal accountability to ensure that any recipient of such subsidies or other funding spends such funds in a manner that lives up to the standards set by the County's citizens in reforming County government and to achieve the County's intended goals in granting the subsidy or other type of funding.

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

**SECTION 1.** In reviewing requests related to subsidies or any other type of funding to any board, commission, agency, corporation, or other entity or authority over which the County Council does not have direct, immediate supervision of operational, daily management decisions, the Council shall, to the extent permitted by law, do all of the following:

- a. The Council shall, on a case by case basis, assess and determine the need for the subsidy, funding, change of funding source, or any other similar request; and,
- b. If the Council determines to grant the request, the Council shall do the following:
  1. The Council shall, if it deems appropriate on a case by case basis, establish benchmarks for how the funding is to be used by the recipient of the funding; and,

2. The Council shall, if it deems appropriate on a case by case basis, establish reporting requirements to the County by the recipient of the funding on how the funds are used in accordance with the benchmarks established by Council; and,
3. The Council shall, if it deems appropriate on a case by case basis, establish penalties, including potential loss of funding by the recipient, for a recipient's failure to use the funds in accordance with the benchmarks established by Council. Council may, within its discretion, grant waivers from such penalties if it determines that good cause existed for the deviation from the benchmarks established by Council in approving the request for subsidy or other funding.

**SECTION 2.** 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 \_\_\_\_\_, seconded by \_\_\_\_\_, the foregoing Ordinance was duly enacted.

Yeas:

Nays:

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

First Reading/Referred to Committee:  
Committee(s) Assigned:

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

# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0235

Sponsored by: <b>County Executive FitzGerald/Office of Budget &amp; Management</b>	<b>A Resolution</b> amending the 2011 Annual Appropriation Measure by providing for additional fiscal appropriations from the General Fund and other funding sources, for appropriation transfers between budget accounts, and for cash transfers between budgetary funds, in order to meet the budgetary needs of various County departments, offices, and agencies; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, on October 28, 2010, the former governing body of Cuyahoga County adopted the 2011 Annual Appropriation Measure establishing the 2011 annual budgets for all County departments, offices and agencies;

WHEREAS, it is necessary to adjust the 2011 Annual Appropriation Measure to reflect budgetary funding increases, funding reductions, to transfer budget appropriations, and to transfer cash between budgetary funds, in order to accommodate the operational needs of certain County departments, offices, and agencies; and

WHEREAS, it is further 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 County departments, offices, and agencies;

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

**SECTION 1.** That the 2011 Annual Appropriation Measure be amended to provide for the following additional appropriation increases and decreases:

<u>Fund Nos./Budget Accounts</u>	<u>Journal Nos.</u>
A.                    21S238 – Apprenticeship Grant 09/10 CO381160 – Apprenticeship Grant 09/10 Personal Services                    \$                    (576.28)	BA1100608

Funding Source: Ohio Department of Public Safety, Office of Criminal Justice Services.

B.	21A912 – Cuyahoga County Adult Re-Entry Court CO751917 – 2009 Cuy. Co. Adult Re-Entry Court	<b>BA1100609</b>
	Personal Services	\$ (416.48)
	Other Expenses	\$ (1,932.37)

Funding Source: Ohio Office of Criminal Justice Services.

C.	21A912 – Cuyahoga County Adult Re-Entry Court CO752576 – 2010 Cuy. Co. Adult Re-Entry Court	<b>BA1100610</b>
	Other Expenses	\$ (7,650.00)

Funding Source: Ohio Office of Criminal Justice Services.

D.	24A435 - Cuyahoga Tapestry System of Care HS158089 – Cuyahoga Tapestry System of Care	<b>BA1100569</b>
	Other Expenses	\$ 443,445.00

Funding Source: Revenue reimbursements received from the Court of Common Pleas – Juvenile Division.

E.	20A807 – EC Invest in Children EC451393 – Program Administration	<b>BA1100570</b>
	Other Expenses	\$ 5,000.00

Funding Source: National Council of Jewish Women.

F.	20A625 – Solid Waste District-Admin SM522466 – Solid Waste District-Admin	<b>BA1100624</b>
	Personal Services	\$ 6,100.00

Funding Source: Cleveland Foundation.

G.	54P611 – Sewer Lining 2011 – Various Communities ST540088 – Sewer Lining 2011 – Various Communities	<b>BA1100586</b>
	Other Expenses	\$ 1,650,000.00

Funding Source: A loan from the Ohio Water Pollution Control Loan Fund (WPCLF).

H.	22S274 – Home Weatherization Assistance Program (HWAP) American Recovery & Reinvestment Act (ARRA) 2009-10 DV725192 – HWAP ARRA Dept of Energy Admin. (DOE) 2009-10	<b>BA1100589</b>
	Other Expenses	\$ 800.00

Funding Source: U.S. Department of Energy.

I.	20A377 – Probation Supervision Fees CO507228 – Probation Supervision Fees	<b>BA1100639</b>
	Other Expenses	\$ 75,000.00
	Capital Outlay	\$ 25,000.00

Funding Source: Probation Division is supported by fees paid by individuals placed on probation by the Court.

**SECTION 2.** That the 2011 Annual Appropriation Measure be amended to provide for the following appropriation transfers:

**Fund Nos. /Budget Accounts** **Journal Nos.**

A.	FROM:	21A513 – CCA 407 Felony Program CO741207 – Community Correction Act II Other Expenses \$ 10,820.00	<b>BA1100613</b>
	TO:	21A513 – CCA 407 Felony Program CO741207 – Community Correction Act II Personal Services \$ 10,820.00	

Funding Source: Ohio Department of Rehabilitation Correction Bureau of Community Sanctions.

B.	FROM:	21A913 - Minority AIDS Initiative Program MI752121-FY10 Minority AIDS Services Other Expenses \$ 4,835.22 Capital Outlays \$ 3,869.36	<b>BA1100611</b>
	TO:	21A913 - Minority AIDS Initiative Program MI752121-FY10 Minority AIDS Services Personal Services \$ 8,704.58	

Funding Source: U.S Department of Health and Human Services.

C.	FROM:	21A900 – Regional Collaboration Project JA752196 – Regional Collaboration Project 2010/2011 Other Expenses \$ 25,674.82	<b>BA1100574</b>
	TO:	21A900 – Regional Collaboration Project JA752196 – Regional Collaboration Project 2010/2011 Capital Outlay \$ 25,674.82	

Funding Source: Ohio emergency Management Agency.

D.	FROM:	21A428 – City of Cleveland FY08 MMRS 2010/2011 CR752873 – City of Cleveland FY08 MMRS 2010/2011 Other Expenses \$ 38,722.98 Capital Outlays \$ 1,277.02	<b>BA1100620</b>
	TO:	21A428 – City of Cleveland FY08 MMRS 2010/2011 CR752873 – City of Cleveland FY08 MMRS 2010/2011 Personnel Services \$ 40,000.00	

Funding Source: U.S. Department of Homeland Security, Federal Emergency Agency.

E.	FROM:	01A001 – General Fund CO380121 – Judicial Administration Other Expenses      \$                      20,000.00	<b>BA1100637</b>
	TO:	01A001 – General Fund CO380220 – Court Services Other Expenses      \$                      20,000.00	

Funding Source: General Fund.

**SECTION 3.** That the 2011 Annual Appropriation Measure be amended to provide for the following cash transfers between County funds.

<u>Fund Nos. /Budget Accounts</u>		<u>Journal Nos.</u>	
A.	FROM:	21S238 – Apprenticeship Grant 09/10 CO381160 – Apprenticeship Grant 09/10 Transfer Out      \$                      144.04	<b>JR1101855</b>
	TO:	20A377 – Probation Supervision Fees CO507228 – Probation Supervision Fees Revenue Transfer      \$                      144.04	

Funding Source: Ohio Department of Public Safety, Office of Criminal Justice Services.

B.	FROM:	21A912 – Cuyahoga County Adult Re-Entry Court CO751917 – 2009 Cuy. Co. Adult Re-Entry Court Transfer Out      \$                      587.20	<b>JR1101856</b>
	TO:	24A878 – HHS – Office of Re-Entry HS749069 – HHS – Office of Re-Entry Revenue Transfer      \$                      587.20	

Funding Source: Ohio Office of Criminal Justice Services.

C.	FROM:	21A912 – Cuyahoga County Adult Re-Entry Court CO752576 – 2010 Cuy. Co. Adult Re-Entry Court Transfer Out      \$                      1,912.50	<b>JR1101857</b>
	TO:	24A878 – HHS – Office of Re-Entry HS749069 – HHS – Office of Re-Entry Revenue Transfer      \$                      1,912.50	

Funding Source: Ohio Office of Criminal Justice Services.

D.	FROM:	24A878 – HHS Office of Reentry HS749069-HHS Office of Reentry Transfer Out      \$                      50,000.00	<b>JT1100124</b>
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TO: 20A240 – HHS Cuy. Co. Adult Re-Entry Court  
CO456624-HHS Cuy. Co. Adult Re-Entry Court  
Revenue Transfer \$ 50,000.00

Funding Source: Health & Human Services Levy Fund.

**SECTION 4.** This Resolution is hereby determined to be an emergency measure and that it is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue, and to continue the usual and daily operation of County departments, offices and agencies. Provided that this Resolution receives the affirmative vote of eight members of Council, this Resolution 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 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

Journal CC003  
July 26, 2011

July 19, 2011

Clerk of County Council

Dear Ms. Schmotzer:

What follows is a brief summary of the fiscal items, which will be presented for your consideration at the Council meeting scheduled for July 26, 2011.

**Additional Appropriation Summary** – Additional appropriations are needed when there is a new or increased revenue source, or a revision to the original budget appropriation that is required to cover expenses that exceed the original estimate.

A reduction in appropriation is requested in conjunction with the close out of a program, grant, project or decertification of an encumbrance.

General Fund/Health & Human Services	Amount
TOTAL	0

Other Operating Funds	Amount
Cuyahoga Tapestry System of Care – Additional appropriation to cover other expenses. Funding is from reimbursements from the Court of Common Pleas, Juvenile Division.	\$443,445.00
Sanitary Engineer – Additional appropriation to cover sewer lining expenses in various communities. Funding is a loan from the Ohio Water Pollution Control Loan Fund and sanitary sewer district fees.	\$1,650,000.00
Common Pleas – Additional appropriation to cover expenses in the Probation Division. Funding is from probationary fees assessed on clients.	\$100,000.00
TOTAL	\$2,193,445.00

Grants/Projects	Amount
Common Pleas – Decreasing appropriation to close-out the Apprenticeship grant from the Ohio Department of Public Safety, Office of Criminal Justice Services.	-\$576.28
Common Pleas – Decreasing appropriation to close-out the FY2009 Adult Re-Entry Court grant from the Ohio Department of Public Safety, Office of Criminal Justice Services.	-\$2,348.85
Common Pleas – Decreasing appropriation to close out the FY2010 Adult Re-Entry Court grant from the Ohio Department of Public Safety, Office of Criminal Justice Services.	-\$7,650.00
Invest in Children – To appropriate funds from the National Council of Jewish Women to cover back to school activities and events..	\$5,000.00
Solid Waste Management District – To appropriate funds from the Cleveland Foundation to cover personal services for an intern.	\$6,100.00
Development – To appropriate deposits from the County Investment Account #5 of Housewarming funds. Funding is from the U.S. Department of Energy.	\$800.00
TOTAL	\$1,324.87

<b>Total Additional Appropriations - All Funds</b>	<b>\$2,194,769.87</b>
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The following represents the overall changes made to the 2011 Annual Appropriation Measure since its adoption on October 28, 2010. The changes reflect the Additional Appropriations, Appropriation Transfers and Cash Transfers to

the original adopted appropriation measure.

APPROPRIATION STATUS SUMMARY:

	<u>07/26 Agenda</u>	<u>Year to Date</u>	<u>Adjusted Annual Appropriation</u>
General Fund	\$ 0.00	\$ 25,670,979.75	\$ 330,603,131.75
Other Fund	\$ 2,194,769.87	\$ 86,616,266.56	\$ 1,495,609,995.56
Total	\$ 2,194,769.87	\$ 112,287,246.31	\$ 1,826,213,127.31

**Appropriation Transfer Summary** – Is a transfer of appropriation between two or more budget accounts or between different expenditure categories within the same budget account.

<u>General Fund/Health &amp; Human Services</u>	<u>Amount</u>
Common Pleas – Realignment from Judicial Administration to Court Services Division to cover expenses through year-end. Funding is from the General Fund.	\$20,000.00
<b>TOTAL</b>	<b>\$20,000.00</b>

<u>Other Operating Funds</u>	<u>Amount</u>
<b>TOTAL</b>	<b>0</b>

<u>Grants/Projects</u>	<u>Amount</u>
Common Pleas – Realigning appropriation to allow final expenses to post and close-out the CCA 407 Community Correction Act II grant from the Ohio Department of Rehabilitation Correction Bureau of Community Sanctions.	\$10,820.00
Minority AIDS Initiative Program – Realigning appropriation to cover personal services. Funding is from the U.S. Department of Health & Human Services.	\$8,704.58
Justice Services – Realignment to cover the purchase of computers for the Regional Collaboration Project. Funding is from the Ohio Emergency Management Agency.	\$25,674.82
Medical Examiner – Realignment to comply with the Metropolitan medical Response System grant guidelines. Funding is from the U.S. Department of Homeland Security, Federal Emergency Management Agency.	\$40,000.00
<b>TOTAL</b>	<b>\$85,199.40</b>

<b>Total Appropriation Transfers - All Funds</b>	<b>\$105,199.40</b>
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**Cash Transfer Summary** – Operating transfers support operating expenditures, related to a cash matches for a grants, transfer of taxes or fees to a debt service fund, transfers from the General Fund to a capital project fund or operating subsidies to special revenue funds, enterprise funds, or internal service funds. This type of transaction posts as an expenditure and sufficient appropriation must be available to process the transaction.

Residual Equity Transfers are non-recurring or non-routine transfers of cash between funds. They are used to close out a fund and to transfer remaining fund balance to another fund. This transaction only affects cash fund balance and does not post as a revenue or expenditure. No appropriation is required to process this type of transaction.

<u>General Fund/Health &amp; Human Services</u>	<u>Amount</u>
<b>TOTAL</b>	<b>0</b>

<u>Other Operating Funds</u>	<u>Amount</u>
<b>TOTAL</b>	<b>0</b>

<u>Grants/Projects</u>	<u>Amount</u>
Common Pleas – A cash transfer to close-out the Apprenticeship grant from the Ohio Department of Public Safety, Office of Criminal Justice Services.	\$144.04
Common Pleas – A cash transfer to close-out the Adult Re-Entry Court FY 2009 from the Ohio Office of Criminal Justice Services.	\$587.20
Common Pleas – A cash transfer to close-out the Adult Re-Entry Court FY2010 from the Ohio Office of Criminal Justice Services.	\$1,912.50
Health & Human Services Office of Re-Entry – A cash transfer to fund the Re-Entry program. Funding is from the Health & Human Services Levy Fund.	\$50,000.00
<b>TOTAL</b>	<b>\$52,643.74</b>

<b>Total Cash Transfers - All Funds</b>	<b>\$52,643.74</b>
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Thank you for your consideration regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew Rubino". The signature is written in a cursive style with a large, circular flourish at the end.

Matthew Rubino  
Office of Budget & Management  
[mrubino@cuyahogacounty.us](mailto:mrubino@cuyahogacounty.us)  
(216) 443-7448  
Fax: (216) 443-7256

## MEMORANDUM

TO: Jeanne Schmotzer, Clerk of Council  
FROM: Matthew Rubino, Director, Office of Budget & Management  
DATE: July 19, 2011  
RE: Agenda Items

The Office of Budget & Management requests that the following fiscal items be presented to the members of County Council for their consideration at the meeting of July 26, 2011. The requested fiscal items including additional appropriations, appropriation transfers, and cash transfers meet agency budgetary needs.

### **Resolution: Additional Appropriations**

A.	21S238 – Apprenticeship Grant 09/10	<b>BA1100608</b>
	CO381160 – Apprenticeship Grant 09/10	
	Personal Services	\$ (576.28)

To decrease appropriations to close the Apprenticeship grant award from the Ohio Department of Public Safety, Office of Criminal Justice Services. This grant was a Memorial Grant and was funded through the ARRA Stimulus funding. The funding period was from July 31, 2009 through March 31, 2011. The purpose of the Edward Byrne grant was to provide paid apprenticeship opportunities within the Adult probation Department to assist Probation staff with daily activities and to introduce apprentices to a broad range of experience within the criminal justice system. There was a cash match of \$19,998.90 which was provided from the Probation Supervision Fees special revenue fund - 20A377 (JT0900107 - 12/18/09). Of this cash match amount, \$144.04 will be returned to the Probation Supervision Fees Fund (please see JR1101855).

B.	21A912 – Cuyahoga County Adult Re-Entry Court	<b>BA1100609</b>
	CO751917 – 2009 Cuy. Co. Adult Re-Entry Court	
	Personal Services	\$ (416.48)
	Other Expenses	\$ (1,932.37)

To decrease appropriations to close the above grant. The Court of Common Pleas in FY 2009 was continuing the docket titled "Cuyahoga County Adult Re-Entry Court for offenders with known gang affiliations who are leaving prison and returning to Cuyahoga County. This grant was funded by the Ohio Office of Criminal Justice Services. The funding period was 01/01/09 thru 12/31/09. The original grant amount was \$64,346.25 with a cash match of \$21,448.75. This cash match came from the Office of Re-Entry, Department of Justice Affairs, special revenue fund 20A802 (JT0900038 - 04/09/09). Of this amount, \$587.20 was not utilized. Therefore, this cash needs to be transferred back. Because the sub-fund for the Office of Re-Entry, Department of Justice Affairs, special revenue fund 20A802 has since been closed, and the parent funding source for the sub-fund was the Cuyahoga County Health and Human Service Levy, the excess cash will be

transferred to sub-fund 24A878, HHS - Office of Re-Entry. (Please see JR1101856).

C.	21A912 – Cuyahoga County Adult Re-Entry Court	<b>BA1100610</b>
	CO752576 – 2010 Cuy. Co. Adult Re-Entry Court	
	Other Expenses	\$ (7,650.00)

To decrease appropriations to close the above grant. The Court of Common Pleas in FY 2010 was continuing the docket titled "Cuyahoga County Adult Re-Entry Court for offenders with known gang affiliations who are leaving prison and returning to Cuyahoga County. This grant was funded by the Ohio Office of Criminal Justice Services. The funding period was 01/01/10 thru 12/31/10. The original grant amount was \$74,471.32 with a cash match of \$24,823.77. This cash match came from the Office of Re-Entry, Department of Justice Affairs, special revenue fund 20A802 (JT1000058 - 04/22/10). Of this amount, \$587.20 was not utilized. Therefore, this cash needs to be transferred back. Because the sub-fund for the Office of Re-Entry, Department of Justice Affairs, special revenue fund 20A802 has since been closed, and the parent funding source for the sub-fund was the Cuyahoga County Health and Human Service Levy, the excess cash will be transferred to sub-fund 24A878, HHS - Office of Re-Entry. (Please see JR1101857).

D.	24A435 - Cuyahoga Tapestry System of Care	<b>BA1100569</b>
	HS158089 – Cuyahoga Tapestry System of Care	
	Other Expenses	\$ 443,445.00

To provide additional appropriation to Cuyahoga Tapestry System of Care 2011 Operating Budget. This increase will be supported by revenue reimbursements received from the Court of Common Pleas – Juvenile Division in the amount of \$443,445.00. This request is cost neutral to the HHS Levy Fund.

E.	20A807 – EC Invest in Children	<b>BA1100570</b>
	EC451393 – Program Administration	
	Other Expenses	\$ 5,000.00

To provide additional appropriation to the Office of Early Childhood's 2011 Operating Budget. This increase will be supported by donated funds from National Council of Jewish Women in the amount of \$5,000.00. The funds will be used to pay for a number of back to school activities/events in support of the UPK program. This request is cost neutral to the HHS Levy Fund.

F.	20A625 – Solid Waste District-Admin	<b>BA1100624</b>
	SM522466 – Solid Waste District-Admin	
	Personal Services	\$ 6,100.00

To provide additional appropriation to the Solid Waste District's 2011 Operating Budget. This increase will be supported by donated funds from the Cleveland Foundation in the amount of \$6,100.00. The funds will be used to pay for the salary and benefits for one temporary intern, beginning on June 6, 2011 through August 19, 2011. The internship is being paid in full by the Cleveland Foundation. The Cuyahoga County Solid Waste District works to support environmentally-sustainable and economical solid waste management practices within the communities, institutions and businesses of Cuyahoga County. The source of funding is revenue generated thru a \$1.50 per ton fee for trash collected.

G.	54P611 – Sewer Lining 2011 – Various Communities	<b>BA1100586</b>
	ST540088 – Sewer Lining 2011 – Various Communities	
	Other Expenses	\$ 1,650,000.00

Appropriation is requested at Public Works – Sanitary Engineer to cover sewer lining expenses in various communities. Funding for Sewer Lining 2011 – Various Communities comes from Sanitary Sewer District Fees and a loan from the Water Pollution Control Loan Fund (WPCLF).

H.	22S274 – Home Weatherization Assistance Program	<b>BA1100589</b>
	(HWAP) American Recovery and Reinvestment Act (ARRA) 2009-2010	
	DV725192 – HWAP ARRA Department of Energy Administration (DOE) 2009-2010	
	Other Expenses	\$ 800.00

Appropriation is requested to cover expenses incurred for the 2009-2010 Home Weatherization Assistance Program (HWAP), which provides heating assistance to low-income households. Funding for this fund comes in part from deposits from the County Investment Account #5 of Housewarming funds. Contributions are provided from utility companies that leverage grant funding via the American Reinvestment and Recovery Act (ARRA) from the U.S. Department of Energy dollars passed through the Cleveland Housing Network. This grant requires no County match. The grant period runs from July 2009 to March 31, 2012.

I.	20A377 – Probation Supervision Fees	<b>BA1100639</b>
	CO507228 – Probation Supervision Fees	
	Other Expenses	\$ 75,000.00
	Capital Outlay	\$ 25,000.00

Request to increase appropriation to the Court of Common Pleas' Probation Supervision Fund. This fund covers expenses in the Probation Division and is supported by fees paid by individuals placed on probation by the Court. This request, supported by the existing cash balance, will cover items currently on the NSF report and projected expenses through the rest of the year.

**Resolutions: Appropriation Transfers**

A. FROM: 21A513 – CCA 407 Felony Program **BA1100613**  
CO741207 – Community Correction Act II  
Other Expenses \$ 10,820.00

TO: 21A513 – CCA 407 Felony Program  
CO741207 – Community Correction Act II  
Personal Services \$ 10,820.00

This appropriation adjustment is necessary to move appropriations into the correct sub-object codes as requested on our budget revision to the state dated 4/30/11 for FY 2011 grants. This will allow the final expenses to post in preparation of the grant closing. This grant diverts offenders into community sanction programs. This grant was funded by the Ohio Department of Rehabilitation Correction Bureau of Community Sanctions for the period 07/01/10 through 06/30/11. No cash match was required.

B. FROM: 21A913 - Minority AIDS Initiative Program **BA1100611**  
MI752121-FY10 Minority AIDS Services  
Other Expenses \$ 4,835.22  
Capital Outlays \$ 3,869.36

TO: 21A913 - Minority AIDS Initiative Program  
MI752121-FY10 Minority AIDS Services  
Personal Services \$ 8,704.58

This appropriation adjustment is to move appropriations to cover expense adjustments posting salary and fringe to correct index code for grant reporting purposes. There is no cash match in conjunction with this grant. The source of funding is the U.S Department of Health and Human Services.

C. FROM: 21A900 – Regional Collaboration Project **BA1100574**  
JA752196 – Regional Collaboration Project 2010/2011  
Other Expenses \$ 25,674.82

TO: 21A900 – Regional Collaboration Project  
JA752196 – Regional Collaboration Project 2010/2011  
Capital Outlay \$ 25,674.82

To transfer appropriations within the Regional Collaboration Project for the purchase of 16 notebook computers in accordance with grant programmatic guidelines. Funding is from the Ohio emergency Management Agency covering the period September 1, 2008 through July 30, 2011

D. FROM: 21A428 – City of Cleveland FY08 MMRS 2010/2011 **BA1100620**  
CR752873 – City of Cleveland FY08 MMRS 2010/2011  
Other Expenses \$ 38,722.98  
Capital Outlays \$ 1,277.02

TO: 21A428 – City of Cleveland FY08 MMRS 2010/2011  
CR752873 – City of Cleveland FY08 MMRS 2010/2011  
Personnel Services \$ 40,000.00

To transfer appropriations within the Medical Examiner grant with the City of Cleveland for the FY08 MMRS 2010/2011 initiatives to bring the grant in compliance of grant guidelines. The grant covers the period November 3, 2010 through August 31, 2011.

E.	FROM:	01A001 – General Fund		<b>BA1100637</b>
		CO380121 – Judicial Administration		
		Other Expenses	\$	20,000.00
	TO:	01A001 – General Fund		
		CO380220 – Court Services		
		Other Expenses	\$	20,000.00

Request to transfer appropriation with the Court of Common Pleas' General Fund budget to cover current NSF's and expenses through the rest of the year.

**Resolutions: Cash Transfers**

A. FROM: 21S238 – Apprenticeship Grant 09/10 **JR1101855**  
CO381160 – Apprenticeship Grant 09/10  
Transfer Out \$ 144.04

TO: 20A377 – Probation Supervision Fees  
CO507228 – Probation Supervision Fees  
Revenue Transfer \$ 144.04

To transfer cash to close the Apprenticeship grant award from the Ohio Department of Public Safety, Office of Criminal Justice Services. This grant was a Memorial Grant and was funded through the ARRA Stimulus funding. The funding period was from July 31, 2009 through March 31, 2011. The purpose of the Edward Byrne grant was to provide paid apprenticeship opportunities within the Adult probation Department to assist Probation staff with daily activities and to introduce apprentices to a broad range of experience within the criminal justice system. There was a cash match of \$19,998.90 which was provided from the Probation Supervision Fees special revenue fund - 20A377 (JT0900107 - 12/18/09). Of this cash match amount, \$144.04 will be returned to the Probation Supervision Fees Fund (Please see BA1100608 for corresponding appropriation decreases).

B. FROM: 21A912 – Cuyahoga County Adult Re-Entry Court **JR1101856**  
CO751917 – 2009 Cuy. Co. Adult Re-Entry Court  
Transfer Out \$ 587.20

TO: 24A878 – HHS – Office of Re-Entry  
HS749069 – HHS – Office of Re-Entry  
Revenue Transfer \$ 587.20

To transfer cash to close the above grant. The Court of Common Pleas in FY 2009 was continuing the docket titled "Cuyahoga County Adult Re-Entry Court for offenders with known gang affiliations who are leaving prison and returning to Cuyahoga County. This grant was funded by the Ohio Office of Criminal Justice Services. The funding period was 01/01/09 thru 12/31/09. The original grant amount was \$64,346.25 with a cash match of \$21,448.75. This cash match came from the Office of Re-Entry, Department of Justice Affairs, special revenue fund 20A802 (JT0900038 - 04/09/09). Of this amount, \$587.20 was not utilized. Therefore, this cash needs to be transferred back. Because the sub-fund for the Office of Re-Entry, Department of Justice Affairs, special revenue fund 20A802 has since been closed, and the parent funding source for the sub-fund was the Cuyahoga County Health and Human Service Levy, the excess cash will be transferred to sub-fund 24A878, HHS - Office of Re-Entry. (Please see BA1100609 for corresponding appropriation decreases).

C. FROM: 21A912 – Cuyahoga County Adult Re-Entry Court **JR1101857**  
CO752576 – 2010 Cuy. Co. Adult Re-Entry Court  
Transfer Out \$ 1,912.50

TO: 24A878 – HHS – Office of Re-Entry  
HS749069 – HHS – Office of Re-Entry  
Revenue Transfer \$ 1,912.50

To transfer cash to close the above grant. The Court of Common Pleas in FY 2010 was continuing the docket titled "Cuyahoga County Adult Re-Entry Court for offenders with known gang affiliations who are leaving prison and returning to Cuyahoga County. This grant was funded by the Ohio Office of Criminal Justice Services. The funding period was 01/01/10 thru 12/31/10. The original grant amount was \$74,471.32 with a cash match of \$24,823.77. This cash match came from the Office of Re-Entry, Department of Justice Affairs, special revenue fund 20A802 (JT1000058 - 04/22/10). Of this amount, \$587.20 was not utilized. Therefore, this cash needs to be transferred back. Because the

sub-fund for the Office of Re-Entry, Department of Justice Affairs, special revenue fund 20A802 has since been closed, and the parent funding source for the sub-fund was the Cuyahoga County Health and Human Service Levy, the excess cash will be transferred to sub-fund 24A878, HHS - Office of Re-Entry. (Please see BA1100610 for corresponding appropriation decreases).

D.	FROM:	24A878 – HHS Office of Reentry	<b>JT1100124</b>
		HS749069-HHS Office of Reentry	
		Transfer Out	\$ 50,000.00
	TO:	20A240 – HHS Cuy. Co. Adult Re-Entry Court	
		CO456624-HHS Cuy. Co. Adult Re-Entry Court	
		Revenue Transfer	\$ 50,000.00

To transfer cash to reentry Court per agreement related to the Edward Byrne grant. The purpose of the Edward Byrne grant was to provide paid apprenticeship opportunities within the Adult probation Department to assist Probation staff with daily activities and to introduce apprentices to a broad range of experience within the criminal justice system. For the past four years ending 12/31/10 Common Pleas Court has received grant funding from the Ohio Office of Criminal Justice Services-Edward Byrne Memorial grant to fund some expenses in the specialized Reentry Court docket. The state funding did not extend into 2011 but the Cuyahoga County Office of Reentry through a working agreement is providing \$50,000 in funding for the Reentry Court. Funding is through the Health & Human Services Levy Fund.

# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0236

<p>Sponsored by: <b>County Executive FitzGerald/Department of Development</b></p>	<p><b>A Resolution</b> amending Resolution No. R2011-0201 dated 6/28/2011, which authorized the County Executive to enter into an agreement with Cuyahoga County District Board of Health in the amount not-to-exceed \$5,000.00 for the period 8/1/2008 - 9/30/2012, by changing the scope of services for assessment of playgrounds located in East Cleveland and to conduct health monitoring activities in connection with the U.S. Environmental Protection Agency Brownfields Assessment Grants; and declaring the necessity that this Resolution become immediately effective.</p>
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WHEREAS, the County Executive/Department of Development has submitted a request to **amend** Resolution No. R2011-0201 dated 6/28/2011, which authorized the County Executive to enter into an agreement with Cuyahoga County District Board of Health in the amount not-to-exceed \$5,000.00 for the period 8/1/2008 - 9/30/2012, **by changing the scope of services** to assessment of playgrounds located in East Cleveland and to conduct health monitoring activities in connection with the U.S. Environmental Protection Agency Brownfields Assessment Grants; and

WHEREAS, Cuyahoga County, through the Department of Development Brownfields Redevelopment Division, received a competitive grant from the U.S. EPA in May 2008 to assist with phase I and phase II environmental assessments at brownfield sites suspected of being contaminated with hazardous substances and/or petroleum; and,

WHEREAS, Task 2 of this grant states that up to ten percent (10%) is specifically for assessment of soil, groundwater or other analysis of proposed community garden and playground sites in the City of East Cleveland; and,

WHEREAS, Cuyahoga County, through the Department of Development Brownfields Redevelopment Division, received a Brownfields Assessment Coalition Grant from the U.S. EPA in May 2009 to assist with phase I and phase II environmental assessments at brownfield sites suspected of being contaminated with hazardous substances and/or petroleum; and,

WHEREAS, Task 3 of this grant specifies that the Cuyahoga County District Board of Health will work collaboratively with the Coalition to conduct health monitoring of the assessment sites; and

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

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

**SECTION 1.** Resolution No. R2011-0201 dated 6/28/2011, which authorized the County Executive to enter into an agreement with Cuyahoga County District Board of Health in the amount not-to-exceed \$5,000.00 for the period 8/1/2008 - 9/30/2012, is hereby amended to change the scope of services for assessment of playgrounds located in East Cleveland and to conduct health monitoring activities in connection with the U.S. Environmental Protection Agency Brownfields Assessment Grants.

**SECTION 2.** It is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue, and to continue the usual and daily operation of the County. Provided that this Resolution receives the affirmative vote of eight members of Council, this Resolution shall become immediately effective upon the signature of the County Executive.

**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 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 CC003  
July 26, 2011



**Item Details:**

<b>Agency/Dept. Name:</b>	Department of Development	<b>Agency/Dept. Head Name:</b>	Benders
<b>Type of Request:</b>	Agreement/Amendment		
<b>Request Prepared by:</b>	Janise Bayne	<b>Telephone No.</b>	2574

**SUMMARY OF REQUESTED ACTION:**

County Executive/Department of Development, recommending to amend Resolution No. R2011-0201 dated 6/28/2011, which authorized the County Executive to enter into an agreement with Cuyahoga County District Board of Health in the amount not-to-exceed \$5,000.00 for the period 8/1/2008 - 9/30/2012, by changing the scope of services for assessment of playgrounds located in East Cleveland; and to conduct health monitoring activities in connection with the United States Environmental Protection Agency Brownfields Assessment Grants; declaring the necessity that this Resolution become immediately effective.

**Two Copies of this interagency agreement HAVE BEEN forwarded to Procurement for WET SIGNATURES on behalf of both the County Executive and Board of Health.**

THIS ITEM DOES NOT REQUIRE A PURCHASE REQUISITION.

**PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):**

DESCRIPTION/PURPOSE: Cuyahoga County, through our Department of Development Brownfields Redevelopment Division received TWO a competitive grants from the U.S. EPA. The **first grant** was in May 2008 to assist with Phase I and Phase II environmental assessments at brownfield sites suspected of being contaminated with hazardous substances and/or petroleum. Task 2 of this grant states that up to ten percent (10%) (up to a total of \$40,000) is specifically for assessments of soil, groundwater or other environmental analysis of proposed community garden and playground sites in the City of East Cleveland.

The **second** grant Cuyahoga County is administering is the Northcoast Brownfield Coalition (Coalition) coalition grant on behalf of Coalition members: Cuyahoga County Department of Development city of Cleveland Department of Development and Port of Cleveland. This U.S.EPA grant was awarded in 2009 to assist with Phase I and Phase II environmental assessments at brownfield sites suspected of being contaminated with hazardous substances and/or petroleum products. Task 3 of this grant specifies that the Cuyahoga County Board of Health (CCBH) will work collaboratively with the Coalition to conduct health monitoring on the assessment sites. The County and CCBH will expand upon their existing relationship, involving assessment of potential urban gardens, greenspace and recreation sites in the City of East Cleveland. The CCBH will continue assisting the County with site selection, while facilitating the inclusion of health considerations into the earliest phases of site selection, evaluation and development. CCBH's participation helps ensure that site redevelopments adequately protect public health.

OUTCOMES: Services to be provided under this agreement are outlined under task, 2 of the Final 2008 Assessment Grant cooperative Agreement (attached) and task 3 of the 2009 Northcoast Brownfield Coalition Brownfield Assessment Grand Work plan (also attached) copy of proposed "corrected resolution is attached.

**Explanation for late submittal:**

first resolution R2011-201 is being requested to be Rescinded due to incorrect wording of resolution

**Contract/Agreement Information:**

**Procurement Method:**

**Explanation for Increase/Decrease in \$ Amount for current request:**

**Financial Information:**

**Funding source: Explanation:**

**Total Amount Requested:**

\$

**ATTACHMENTS:**

Click to download

- [IA agreement signed by CCBH](#)
- [additional index codes](#)
- [Previous resolutions](#)
- [FY08 Workplan](#)
- [FY09 workplan](#)
- [auditor findings](#)
- [suggest revised resolution language](#)
- [outcomes clarification](#)
- [YB](#)
- [Executed](#)

History

Time

Who

Approval

# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0237

<b>Sponsored by: County Executive FitzGerald/Sheriff</b>	<b>A Resolution to _____</b> the report containing findings and recommendations of Fact-finder Burt W. Griffin on open issues in negotiations between the County and the Ohio Patrolmen's Benevolent Association, for a first collective bargaining agreement covering four employees in the classification of Lieutenant at the Sheriff's Department, and declaring the necessity that this resolution become immediately effective.
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WHEREAS, O.R.C. 4117.14(C)(3) of the Public Employees Collective Bargaining Act expressly authorizes parties who are engaged in collective bargaining negotiations to request fact-finding, an impasse resolution procedure, and the appointment of a fact-finding panel to assist the parties to resolve an impasse in contract negotiations; and,

WHEREAS, Cuyahoga County has been engaged in collective bargaining negotiations with the Ohio Patrolmen's Benevolent Association for a first contract covering four employees in the classification of Lieutenant at the Sheriff's Department; and,

WHEREAS, the parties reached impasse in contract negotiations and submitted their unresolved issues to fact-finding pursuant to O.R.C. 4117.14 (C), and a fact-finding hearing was conducted June 21, 2011, before Fact-finder Burt W. Griffin; and,

WHEREAS, O.R.C. 4117.14(C)(6)(a) requires that not later than seven days after the findings and recommendations are sent, the legislative body, by a three-fifths vote of its membership, may reject the recommendations, and if the recommendations are not rejected, the recommendations shall be deemed agreed upon as the final resolution of the issues submitted and a collective bargaining agreement shall be executed between the parties, including the fact-finding panel's recommendations, except as otherwise modified by the parties by mutual agreement; and,

WHEREAS, Pursuant to O.R.C. 4117.14(D), if the fact-finding report is rejected by either party, the next step for this bargaining unit of Lieutenants will be to advance all open issues to binding conciliation, a final offer settlement procedure, pursuant to a board order that is required to be issued forthwith to the parties by the State Employment Relations Board; and,

WHEREAS, Fact-finder Griffin sent his findings and recommendations on July 20, 2011 and the County Executive and Sheriff are recommending that the fact-finding report be \_\_\_\_\_.

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

**SECTION 1.** The findings and recommendations of Fact-finder Burt W. Griffin regarding open issues in collective bargaining negotiations between the County and the Ohio Patrolmen's Benevolent Association covering four employees in the classification of Lieutenant at the Sheriff's Department are hereby \_\_\_\_\_.

**SECTION 2.** 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.

**SECTION 3.** It is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue, and to continue the usual and daily operation of the County. Provided that this Resolution receives the affirmative vote of eight members of Council, this Resolution shall become immediately effective upon the signature of the County Executive.

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

Journal CC003  
July 26, 2011

OHIO STATE EMPLOYMENT RELATIONS BOARD

Ohio Patrolmen's Benevolent Association	)	Case No. 10-MED-03-0374
	)	
Union	)	Fact-Finder
	)	Judge Burt W. Griffin
vs.	)	
	)	<u>Fact-Finder's Recommendations</u>
Cuyahoga County & Cuyahoga County Sheriff	)	
	)	
Employer	)	

Background

The fact-finder was appointed by the Ohio State Employment Relations Board on May 7, 2010. By agreement of the parties and with permission of the Employment Relations Board, the fact-finding hearing was continued on numerous occasions so that the parties could continue negotiations.

By consent of the parties, the fact-finding hearing was held on June 21, 2011 in the conference room of the Cuyahoga County Sheriff. Representing the Union was Max Reiker, attorney for the Ohio Patrolmen's Benevolent Association. Representing the Employer (frequently called "the County") was Christopher J. Russ, Employee Relations Administrator for the Cuyahoga County Sheriff's Department. Also present on behalf of Cuyahoga County were Law Director Majeed Makhoul, Assistant Law Director Egdilio Morales, Captain Michael J. Jackson, and Matthew Rubino. Also present on behalf of the Union were Lt. Richard Peters and Lt. Bryan Smith.

Testimony was presented by Mr. Rubino and Lt. Peters. The following exhibits were accepted into evidence:

- Collective Bargaining Agreement for Cuyahoga County Sheriff's Deputies
- Collective Bargaining Agreement for Cuyahoga County Sheriff's Sergeants
- Agreed Provisions for Cuyahoga County Sheriff's Lieutenants
- Employer's Exhibit 1: Cuyahoga County 2011 Budget Update (June 21, 2011)
- Employer's Exhibit 2: Summary of Employer's Economic Package
- Employer's Exhibit 3: Deputy Sergeants Longevity Increments for years 5 to 25
- Employer's Exhibit 4: Economic Impact of Union Proposal
- Union Exhibit 1: 2011 First Quarter Report for Cuyahoga Sheriff's Office
- Union Exhibit 2: Appendix A: Revenue by Subfund, Forecast for 2011
- Union Exhibit 3: Cleveland.Com article, 5-25-11, on Cuyahoga sales tax increases
- Union Exhibit 4: Cuyahoga County Sales & Use Tax Analysis, 2008-2010
- Union Exhibit 5: CrainsCleveland.com, 2,14-20, 2011 article on Cleveland economic outlook

- Union Exhibit 6: Comparison of Sheriff Lt's pay in 10 Ohio Counties
- Union Exhibit 7: Comparison of Lt's pay in 18 Cuyahoga municipalities
- Union Exhibit 8: Conciliation Awards for Cuyahoga County (11/08-12/10)
- Union Exhibit 9: Basic Pay for Lt. Donald Michalosky (11/99-12/06)
- Union Exhibit 10: OPERS Brochure for possible pick-up plans
- Union Exhibit 11: Research analysis of George Zeller on Cuyahoga County Economy
- Union Exhibit 12: Cuyahoga County OBM report for 1<sup>st</sup> Quarter 2011.

At the conclusion of the hearing, the parties agreed that the fact-finder would submit his findings and recommendations on or before July 20, 2011 and would date the report July 20, 2011 to permit the Cuyahoga County Council to consider the findings and recommendations at its next scheduled meeting after July 20.

After the hearing, the fact-finder was also provided by the parties the conciliation opinion of Nels E. Nelson entered on December 20, 2010 in The Matter of Cuyahoga County Sheriff's Office and Ohio Patrolmen's Benevolent Association, Case No. 10-MED-07-0879 (State Employment Relations Board) (relating to wage re-opener for 140 deputies); the fact-finder's findings and recommendations of William C. Binning in the Matter of Fact-Finding between Cuyahoga County Sheriff's Office and Ohio Patrolmen's Benevolent Association, Case No. 09-MED-08-0788 (State Employment Relations Board) (relating to initial contract for sergeants); and the conciliation opinion of Gregory P. Szuter in the Matter of the Conciliation between Cuyahoga County Sheriff's Office and Ohio Patrolmen's Benevolent Association, Case No. 09-MED 10-788 (State Employment Relations Board) (relating to initial contract for sergeants).

### Findings of Fact and Recommendations

#### General Findings

This matter involves a negotiation on behalf of four member bargaining unit—the lieutenants employed by the Cuyahoga County Sheriff's Department. This is the first negotiation for the bargaining unit. There is no existing collective bargaining agreement for lieutenants.

There are presently 15 positions of sergeant inferior to that of lieutenant.<sup>1</sup> Sergeants have a collective bargaining unit and a collective bargaining agreement. Two positions of captain are superior to that of lieutenant. Captains do not constitute a collective bargaining unit. Thus, they have no collective bargaining agreement..

Prior to 2009 there were eight lieutenants. The number was decreased to four in 2009. All existing lieutenants hold their rank as a result of competitive examinations. Those four

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<sup>1</sup>Conciliation opinion of Gregory P. Szuter in the Matter of the Conciliation between Cuyahoga County Sheriff's Office and Ohio Patrolmen's Benevolent Association, Case No. 09-MED 10-788.

officers now perform all of the supervisory functions of the previous eight. Lieutenants supervise sergeants, detectives, and others. The number of people being supervised by each lieutenant is now greater than previously occurred.

The Cuyahoga County Sheriff's Department is financed primarily from general fund revenues. Since 2001, Cuyahoga County has had an inflation adjusted reduction in its general fund revenue from \$434.9 million to \$311.8 million. (Employer's Exhibit 1). The County's Office of Budget and Management (OMB) estimates that the general fund revenue will be \$354 million in 2011, \$355.7 million in 2012, and \$349.8 million in 2013.

As of the first quarter of 2011, the projected budget for the Sheriff's Department is \$89,136,103. Approximately, 90% is from the general fund. The expected number of full time equivalent employees for 2011 is 1,179.<sup>2</sup>

Lieutenants last had a pay increase in December 2006. In the current fiscal year, lieutenants accommodated the County's budget difficulties by foregoing a uniform allowance.

The parties have reached agreement as to all issues except the following:

1. Article 14--Wages
2. Article 30--Promotional Examinations
3. Article 36--Layoff and Recall
4. Article 41--On-duty Injury/Illness Leave
5. Article 55--OPERS "Pick-up" Plan

At the fact-finding hearing, the Union agreed to withdraw one other issue--A proficiency allowance.

#### The Unresolved Issues

##### Article 14--Wages.

*Present Pay.* Lieutenants now have a base pay of \$32.5154 per hour. That constitutes an annual (2080 hours) base pay of \$67,632. That is 7.9% greater than sergeants, who make \$30.1809 per hour--\$62,775 per year. Captains now make \$35.7375 per hour--\$74,334 per year--approximately 10% more than lieutenants.

The sergeant's pay scale results from a collective bargaining agreement, effective until December 31, 2012. That agreement provides that sergeants are entitled to be paid "eighteen percent (18%) greater than the highest hourly rate paid a Deputy Sheriff under the collective bargaining agreement between the Deputy Sheriffs and the [County]."

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<sup>2</sup>Union Exhibit No. 1.

Since the captains do not have a collective bargaining agreement, their pay is determined solely by management.

*Union's Request.* The Union seeks a 16% differential between Lieutenants and Sergeants. Under such an arrangement, the base pay for Lieutenants would be \$35.0098 per hour or \$72,820 per year. The Union also seeks a \$1,400 uniform allowance and \$1,125 premium for 15 year longevity.

The specific language requested is:

*There shall, at all times, be a minimum rank differential of 16.00% between the rank of Deputy Sheriff Sergeant and the rank of Deputy Sheriff Lieutenant, excluding longevity pay and uniform allowance. If at any time, the pay difference between a Deputy Sheriff Sergeant(s) and a Deputy Sheriff Lieutenant(s) is less than 16.00%, then the Employer shall immediately remedy the situation by raising the rate of pay of the affected Deputy Sheriff Lieutenant(s) to 16.00% greater than the rate of pay of the highest paid Deputy Sheriff Sergeant(s).*

If the requested hourly rate differential between sergeants and lieutenants were established, the additional annual cost to Cuyahoga County for the base pay increase would be \$5,188 per Lieutenant—a total of \$20,752 per year for the four members of the bargaining unit. The uniform allowance and longevity premium would add approximately \$10,000 more to the County's annual cost for the unit.

Although those costs are not great in a Sheriff's budget of nearly \$90,000,000, the requested increases pose an equity problem between lieutenants and captains. The annual payment per lieutenant would exceed the present wage payment per captain by \$1,011. Thus, the County would find it necessary to increase payments to each captain by at least \$6,702 or over \$13,400 to maintain the present pay differential between lieutenants and captains.

In short, the total cost to the County of the Union's request for Lieutenants would probably be approximately \$45,000 if all of the Union's requests—including uniform allowances and longevity premium were granted and the captains' salary was raised.

*County's Offer.* The County has proposed to retain the present base pay of \$32.5154 per hour (\$67,632 per year) for lieutenants. It says that it has already tentatively agreed to provide a \$1,400 uniform allowance and to provide a longevity increment of \$375 starting after 5 years and \$75 for each additional year. It notes that, for a 15 year employee, those benefits would constitute a 3.73% economic increase.

The County proposes an agreement lasting through 2013 with wage re-openers in 2012 and 2013. It says that its present financial condition and consistency with its policy of not

providing “any cost of living increases or other salary adjustments for either bargaining or non-bargaining units” in 2011 require such a policy.<sup>3</sup>

*The Essence of the Wage Dispute.* The heart of the dispute over wages is not one of ability to pay. The amount at issue—even if upward adjustments were made in wages for both captains and lieutenants—is not one that can not be paid out of either the County’s total resources or the Sheriff’s budget.<sup>4</sup> A retirement of one deputy or secretary and failure to employ a replacement would cover the cost of the requested wage increase for lieutenants and the likely increase for captains that would be necessary. Rather, the issues underlying the wage dispute are ones of policy consistency and wage inequity.

The County has declined the requested wage increase by lieutenants in order to maintain consistency with the general policy it has adopted of not providing “any cost of living increases and other salary adjustments . . . for employees.”<sup>5</sup> In the present contract negotiations it has been willing, however, to pay a uniform allowance and provide a longevity increment that lieutenants had not previously enjoyed. Such payments might not be considered “cost of living” or “salary adjustments.”

The Union argues that lieutenants should receive a wage increase because their wage level is inequitable. The Union notes that by reducing the number of lieutenants from eight to four, the workload of each lieutenant has been greatly increased without an accompanying pay increase.

The Union also says that wage inequities exist when the wages of lieutenants in the Cuyahoga County Sheriff’s Department are compared with wages both in sheriff’s departments in other counties and in suburban police departments in Cuyahoga County. For example, while the annual base pay of a lieutenant in the Cuyahoga County Sheriff’s Department is \$67,620.80, the base pay for a ten year sheriff’s employee in Summit County is \$70,495.58, in Lorain County \$74,617.29, in Medina County \$74,842, and in Lake County \$75,441.60. Even higher rates of pay exist for such employees in Montgomery County (\$82,628.61), Butler County (\$85,312.18),

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<sup>3</sup>Employer’s Exhibit 1, page 3.

<sup>4</sup>The County’s reserve fund is expected to exceed through 2013 its policy of maintaining a 20% to 25% unencumbered balance in relation to general fund income. The requested increase for lieutenants would not jeopardize that policy. The Sheriff’s department might also absorb the requested wage increase by possible economies related to purchases of supplies and equipment or personnel usage.

<sup>5</sup>Employer’s Exhibit No. 1, page 3. The fact-finder notes that this policy has apparently not been applied uniformly since newspaper reports have indicated that some management positions have been funded at levels higher than those paid under the form of county government that prevailed prior to November, 2010.

and Franklin County (\$92,331.20). Franklin County also provides a \$1,248 clothing allowance.<sup>6</sup>

The Union also provides evidence of top pay rates for 10 year police department employees in 18 Cuyahoga County suburbs. Pay levels—including clothing, longevity, and shift differentials—for such employees range from \$81,592 to \$95,318.16. The average pay for such employees is \$88,202.77.<sup>7</sup>

The Union argues that, if the lieutenants were awarded a wage rate that was 16% higher than that of sergeants, the lieutenants' base wages of \$72,800 per year would still be below the average wage rate of \$79,531.61 in the 10 counties offered in its comparison group. The Union also notes that a 16% differential with sergeants is lower than the 18% differential between sergeants and ordinary deputies that now exists in the Cuyahoga County Sheriff's Department.

Neither the County nor the Union has explained why suburban police officers and sheriff's officers in other counties appear to be paid more than both lieutenants and captains in the Cuyahoga County Sheriff's Department.

*Fact-finder's Recommendation and Reasoning.* Ohio Revised Code Section 4117.14 (G)(7) provides that the fact-finder's recommendations must be based upon:

- (a) Past collective bargaining agreements, if any, of the parties;
- (b) Comparison of the issues submitted to final offer settlement relative to other public and private employees doing comparable work, giving consideration to factors peculiar to the area and classification involved;
- (c) The interest and welfare of the public, and the ability of the public employer to finance and administer the issues proposed, and the effect of the adjustments on the normal standard of public service;
- (d) The lawful authority of the employer;
- (e) The stipulation of the parties;
- (f) Such other factors, not confined to those listed in this section, which are normally or traditionally taken into consideration in the determination of issues submitted to final offer settlement through voluntary collective bargaining, mediation, fact-finding, or other impasse resolution procedures in the public sector or private employment.

***The fact-finder recommends that the parties accept the Union's proposal of a 16% differential with Deputy Sergeant's base pay together with the agreement between the parties***

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<sup>6</sup>Union Exhibit No. 6.

<sup>7</sup>Union Exhibit No. 7.

*of \$1400 per year clothing allowance and \$375 longevity increment beginning after five years and a \$75 per year for each additional year thereafter.*

Recognizing the County's diminished revenues for 2011 and likely continued revenue reductions in 2012 and 2013, the recommended pay increase for lieutenants is quite small<sup>8</sup> in comparison to the total budget and can be absorbed by the county in various ways including--if necessary--a very small use of reserve funds.

Not to provide the recommended wage increases and clothing allowances will perpetuate a significant wage inequity for lieutenants. They have not had a wage increase since 2006, yet their responsibilities have increased. In the interim, both ordinary deputies and deputy sergeants have had a wage increase in 2010 under new collective bargaining agreements.

The inequity is magnified when one compares the wages of these lieutenants with officers in nearby counties and local police departments. The recommended base increase to \$72,820 per year will still leave the lieutenants below wage levels in Lake, Lorain, and Medina Counties. The lieutenants' base will also be from \$4,000 to \$23,000 below the pay levels in the 18 suburbs shown in the Union's comparison table.<sup>9</sup>

The 16.1% differential between lieutenants and sergeants is consistent with maintaining wage equity. The differential between sergeants and deputies awarded by Conciliator Gregory P. Szuter on December 3, 2010 is 18%.<sup>10</sup> The County had agreed in that dispute that 18% was an appropriate wage differential between sergeants and deputies. The County has offered no evidence to show that 16% is an improper differential between lieutenants and sergeants.

This recommended wage increase will not be inconsistent with the County's policy of not providing "any cost of living increases and other salary adjustments . . . for employees."<sup>11</sup> This is not a cost of living increase. It is, of course, a salary adjustment; but the policy against such adjustments has already been violated for deputy sheriffs and sergeants. Equity requires that lieutenants also be excepted from the general policy.

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<sup>8</sup>The total benefits likely to be paid to both lieutenants and captains are probably not much greater than \$45,000. Other employment costs to the County such as payments for unemployment compensation insurance will probably take the cost to the County slightly higher.

<sup>9</sup>See Union Exhibit 8.

<sup>10</sup>SERB Case No:09 MED 10-0788.

<sup>11</sup>Employer's Exhibit No. 1, page 3. The fact-finder notes that this policy has apparently not been applied uniformly since newspaper reports have indicated that some management positions have been funded at levels higher than those paid under the form of county government that prevailed prior to November, 2010.

Article 30: Promotional Examinations

*Union's Proposal.* The Union seeks the right to gain promotion to captain through a written, competitive promotional examination.

The Union's proposal reads:

Section 1. The Employer agrees that a request shall be made to an appropriate testing entity to conduct promotional examinations within the boundaries of Cuyahoga County. The Employer will maintain from such entity a current eligibility list in accordance with state law. No Employee with less than one (1) year of continuous, uninterrupted service as a Deputy Sheriff Lieutenant shall be eligible to sit for a promotional examination.

Section 2. The Employer shall provide the Union with notification of all requests and schedules for promotional examinations at the time the request is scheduled to be made. Upon receipt by the Employer, the Union shall be provided with a copy of the certified eligibility list generated from the results of the promotional examinations.

The Union argues that a similar provision for promotions exists in the collective bargaining agreements for deputies and sergeants.

*County's Position.* The County opposes this provision because the position of captain is a non-bargaining, unclassified fiduciary position and because Chapter 124 of the Ohio Revised Code does not require competitive examinations for promotion to the unclassified service. The County asserts that determination of who should hold such position is and should be an exclusive management right.

The County also argues that captains are presently in a fiduciary position. It says that Chapter 24 of the Ohio Revised Code requires competitive examinations only for classified service. It has not argued that Chapter 124 precludes competitive examinations.

*Fact-finders's Recommendation and Reasoning.* ***The fact-finder recommends that the Union's request be rejected.***

Neither side has presented evidence as to how present incumbents in the captain's positions obtained those positions, what a captain's duties are, what relationship a captain bears to the Sheriff, whether captains occupy a policy-making position that would favor appointment from an unrestricted list of candidates, and what the practices are in other communities with

respect to appointing captains.

Without case law and a detailed description of a captain's responsibilities and relationship to the Sheriff, it is impossible for the fact-finder to determine what legal restrictions preclude competitive examinations and whether the captain exercises a policy-making responsibility of the kind that would make it important for the Sheriff to be free to appoint such officials without competitive examination.

The fact-finder is fully aware that public confidence in the Sheriff's department is probably enhanced when non-policy making positions are filled from a list assembled through competitive examination; nonetheless, the fact-finder is unable to determine whether the public interest weighs in favor of competitive examinations. Without a fuller presentation of the role of captains and the presentation of legal authority, the fact-finder believes it would be irresponsible for him to recommend acceptance of the Union's proposal.

#### Article 36: Lay-off and Recall

The County and the Union have offered competing provisions for lay-off and recall. The County's proposal contains eight sections which, the County properly claims, are "based in large part on existing articles in both the Deputy Sheriff and Deputy Sergeant contracts." The Union's proposal is less detailed and contains only six sections

*Union's Request.* The two proposals are drafted in quite different language but the Union has stated that the only respect in which it differs with the County's proposal is that it wants the following language inserted in the County's proposal:

*In no situation shall an Employee who took a civil service examination prior to employment or prior to promotion be displaced by an Employee who did not take a valid civil service examination prior to employment.*

This proposal was made at the fact-finding hearing. It is not contained in the Union's version of Article 36 that was submitted to the fact-finder in the pre-hearing brief. The County did not respond to the proposal at the hearing.

The Union states that the purpose of this provision is to protect the lieutenants from being displaced by non-tested captains. A similar provision is in Section 6 of the Deputy Sergeants' collective bargaining agreement. Such a provision is not contained in the Deputy Sheriffs' contract. The deputy's contract was entered into prior to the sergeants' contract.

If the Union's proposed language were adopted, it might appropriately be included as the second sentence in Section 2 of the County's proposal which would then read:

*The Employer shall determine when a layoff will occur. In no situation shall an Employee who took a civil service examination prior to employment or prior to promotion be displaced by an Employee who did not take a valid civil service examination prior to employment. Affected Employees will be laid off in accordance with their established seniority within rank. Bargaining unit Employee(s) with the least seniority will be laid off first. In the event that more than one Employee has the same date of hire, the established seniority list will be used to determine the most senior Employee.*

*Fact-finder's Recommendation and Reasoning. The fact-finder recommends that the Union's request be adopted and that the following language be inserted in an appropriate section of Article 36:*

*In no situation shall an Employee who took a civil service examination prior to employment or prior to promotion be displaced by an Employee who did not take a valid civil service examination prior to employment.*

A similar provision is included in the collective bargaining agreement for sergeants. The requested provision serves the salutary purpose of assuring that lieutenants are people who were hired or promoted in the Cuyahoga County Sheriff's department based upon merit. It also protects existing lieutenants—all of whom did pass a competitive examination—from being displaced by those who did not.

#### Article 39: Vacation Time.

The Union seeks an enhanced vacation schedule which would award three (3) weeks vacation after six years service, four (4) weeks in the 11<sup>th</sup> to 19<sup>th</sup> year, five (5) weeks in the 20<sup>th</sup> year, and an additional day for the 21<sup>st</sup>, 22<sup>d</sup>, 23<sup>rd</sup>, and 24<sup>th</sup> years until six (6) weeks was granted for the 25<sup>th</sup> and succeeding years. The County proposes a vacation schedule for lieutenants that is identical to deputies and sergeants: three (3) weeks after six years, four (4) weeks after 15 years, and five weeks after 21 years.

The parties have not provided any other information relevant to justification.

*Fact-finder's Recommendation and Reasoning. The fact-finder recommends that the Union's request for additional vacation leave be rejected. The County's proposal for vacation leave should be implemented.*

The practice in the department for many years has been for all ranks to accrue vacation leave at the same rate. The Union's request would enable lieutenants to accrue vacation leave at a more favorable rate than other employees. The County's proposal gives lieutenants the same

vacation accrual as deputies and sergeants. The lieutenants should not become a pace-setter on vacation accrual at this time of the County's financial uncertainty.

#### Article 41: On-Duty Injury/Illness Leave

The parties have agreed to use the current language in the Deputy Sergeant's contract with one exception. The disputed exception involves how long the employee may remain on paid leave for an "On-duty critical incident" causing "a serious disabling illness" or "disability" before having to substitute PERS disability pay for County pay. In Section 5 of the County's proposal, the County has suggested a six month limit to County pay. The Union suggests that the only limit be until "the Employee . . . is eligible for disability pay."

*Fact-finder's Recommendation and Reasoning.* **The fact-finder recommends that the following sentences be substituted for Section 5 of the County's proposal:**

*Leave shall be paid for such period of time as the Employee is actually disabled. The Employee shall receive full compensation from the Employer as if the Employee was working until the Employee is able to return to full time duty or is eligible for disability pay. The Employer may require verification of injury/illness status every thirty (30) days or as otherwise deemed necessary. Upon determination of the Sheriff and confirmed by a physician chosen by the Employer, the Employer may, at any time, require that the Employee apply for disability pay.*

The Union originally requested pay from the County for on-duty injury/illness for an unlimited period of time.. The County proposed a six month limit. The six month limit is identical to the provision in the sergeants' contract.

Paid disability leave for an unlimited period is unreasonable. However, six months is an arbitrary time limit since it is possible that an Employee may suffer a disabling injury which will permit return to full time work in more than six months.

A compromise similar to that defined above was discussed at the fact-finding hearing. The language suggested in the fact-finder's recommendation gives the County authority to compel the Employee to switch to disability pay under the applicable insurance program at any time--even in less than six months--but allows the Employee to continue on paid leave from the County for a longer period of time if there is a reasonable likelihood that the Employee can return to duty.

#### Article 55: Miscellaneous:

This issue involves whether the lieutenants shall participate in a tax deferral plan for retirement plan deductions that is available under federal and state income tax law. If the County were to adopt a particular resolution recommended by OPERS, the deduction of federal and state income taxes in the lieutenant's pay check would be less than if the resolution were not adopted. The lieutenant would thus get a slightly greater amount in his pay check than if the resolution were not adopted. No additional expense would be incurred by the County. No changes in retirement plan deductions would occur.

*Union's Proposal.* The Union has proposed the following language in Article 55:

Section 1. The Employer shall institute the "tax deferred" Employer pick-up plan in the OPERS Employer Brochure entitled "Pick-up Plans: A Guide for Employers."

*County's Position.* The County has expressed concern that the proposal is "potentially impacted by S.B.5."

The required County resolution adopting an OPERS Pick-up Plan is set forth in an OPERS brochure entitled "PICK-UP PLANS: A GUIDE FOR EMPLOYERS." The County may select either a "Fringe-benefit method" resolution or a "Salary-reduction method" resolution published in the brochure. The Union has not expressed a preference.

*Fact-finder's Recommendation and Reasoning.* **The fact finder recommends that the following language be included in Article 55:**

***Section 1. The Employer shall institute for the benefit of lieutenants one of the "tax deferred" Employer pick-up plans as outlined in the OPERS Employer Brochure entitled "Pick-up Plans: A Guide for Employers.***

The fact-finder can see no reason why one of the plans outlined in the aforementioned brochure should not be implemented. There is no cost to the County. Employees will receive a slightly larger pay check because federal and state taxes will not be deducted for money sent to PERS. The suggested plans are widely used in Ohio. Indeed, Common Pleas judges in Cuyahoga County benefit from such plans

The County has not explained how S.B. 5 can presently affect this provision in the collective bargaining agreement.

\s\Burt W. Griffin

Fact-Finder

July 20, 2011

Certificate of Service

A copy of the foregoing findings of fact, recommendations, and reasons was sent by E-mail to Christopher Russ, Esq., [cruss@cuyahogacounty.us](mailto:cruss@cuyahogacounty.us) , to Max Rieker, Esq, [maxrieker@sbcglobal.net](mailto:maxrieker@sbcglobal.net) , and to Mary Laurent of the State Employment Relations Board, [mary.laurent@serb.state.oh.us](mailto:mary.laurent@serb.state.oh.us) this 14<sup>th</sup> day of July, 2011.

\s\Burt W. Griffin

# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0238

Sponsored by: <b>County Executive FitzGerald, Department of Development</b>	<b>A Resolution</b> authorizing the County Executive to enter into an agreement with City of Cleveland Heights in the amount not-to-exceed \$512,500.00 for lead hazard remediation for the period 7/1/2011 – 7/31/2014, and declaring the necessity that this resolution become immediately effective.
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WHEREAS, the Department of Development has requested approval of an agreement with City of Cleveland Heights in the amount not-to-exceed \$512,500.00 for lead hazard remediation for the period 7/1/2011 - 7/31/2014; and,

WHEREAS, a Lead Hazard Reduction Demonstration grant was awarded to the Cuyahoga County Board of Health in January 2011 to clean up lead and other health hazards, train workers in lead safety methods, and increase public awareness about childhood lead poisoning; and,

WHEREAS, The Board of Health partnered with the Department of Development and others to implement this grant; and

WHEREAS, As a sub-grantee, the department is entering into an agreement with the City of Cleveland Heights to administer Lead Remediation in at least 50 units, including client intake, qualification, remediation and construction management; and,

WHEREAS, The City of Cleveland Heights will carry out lead remediation at the homes of low-income families, with children under age six living in the home with elevated blood levels indicative of blood poisoning; and

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

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

**SECTION 1.** The County Executive is hereby authorized to enter into an agreement with the City of Cleveland Heights in the amount not-to-exceed \$512,500.00 for lead hazard remediation for the period 7/1/2011 – 7/31/2014.

**SECTION 2.** It is necessary that this Resolution become immediately effective to assure that service can commence and not jeopardize Federal funding secured for lead hazard remediation. Provided that this Resolution receives the affirmative vote

of eight members of Council, this Resolution shall become immediately effective upon the signature of the County Executive.

**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 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 Assigned:

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



**Item Details:**

<b>Agency/Dept. Name:</b>	Department of Development	<b>Agency/Dept. Head Name:</b>	Larry Benders, Director
<b>Type of Request:</b>	Agreement/Amendment		
<b>Request Prepared by:</b>	Angela Henderson	<b>Telephone No.</b>	(216) 443-8162
<b>SUMMARY OF REQUESTED ACTION:</b>			
Submitting an agreement in the amount of \$512,500 with the City of Cleveland Heights for Lead Hazard Remediation for the period July 1, 2011 - July 31, 2014.			
Wet Signature required - original document submitted to Clerk via inter-office mail.			
<b>PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):</b>			
A Lead Hazard Reduction Demonstration grant was awarded to the Cuyahoga County Board of Health in January to clean up lead and other health hazards, train workers in lead safety methods, and increase public awareness about childhood lead poisoning. The Cuyahoga County Board of Health received \$4,500,000 in Lead Hazard Reduction Demonstration funds to continue primary and secondary lead poisoning prevention approaches throughout Cuyahoga County. Cuyahoga County will evaluate 380 homes for lead hazards, eliminate lead hazards in 345, conducting outreach and education for 1145 people, and provide training to 50 individuals.			
The Board of Health partnered with the Department of Development and others to implement this grant. As a sub-grantee, the department is entering into an agreement with the City of Cleveland Heights to administer Lead Remediation in at least 50 units, including client intake, qualification, remediation and construction management. The City of Cleveland Heights will carry out lead remediation at the homes of low-income families, with children under age 6 living in the home with elevated blood levels indicative of lead poisoning.			
<b>Explanation for late submittal:</b>			
N/A			

**Contract/Agreement Information:**

**Procurement Method:**

Other

**Explanation for Increase/Decrease in \$ Amount for current request:**

n/a

**Financial Information:**

**Funding source: Explanation:**

Federal

U.S Department of HUD Lead Hazard Reduction Grant passed through County Board of Health

**Total Amount Requested:**

\$512,500.00

**ATTACHMENTS:**

Click to download

- [Cleveland Heights Lead Agreement](#)
- [Evaluation](#)
- [History](#)
- [Auditor's Findings](#)
- [YB](#)
- [Voucher](#)

**History**

**Time**

7/11/2011 12:18 PM

**Who**

Clerk of the Board  
County Auditor

**Approval**

Yes

**CONTRACT/AGREEMENT EVALUATION FORM**  
(To be completed in its entirety by user department for  
all contract/agreement renewals or amendments.)

Contractor: City of Cleveland Heights

Contract/Agreement No.: AG0800010-01, 02    Time Period: 11/01/2007 – 10/31/2010

Service Description: Lead Hazard Remediation

Original Contract/Agreement Amount: \$512,500

Prior Amendment(s) Amount(s): N/A

Performance Indicators: This grant application approved by the U. S. Department of HUD the City of Cleveland Heights shall carry out lead remediation at the homes of low-income families with children under age of 6 living in the home.

Actual performance versus performance indicators (include statistics): The City of Cleveland Heights completed all work in a timely manner.

Rating of Overall Performance of Contractor (Check One):

- Superior
- Above Average
- Average
- Below Average
- Poor

Justification of Rating: Cleveland Heights completed all work in a timely manner and provided more leverage than required.

Angela Henderson  
User Department

06/24/2011  
Date

# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0239

Sponsored by: <b>County Executive FitzGerald/Department of Development</b>	<b>A Resolution</b> authorizing awards to various municipalities, in the total amount of \$1,150,000.00, for various municipal grant projects for the Neighborhood Stabilization Program for the period of 7/12/2011 – 1/11/2013; authorizing the County Executive to enter into agreements consistent with said awards.
--	--

WHEREAS, the County Executive and the Department of Development have recommended awards to various municipalities for various municipal grant projects for the Neighborhood Stabilization Program 3 (NSP3) for the period 7/12/2011 – 1/11/2013; and

WHEREAS, the Neighborhood Stabilization Program 3 purchases and redevelops foreclosed properties in residential neighborhoods to help stabilize communities; and

WHEREAS, all eligible municipalities were invited to submit funding proposals in a competitive process; and

WHEREAS, the Department of Development has reviewed and scored all the NSP3 applications according to program guidelines; and

WHEREAS, each selected municipality will carry out eligible Neighborhood Stabilization Program 3 activities as set forth in their written funding proposal; and

WHEREAS, funding for these awards comes from federal Department of Housing and Urban Development funds in connection with the NSP3 Community Development Block Grant (CDBG) monies.

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

**SECTION 1.** That the recommended awards to the following municipalities, to carry out the eligible Neighborhood Stabilization Program activities set forth in their written funding proposals for the period of 7/12/2011 – 1/11/2013, are approved, and the County Executive is hereby authorized to enter into agreements with each municipality consistent with their award as follows:

- a) City of Bedford in the amount of \$150,000.00
- b) City of Cleveland Heights in the amount of \$250,000.00





**Item Details:**

<b>Agency/Dept. Name:</b>	Department of Development	<b>Agency/Dept. Head Name:</b>	Lawrence Benders, Director
<b>Type of Request:</b>	Award Recommendation		
<b>Request Prepared by:</b>	Kimberly S. Cooper	<b>Telephone No.</b>	216-443-7267
<b>SUMMARY OF REQUESTED ACTION:</b>			
Recommending awards for activities for various municipal grant projects in connection with the Neighborhood Stabilization Program 3 (NSP3) for the period July 12, 2011 - January 11, 2013 to the following municipalities:			
<ol style="list-style-type: none"><li>1. City of Lakewood - \$250,000.00</li><li>2. City of Bedford - \$150,000.00</li><li>3. Village of Newburgh Heights - \$250,000.00</li><li>4. City of Cleveland Heights - \$250,000.00</li><li>5. City of Shaker Heights - \$250,000.00</li></ol>			
<b>PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):</b>			
Each municipality will carry out eligible Neighborhood Stabilization Program 3 (NSP3) activities as set forth in its written funding proposal. As stated in the County's Neighborhood Stabilization Program 3 (NSP3) application submitted to and approved by the United States Department of Housing and Urban Development, all eligible municipalities were invited to submit funding proposals by May 27, 2011.			
<b>Explanation for late submittal:</b>			

**Contract/Agreement Information:**

<b>Procurement Method:</b> RFP (Request for Proposal)
<b>Explanation for Increase/Decrease in \$ Amount for current request:</b>

N/A

**Financial Information:**

**Funding source:**      **Explanation:**  
Federal                      Neighborhood Stabilization Program 3 (CDBG)

**Total Amount Requested:**  
\$1,150,000.00

**ATTACHMENTS:**

Click to download

- [Summary of applications received](#)
- [HUD-Approved NSP3 Funding Application](#)
- [Executive Approval - EA2001-0197](#)
- [Municipal grant program description](#)
- [Score Sheet](#)

**History**

Time

Who

Approval

Clerk of the Board



Tier	Community	Project Description	Requested Grant Funds	Matching Funds	Total Project Cost	Census Tract(s) + Block Group	County Council District	Impact No(s)	No. of properties addressed	AVERAG E SCORE	RECOMMEND?	RECOMMENDED AWARD
1	Lakewood	Acquire, rehab and resale of 3 homes and demolition of 6. 1521 Clarence Ave., 1559 Clarence Ave., 1565 Clarence Ave.	\$250,000.00	\$671,450.00	\$921,450.00	1616.00(1)	2	3	9	91	YES	\$250,000.00
2	Bedford	Demolish 2 family structure in Presidential District and rebuild new, energy efficient single family. 800 Washington	\$150,000.00	\$0.00	\$150,000.00	1322.00(2)	9	1	1	85	YES	\$150,000.00
1	Newburgh Heights	Acquisition, rehab and resale of 3 homes in the Upton/East side of town. 3982 E 53rd St., 3978 E 53rd St., 3962 E 53rd St.	\$249,450.00	\$0.00	\$249,450.00	1920	6	3	3	81	YES	\$250,000.00
1	Shaker Heights	Acquire and rehab 2 residential properties to transfer ownership to a nonprofit to manage and rent to student interns and entrepreneurs. Will house between 6 and 12 individuals	\$250,000.00	\$500,000.00	\$250,000.00	1836.03(5)	9	2	2	79.5	YES	\$250,000.00
1	Cleveland Heights	Acquire, rehab and resell (2) homes and demolish 4 structures	\$250,000.00	\$52,000.00	\$302,000.00	1407.0(1)	10	2	6	71.5	YES	\$250,000.00
1	Village of Linndale	New in-fill construction of 4 single-family homes on village-owned lot at 1915 Avenue of Peace.	\$250,000.00	\$328,800.00	\$578,800.00	1915.00(1)	4	0	4	63.75		
2	Lakewood	Acquire, rehab and resale of 2 adjacent homes and demolition of 6. 1559 Clarence Ave., 1565 Clarence Ave.	\$150,000.00	\$639,450.00	\$789,450.00	1616.00(1) 1816.03(3) 1836.09(6)	2	3	8	90		
2	Shaker Heights	Side lot program. Survey, re-plot and recording of city-owned lots to sell to eligible neighbors.	\$78,000.00	\$65,227.00	\$143,227.00	1836.04(7) 1836.04(5)	9	2, 3, 3, 3	2, 3, 3, 3	72.5		
2	South Euclid	Green Neighborhoods Initiative. In-fill construction of a single home and demolition to eliminate blight. 1080 Argonne	\$150,000.00	\$105,000.00	\$255,000.00	1851.02(3)	11	2	2+	58.5		
1	South Euclid	Green Neighborhoods Initiative. In-fill construction of 2 homes and demolition to eliminate blight. 1080 Argonne Rd., 1120 South Belvoir Blvd.	\$250,000.00	\$169,200.00	\$419,200.00	1851.02(3)	11	2	3	58.5		
2	Berea	Will acquire, rehab and resale 1 home and acquire and demolish 5 homes in the Potts District. 586 Grayton	\$150,000.00	\$0.00	\$150,000.00	1341.00(1)	5	2	6	51		

Total Grant Funds \$1,150,000.00

# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0240

Sponsored by: <b>County Executive FitzGerald/Department of Development</b>	<b>A Resolution</b> authorizing awards to various municipalities, in the total amount of \$2,109,532.00, for various municipal grant projects for the Community Development Block Grant Program for the period 7/1/2011 – 12/31/2012; authorizing the County Executive to enter into agreements consistent with said awards.
--	--

WHEREAS, the Department of Development has recommended awards to various municipalities, in the total amount of \$2,109,532.00, for municipal grant projects utilizing the Community Development Block Grant Program funds for the period of 7/1/2011 – 12/31/2012; and

WHEREAS, the Municipal Grant Program allows 51 Urban County Communities to apply for CDBG funded FY2011 Municipal Grant Program from the Department of Development; and

WHEREAS, eligible projects must meet one of HUD's national objectives, benefit low-moderate income persons, aid in the prevention of slum and blight, or meet other urgent community needs; and

WHEREAS, 21 of the Urban County Communities submitted 36 applications for various projects which were reviewed and scored by the Department of Development in accordance with program guidelines; and

WHEREAS, funding for these awards comes solely from federal Department of Housing and Urban Development in connection with the CDBG funds.

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

**SECTION 1.** That the recommended awards to the following municipalities, in the total amount of \$2,109,532.00, for various municipal grant projects for the Community Development Block Grant Program for the period of 7/1/2011 – 12/31/2012 are hereby approved, and authorizing the County Executive to enter into agreements with each municipality consistent with said awards as follows:

- a) City of Maple Heights for the Broadway Avenue Reconstruction Project in the amount of \$500,000.00
- b) City of North Olmsted for the Country Club Boulevard Streetscape Project in the amount of \$350,000.00

- c) Village of Oakwood for the Richmond-Broadway Intersection Realignment Project in the amount of \$350,000.00
- d) City of Parma Heights for the Ackley Boulevard Reconstruction Project Phase 2 in the amount of \$150,000.00
- e) City of Bedford for the Historic Bedford Automobile Enhancement Project in the amount of \$150,000.00
- f) City of Shaker Heights for the Gridley Triangle Park Improvements Project in the amount of \$120,000.00
- g) City of Bay Village for the Senior Center ADA Improvements Project in the amount of \$49,900.00
- h) City of Brooklyn for the Removing Barriers to Limited Mobility Seniors and Handicapped Individuals Project in the amount of \$93,312.00
- i) City of Berea for the Polish Village Neighborhood Improvement Project Phase 2 in the amount of \$150,000.00
- j) Village of Woodmere for the Police and Fire Department Building and Site Improvement Project in the amount of \$136,320.00
- k) Village of Newburgh Heights for a Comprehensive Community Development Plan Update in the amount of \$30,000.00
- l) City of Fairview Park for a Master Plan Update in the amount of \$30,000.00.

**SECTION 2.** 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 Assigned:

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



**Item Details:**

**Agency/Dept. Name:** Department of Development      **Agency/Dept. Head Name:** Larry Benders

**Type of Request:** Award Recommendation

**Request Prepared by:** Pequita L. Hansberry      **Telephone No.:** 8397

**SUMMARY OF REQUESTED ACTION:**

Requesting the County Executive approval of awards to various communities for Community Development Block Grant (CDBG) funded FY 2011 Municipal Grant Program activities with effective dates for the period July 1, 2011 to December 31, 2012. The Department of Development has reviewed and scored the applications for Municipal Grant Program funds based on the program's guidelines and recommends the following awards:

1. Maple Heights Broadway Avenue Reconstruction \$500,000
2. North Olmsted County Club Blvd Streetscape Project \$350,000
3. Oakwood Village Richmond-Broadway Intersection Realignment Project \$350,000
4. Parma Heights Ackley Blvd. Reconstruction \$150,000
5. Bedford Historic Bedford Automobile Enhancement Project \$150,000
6. Shaker Heights Gridley Triangle Park Improvements \$120,000
7. Bay Village Senior Center ADA Improvements \$49,900
8. Brooklyn Removing Barriers - ADA Improvements \$93,312
9. Berea Polish Village Neighborhood Improvements Phase 2 \$150,000
10. Woodmere Police & Fire Dept. Building/Site Improvement Project \$136,320
11. Newburgh Heights Comprehensive Community Development Plan Update \$30,000
12. Fairview Park Master Plan Update \$30,000

**PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):**

The Municipal Grant Programs allows the 51 Urban County communities to apply for HUD CDBG funds from the DoD. Eligible projects must meet one of HUD's national objectives, benefit low-moderate income persons, aid in the prevention of slum and blight, or meet other urgent community needs. Thirty-six applications were submitted from twenty-one of the Urban County Communities.

**Explanation for late submittal:**

**Contract/Agreement Information:**

**Procurement Method:**

Other

**Explanation for Increase/Decrease in \$ Amount for current request:**

**Financial Information:**

**Funding source:      Explanation:**

Federal                      CDBG

**Total Amount Requested:**

\$2,109,532

**ATTACHMENTS:**

Click to download

- [Program Description](#)
- [2011 Projects](#)
- [Application](#)
- [App Instructions](#)
- [Scoresheet](#)
- [Evaluation Criteria](#)

**History**

**Time**

**Who**

Clerk of the Board

**Approval**

**FY 2011 Competitive Municipal Grant**

**TIER 2- Scoring Sheet**

<b>Community Name</b>	<b>Name of Project</b>	<b>Total Points</b>
		<b>0</b>

<b>PART I - HUD National Objectives - Maximum 35 Points</b>	<b>POINTS POSSIBLE</b>	<b>CCDOD USE</b>
<b>A. Low and Moderate Income Benefit - Maximum 35 Points</b>		

<b>1. Limited Clientele</b>		
· Project to benefit at least 300 persons or 25% population	35	
· Project to benefit at least 200 persons or 20% population	30	
· Project to benefit at least 100 persons or 15% population	25	
· Project to benefit at least 50 persons or 10% population	20	
· Project to benefit at least 5% population	15	
<b>OR</b>		
<b>2. Permanent Jobs</b>		
· Create/Retain 100 jobs over 3 years	35	
· Create/Retain 75 jobs over 3 years	30	
· Create/Retain 50 jobs over 3 years	25	
· Create/Retain 25 jobs over 3 years	20	
· Create/Retain 10 jobs over 3 years	15	
<b>OR</b>		
<b>3. Geographic Area</b>		
· Benefit at least 300 persons or CDBG cost is \$500 or less per person	35	
· Benefit between 100-299 persons or CDBG cost is between \$501 - \$1,500 per person	30	
· Benefit between 50-99 persons or CDBG cost is between \$1,501 - \$2,500 per person	25	
· Benefit between 25-49 persons or CDBG cost is between \$2,501 - \$4,000 per person	20	
· Benefit between 10-24 persons or CDBG cost is between \$4,001 - \$6,000 per person	15	
<b>OR</b>		
<b>4. Prevent/Eliminate Slum &amp; Blight - Maximum 10 Points</b>		
· Entire project located in ITA.	35	
· Project NOT located in ITA.	0	
<b>PART I - SUBTOTAL</b>		<b>35</b>

Reviewer's Comments:

**TIER 2- Scoring Sheet**

<b>PARTII - Past Performance - Maximim 20 Points</b>	<b>POINTS POSSIBLE</b>	<b>CCDOD USE</b>
<b>A. Fair Housing - Possible 5 Points</b>		
· Ordinance with enforcement provisions. Ordinance must have the 7 protected	3	
· Resolution with both State and Federal authority enforcement provisions <b>(for townships only); OR</b>	3	
· Resolution of fair housing support adopted within the calendar year when application is submitted.	1	
· Pre-approved Diversity Activities Up to 2 activities within the calendar year when the application is submitted or the prior calendar year <b>(1 point for each activity, maximum 2 points).</b>	2	
<b>B. Affordable Housing Opportunitites - Possible 5 Points</b>		
· Community has a nuisance abatement order; AND/OR	2	
· Community requires point of sale inspection.	1	
· Community has approved and documented, through legislation, support of senior housing projects; AND/OR	1	
· Community has approved and documented, through legislation, support of mixed income projects.	1	
<b>C. Financial Management / Competency - Possible 5 Points</b>		
· The community has demonstrated capacity to properly administer CDBG grants and meet original contract dates in past 3 years <b>OR</b> no grant awarded to community in past 3 years	5	
· The community has had minor problems in administering CDBG grants in the past three years, including missed bid dealines or contract was amended for budget changes or to extend the timeframe due to circumstances outside the community's control.	3	
· The community has had multiple problems in administering CDBG grants in the past three years, including missed bid dealines or contract was amended for budget changes or to extend the timeframe, late submission of payrolls or reimbursement request.	1	
· The community has not demonstrated capacity to properly administer CDBG grant awards in the past three years. This includes <b>MORE THAN ONE AMENDMENT</b> , missed bid deadlines and repeated administrative problems within the past three years or three amendments.	0	
<b>D. Master Plan - Possible 5 Points</b>		
· Master Plan completed and adopted within past 10 years with citizen participation. Copy of Plan and Council Ordinance of adoption submitted with application or they have been previously submitted and are listed on file with Department	3	
· Master Plan in process and funds committed. Letter to document progress is attached.	2	
· Capital Improvement, Community Development, Area Redevelopment Plan or Land Use Plan submitted and completed within past 5 years. Documentation is attached.	1	
<b>AND</b> - The proposed project is part of the Master Plan document and the pertinent section of the Master Plan is included with this application	1	
<b>AND</b> - The proposed project is included in the community's 5 year Improvement Plan and the Improvement Plan is included with this application	1	
· City does not have a Master Plan or Plan is out dated	0	
<b>PART II - SUBTOTAL</b>		<b>20</b>
Reviewer's Comments:		

<b>TIER 2- Scoring Sheet</b>		
<b>PARTIII - Project Design &amp; Impact - Maximum 25 Points</b>	<b>POINTS POSSIBLE</b>	<b>CCDOD USE</b>
<b>A. Citizen Participation - Possible 5 Points</b>		
High level of citizen interaction in the planning process for this specific grant application/project OUTSIDE of the public hearing(s) that is thoroughly documented. Minimum requirements also followed.	5	
High level of effort to obtain citizen input was demonstrated but efforts did not result in high level of citizen interaction. Minimum requirements also followed.	3	
Minimum requirements followed: held public hearing and submitted minutes, attendance list, ad, and proof of date of publication for public hearing	1	
Community did not follow minimum requirements	0	
<b>B. Quality of Application - Possible 5 Points</b>		
Application submitted bound or in a 2-inch 3 ring, loose-leaf binder with 5 tabs only, and is clear, complete, typewritten, need and strategy is clearly stated including all required documentation at time of submission.	5	
Application is missing tabs, information or materials at time of submission, or it is not submitted in the manner specified, but need and strategy is clearly stated.	3	
Application is complete but need and strategy is not clearly stated.	1	
Application was not received by deadline	0	
<b>C. Health and Safety Need - Possible 10 Points</b>		
OR System is in URGENT need of repair or replacement as it is in CRITICAL condition according to Project has major impact on emergency, survival, health or safety of community as documented by qualified third party in grant application.	10	
OR System is deteriorated and should be repaired or replaced as it is in POOR condition according to Project has a high impact on health or safety of community, and a permanent improvement is necessary and is clearly documented by qualified third party	7	
Project alleviates a high degree of traffic endangerment, reduces crime, fills a vacant building with a viable use, corrects code or ADA violations, or addresses similar improvement, and is clearly documented by qualified third party.	5	
Project alleviates a lesser degree of the above, or qualified third party documentation is missing.	3	
OR Project represents basic maintenance or minor repair and/or upgrading of the existing system Project has little or no impact on the health and safety of community.	0	
Reviewer's Comments:		
<b>TIER 2- Scoring Sheet</b>		
<b>D. Usage of Recycled/Green/ Sustainable Material - Possible 5 Points</b>		
The project utilizes 50% OR greater green or sustainable practices as documented in the	5	
The project utilizes 30-49% green or sustainable practices as documented in the	3	
The project utilizes 10-29% green or sustainable practices as documented in the	1	
<b>PART III - SUBTOTAL</b>	<b>25</b>	
<b>TOTAL POINTS</b>	<b>80</b>	
<b>BONUS POINT</b>		
Muni Grant Seminar	1	
Reviewer's Comments:		

# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0241

Sponsored by: <b>County Executive FitzGerald/Department of Workforce Development, in partnership with City of Cleveland Workforce Investment Board</b>	<b>A Resolution</b> authorizing the County Executive to enter into an amendment to Contract No. CE1000585-01 with United Labor Agency, Inc. for Employment Connection employer services for the period 7/1/2010 – 6/31/2011 to extend the time period to 6/30/2012 and for additional funds in the amount \$1,272,000.00; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the Department of Workforce Development requested approval of an amendment to Contract No. CE1000585-01 with United Labor Agency, Inc. for Employment Connection employer services for the period 7/1/2010 – 6/31/2011 to extend the time period to 6/30/2012 and for additional funds in the amount \$1,272,000.00; and

WHEREAS, the contract with United Labor Agency provides services to match job seekers to available jobs, work with local Chambers of Commerce and economic development organizations, aid local employers with human resource services by screening and referring applicants for employment, and marketing available services and programs to employers; and

WHEREAS, Workforce Investment Act allocations were not known until the beginning of June, and contract negotiations did not commence until after such allocations were known, and

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

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

**SECTION 1.** That the County Executive/Department of Workforce Development is hereby authorized to enter into an amendment to Contract No. CE1000585-01 with United Labor Agency, Inc. for Employment Connection employer services for the period 7/1/2010 – 6/31/2011 to extend the time period to 6/30/2012 and for additional funds in the amount \$1,272,000.00.

**SECTION 2.** It is necessary that this Resolution become immediately effective to assure that service can continue and not jeopardize Federal funding secured for workforce investment. Provided that this Resolution receive the affirmative vote of eight members of

Council, this Resolution shall become immediately effective upon the signature of the County Executive.

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



**Item Details:**

<b>Agency/Dept. Name:</b>	Department Workforce Development	<b>of Agency/Dept. Head Name:</b>	Judith Weyburne
<b>Type of Request:</b>			
<b>Request Prepared by:</b>	Frank Brickner	<b>Telephone No.</b>	698-2363
<b>SUMMARY OF REQUESTED ACTION:</b>			
<p>Workforce Development, submitting an amendment to Contract No. CE1000585 with United Labor Agency, Inc. for workforce-related services to employers for the period 7/1/10 - 6/30/11, to extend the time period to 6/30/12 and for additional funds in the amount of \$1,272,000.</p>			
<b>PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):</b>			
<p>The amendment with Labor Agency is to continue to provide a wide array of services to employers. Through this contract, employers have a single point of contact to provide information about current and future skills needed by their workers and to list job openings. United Labor Agency will continue to perform the following:</p> <ul style="list-style-type: none"> <li>- Identify a seamless process for matching job seekers from the One-Stop Centers to available jobs.</li> <li>- Successfully engage businesses to identify jobs with large and emerging employers;</li> <li>- Interact with the local Chambers of Commerce and other economic development organizations;</li> <li>- Aid local employers with Human Resource services to assist by screening and qualifying applicants before they are referred on for consideration for employment.</li> <li>- Market all available services and programs to employers, and to educate and motivate them to use One-Stop Center services and resources to benefit their businesses.</li> </ul>			
<p>To-date performance has been very good. The number of job placements has increased over 1,000 from the prior fiscal year (over 2,500 this fiscal year (7/1/10 - 6/22/11) as compared to 1,500 for the fiscal year 7/1/09 - 6/30/10).</p>			

Dave Megenhardt is the Executive Director  
1020 Bolivar Road  
Cleveland, Oh 44115

**Explanation for late submittal:**

Workforce Investment Act allocations were not known until the beginning of June. Contract negotiations did not commence until the allocations were known.

**Contract/Agreement Information:**

**Procurement Method:**  
RFP (Request for Proposal)

**Explanation for Increase/Decrease in \$ Amount for current request:**  
No change in funding

**Financial Information:**

**Funding source:** Federal      **Explanation:** Workforce Investment Act

**Total Amount Requested:**  
\$1,272,000.00

**ATTACHMENTS:**

Click to download

- [ULA - Contract Amendment](#)
- [Auditor, DMA, ORC](#)
- [Evaluation](#)
- [RFP Period Dates](#)
- [BB](#)
- [Voucher](#)

**History**

Time	Who	Approval
7/7/2011 1:38 PM	Office of Procurement & Diversity	Yes
7/7/2011 2:45 PM	Clerk of the Board	Yes
7/8/2011 9:08 AM	County Auditor	Yes
	County Prosecutor Civil	

**CONTRACT/AGREEMENT EVALUATION FORM**  
(To be completed in its entirety by user department for  
all contract/agreement renewals or amendments.)

Contractor: United Labor Agency, Inc. (ULA)

Contract/Agreement No.: CE1000585-01  
6/30/11

Time Period: 7/1/10 –

Service Description: ULA provides workforce-related services to employers. Employers recognize ULA as the single point of contact to share information about current and future skills needed by their workers and to post specific job openings for existing and new jobs. ULA is to possess strong linkages with employers and the Employment Connection (EC) one-stop system, demonstrate a willingness and ability to collaborate with EC management and staff, and be committed to match job-ready individuals with employers in real-time.

Original Contract/Agreement Amount: \$1,272,000.00

Prior Amendment(s) Amount(s): None

Performance Indicators: Number of job placements of WIA eligible individuals – initial goal was to place 2,000 WIA job seekers

Actual performance versus performance indicators (include statistics): As of 6/22/11, 2,501 WIA eligible job seekers have been placed.

Rating of Overall Performance of Contractor (Check One):

- Superior
- Above Average
- Average
- Below Average
- Poor

Justification of Rating: Job placements have been 25% greater than initially anticipated in a difficult economic climate.

\_\_\_\_\_  
Frank Brickner  
User Department

\_\_\_\_\_  
6/22/11  
Date

# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0242

<b>Sponsored by: County Executive FitzGerald/Department of Workforce Development, in partnership with City of Cleveland/Cuyahoga County Workforce Investment Board</b>	<b>A Resolution</b> authorizing the County Executive to enter into amendments to contracts with various providers for Employment Connection One-Stop operation and services to adult job seekers for the period 7/1/2010 - 6/30/2011 to extend the time period to 6/30/2012; and declaring the necessity that this resolution become immediately effective.
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WHEREAS, the County Executive/Department of Workforce Development, in partnership with City of Cleveland/Cuyahoga County Workforce Investment Board has requested approval of amendments to various contracts with various providers for Employment Connection One-Stop operation and services to adult job seekers for the period of 7/1/2010 – 6/30/2011 to extend the time period to 6/30/2012, and for additional funds in the amount of \$2,379,825.00; and,

WHEREAS, these amendments are necessary to continue to offer employment connection services mandated by the federal Workforce Investment Act (WIA) to adults and dislocated worker job seekers; and,

WHEREAS, the contracted services include job search and placement assistance, career guidance, labor market information (which identifies job vacancies, skills needed for in-demand jobs, and local, regional and national employment trends), assessment of skills and needs, development of individual employment plans, case management, and providing follow-up services after job placement; and,

WHEREAS, all three selected providers have documented above-average performance for the period of 7/1/2010 – 6/30/11 based upon performance indicators and meeting performance expectations which has resulted in the Department of Workforce Development meeting or exceeding all federal performance indicators; and,

WHEREAS, funding for these amendments is provided through the federal Workforce Investment Act.

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

**SECTION 1.** That the County Executive is hereby authorized to amend Contract No. CE10000591-01 with United Labor Agency, Inc. for the additional period of 7/1/2011 – 6/30/2012 in the amount of \$2,028,000.00.

**SECTION 2.** That the County Executive is hereby authorized to amend Contract No. CE1000589-01 with Mature Services, Incorporated for the additional period of 7/1/2011 – 6/30/2012 in the amount of \$101,825.00.

**SECTION 3.** That the County Executive is hereby authorized to amend the Contract No. CE1000590-01 with Towards Employment, Incorporated for the additional period of 7/1/2011 – 6/30/2012 in the amount of \$250,000.00.

**SECTION 4.** It is necessary that this Resolution become immediately effective to assure that service can continue and not jeopardize Federal funding secured for workforce investment. Provided that this Resolution receive the affirmative vote of eight members of Council, this Resolution 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 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 \_\_\_\_\_  
\_\_\_\_\_, 2011

# Novus AGENDA



## Item Details:

**Agency/Dept. Name:** Department of Workforce Development  
**Agency/Dept. Head Name:** David Reines

**Type of Request:** Contract/Amendment

**Request Prepared by:** Frank Brickner  
**Telephone No.:** 698-2363

### SUMMARY OF REQUESTED ACTION:

Workforce Development, submitting amendments to various contracts for one-stop operation and services to adult job seekers for the period 7/1/10 - 6/30/11, to extend the time period to 6/30/12 and for additional funds. The recommended contract amendments and additional funds are with the following organizations:

United Labor Agency, Inc. - \$2,028,000.00 Increase  
Mature Services, Incorporated - \$101,825.00 Increase  
Towards Employment, Incorporated - \$250,000.00 Increase

### PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):

The amendments are necessary to continue to offer employment connection services mandated by the federal Workforce Investment Act (WIA) to adults and dislocated worker job seekers. Contracted services include job search and placement assistance, career guidance, labor market information (which identifies job vacancies, skills needed for in-demand jobs, and local, regional and national employment trends), assessment of skills and needs, development of individual employment plans, case management, assisting eligible clients in choosing a certified training program that meets assessments and employment goals, work experience, and providing follow-up services after job placement. **The recommended providers will continue to be expected to ensure that the past successful performance will be maintained. The key performance measures set by the State of Ohio, that are currently being met include:** Entered Unsubsidized Employment Rate for Adults and for Dislocated Workers · Employment Retention Rate after six months for Adults and for Dislocated Workers · Average earnings for Adults and

#### Dislocated Workers

To-date performance has been very good. Workforce Development is meeting or exceeding all federal performance measures. The number of job seekers who have found employment has increased dramatically from the previous fiscal year - over 2,500 this fiscal year (7/1/10 - 6/22/11) as compared to 1,500 for the fiscal year 7/1/09 - 6/30/10).

#### Primary Owners are as follows:

United Labor Agency, Inc. - David Megenhardt, Executive Director  
1020 Bolivar Road Cleveland 44115

Towards Employment, Incorporated - Jill Rizika, Executive Director  
1255 Euclid Avenue, Suite 300, Cleveland 44115

Mature Services, Incorporated - Linda Valentine, Executive Director  
415 Portage Path, Akron 44320

#### Explanation for late submittal:

Late notice of Grant allocations for the fiscal year commencing 7/1/11.

#### Contract/Agreement Information:

##### Procurement Method:

RFP (Request for Proposal)

##### Explanation for Increase/Decrease in \$ Amount for current request:

#### Financial Information:

Funding source:	Explanation:
Federal	Workforce Investment Act

##### Total Amount Requested:

\$2,379,825.00

#### ATTACHMENTS:

Click to download

- [Mature Services Amendment](#)
- [Towards employ, Contract Amend.](#)
- [Ula - Contract Amendment](#)
- [Mature Services - Auditor, DMA, ORC](#)
- [ULA - Auditor, DMA, ORC](#)
- [Towards Employ - Auditor, DMA, ORC](#)
- [Contract Evaluations](#)
- [RFP Page - Allowing time extension](#)
- [History Log](#)
- [Updated COC-Towards Employment](#)
- [BB](#)
- [BB](#)

**CONTRACT/AGREEMENT EVALUATION FORM**  
(To be completed in its entirety by user department for  
all contract/agreement renewals or amendments.)

Contractor: Mature Services, Incorporated

Contract/Agreement No.: CE1000589-01

Time Period: 7/1/10 – 6/30/11

Service Description: Assist with the provision of one-stop job search and placement activities to WIA eligible adults.

Original Contract/Agreement Amount: \$335,313.00

Prior Amendment(s) Amount(s): \$25,007.00

Performance Indicators: Successfully assist with the provision of one-stop job search and placement activities to WIA eligible adults at the comprehensive One-Stop centers located at 1020 Bolivar Road and 11699 Brookpark Road. The performance indicators were the number of people receiving services including job search assistance and job placement and retention services; and the placement wage of those receiving jobs.

Actual performance versus performance indicators (include statistics): Mature Services is a key partner in ensuring that all federal performance measures are met (measures include employment, employment retention and earnings). The public workforce system has placed over 2,500 eligible job seekers this fiscal year.

Rating of Overall Performance of Contractor (Check One):

- Superior
- Above Average
- Average
- Below Average
- Poor

Justification of Rating: Contractor performs well; the Above Average rating was given based on performance indicators and meeting performance expectations.

Workforce Development  
User Department

6/20/11

Date

**CONTRACT/AGREEMENT EVALUATION FORM**  
(To be completed in its entirety by user department for  
all contract/agreement renewals or amendments.)

Contractor: Towards Employment Incorporated

Contract/Agreement No.: CE1000590-01      Time Period: 7/1/10 – 6/30/11

Service Description: Provide WIA eligible ex-offenders with job search and placement assistance so they can become employed.

Original Contract/Agreement Amount: \$280,017.00

Prior Amendment(s) Amount(s):

Performance Indicators: Provide assessments, job search and placement assistance to 300 ex-offenders. 75 ex-offenders who receive intensive services will become employed full-time.

Actual performance versus performance indicators (include statistics): Through April, 2011, 175 WIA eligible ex-offenders received intensive assistance. 59 have found full time employment. Anticipate the employment figures to go up significantly as the individuals complete their workshops and commence job search.

Rating of Overall Performance of Contractor (Check One):

- Superior
- Above Average
- Average
- Below Average
- Poor

Justification of Rating: Anticipate that contract benchmarks will be achieved. Placement numbers to-date are strong, considering dealing with a tough population to place.

Workforce Development  
User Department

6/20/11  
Date

**CONTRACT/AGREEMENT EVALUATION FORM**  
(To be completed in its entirety by user department for  
all contract/agreement renewals or amendments.)

Contractor: United Labor Agency, Inc.

Contract/Agreement No.: CE1000591-01      Time Period: 7/1/10 – 6/30/11

Service Description: Assist with the provision of one-stop job search and placement activities to WIA eligible adults.

Original Contract/Agreement Amount: \$2,028,000.00

Prior Amendment(s) Amount(s):

Performance Indicators: Successfully assist with the provision of one-stop job search and placement activities to WIA eligible adults at the comprehensive One-Stop centers located at 1020 Bolivar Road and 11699 Brookpark Road. The performance indicators were the number of people receiving services including job search assistance and job placement and retention services; and the placement wage of those receiving jobs.

Actual performance versus performance indicators (include statistics): United Labor Agency is a key partner in ensuring that all federal performance measures are met (measures include employment, employment retention and earnings). The public workforce system has placed over 2,500 eligible job seekers this fiscal year.

Rating of Overall Performance of Contractor (Check One):

- Superior
- Above Average
- Average
- Below Average
- Poor

Justification of Rating: Contractor performs well; the Above Average rating was given based on performance indicators and meeting performance expectations.

Workforce Development  
User Department

6/20/11  
Date

# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0215

Sponsored by: <b>County Executive FitzGerald/Department of Development</b>	A <b>Resolution</b> authorizing the County Executive to enter into an amendment to Agreement No. AG1000313-02, 03 with City of Euclid for the HOME Rehabilitation and Resale of Single-Family Homes Program for the period 10/1/2010 - 12/31/2012 to change the terms, effective 4/1/2011, and for additional funds in the amount of \$105,966.00; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the Department of Development has requested approval of an amendment to Agreement No. AG1000313-02, 03 with the Euclid for the HOME Rehabilitation and Resale of Single-Family Homes Program for the period 10/1/2010 – 12/31/2012 to change the terms, effective 4/1/2011, and for additional funds in the amount of \$105,966.00; and

WHEREAS, the City of Euclid will use fiscal year 2008 HOME funds in conjunction with its Neighborhood Stabilization Program funding to rehabilitate and sell vacant properties; and

WHEREAS, these funds are the City of Euclid’s share of the Federal HOME funds allocated to the Cuyahoga Housing Consortium; and

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

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

**SECTION 1.** That the County Executive/Department of Development is hereby authorized to amend Agreement No. AG1000313-02, 03 with City of Euclid for the HOME Rehabilitation and Resale of Single-Family Homes Program for the period 10/1/2010 – 12/31/2012 to change the terms, effective 4/1/2011, and for additional funds in the amount of \$105,966.00.

**SECTION 2.** It is necessary that this Resolution become immediately effective to assure that work can continue and not jeopardize Federal funding secured for this project. Provided that this Resolution receive the affirmative vote of eight members of Council, this Resolution shall become immediately effective upon the signature of the County Executive.



# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0216

Sponsored by: <b>County Executive FitzGerald/Department of Development</b>	<b>A Resolution</b> authorizing awards on RQ20209 to Alabasi Construction Incorporated in the amount of \$1,466,661.00 and to Scharton Electric Company, Inc. in the amount of \$106,970.00 for heating unit replacement and associated energy conservation activities at the Westerly Apartments, located at 14300 Detroit Avenue, Lakewood, in connection with the Home Weatherization Assistance Program for the period 8/1/2011 - 11/30/2011; authorizing the County Executive to enter into contracts consistent with said awards; and declaring the necessity that this Resolution become immediately effective. (Executive Approval No. EA2011-0474 - authority to seek proposals.)
--	--

WHEREAS, the Department of Development is recommending awards on RQ20209 to Alabasi Construction Incorporated in the amount of \$1,466,661 for window replacement, insulation, heating/ventilation and plumbing fixture replacement work and to Scharton Electric Company, Inc. in the amount of \$106,970 for lighting fixture replacement work and associated energy conservation activities for the Westerly Apartments, located at 14300 Detroit Road, Lakewood, in connection with the Home Weatherization Assistance Program for the period 8/1/2011-11/30/2011; and,

WHEREAS, the Westerly Apartments is a nonprofit-owned senior citizen apartment building located in Lakewood, Ohio, whose tenants are lower-income retired persons; and

WHEREAS, the building was constructed in the 1960's before modern energy efficiency standards had been established and a recent energy audit showed the need for window replacements, boiler replacements, energy efficient lighting installation, and water conservation through installation of more efficient plumbing fixtures; and,

WHEREAS, the project cost was established by competitive bidding and each award for specific parts of the work represents the lowest of multiple bids from fully qualified contractors; and,

WHEREAS, the winning bidder for window replacement, boiler replacement, and plumbing fixture replacement is a local company headquartered in the City of Cleveland; and the winning bidder for electric fixture replacement is a local company headquartered in Chardon, Ohio; and,

WHEREAS, because of its nonprofit ownership and lower-income tenant population, the Westerly Apartments does not have large cash reserves or access to private bank financing to pay for energy efficiency repairs and renovations; and,

WHEREAS, federal stimulus funds, provided to Cuyahoga County through the Ohio Department of Development's Home Weatherization Assistance Program, paid for the energy audit and will pay for nearly all the contracted work, with the nonprofit owner contributing approximately \$30,000; and,

WHEREAS, Cuyahoga County entered into a funding agreement to receive the federal stimulus weatherization funds paying for this and other weatherization projects countywide in May 2009 and the legal basis for this funding is the American Recovery and Reinvestment Act of 2009; and,

WHEREAS, rules for the weatherization program are set by the United States Department of Energy and Ohio Department of Development; Cuyahoga County has operated this program since 1989, and the Department of Development expects to continue to make available this federally funded program, serving approximately 500 low-income households each year, for the foreseeable future; 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 agency.

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

**SECTION 1.** The recommended award on RQ20209 to Alabasi Construction Incorporated in the amount of \$1,466,661 for window replacement, insulation, heating/ventilation and plumbing fixture replacement work at the Westerly Apartments, located at 14300 Detroit Road, Lakewood, in connection with the Home Weatherization Assistance Program for the period 8/1/2011-11/30/2011 is hereby approved and the County Executive is authorized to enter into a contract with Alabasi Construction Incorporated for an amount not-to-exceed the award amount stated therein.

**SECTION 2.** The recommended award on RQ20209 to Scharon Electric Company, Inc. in the amount of \$106,970 for lighting fixture replacement work at the Westerly Apartments, located at 14300 Detroit Road, Lakewood, in connection with the Home Weatherization Assistance Program for the period 8/1/2011-11/30/2011 is hereby approved and the County Executive is authorized to enter into a contract with

Scharton Electric Company, Inc. for an amount not-to-exceed the award amount stated therein.

**SECTION 3.** It is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue, and to continue the usual and daily operation of the County. Provided that this Resolution receives the affirmative vote of eight members of Council, this Resolution shall become immediately effective upon the signature of the County Executive.

**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: June 28, 2011

Committee(s) Assigned: Economic Development & Planning

Journal CC003  
July 26, 2011

# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0217

Sponsored by: <b>County Executive FitzGerald/Fiscal Officer/Office of Budget &amp; Management</b>	A <b>Resolution</b> amending the 2011 Annual Appropriation Measure by providing for additional fiscal appropriations from the General Fund and other funding sources, for appropriation transfers between budget accounts, and for cash transfers between budgetary funds, in order to meet the budgetary needs of various County departments, offices, and agencies; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, on October 28, 2010, the former governing body of Cuyahoga County adopted the 2011 Annual Appropriation Measure establishing the 2011 annual budgets for all County departments, offices and agencies;

WHEREAS, it is necessary to adjust the 2011 Annual Appropriation Measure to reflect budgetary funding increases, funding reductions, to transfer budget appropriations, and to transfer cash between budgetary funds, in order to accommodate the operational needs of certain County departments, offices, and agencies; and

WHEREAS, it is further 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 County departments, offices, and agencies; **NOW, THEREFORE,**

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

**SECTION 1.** That the 2011 Annual Appropriation Measure be amended to provide for the following additional appropriation increases and decreases:

<u>Fund Nos./Budget Accounts</u>		<u>Journal Nos.</u>
A.	01A001 – General Fund	BA1100542
	LA000794 – Law Department	
	Personal Services	\$ 375,000.00
	Other Expenses	\$ 129,750.00
	Capital Outlay	\$ 9,375.00

Funding Source: General Fund

B.	20A076 – Cuyahoga County Regional Forensic Science Lab	<b>BA1100535</b>
	CR180265 – Cuyahoga County Regional Forensic Science Lab	
	Personal Services	\$ 125,000.00

Funding Source: Funding is from contributions made by the participating partners, Sheriff's Office, Prosecutors Office and the County Coroner (lab fund).

C.	01A001 – General Fund	<b>BA1100560</b>
	IG030411 – Inspector General	
	Personal Services	\$ 323,000.00
	Other Expenses	\$ 52,000.00

Funding Source: General Fund.

D.	20A804 – Public Defender – Cleve Municipal Div	<b>BA1100558</b>
	PD141028 – Public Defender – Cleve Municipal Div	
	Personal Services	\$ 304,000.00
	Other Expenses	\$ 122,000.00

Funding Source: The funding source for the Public Defenders Cleveland Municipal Division is a cooperative agreement that became effective January 2004.

E.	24A430 – Executive Office HHS	<b>BA1100625</b>
	HS157289 – Executive Office HHS	
	Other Expenses	\$ 18,000.00

Funding Source: Health and Human Services Levy Fund.

F.	01A001 – General Fund	<b>BA1100561</b>
	SH351080 – Impact Unit/Community Policing	
	Personal Services	\$ 665,627.00
	Other Expenses	\$ 45,000.00
	Capital Outlay	\$ 289,373.00

Funding Source: General Fund.

G.	20A635 – Title IV-E Juvenile Court	<b>BA1100536</b>
	JC517326 – Title IV-E Administration Juvenile Court	
	Other Expenses	\$ 260,000.00

Funding Source: U.S. Department of Health and Human Services.

H.	24A601 – Senior and Adult Services	<b>BA1100578</b>
	SA138594 – Medicaid Benefits	
	Personal Services	\$ (1,872,187.00)
	Other Expenses	\$ (79,850.00)

Funding Source: Various public assistance allocations, as well as the County's Health and Human Services Levy Fund.

I.	24A510 – Work & Training Administration		<b>BA1100563</b>
	WT137463 – Virgil Brown		
	Personal Services	\$	1,872,187.00
	Other Expenses	\$	79,850.00

Funding Source: Various public assistance allocations, as well as the County's Health and Human Services Levy Fund.

J.	01A001 – General Fund		<b>BA1100595</b>
	TR161059 – Treasurer Administration		
	Personal Services	\$	340,000.00
	Other Expenses	\$	36,000.00

Funding Source: General Fund.

K.	20A301 – Real Estate Assessment		<b>BA1100596</b>
	AU800029 – Auditor Assessment Fund		
	Other Expenses	\$	700,000.00

Funding Source: Real Estate Assessment Fund funding is a percentage of property tax receipts

L.	01A001 - General Fund		<b>BA1100616</b>
	LA000794 – Law Department		
	Personal Services	\$	156,240.00
	Other Expenses	\$	40,085.00
	Capital Outlay	\$	1,070.00

Funding Source: General Fund.

M1.	01A001 – General Fund		<b>BA1100636</b>
	CC012112 – Employment		
	Personal Services	\$	(80,479.07)
	Capital Outlays	\$	(149.37)
M2.	01A001 – General Fund		
	CC126912 – Labor Relations		
	Personal Services	\$	(119,273.04)
	Capital Outlays	\$	(233.38)

Funding Source: General Fund.

N.	01A001 - General Fund		<b>BA1100585</b>
	DV014225 – Regional Collaboration		
	Personal Services	\$	143,750.00
	Other Expenses	\$	10,000.00

Funding Source: General Fund.

O.	01A001 - General Fund			<b>BA1100635</b>
	CN017004-County Council			
	Personal Services	\$	176,955.00	
	Other Expenses	\$	22,167.00	

Funding Source: General Fund.

P.	01A001 - General Fund			<b>BA1100676</b>
	CC012088 – Office of Procurement and Diversity			
	Other Expenses	\$	15,000.00	

Funding Source: General Fund

**SECTION 2.** That the 2011 Annual Appropriation Measure be amended to provide for the following appropriation transfers:

**Fund Nos. /Budget Accounts** **Journal Nos.**

A.	FROM:	01A001 – General Fund		<b>BA1100551</b>
		CC011213 – Clerk of the Board		<b>BA1100550</b>
		Personal Services	\$ 374,767.80	
	TO:	01A001 – General Fund		
		CC012088 – Procurement and Diversity		
		Personal Services	\$ 328,167.80	
		Other Expenses	\$ 46,600.00	

Funding Source: General Fund

B.	FROM:	01A001 – General Fund		<b>BA1100503</b>
		DR391052 – Domestic Relations Court		
		Other Expenses	\$ 110,890.00	
	TO:	01A001 – General Fund		
		DR495515 – Domestic Relations Child Support		
		Other Expenses	\$ 110,890.00	

Funding Source: General Fund

C.	FROM:	01A001 – General Fund		<b>BA1100556</b>
		DR391052 – Domestic Relations Court		
		Other Expenses	\$ 1,000.00	
	TO:	01A001 – General Fund		
		DR495515 – Domestic Relation Child Support		
		Other Expenses	\$ 1,000.00	

Funding Source: General Fund.

D.	FROM:	01A001 – General Fund	BA1100594
		AU800011 – Auditor General Fund	
		Other Expenses \$	97,700.00
	TO:	01A001 – General Fund	
		AU800011 – Auditor General Fund	
		Personal Services \$	97,700.00

Funding Source: General Fund.

E.	FROM:	20A301 – Real Estate Assessment	BA1100597
		AU800029 – Auditor Assessment Fund	
		Personal Services \$	500,000.00
	TO:	20A301 – Real Estate Assessment	
		AU800029 – Auditor Assessment Fund	
		Other Expenses \$	500,000.00

Funding Source: Real Estate Assessment Fund funding is a percentage of property tax receipts

**SECTION 3.** That the 2011 Annual Appropriation Measure be amended to provide for the following cash transfers between County funds.

**Fund Nos. /Budget Accounts** **Journal Nos.**

A1.	FROM:	29A391 - 4.8 Mill Levy	JT1100090
		SU514414 – Senior & Adult Services Subsidy 4.8	
		Transfer Out \$	2,974,675.00
		29A390 2.9 Mill Levy	
		SU513994 – Senior & Adult Services Subsidy 2.9	
		Transfer Out \$	2,974,675.00
	TO:	24A601 - Senior & Adult Services	
		SA138321 – Administrative Services – SA	
		Revenue Transfer \$	5,949,350.00
A2.	FROM:	29A391 – 4.8 Mill Levy	JT1100090
		SU514299 – Children & Family Services Subsidy 4.8	
		Transfer Out \$	6,956,798.00
		29A390 – 2.9 Mill Levy	
		SU513960 – Children & Family Services Subsidy 2.9	
		Transfer Out \$	6,956,798.00

TO: 24A301 – Children & Family Services  
CF135467 - Administrative Services – CF  
Revenue Transfer \$ 13,913,596.00

A3. FROM: 29A391 – 4.8 Mill Levy **JT1100090**  
SU514315 – Children Services Fund – Bd & Care Subsidy  
4.8  
Transfer Out \$ 9,892,370.75

29A390 – 2.9 Mill Levy  
SU513978 – Children Services Fund – Bd & Care Subsidy  
2.9  
Transfer Out \$ 9,892,370.75

TO: 20A303 – Children Services Fund  
CF134049 – Purchased Congregate & Foster Care  
Revenue Transfer \$ 19,784,741.50

Funding Source: Health and Human Services Levy Fund.

**SECTION 4.** This Resolution is hereby determined to be an emergency measure and that it is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue, and to continue the usual and daily operation of County departments, offices and agencies. Provided that this Resolution receives the affirmative vote of eight members elected to Council, this Resolution 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 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: June 28, 2011

Committee(s) Assigned: Finance & Budgeting, Health, Human Services & Aging  
and Justice Affairs

Journal CC003  
July 26, 2011

# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0223

<b>Sponsored by: County Executive FitzGerald/Department of Public Works/County Engineer</b>	<b>A Resolution</b> declaring that public convenience and welfare requires resurfacing of Taylor Road from Euclid Avenue to the East Cleveland South Corporation Line in the City of East Cleveland; total estimated construction cost \$1,375,000.00; finding that special assessments are not to be levied and collected to pay any part of the County's costs of said improvement; and authorizing the County Executive to enter into an agreement of cooperation with City of East Cleveland in connection with said project.
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WHEREAS, the County Executive/Department of Public Works has recommended that public convenience and welfare require the resurfacing of Taylor Road from Euclid Avenue to the East Cleveland South Corporation Line in the City of East Cleveland with a total estimated construction cost of \$1,375,000.00; and,

WHEREAS, special assessments are not to be levied and collected to pay for any part of the County's costs of this improvement; and,

WHEREAS, the apportionment of estimated costs is as follows: design engineering - \$100,000.00 County, \$25,000.00 City (Issue 1), construction costs - \$1,100,000.00 County, \$275,000.00 City (Issue 1), total estimated costs - \$1,200,000.00 - County, \$300,000.00 City; and,

WHEREAS, it is anticipated that this project will be bid in 2013.

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

**SECTION 1.** That public convenience and welfare requires resurfacing of Taylor Road from Euclid Avenue to the East Cleveland South Corporation Line in the City of East Cleveland.

**SECTION 2.** The County Executive is hereby authorized to enter into an agreement of cooperation with the City of East Cleveland in connection with said project.

**SECTION 3:** The County Executive/Department of Public Works is directed to prepare the necessary plans, specifications and estimate of costs for said improvement and submit same to Council.

**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 12, 2011

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

Journal CC003

July 26, 2011

# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0224

Sponsored by: <b>County Executive FitzGerald/Department of Public Works/County Engineer</b>	<b>A Resolution</b> authorizing the County Executive to enter into an agreement of cooperation with Village of Bratenahl for replacement of Lakeshore Boulevard Bridge No. 188.
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WHEREAS, the Department of Public Works has recommended that the County Executive enter into an agreement of cooperation with the Village of Bratenahl for the replacement of Lakeshore Boulevard Bridge No. 188; and,

WHEREAS, the public convenience and welfare for this project was previously declared by the Board of County Commissioners on January 21, 2010, Resolution No. 100303; and,

WHEREAS, on May 18, 2011, the Village Council of Bratenahl authorized the entry of an Agreement of Cooperation with the County through Ordinance No. 3522 ; and,

WHEREAS, the project entails the replacement of Bridge No. 188; and,

WHEREAS, the funding for this project is as follows - \$1,200,000.00 Federal, \$300,000.00 County - Total estimated Construction Cost \$1,500,000.00; and,

WHEREAS, it is anticipated that this project will be bid in 2015

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

**SECTION 1.** That the County Executive is hereby authorized to enter into and execute an agreement of cooperation with the Village of Bratenahl for the replacement of Lakeshore Boulevard Bridge No. 188.

**SECTION 2.** 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 12, 2011

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

Journal CC003

July 26, 2011

# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0225

<p>Sponsored by: <b>County Executive FitzGerald/Department of Public Works/County Engineer</b></p>	<p>A <b>Resolution</b> authorizing the County Executive to enter into a Local Public Agency agreement with Ohio Department of Transportation for local replacement and rehabilitation of the following bridges: Miles Road Bridge over Chagrin River in the City of Bentleyville, Monticello Boulevard Bridge over the West Branch of Euclid Creek in the City of South Euclid, Hilliard Road Bridge over Rocky River in the City of Lakewood and Cedar Point Road Bridge over Rocky River in the City of North Olmsted; and declaring the necessity that this Resolution become immediately effective.</p>
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WHEREAS, the Fracture Critical Bridge, Continuous Multi-Span Bridge, and Culvert Load Rating Project (Project) has been selected to receiving federal funding, having received Federal Highway Administration approved authorization; and,

WHEREAS, in conjunction with the aforementioned Project, the County Engineer, through the Department of Public Works, has submitted a request for the approval of, and the authorization for the County Executive to enter into, a Local Public Agency (LPA) agreement with the Ohio Department of Transportation (ODOT) providing for Local Bridge Replacement and Rehabilitation (LBR) funds awarded by the County Engineer's Association for the reimbursement of 80% of the costs, up to a maximum of \$79,987.20 out of a total cost estimated to be \$99,984.00, for load rating analysis of the following bridges: Hilliard Road Bridge over Rocky River in the City of Lakewood; Miles Road Bridge over Chagrin River in the City of Bentleyville; Monticello Boulevard Bridge over the West Branch of Euclid Creek in the City of South Euclid; and, Cedar Point Road Bridge over Rocky River in the City of North Olmsted; and,

WHEREAS, on March 8, 2011, the Department of Public Works received Executive Approval No. EA2011-0092 which granted authority to accept the grant award and to expend the grant funds; and,

WHEREAS, the LPA sets forth the requirements associated with the funds available for load rating analysis of the aforementioned bridges; and,

WHEREAS, it is necessary that this Resolution become immediately effective because the Project involves the utilization of federal funds for reimbursement of

costs incurred by the County for the Project, and the LPA, by its terms, expires on June 30, 2012.

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

**SECTION 1.** That the County Council hereby approves of, and the authorizes the County Executive to enter into, a Local Public Agency agreement with the Ohio Department of Transportation providing for Local Bridge Replacement and Rehabilitation funds awarded by the County Engineer's Association for the reimbursement of 80% of the costs, up to a maximum of \$79,987.20 out of a total cost estimated to be \$99,984.00, for load rating analysis of the following bridges: Miles Road Bridge over Chagrin River in the City of Bentleyville; Monticello Boulevard Bridge over the West Branch of Euclid Creek in the City of South Euclid; Hilliard Road Bridge over Rocky River in the City of Lakewood; and, Cedar Point Road Bridge over Rocky River in the City of North Olmsted.

**SECTION 2.** It is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue the usual and daily operation of the County, and to assure that work encompassed by the LPA can commence and be completed, and that reimbursement for said work can be sought, prior to June 30, 2012. Otherwise, any delay in commencement of the work may cause the loss of reimbursement funds. Provided that this Resolution receives the affirmative vote of eight members of Council, this Resolution shall become immediately effective upon the signature of the County Executive.

**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 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 12, 2011

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

Amended on the Floor: July 12, 2011

[Corrected description of Monticello Boulevard Bridge and Cedar Point Road Bridge]

Journal CC003

July 26, 2011

# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0226

Sponsored by: <b>County Executive FitzGerald/Department of Public Works/County Engineer</b>	<b>A Resolution</b> authorizing the County Executive to approve an additional settlement in the amount of \$150.00 in connection with the appropriation of property rights for the grading, draining and paving of Bainbridge Road from S.O.M. Center Road to the Solon East Corporation Line in the City of Solon for Parcel No. 113T, and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, in 2009, the Board of Commissioners of Cuyahoga County filed an appropriation proceeding for the temporary taking of 1,554 sq. ft. from property owners Karl J. and Lobi P. Hemerlein, Cuyahoga County Probate Court, Case No. 2009 ADV 0150017, in connection with the grading, draining and paving of Bainbridge Road (CR-83) from S.O.M. Center Road to the Solon East Corporation Line, in the City of Solon; and

WHEREAS, the parcel and the taking was originally appraised on 12/08/08 at \$1,600.00. This amount was offered to the property owners, but was rejected. Thereafter, the appropriation proceeding was filed, and the amount of \$1,600.00 (the fair market value of the taking) was deposited with the Probate Court; and

WHEREAS, during settlement negotiations, the property owners agree to accept an additional \$150.00 in compensation for the temporary taking of their property. This amount was reviewed and deemed reasonable by the Department of Transportation's Real Estate Administrator and far exceeded the cost of proceeding with a jury trial; and

WHEREAS, an additional amount of \$150.00 would lend to a total amount of \$1,750.00 as full payment for the public right of way taking.

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

**SECTION 1.** That the County Executive is hereby authorized to pay an additional sum of \$150.00 in final settlement of the appropriation proceedings filed in Cuyahoga County Probate Court for the temporary taking of 1,554 sq. ft. from property owners Karl J. and Lobi P. Hemerlein, Case No. 2009 ADV 0150017, in connection with the grading, draining and paving of Bainbridge Road (CR-83) from S.O.M. Center Road to the Solon East Corporation Line, in the City of Solon.

**SECTION 2.** It is necessary that this Resolution become immediately effective in order that necessary appropriation court proceedings can proceed to conclusion and the roadway project can be completed. Provided that this Resolution receive the affirmative vote of eight members of Council, this Resolution shall become immediately effective upon the signature of the County Executive.

**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 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 12, 2011

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

Journal CC003

July 26, 2011

# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0227

Sponsored by: <b>County Executive FitzGerald/Department of Public Works/County Engineer</b>	<b>A Resolution</b> authorizing the County Executive to approve an additional settlement in the amount of \$310.00 in connection with the appropriation of property rights for the grading, draining and paving of Bainbridge Road from S.O.M. Center Road to the Solon East Corporation Line in the City of Solon for Parcel No. 129T, and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, in 2009, the Board of Commissioners of Cuyahoga County filed an appropriation proceeding for the temporary taking of 3,030 sq. ft. from property owner Tatyana Bystritskaya, Cuyahoga County Probate Court, Case No. 2009 ADV 0151479, in connection with the grading, draining and paving of Bainbridge Road (CR-83) from S.O.M. Center Road to the Solon East Corporation Line, in the City of Solon; and

WHEREAS, the parcel and the taking was originally appraised on 12/11/08 at \$1,550.00. This amount was offered to the property owners, but was rejected. Thereafter, the appropriation proceeding was filed, and the amount of \$1,550.00 (the fair market value of the taking) was deposited with the Probate Court; and

WHEREAS, during settlement negotiations, the property owners agree to accept an additional \$310.00 in compensation for the temporary taking of their property. This amount was reviewed and deemed reasonable by the Department of Transportation's Real Estate Administrator and far exceeded the cost of proceeding with a jury trial; and

WHEREAS, an additional amount of \$310.00 would lend to a total amount of \$1,860.00 as full payment for the public right of way taking.

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

**SECTION 1.** That the County Executive is hereby authorized to pay an additional sum of \$310.00 in final settlement of the appropriation proceedings filed in Cuyahoga County Probate Court for the temporary taking of 3,030 sq. ft. from property owner Tatyana Bystritskaya, Case No. 2009 ADV 0151479, in connection with the grading, draining and paving of Bainbridge Road (CR-83) from S.O.M. Center Road to the Solon East Corporation Line, in the City of Solon.

**SECTION 2.** It is necessary that this Resolution become immediately effective in order that necessary appropriation court proceedings can proceed to conclusion and the roadway project can be completed. Provided that this Resolution receive the affirmative vote of eight members of Council, this Resolution shall become immediately effective upon the signature of the County Executive.

**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 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 12, 2011

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

Journal CC003

July 26, 2011

# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0228

Sponsored by: <b>County Executive FitzGerald/Department of Public Works/County Engineer</b>	A <b>Resolution</b> authorizing an award on RQ19570 to Town Center Construction, LLC, in the amount of \$360,900.00 for construction of an Energy Center at the Cuyahoga County Fairgrounds in connection with the Fairgrounds Wind Turbine Project; authorizing the County Executive to enter into a contract consistent with said award; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the County Engineer has recommended an award on RQ19570 to Town Center Construction, LLC, in the amount of \$360,900.00 for construction of an Energy Center at the Cuyahoga County Fairgrounds related to the Wind Turbine Project; and

WHEREAS, \$1,675,00.00 Federal and State grants was obtained to implement the Fairgrounds Wind Turbine Project, consisting of 500 kw wind turbine and an educational Energy Center building; and

WHEREAS, by constructing this Fairgrounds Wind Turbine Project and Energy Center, Cuyahoga County has another opportunity to display leadership in renewable energy initiatives and to further foster economic development with the creation of new jobs to Northeast Ohio; and

WHEREAS, it is projected that the turbine itself will produce approximately \$50,000 per year savings in electricity for the Cuyahoga County Fairgrounds, a portion of which will be escrowed for a Capital Improvements Fund to become less dependant on the County for the cost of repairs & replacements of buildings and infrastructure; and

WHEREAS, the proposed Energy Center will be an educational center to house wind turbine displays, Renewable Energy exhibits, and provide learning opportunities for sustainability practices and the benefits of this pollution-free alternative to fossil-fuel generated electricity; and

WHEREAS, the proposed Energy Center will also provide conference space to be used by schools, groups and other organizations and will be staffed by Ballwin-Wallace volunteer interns to run the center; and

WHEREAS, Town Center Construction, LLC, was the recommended through the bid evaluation process, and was also the same company that performed as the general contractor on the recent project for the Multi-Purpose Building at the Fairground, and performed well; and



# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0229

Sponsored by: <b>County Executive FitzGerald/ Department of Development</b>	<b>A Resolution</b> amending Resolution No. R2011-0034 dated 1/25/2011, which authorized an economic development loan in the amount not-to-exceed \$800,000.00 for construction of a facility to be located on Cornell Road, Cleveland, to change the name of the borrower from SDC University Circle Developer LLC to SDC University Circle LL LLC; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, on January 25, 2011, County Council adopted Resolution No. R2011-0034, which authorized an economic development loan in the amount not-to-exceed \$800,000.00 for construction of a new Courtyard Marriott Hotel to be located at Cornell Road and Euclid Avenue in Cleveland; and,

WHEREAS, it is necessary to amend Resolution No. R2011-0034 to change the name of the borrower from SDC University Circle Developer LLC to the new name of SDC University Circle LL LLC; and

WHEREAS, it is further 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 County departments, offices, and agencies.

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

**SECTION 1.** That Resolution No. R2011-0034 which authorized an economic development loan in the amount not-to-exceed \$800,000.00 for construction of a new Courtyard Marriott Hotel to be located at Cornell Road and Euclid Avenue in Cleveland, is hereby amended to change the name of the borrower from SDC University Circle Developer LLC to SDC University Circle LL LLC.

**SECTION 2.** That the remainder of Resolution No. R2011-0034 is to remain in full force and effect.

**SECTION 3.** This Resolution is hereby determined to be an emergency measure and that it is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue, and to continue the usual and daily operation of County departments, offices and agencies.

Provided that this Resolution receives the affirmative vote of eight members elected to Council, this Resolution shall become immediately effective upon the signature of the County Executive.

**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 12, 2011  
Committee(s) Assigned: Economic Development & Planning

Journal CC003  
July 26, 2011

# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0230

Sponsored by: <b>County Executive FitzGerald/Department of Development</b>	<b>A Resolution</b> authorizing a Brownfields Redevelopment Fund loan in the amount not-to-exceed \$1,000,000.00 to Miceli-Lograsso Development III LLC for a Phase II Expansion Project, located at 2800 East 90 <sup>th</sup> Street, Cleveland; authorizing the Director or Deputy Chief of Staff to execute all documents required in connection with said loan; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the Department of Development is recommending that a Brownfields Redevelopment Fund Project loan in the amount not-to-exceed \$1,000,000.00 be made to Miceli-Lograsso Development III LLC for a portion of the acquisition and environmental remediation of the property located at 2800 East 90<sup>th</sup> Street, Cleveland; and,

WHEREAS, Miceli-Lograsso Development III LLC will redevelop the property as a warehouse, creating 14 jobs with an average annual salary of \$35,000.00 in Phase II of their Expansion Project; and

WHEREAS, Miceli-Lograsso Development III LLC intends to also construct a mozzarella cheese factory and bio-digester on the property as part of the Phase II Expansion Project; and

WHEREAS, this Brownfields Redevelopment Fund Project loan was reviewed by the County Economic Development Loan Review Committee on June 8, 2011 and was recommended for approval by the Cuyahoga County Council; and

WHEREAS, the proposed loan of Brownfields Redevelopment Fund Project funds will provide the 25% cash match required for a Clean Ohio Revitalization Fund grant; 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 agency.

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

**SECTION 1.** The County Executive is hereby authorized to make a Brownfields Redevelopment Fund Loan to Miceli-Lograsso III LLC in the amount not-to-exceed \$1,000,000.00 for the acquisition and environmental remediation of the property located at 2800 East 90<sup>th</sup> Street, Cleveland, and the Director or Deputy Chief of Staff is hereby authorized to execute all documents required in connection with said loan.

**SECTION 2.** It is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue, and to continue the usual and daily operation of the County. Provided that this Resolution receives the affirmative vote of eight members of Council, this Resolution shall become immediately effective upon the signature of the County Executive.

**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 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 12, 2011  
Committee(s) Assigned: Economic Development & Planning

Journal CC003  
July 26, 2011

# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0231

Sponsored by: <b>County Executive FitzGerald/Information Services Center</b>	<b>A Resolution</b> authorizing the County Executive to enter into a contract with Toshiba Business Solutions – OH in the amount not-to-exceed \$4,000,000.00 for Countywide enterprise digital and print management services using “green” friendly technology for the period 7/1/2011 - 6/30/2016, and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the Information Services Center has requested authorization to enter into a contract with Toshiba Business Solutions - OH in the amount not-to-exceed \$4,000,000.00 for Countywide enterprise digital and print management services using “green” friendly technology for the period of 7/1/2011 – 6/30/2016; and

WHEREAS, Toshiba Business Solutions – OH is registered in the State of Ohio and was the awarded bidder of RFP – Resolution No. 103954 through a competitive bidding process; and

WHEREAS, the ADP Board approved this item on August 11, 2010.

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

**SECTION 1.** The County Executive is hereby authorized to enter into a contract with Toshiba Business Solutions – OH in the amount not-to-exceed \$4,000,000.00 for Countywide enterprise digital and print management services using “green” friendly technology for the period 7/1/2011 – 6/30/2016.

**SECTION 2.** It is necessary that this resolution become immediately effective in order that critical services provided by Cuyahoga County can continue, and to continue the usual and daily operation of the County. Provided that this Resolution receives the affirmative vote of eight members of Council, this Resolution shall become immediately effective upon the signature of the County Executive.

**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 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.



# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0232

Sponsored by: <b>County Executive FitzGerald/Office of Procurement &amp; Diversity</b>	<b>A Resolution</b> authorizing the County Executive/Office of Procurement & Diversity to participate in the Ohio Department of Transportation Cooperative Purchasing Program for the period 5/1/2011 - 4/30/2013, in accordance with Ohio Revised Code Section 5513.01(B); and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the County Executive/Office of Procurement & Diversity have requested authority to participate in the Ohio Department of Transportation Cooperative Purchasing Program for the period 5/1/2011 – 4/30/2013; and

WHEREAS, Ohio Revised Code Section 5513.01(B) allows political subdivisions to purchase machinery, materials and other articles from ODOT purchase contracts; and

WHEREAS, it is necessary that this Resolution become immediately effective in order to assure that machinery, materials and other necessary items be purchased in order that critical services provided by Cuyahoga County can continue and to provide for the usual, daily operation of County departments, offices, and agencies.

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

**SECTION 1.** That the County Executive/Office of Procurement & Diversity are hereby authorized to participate in the Ohio Department of Transportation Cooperative Purchase Program for the period 5/1/2011 – 4/30/2013.

**SECTION 2.** It is necessary that this Resolution become immediately effective to assure that critical services provided by Cuyahoga County can continue and to provide for the usual, daily operation of County departments, offices and agencies. Provided that this Resolution receives the affirmative vote of eight members of Council, this Resolution shall become immediately effective upon the signature of the County Executive.

**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 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 12, 2011  
Committee(s) Assigned: Public Works, Procurement & Contracting

Journal CC003  
July 26, 2011

# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0233

Sponsored by: <b>County Executive FitzGerald and Juvenile Court</b>	<b>A Resolution</b> authorizing the County Executive to enter into a contract with Berea Children's Home in the amount not-to-exceed \$507,600.00 for Community-based Treatment Center management services for the period 1/1/2011 – 6/30/2011, and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the Cuyahoga County Juvenile Court is recommending a contract award to Berea Children's Home in the amount not-to-exceed \$507,600.00 for Community-based Treatment Center management services for the period 1/1/2011 – 6/30/2011; and

WHEREAS, research findings indicate that moderate risk youth placed in Ohio Department of Youth Services institutions recidivate at a substantially higher rate than similar youth placed in the community; and

WHEREAS, the Cuyahoga County Juvenile Court, with assistance of the Ohio Department of Youth Services and the Division of Criminal Justice at the University of Cincinnati, has developed a Community-based Treatment Center program; and

WHEREAS, the Community-based Treatment Center program allows for juveniles to be diverted from institutional placement and treated closer to where they live; and

WHEREAS, the goals of the Community-based Treatment Center project are to provide a secure, intensive, high fidelity, evidence-based treatment program for moderate risk youth; to reduce the length of stay and recidivism for moderate risk youth; and to provide high quality, intensive aftercare services that support community and family reunification/stability; and

WHEREAS, funding for this program is from the Ohio Department of Youth Services; and

WHEREAS, this contract is specifically exempt from the Competitive Bid Requirements pursuant to ORC 307.86(J); 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 agency.

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

**SECTION 1.** The County Executive is hereby authorized to enter into a contract with Berea Children's Home in the amount not-to-exceed \$507,600.00 for Community-based Treatment Center management services for the period 1/1/2011 – 6/30/2011.

**SECTION 2.** It is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue, and to continue the usual and daily operation of the County. Provided that this Resolution receives the affirmative vote of eight members of Council, this Resolution shall become immediately effective upon the signature of the County Executive.

**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 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 12, 2011

Committee(s) Assigned: Justice Affairs

Journal CC003

July 26, 2011

# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0234

Sponsored by: <b>County Executive FitzGerald/Department of Public Works</b>	A <b>Resolution</b> authorizing an award on RQ19343 to First Energy Solutions in the amount of \$5,500,000.00 for the purchase of electric utility services for County-owned facilities for the period 6/1/2011 – 5/31/2012; authorizing the County Executive to enter into a contract consistent with said award; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the County Executive/Department of Public Works have recommended an award on RQ19343 to First Energy Solutions in the amount of \$5,500,000.00 for the purchase of electric utility services for County-owned facilities for the period 6/1/2011 – 5/31/2011; and

WHEREAS, on April 12, 2011, the County Council approved Resolution No. R2011-0118 authorizing the Office of Procurement & Diversity to seek proposals from various providers on RQ19343 for the purchase of electric utility services for County-owned facilities; and

WHEREAS, the recommended award to First Energy Solutions represents the lowest of three bids from qualified contractors able to provide electric utility services to all County-owned facilities as determined through a competitive bidding process; 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 agency.

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

**SECTION 1.** That the recommended award on RQ19343 for the purchase of electric utility services for County-owned facilities is approved, and the County Executive, on behalf of the Department of Public Works, is hereby authorized to enter into and execute a contract with First Energy Solutions in the amount of \$5,500,000.00 for the period 6/1/2011-5/31/2011.

**SECTION 2.** It is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue, and to continue the usual and daily operation of the County. Provided that this Resolution

receives the affirmative vote of eight members of Council, this Resolution shall become immediately effective upon the signature of the County Executive.

**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 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 12, 2011  
Committee(s) Assigned: Public Works, Procurement & Contracting

Journal CC003  
July 26, 2011

# County Council of Cuyahoga County, Ohio

## Ordinance No. O2011-0026

Sponsored by: <b>County Executive FitzGerald/ Department of Development and Councilmembers Schron and Gallagher</b>	<b>An Ordinance</b> adopting the five-year Economic Development Plan, in accordance with Section 7.05 of the Charter of Cuyahoga County, and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, Article 7, Section 5 of the Charter of Cuyahoga County requires the Director of Development, in conjunction with the County Executive and in consultation with the Economic Development Commission, to prepare and present to the Council by the first day of June of each year a proposed five-year economic development plan for the County, for actions to be carried out by the County itself; and in cooperation with other public and private agencies and organizations, for the purpose of enhancing the prosperity and well-being of the County and its residents and communities; and

WHEREAS, Article 7, Section 5 of the County Charter provides that if the "Council shall fail to adopt the proposed plan, with such changes as the Council shall deem advisable, within sixty days of its presentation to Council, the plan shall be deemed to be adopted."

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

**SECTION 1.** Adoption of Plan. The County's 2011 five-year proposed economic development plan, including all changes thereto approved by Council, is hereby adopted in accordance with Article 7, Section 5 of the Cuyahoga County Charter. A copy of the final approved plan is attached hereto as Exhibit A and incorporated herein by reference.

**SECTION 2.** Necessity. It is necessary that this Ordinance become immediately effective in order that critical services being provided by Cuyahoga County can continue without interruption, and to continue the usual daily operation of the County. 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 3.** Open Meetings. 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,



## CUYAHOGA COUNTY ECONOMIC DEVELOPMENT PLAN

*The work of innumerable volunteers and two Cuyahoga County Government transition groups, Economic Development and Human Capital/Quality Places, informed this plan. Thanks to all of them for their time, diligent research and thoughtful recommendations, and to the many contributors engaged in the discussion.*

### **PART 1: Strategic Overview**

The place is here. The time is now. We can no longer wait for, nor rely upon largesse from Washington or Columbus to direct our future. We cannot wait for incremental resources or another stimulus to save the day. We must decide what we want our county to be and how we are going to get it there.

The time is right and Cuyahoga County is the right place for an aggressive, focused economic development plan that will leverage regional assets, build off of long-standing strengths, and take advantage of global changes to drive growth in jobs, incomes and property values.

While this plan represents the first comprehensive effort by the government of Cuyahoga County to drive economic growth, economic development is not new in either the county or in Northeast Ohio. Therefore, this plan builds off the successes, experiences and programs of the county's valued economic development partners in the public, private and philanthropic sectors. And this plan reflects the reality that the economic development of Cuyahoga County is not determined solely by what occurs within our county's borders.

Our county is part of a larger, \$170 billion regional economy that encompasses 15 sister counties. In the past decade, guided by work of the business community, led by the Greater Cleveland Partnership, Team NEO and the Fund for Our Economic Future, the region has become very aware that economic development is a team sport, with no one player able to make much impact without partnerships, alignment and collaboration. To maximize our county's economic growth our county's plan is aligned to take advantage of the regional economic strategies embodied in Advance Northeast Ohio, the region's economic competitiveness plan.

**Why is the time right for this plan?** First, our county's residents have issued a clear mandate under the new charter "job creation and economic growth as a fundamental government purpose." More importantly, the global economy is undergoing a fundamental restructuring in the wake of the Great Recession. As the Brookings Institution recently noted: "We need to rebalance the American economy and cultivate the fundamentals that can bring prosperity back: robust exports, low-carbon technology, continuous innovation, and opportunity for all."

The fundamental rebalancing of the economy – globally, nationally and regionally – provides

Cuyahoga County with an ideal opportunity to develop a strategy that takes advantage of those changes, rather than simply reacting to them. Now is the time for Cuyahoga County to prepare to benefit from the “next economy.”

**Why is our county the right place for this plan?** The ongoing rebalancing of the economy is good news for Cuyahoga County. The last economy – rooted in consumption and housing booms turned bust – did not play to our county’s strengths in manufacturing, materials, and medicine. But the next economy does, as it will be powered by the production of innovative products sold in growing global markets. The development of those products is dependent on innovation assets – such as research institutions (NASA Glenn, Cleveland Clinic, and University Hospitals etc.) and higher education institutions (Cleveland State University, Case Western Reserve University, John Carroll University etc.) that proudly call our county home.

Those local assets are well connected with regional resources – ranging from new industry cluster development guided by NorTech to venture capital attracted by JumpStart – that are boosting our companies’ (both established and new) ability to develop those products.

### **Human Capital and Quality Place are the two key pillars of economic growth**

Cuyahoga County and all of Northeast Ohio are well positioned to grow in this next iteration of the global economy. With the objective of spurring innovation, the county will play a leadership role in revitalizing our regional economy by *investing* time, talent, and treasure in two key pillars of economic growth:

- Human Capital
- Quality Place

Those investments will be designed to:

1. Create high-quality, well-connected places that provide our residents with great communities to live, work, play and learn.
2. Prepare our residents for the jobs and careers of today and tomorrow.
3. Accelerate business growth by connecting existing and new companies to regional resources that will help them invent, commercialize, make and sell new products to growing global markets.

### **Our mission statement flows from the focus on human capital and quality place**

*Mission: Improve the County’s global competitiveness through economic growth and ensure that Cuyahoga County is a vibrant, healthy and welcoming place.*

### **Assets Meet Opportunity**

Cuyahoga County has many assets that are the foundation of the regional economy and drive

the global competitiveness of the region. These assets include: charitable foundations and a history of philanthropy; some of the world's greatest medical institutions; unparalleled federal, state, regional and local park systems; robust physical infrastructure and high speed broadband connectivity; artists and cultural institutions; world-class museums, orchestra and theatres; universities, research organizations, a national lab and intellectual capital; the earth's 12<sup>th</sup> largest freshwater lake fed by rivers and streams that offer miles of lake and river fronts; locational advantages that give us access to the heart of the North American economy coupled with one of the nation's best business logistics systems; industrial capacity and a rich history of innovation, and manufacturing and entrepreneurship.

Moreover, the County has features that are not often categorized as assets, but are assets when viewed through the lens of opportunity. These include thousands of acres of underperforming land, underutilized infrastructure, underperforming human potential and the beauty provided by the County's natural systems.

The County certainly has much upon which to build to improve economic competitiveness and prosperity if we can be more effective at thinking, planning and acting like an interdependent part of a dynamic local, regional and global economy.

### **Building on our assets to achieve our mission defines our vision**

***Vision: Through innovation, education, strategic investments, and collaboration, Cuyahoga County is a place which offers opportunities for businesses to prosper and for residents to have meaningful, gainful employment, and to live healthy lives.***

### **Characteristics of our County's investments**

In order to achieve our mission by applying our vision, the County's investments will have the following characteristics:

- Collaborative – The County will partner with the public, private and nonprofit sectors throughout Northeast Ohio to maximize the amount of resources being deployed to support initiatives, maximize the effectiveness of those investments, and learn what works.
- Inclusive – The County will make investments that create opportunity for all county residents, with a particular emphasis on racially and economically isolated populations. The economic competitiveness of the County is inextricably tied to the success of historically isolated populations. In order to become a transformative region, the County must strive to be a welcoming place to both transplants and immigrants. To that end, this plan fully embraces the work of the Cuyahoga County Equity Committee, reflected in their October 26, 2010 report ( See Appendix IX).
- Innovative – The County will ensure that the overall plan and specific investments support a culture of innovation in products, processes, and services that are transformational and at

a scale sufficient to grow the economic base of the County.

- Sustainable – The County will foster economic transformation in a manner that promotes economic growth, educational attainment, and environmental stewardship that is systemic and sustainable into the future.
- Accountable – This plan will be implemented using a carefully devised set of metrics that will enable the County to continuously monitor progress being made toward achieving our goals and to make data-driven adjustments to the plan, as needed.
- Transparent – The residents of the county will be able to easily track where our public resources are being invested and the returns being generated by those investments.

### **Themes of Economic Development Plan Action**

This Economic Development Plan will require the following themes of action throughout its implementation:

- Alignment of County's Economic Development Effort – All of our efforts will reflect the transformation needed to fulfill Article 7, Section 1 of the Cuyahoga County Charter that "the County shall have as a primary responsibility the promotion and enhancement of the economic well-being and prosperity of the County and all of its residents." This will require a large increase in overall effort and commitment of resources and an alignment of all of the County's activities with this primary responsibility for economic well-being.
- Investment Focusing – The County will reorganize all of its investment activities so that they follow from a strategic, asset-based framework built around the overall mission and vision, rather than just funding individual projects.
- Determination of County's Role – There are hundreds of organizations--public, private, and non-profit--in Cuyahoga County that have economic development as part or all of their mission. The County will determine what roles it can best play to ensure that investment, innovation, education, and collaboration are implemented according to a shared vision and direction.
- Elimination of Barriers – The County's economic development plan will also include efforts to eliminate or reduce barriers to success, such as duplicative or poorly coordinated regulatory requirements, and inefficient governmental operations.

### **Core Themes of Vision and first year priorities**

While technically a five year plan, this plan is a living-breathing document that, as mandated by the Charter, will be revisited on an annual basis to ensure it adequately reflects the economic environment of our County and region. Therefore, this plan is focused on actions that must be acted upon now and these immediate actions are summarized on the final page. While there are many needs and long-term policy matters to be addressed, this plan pinpoints and prioritizes the immediate work required to determine the County "role" in numerous activities going forward. This plan is centered on organizing and aligning existing resources, both internal and external to the government. This initial focus is essential in order for the

County to foster a global competitive region that offers opportunities and prosperity for businesses and residents. These decisions will significantly shape the plan as it is reviewed a year from now.

### **Innovation**

- Ensure that the overall plan and specific investments support a culture of innovation in products, processes, and services that are transformational and at a scale sufficient to grow the economic base of the County.
- Encourage universities, businesses, non-profit organizations and governments to work closely together to commercialize market-ready research.
- Foster innovative use of public, private and philanthropic sector dollars to achieve the vision and evaluation of results.
- Promote green and sustainable technologies and solutions to address market and environmental failures and create new economic development opportunities.

*First year priority: Determine how the County can best continue to contribute to the regional innovation ecosystem that has blossomed in the region over the past decade, and the metrics by which we will measure progress.*

### **Education**

- Instill a culture of and commitment to continuous learning, recognizing that learning begins at the earliest stages of childhood through primary, secondary and post-secondary education, and throughout one's life.
- Ensure education and training opportunities which prepare individuals to compete for meaningful jobs with sustainable wages are made available for all able citizens.
- Encourage educators, trainers, businesses and public sector agencies to work together closely to identify and train the workforce needed by tomorrow's growth sectors, to retain today's workers, and attract the next generation of workers.

*First year priority: Determine what role the County can best play across departments, agencies and with external partners to help improve the educational attainment and workforce readiness of its residents.*

### **Collaboration**

- Design and articulate a shared vision for the County, construct a strategic framework, establish systems and structures to support it, and then collaborate with the County's communities and within the region to achieve the vision.
- Create a state and federal advocacy strategy that articulates our mutually supportive **regional** top priorities and recognizes the distinct role of each governmental entity, non-profit organization, and business leader in carrying out that vision.
- Encourage, public, private and civic organizations and individuals to partner and collaborate in the creation and implementation of the Plan.

*First year priority: Work with the Director of Regional Collaboration, Mayors and Managers Association, state and federal officials, the business community, Advance Northeast Ohio, and others to collectively articulate a shared vision for Cuyahoga County as part of the Northeast Ohio economy.*

### **Investment**

- Make investments within a strategic, asset-based framework following a philosophy of capitalizing strategies, not just funding individual projects.
- Provide additional resources for investment by eliminating costs, leveraging current revenues and introducing new revenue sources.
- Invest resources stating specific goals for returns on investments over time, recognizing short-term milestones achieved and exercising patience with respect to long-term goals.
- Leverage additional county, municipal, state, federal, private, civic and philanthropic funds to make available enough resources to significantly move the needle on the County's economy as measured by relevant indicators over the next five to ten years.
- Invest in high performance county economic development management capacity.
- Expand access to investment opportunities for historically economic isolated populations. Increase economic access and opportunities for all residents; strive to be a welcoming place to minority and economically isolated populations as well as new transplants and immigrants.

*First year priority: Create, from sales tax revenues, an economic development fund (EDF) that can drive our desired outcomes; seek partnerships, expertise and collaboration to leverage and invest dollars.*

## **PART 2: Economic Development Plan**

### **1. Introduction**

Cuyahoga County will achieve economic success if we employ our assets in ways that align with where the next economic era is heading.

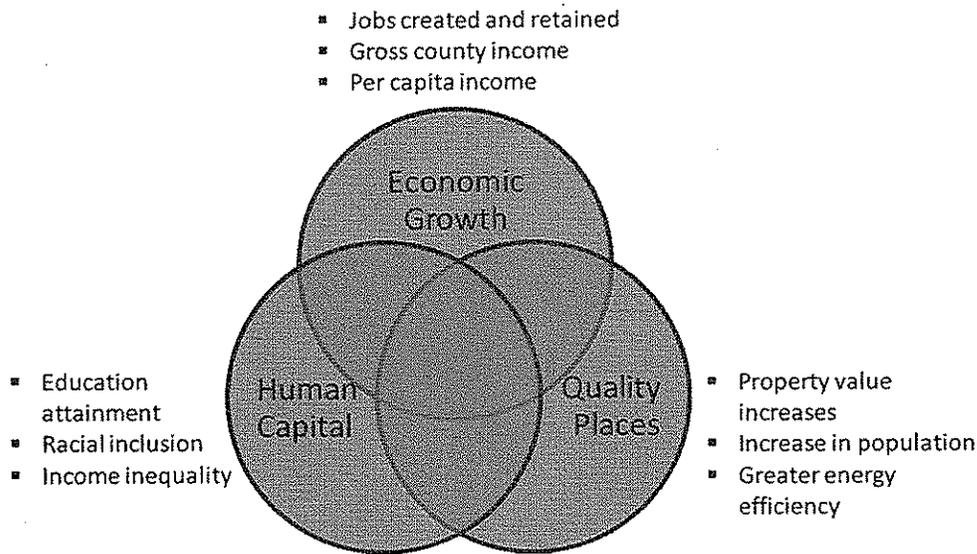
#### **Four asset drivers of metropolitan economies**

In the *Ohio Prosperity Report*, the Brookings Institution defines the following four assets that will drive the "next economy:"

- Innovation – the ability to invent, develop and employ new products, processes, policies, and business models to establish competitiveness at a global scale (*our region's competitive advantage is: we make things*)
- Human capital – a workforce with education and skills that are continuously improved and upgraded

- Infrastructure – the roads, rails, seaports, broadband, and airports that move people to jobs and goods to markets efficiently
- Quality place - a mix of vibrant distinctive walk-able neighborhoods, natural and cultural amenities, and a strong *sense of place that will attract people and businesses*

**How to achieve the Vision and fulfill our Mission:** The Vision describes *a place of opportunity for businesses and residents* to prosper. The Mission declares two economic development priorities as the focus of the Cuyahoga County Economic Development Plan: 1) economic growth and 2) quality place. Brookings defines the four drivers for the “next” economy and adds “Human Capital”. Cuyahoga County must secure its present as it builds what is next. Then, in order for the Vision to be realized, we need to invest in Human Capital and to invest in Quality Place to drive the economic growth that leads to prosperity for businesses and residents (Figure 1).



**Figure 1** Integration of Economic Growth and Quality Places Priorities with Human Capital

From the perspective of this plan, infrastructure is viewed as part of quality of place. In this regard, the Development department should reach out into the County department of Public Works and related agencies to ensure that infrastructure improvements complement the priorities of the plan. In a similar fashion, the Development department should reach out into the County’s health and human services agencies, Workforce Development (Employment Connection), other agencies and regional partners to ensure an integration of services for the support and development of human capital.

The following strategic focus areas address these priorities by defining actions to achieve goals and determine the optimum role for the County in each area. Fostering a robust, globally-competitive economy with opportunities and access available to all citizens requires an integrated approach that combines these priorities seamlessly. That is, we must support economic development opportunities within place-based geographic environments that attract entrepreneurs, businesses, professionals, immigrants and investment capital.

The following pages outline strategic focus areas and recommended actions (mostly near term) to guide the work of the Director of Development. These focus areas are reduced to key actions and specific dates on the final page of plan. Five-year aspirations will be easier to articulate once the work is commenced on the near term actions and experience and data are better understood.

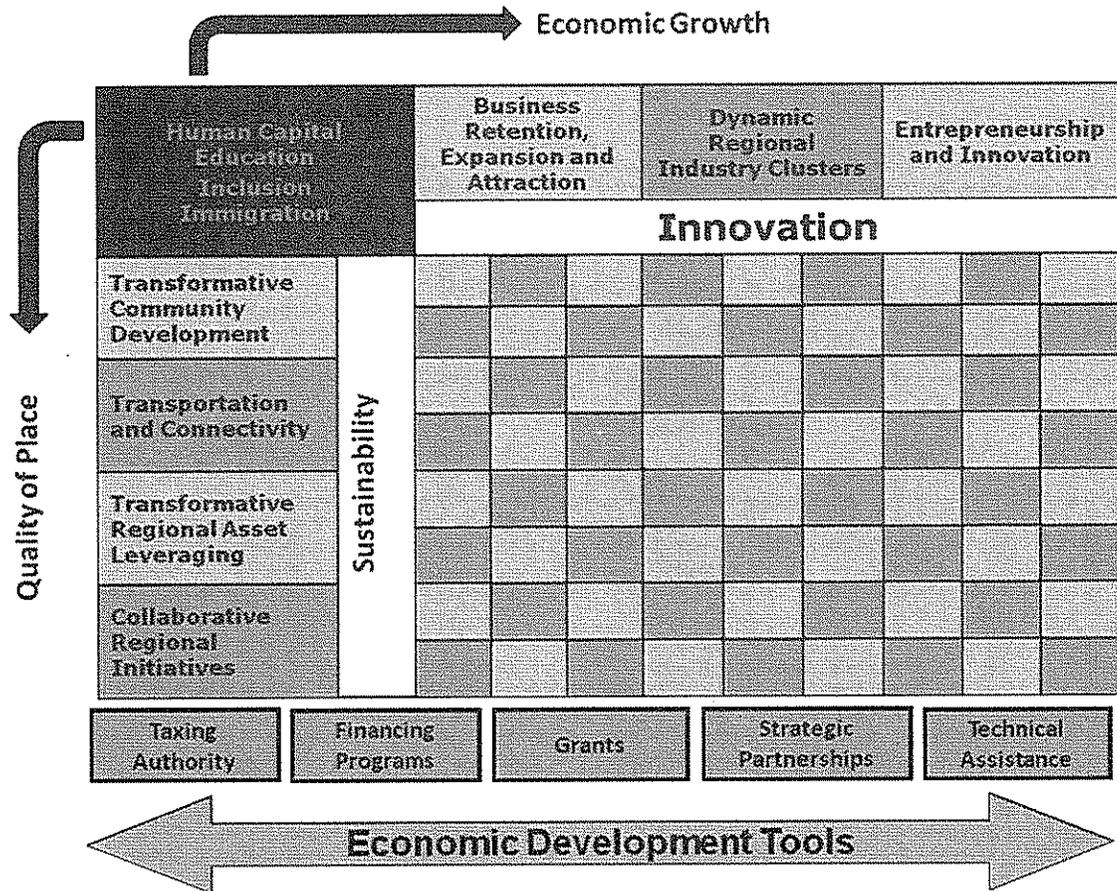


Figure 2 Matrix of Priorities with Areas of Focus

The succeeding chapters elaborate on the key strategic principles that drive this Economic Development Plan.

## 2. Human Capital and Education

Human Capital is the first of two pillars of economic growth identified in the strategic overview for this plan. Cuyahoga County's people are its most important resource. Researchers at the Federal Reserve Bank of Cleveland have determined that the two main drivers of income growth in a region are education and innovation. More "knowledge capital" leads to more new products and inventions, new ideas and finding new ways of doing business. These capabilities increase productivity of the workforce, which is the dominant factor that drives economic growth. Education attainment lags in Cuyahoga County. Although the County is not a primary driver of education, it can play a significant role in improving education attainment.

- o *Priority Action (short-term)* Create and support a post-secondary education

scholarship program.

- **Priority Action (short-term and ongoing)** Continue to support and align with programs that improve education attainment, such as:
  - Invest in Children: Ensure that funding for these data-driven investments in children in their earliest years continues, to improve the quality and number of services delivered to children and their families.
  - Employment Connection: Ensure that the new demand-driven workforce matching system is adequately funded and connected to the County Department of Development.
  
- **Priority Action (immediate and ongoing)** In partnership with Global Cleveland, create a welcoming region for people of all ethnic and international backgrounds; increase diversity/minority population.
  
- **Priority Action (immediate and ongoing)** In partnership and alignment with industry cluster development, create and maintain employee pipelines through public-private partnerships for the education and training of students and incumbent workers in order to meet the workforce needs of targeted Cuyahoga County industries. For example, work with the hospitals and other health care providers to meet their human capital needs in the near-term and long-term. Likewise, the transformative developments in downtown Cleveland, reviewed later in the plan, will generate a number of related service jobs that can become points of entry into the region's workforce for many unemployed and underemployed individuals.

### **3. Quality Place-Based Development Priority**

#### **Strategy**

At its core, metropolitan communities like Cuyahoga County are ultimately and almost exclusively engines of economic growth and productivity. The clustering of people and businesses to produce goods and services efficiently for sale in internal and external markets is a basic tenant of urban economics. Northeast Ohio as a metropolitan region is highly urbanized and relatively dense, and Cuyahoga County is more so.

Traditional economic development has largely followed a decision-making approach based on theories and concepts which are then applied through policies, programs and specific transactions and incentives, often unrelated to the uniqueness and complexity of specific places. Brookings' Prosperity Agenda, now called Metropolitan Blueprint agenda, is built on the idea of pursuing local economic growth through investments in systems and structures within the local economy that have the potential to contribute to productivity and increase the

flow of economic activity.

The big difference in the Brookings' approach is that it is specifically place-based instead of transactional. Some of the suggested imperatives of the Prosperity Agenda are as follows:

- Local economies are regional in structure
- Goals of economic growth must be pursued by government actions that are coordinated across jurisdictions
- Economic activity will be most dependent on developing clusters of high quality human capital
- Places (their structures, quality and efficiency) matter most in developing a strong urban economy
- The most successfully competitive places in the future will have these characteristics:
  - Innovative
  - Low carbon footprint
  - High export capacity

In new economic and community development practice, the understanding of the role of “place” has become a competitive advantage. Leading cities and regions are competing on quality of place, leveraging and harmonizing their unique physical (natural and man-made) and human assets. Given this reality and the macroeconomic context of the global economy suggest that the County’s economic future should be based on maximizing its potential productivity and quality of life as a strategy for fiscal and economic sustainability and future economic growth. Place-making, infrastructure, and transportation projects are among those most frequently mentioned for possible uses of the \$100 million Economic Development Fund.

#### Cuyahoga County's Place-making Aspirations

- Our unique assets are visible in vibrant, engaging and sustainable communities
- Our infrastructure is viewed as a regional competitive advantage and is efficient and aligned with economic development goals
  - Roads and Bridges
  - Water
  - Wastewater collection and treatment
  - Storm water management
  - Air Service
  - Port
  - Rail service, both freight and passenger

- Broadband
- Business logistics management systems
- Investor-owned utilities, such as electricity, natural gas, and telecom
- Quality Places Require:
  - Built environment
  - Natural systems
  - Education providers
  - Attention to energy efficiency and renewable energy
  - Authentic communities
  - Green space, parks and playgrounds
  - Arts and culture
  - Balanced and multi-modal transportation systems, including public transportation, pedestrian and bicycle trails
  - Quality housing at a range of values throughout the region

#### Place-making Action Plan

- ***Priority Action (immediate and ongoing)*** Review existing place-based investments and their management and determine which provide the greatest return on investment, which should be expanded, which should be eliminated or re-directed and what new capacity is needed.
- ***Priority Action (immediate and ongoing)*** Complete transformative, core city developments with regional impact including:
  - Medical Mart and Convention Center
  - East Bank of the Flats
  - Casino
  - Inner Belt Bridge
  - Opportunity Corridor
- ***Priority Actions (immediate and ongoing)*** To take maximum advantage of and best leverage these and other transformative place-based developments the County should prioritize and
  - Determine the infrastructure and amenities required to support these projects – both for tourists and downtown residents - e.g., river-front development, connectivity, green space, walkways and

pedestrian bridges, lakefront access, access to amenities at the mouth of the Cuyahoga river, etc.

- Evaluate “new” lakefront development capacity as priority City/County partnership (lakefront development was ranked the number one priority for economic development impact in the survey conducted by the Transition team)
- Ensure downtown neighborhoods develop in addition to and benefit from transformational projects to create a thriving downtown
- Set strategies around the cluster of service jobs these new attractions will create in hotels, restaurants venues like the Rock Hall, Museums, Playhouse Square, Severance Hall, Sporting Events,.
- Review CDC and other strategies for developments outside of downtown such as University Circle, Gordon Square Arts District, Campus District, MetroHealth Renewal Plan.
- Review County housing programs to determine a more strategic investment plan; select areas of investment in downtown, core city neighborhoods and urban and suburban communities with data-driven process and goal to improve land value and take advantage of the location of assets.
- Work with other public entities to create a unified streamlined system, policy, or access point for local businesses seeking to competitively bid and compete for major public infrastructure investments within the County. This will also help to standardize a public tracking methodology for determining public benefit – jobs created, SBE/MBE participation (see Appendix VII-VIII for current job creation reporting form used and Section 3 business list).

### Site Development

One clear need that has been identified is for sites ready to meet the expansion and relocation plans of companies. When companies are growing and require more space, they cannot wait for sites to be acquired, cleaned and/or equipped with infrastructure. Companies will seek immediately available sites when needed regardless of their location, even if that means leaving the municipality or county in which they have been resident for many years. In addition, many cities have absentee/disconnected landowners that have left behind vacant buildings and fallow land that could be put into productive use.

Based on a recent meeting with community and economic development directors and mayors, putting these industrial/commercial properties to use is a very high priority. Our legacy

industries have left vacant buildings and contaminated land in the core city and many inner-ring suburbs. The County has a nationally recognized set of programs and products that it offers for brownfield assessment and clean-up, but it doesn't have adequate resources to address the existing backlog, thus continuing to reinforce greenfield development and sprawl as the preferred option for business expansion. The following actions are meant to address these issues and other expansion needs:

- **Priority Action (Short-term)** Create a new funding capacity for a county-wide industrial land bank to make available fallow property or vacant buildings working with Mayors and Managers Association. This has been the number one concern for municipal mayors and economic development directors for many years.

Public Infrastructure The County's infrastructure is produced and managed by an array of special purpose public organizations. This network of large entities controls immense resources and assets and is critical to the economic competitiveness and quality of place of the County and the region.

- **Priority Action (immediate and ongoing)** The County should seek a much greater degree of coordination and alignment of these public organizations, most of which are subject to some degree of County authority or have County appointments to their boards of trustees. Currently, there is no formal mechanism for alignment among these entities which include:

- Cleveland-Cuyahoga County Port Authority
- Northeast Ohio Regional Sewer District
- Greater Cleveland Regional Transit Authority
- County Library System
- Cleveland Metroparks
- Cuyahoga Metropolitan Housing Authority
- Local Boards of Education

#### Assess and Leverage Assets

An inventory and better understanding of key physical assets can lead to place-making improvements, such as by:

- Assessing the County Airport to determine if new partnerships or roles are appropriate to boost service, realize efficiencies or create new revenues for development
- Assessing County real estate holdings to determine if sale or redeployment of those

assets could result in redevelopment to highest and best use, serving as anchors for additional development thereby increasing property values

- Better understanding the breadth and depth of our regional arts and culture assets that go beyond the orchestra, art museum, theatres, etc. Review the work of Cuyahoga Arts and Culture to determine whether our efforts in this area can be improved.

### Collaboration on Regional Place-making Initiatives

As part of its place-making efforts, the County should determine where in how it can effectively assist with regional initiatives, such as the following:

- City of Cleveland and Neighborhood Progress' Re-imagining a More Sustainable Cleveland initiative, with focus on innovative reuse of vacant land. Cleveland is currently the #2 city for urban gardening, an unexpected outcome of foreclosure crisis, which can be an economic development opportunity.
- Community Partnership for Arts & Culture five-part study of Greater Cleveland's artists' location decisions and attraction strategies. The County could support the newly created Artists in Residents Program funded by LINC, the Ford Foundation and the Kresge Foundation.
- Assist Cleveland Metroparks as they assess their ability to take over operations and maintenance of the State of Ohio's Lakefront Parks.
- ParkWorks development of Lake Link Trail and a pedestrian bridge on the West Bank of the Flats.
- The Northeast Ohio Sustainable Communities Consortium aims to implement a plan that links economic development to equitable housing, land use, transportation, community development and infrastructure (NOACA, FFEF)
- MetroHealth System, City of Cleveland, and Neighborhood Progress collaboration on the MetroHealth-West 25<sup>th</sup> Street Initiative with focus on renewal of the MetroHealth main campus and redevelopment of adjacent neighborhoods (including West Side Market) with mixed use housing and commercial development, workforce linkage programs between hospital and community residents, green infrastructure and greenway connections to Towpath Trail, Cleveland Metroparks, and local healthy food access.
- County - Cuyahoga Valley Initiative
- Senior Transportation Connection of Cuyahoga County
- Place Matters Team – Consortium of County, City and Non-Profit entities for Health Equity
- County/City of Cleveland/Metroparks Towpath Trail partnership
- Health Improvement Partnership – Place matters with public health issues
- Sustainability 2019 – City and community driven
- Preserving and innovating around our watershed system and Lake Erie

## Transportation and Connectivity Within and Outside the County

Increasing transportation access to places within and outside our County is an important part of place-making. The following goals would provide good focus for this effort:

- Efficient and affordable connections between where people live and education and employment opportunities
- Retention of United/Continental Hub is an immediate priority
- Design strategies for County Airport as part of regional airport system
- Public and alternative transportation within region (e.g. bike paths, light rail)
- Increased development opportunities around transportation hubs like our airports, the Cleveland-Cuyahoga Port, RTA stops, and rail terminals.

*See Appendix II for a current listing of the County's Place-based Investment programs these encompass community development, housing, federal Stimulus and NSP funded programs. The community development projects are also highlighted on the map found in Appendix IV.*

## 4. Alignment of the County's Economic Development Effort with the County Charter

Cuyahoga County government has historically played only a modest role in Economic Development, with only about one percent of its budget allocated for this purpose. A key element of this Economic Development Plan is simply a large increase in effort, fulfilling the Cuyahoga County Charter's requirement that achieving economic well-being be a major responsibility of county government. This greatly increased effort will be reflected in the following ways:

- A substantial increase in financial commitment, such as through the Economic Development Fund and the post-secondary education scholarship program.
- A comprehensive effort to collaborate effectively with all of the economic development organizations in Cuyahoga County, to work with them to generate a share vision and direction for our economic development efforts, and to determine those economic development roles in which our county government can be most effective
- A systematic undertaking to align all of the activities of county government with our economic development responsibilities and aspirations
- A reorganization of the Department of Development to align with this plan's vision and mission, rather than primarily implementing federal programs
- A methodical program to measure the impact and progress of our economic development efforts and obtain information needed to make data-driven improvements to our strategies and programs

## **5. Economic Growth Investment Priority**

**Business Retention, Expansion and Attraction** – For global competitiveness the County must create a business friendly environment and offer products and services that enable business to grow and create jobs. Improving the business climate requires structural changes (internally and externally) to improve collaboration, which will be discussed in other chapters.

The County, in partnership with the state, cities and various economic development partners, offers a broad array of economic development tools that might also be viewed as products and services. The region has a broad base of businesses on which to build that includes small, high growth/venture-capital aspiring, micro-enterprise and large global enterprises (including corporate headquarters). Different size businesses and businesses in different industries require application of different economic development tools. Inclusion is another factor that plays a role in the retention, expansion and attractions of business.

The County needs a strategic approach to its offerings rather than a project/transactional approach as in the past. The County should determine its core competencies in order to prioritize and focus its resources in those areas it can assume a leadership role and which it should play a supportive role. This strategic approach will be easier to articulate once the priority actions described below, mostly short-term in nature, have been completed.

- ***Priority Action (Short-term)*** Work with regional banks to discuss and address business' working capital needs (based on message from small businesses at meeting with President Obama earlier this year – banks ready to engage to help).
- ***Priority Action (mid-term)*** Determine what role (if any) the County can play to help businesses expand their capacity to export products in collaboration with the Cleveland-Cuyahoga Port Authority, State of Ohio or local office of U.S. Department of Commerce.
- ***Priority Action (short-, mid- and long-term – i.e. next five years with measurable goals)*** Retaining and growing our own firms must be the most urgent strategy over the next five years and is likely to be the primary driver of economic growth for Cuyahoga County. GCP, the metro chamber, is the dominant player in the retention market, but many other organizations and governments also participate. “Doubling” the retention capacity with professional staff closely tied to current efforts would “double” everyone’s reach since the “save” many times requires little funding but a great deal of listening, connecting and caring.

Strategic business attraction that complements the retention, growth and cluster development strategies will also be important.

*See Appendix I for a current listing of the County's Brownfield and Economic Development Programs. Appendix III and IV highlight the achievements of the Department of Development in the 2010 Annual Report and the Project Map.*

Regional Clusters of Industry and Innovation: While "Cluster" theories and their applicability are an ongoing debate in economic development circles, we, like Brookings, find them a useful concept. As defined by The Brookings Institution, clusters are "geographic concentrations of interconnected businesses, suppliers, service providers, and associated institutions in a particular sector." Brookings further notes that: "Cluster strategies provide a direct route to economic renewal because they build on existing assets to promote growth in regions by enhancing the interactions by which firms complete transactions, share ideas, start new enterprises, and create jobs. In this fashion, industry clusters have the power not just to revitalize regions, but also to improve states' standing in the emerging "next" economy that will likely be more export-oriented, lower carbon, and innovation-driven."

Regions across the country, with Northeast Ohio being no exception, have been focusing economic development initiatives around the development and support of industry clusters for several years. In addition, the Obama Administration has made clusters of innovation a target area of support in its 2011 Budget.

Through a series of studies by Battelle, Deloitte, McKinsey and CSU that have included industry leaders, the state and region have determined industry clusters on which to focus. The table below outlines clusters that have been identified and that have dedicated organizations to promote and facilitate cluster growth.

Important Industry Clusters Identified by the State of Ohio

Medical Devices/Health Care Equipment	Information Technology/Broadband
Materials (metals, polymers, composites, nanomaterials, etc.)	Manufacturing Competitiveness and Innovation
Advanced Energy	Automotive
Aerospace	Instruments & Controls; Flexible Electronics

As part of Cuyahoga County's business growth priority actions, the Department of Development should familiarize itself with and determine how best to be a collaborative partner or in some instances, take a lead role in cluster development. An example of where the County has played a lead role in cluster development is in the fresh water off-shore wind industry, a subset of the Advanced Energy cluster.

Our region's inherent strengths in medical research, health care, manufacturing and materials (metals, plastics, rubber, and coatings) have enabled us to participate in multiple industries that have changed over time – primarily due to technology and innovation. These include:

automotive, aerospace, biomedical and advanced energy. The Department of Development should take the opportunity to examine relationships with current cluster-focused organizations to review, renew and redefine collaborative relationships, provide support and foster the growth of industry clusters.

In addition to the clusters mentioned above there are a number of emerging clusters that have the potential to add jobs, bolster entrepreneurship and spark innovation – building on theory in the Brookings-Rockefeller Project on State and Metropolitan Innovation. In a January 2011 paper it is suggested that support for local/metro clusters also has the potential to change the dynamics of economic development providing the disciplines of cluster management are used – i.e. data, analysis and performance tracking. In building on the Development department's Cuyahoga Innovation Zones program there might be an opportunity to support more local cluster initiatives. These clusters should build on place-based assets and support should be predicated on the cluster initiatives meeting a set of rigorous requirements.

Emerging clusters include the local and regional food system, water, design, clean technologies, energy efficiency and biomimicry, each of which have multiple grass-roots initiatives evolving.

- ***Priority Action (short- to mid-term)*** The Department of Development should learn more about the following active and emerging clusters with the intent of determining the potential for these clusters to gain momentum as economic development engines:
  - *Fresh Water Innovation Alliance* - various cluster activities (Research, Public Education, Business Growth and Public Policy) are being pursued by Cleveland State University, County Planning Commission, the George Gund Foundation, Great Lakes Science Center, Case Western Reserve University, The Cleveland Foundation, MAGNET, Sustainability 2019, Greater Cleveland Partnership, regional business and others to determine if this fresh-water innovation initiative has the potential to become a real cluster initiative. The greatest need currently is leadership and an organization sponsor. The County could play a role with this cluster similar to its Great Lakes Wind Energy initiative.
  - *Biomimicry cluster* – a new discipline based on the conscious emulation of Nature's genius. A network of Northeast Ohio biomimics (including the County Planning Commission) is currently competing with a handful of places to be the first location in the world to be a regional biomimicry center affiliated with the founders of this new design discipline – the Biomimicry Group, Inc. In the state of Ohio's history, great biomimetic innovations such as the invention of the airplane by the Wright brothers and the Hulett ore unloaders by Cleveland's George

Hulett changed economic and human history. One of the world's first doctoral programs in biomimicry has just begun at the University of Akron and companies have been formed locally to commercialize the work of researchers at Case and elsewhere.

- *Community Partnership for Arts and Culture* – a study entitled “Putting Artists on the Map” (April 2011) that identifies the 24 neighborhoods where the majority of artists reside in Cuyahoga County and services to attract and retain artists (may be a more place-based effort, but illustrates well the weaving together of the economic growth and place-based approach *built around metro assets*)
  
- *Cleveland-Cuyahoga County Food Policy Coalition* - coordination and advocacy body for local food in the Northeast Ohio region and Ag-Bio Industry Cluster (ABIC) believe there is cluster potential in the region and metro area. The North East Ohio Local Food System Study has analyzed the possibility of the 16 counties of Northeast Ohio (NEO) moving 25% of the way toward fully meeting local demand for food with local production. A 25% shift could create 27,664 new jobs, providing work to about one in eight unemployed residents. The ABIC has identified more than 250 “business cases” in the regional food system, with special emphasis on those that harness local agricultural resources and transform agricultural production clusters from low-value commodity production to higher-value specialty crop and bio-product production.

### Economic Development Fund

A key component of this plan's increased economic development effort is the creation of a \$100 million Economic Development Fund to insure the implementation of those strategies, programs, and projects most essential to fulfilling our mission of economic well-being. At a recent meeting with the new Director of Development around economic and community development, some priorities for potential uses for the Economic Development Fund began to emerge. All agreed that further discussion needed to take place, but the following needs were heard most often:

- **Strategic priority** (immediate to mid-term) As part of the work to create the EDF and a more relevant set of support services from the Department of Development, the County must prioritize and determine how best to meet the following needs of the county's communities:

- Fund to help rehab vacant buildings and industrial land
- Continuation and potential expansion of Brownfield programs
- Infrastructure – multiple requests for broadband and energy assistance  
and a reminder that much of our traditional infrastructure is 90 years old and in need of investment
- Working capital and other financial help for businesses to grow
- Desire for continued support for storefront and commercial building renovations
- County Department of Development asked to play a greater leadership role in economic development and be the one-stop-shop to assist with company growth and attraction, including the development of a database of properties available
- Align the work of the County Planning Commission to better serve municipalities
- Strategically assess county’s current allocation of federal Community Development Block Grant (CDBG) funding; require regional cooperation and strategic alignment for flexible funding of locally-initiated projects; consider similar requirements for HOME Investment Partnership Program and Brownfield remediation funds
- Better align economic, community and housing development strategies with land bank acquisition, demolition and redevelopment strategies
- Convene community leaders periodically, review progress and adjust priorities
- Look at border communities and how they interact with neighboring county communities; design initiatives that support regional economic development initiatives more aligned with the County’s economic dependency on Northeast Ohio
- Regionalism beyond the borders of Cuyahoga County

## **6. Determination of County's Role and Collaboration**

### **Strategy**

It is critical that this plan work to coordinate the economic development efforts of the county and the region. As stated in the Brookings Institution and Greater Ohio Policy Center’s Restoring Prosperity report, governmental structures within Ohio’s Counties “are simply too fractured to develop a unified vision for economic development and mobilize regional stakeholders to realize it.” If the County is to prosper, it is essential we recognize that economic growth occurs regionally; growth in one county benefits neighboring counties.

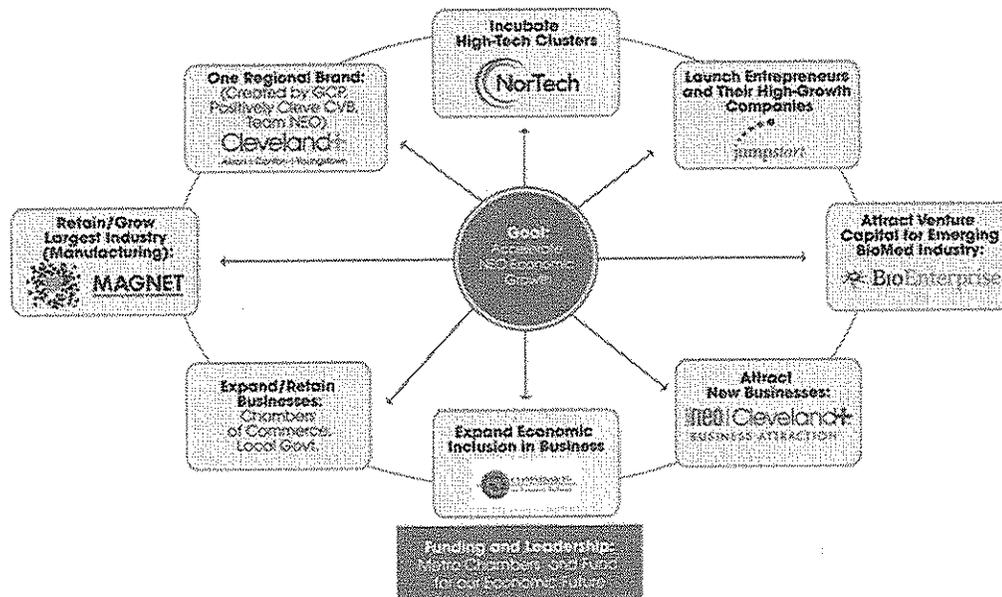
Multi-county regional approaches to economic development are recommended by experts. The County must work with local civic leaders, non-profit institutions, and the private sector to foster constructive regional cooperation that looks beyond political or institutional boundaries. Collectively we must articulate our regional top priorities with one voice and unite to advocate our vision with state and federal leaders. We would be stronger if Northeast Ohio shared a mutually supportive vision for economic development, and recognized the distinct role of each governmental entity, non-profit organization, and business leader in carrying out that vision.

The realization that Cuyahoga County, encompassing its core city of Cleveland and 58 additional municipalities, is part of a broader economic development system is reflected in the pages ahead. Consequently, the actions defined for the first year are focused primarily on understanding the current landscape of potential economic development partners and determining how the County can best leverage and collaborate with those partners, bringing its unique programs and assets to the collective effort.

The most important collaboration to determine our ultimate success will be strong public-private-non-profit sector interaction, beginning with each sector doing what it does best: the public sector creating the environment for economic growth and filling market gaps with programs for the general welfare of its citizens, the private sector creating economic value that supports job creation, and the non-profit sector creating knowledge, providing resources and in other ways creating social value.

The County needs to work more effectively with its economic development partners, help bring about a shared vision and direction for our economic development efforts, and determine what roles that it can most effectively play. This effort starts with knowledge of the current economic development players in Cuyahoga County and their roles.

# NEO Regional Economic Development System



Ned Hill, Dean, Levin College of Urban Affairs  
Cleveland State University

- **Priority Action (immediate and ongoing)** Determine how best to collaborate with organizations in place offering products and services and create a business friendly climate. Review programs and tools that can be leveraged from these resources/economic development partners. If additional tools, programs, products, or services are needed, they could be created using the Economic Develop Fund to provide partial funding and leverage other dollars.

The following is a partial list of potential key collaborators in economic development:

- Expansion and retention
  - Greater Cleveland Partnership
  - City of Cleveland and other municipalities
  - JobsOhio
- Attraction (including international)
  - Team NEO
- Minority Business Acceleration and Growth
  - President's Council
  - Minority Business Accelerator
  - JumpStart Inclusion Advisors
- Travel and Tourism
  - Greater Cleveland Sports Commission

- Positively Cleveland
  - Venture Capital Assistance
    - Venture Capital Firms
    - JumpStart
    - BioEnterprise (for biomedical and healthcare industry)
  - Microenterprise
    - The Cleveland Foundation and institutions in University Circle area have model that could be applied county-wide.
  - Small Business
    - COSE and local Chambers of Commerce (*have local buying programs and other small business assistance initiatives that the Department of Development should explore as a place to refer small business customers*)
- **Priority Action (immediate and ongoing)** Create a much needed single location for businesses to access all information relevant to their decision to locate or expand. Creating a single point of access is a daunting task, and requires a collaborative approach. A single website should include a concierge contact for applying to government programs, obtaining necessary licenses, permits, etc., as well as mapping via Geographic Information Systems to allow businesses to visually identify factors such as usable commercial and residential land, transportation and utility infrastructure, local populations, research centers, and existing employment centers including industry type. The County will likely need to work with numerous organizations such as Team NEO, the Greater Cleveland Partnership, the Cuyahoga County Land Bank, the City of Cleveland-Cuyahoga County Workforce Investment Board, and the Cleveland-Cuyahoga Port Authority to accomplish this end.
- **Priority Action (short-term)** Determine what role the County will play in business attraction (domestic and international) in partnership with Team NEO.
- **Priority Action (immediate and ongoing)** Determine how existing and new County initiatives and programs might assist in the development of clusters of innovation and industry. As a start, the Department of Development should explore the work of the following organizations and the needs of the clusters they enable. To keep current with the growth of these industry sectors, the department should consider appointing a liaison from the department who could be available as an information resource to cluster companies as they grow. Organizations to explore should include:
  - *BioEnterprise* a business formation, recruitment, and acceleration initiative designed to grow health care companies and commercialize bioscience technologies

- *Cleveland Health-Tech Corridor* funded through the County's Cuyahoga Innovation Zone program, and most recently used as an incentive to attract NASA Project Galaxy to Cleveland
- *LEEDCo* a development group, with which the County is a founding partner, charged with creating the first freshwater off-shore wind farm in Lake Erie, formed through the Great Lakes Energy Task Force.
- *MAGNET* a manufacturing-focused organization in a number of industries; specially designated by the State as the lead for Ohio's automotive cluster; has just launched PRISM = Partnership Regional Innovation Services for Manufacturers.
- *NorTech* a non-profit organization that is a catalyst for growing the region's emerging technology industries and leads efforts to develop clusters of innovation; currently focused on advanced energy and flexible electronics.
- *Ohio Aerospace Institute* supports the aerospace industry statewide and works closely with NASA Glenn Research Center.
- *WIRE-Net* a manufacturing focused organization and partner with MAGNET and PRISM; wind-energy supply chain.

The region's research enterprise has many institutions in Cuyahoga County including Case Western Reserve University, MetroHealth System, Cleveland State University, NASA Glenn Research Center, The Cleveland Clinic Foundation, University Hospitals and corporate research facilities. In addition to being vital players in clusters of industry and innovation, these organizations are important engines of technology and commercialization. They are assets that have been and will be part of the fabric of our innovation ecosystem for many years. Exploring ways to keep these institutions strong should be part of the short, mid and longer-term goals of the County. In addition to looking to these institutions as engines of technology development, they should be viewed as anchors of place-based strategies for business development (both traditional and microenterprises), neighborhood stabilization and other community enhancements.

- ***Priority Action (immediate and ongoing)*** The County Department of Development should build customer relationships with these research institutions to determine how best to support their role as commercialization engines and regional assets that anchor place-based economic development initiatives.

#### Collaboration with Local Government

There are 58 political subdivisions surrounding the core city of Cleveland that vary in their needs based on the evolution of their community development. Clusters of these communities are more similar than different in demographics, age and value of housing stock, level of commercial and industrial development, quality of public schools, etc. In an April 2011 convening, the leaders of economic and community development very actively expressed their

common and unique needs.

Parts of the conversation revealed points of consensus and common need, while others illuminated their unique characteristics. In light of declining federal and state support and an economic recovery that is on a slow-growth path, it appeared that all recognized to some degree they were more interdependent than ever before. There was also acknowledgement that their ultimate prosperity was dependent on the core city of Cleveland. And, even though there wasn't a stacking of hands, there was general recognition that growing one municipality's business base at the expense of a neighboring community isn't the best way for the region to compete in today's global economy. There was no attempt to reach consensus on anti-poaching or revenue sharing deal points, but all were anxious to see the first draft of an agreement and it was acknowledged that there is need for more than an agreement "not-to-harm."

#### Collaboration on Place-making, Innovation and Entrepreneurship

In the chapters on Quality Places and Entrepreneurship and Innovation are recommendations that the County collaborate with organizations involved in regional place-making initiatives and review the efforts of organizations working to promote entrepreneurship and innovation and the County's role in working with them.

### **7. Entrepreneurship and Innovation**

#### Entrepreneurship & Innovation

Innovation was one of the two main drivers of regional income growth, along with education, the Federal Reserve Bank of Cleveland research referenced above and merits a high place in our Economic Development Plan.

Established and emerging employers grow through innovation and entrepreneurship. Accelerating entrepreneurship and innovation has been high on the agenda of the government, business, research, academic and foundation sectors in the region for more than two decades. Finally, in the past seven years, a tipping point appears to have been reached, one that has garnered the attention of the President of the United States.

Cuyahoga County must decide what role it will continue to play in this entrepreneurship and innovation ecosystem. As a member of the Fund for Our Economic Future, the County subscribes to the Advance Northeast Ohio agenda. Even more important, over the past seven years, the County has created and supported initiatives and programs that have made it a key player in carrying the region to this new tipping point.

- *Priority Action (immediate and ongoing)* Review County programs that have contributed to the success of the region's surge in entrepreneurship and innovation. Determine what we have learned with our participation in these programs, which programs to continue to support, which programs to end, which to expand and what existing and new initiatives to fund from the new EDF. The following initiatives/programs should be included in this review:

- JumpStart Entrepreneurial Network and JumpStart Inclusion Advisors
- MAGNET Incubator
- Minority Business Accelerator
- New Product Development and Entrepreneurship Loan Fund (partnership with MAGNET)
- North Coast Opportunities Fund (partnership with JumpStart)
- Third Frontier (How can the County build on these investments?)
- 

## **8. Inclusion**

Inclusiveness is a major component in determining the economic competitiveness of a region. In order to become a transformative region, the County must strive to be an economically welcoming place, providing opportunity to economically isolated populations as well as to new comers, both transplants and immigrants. The success of the County is inextricably tied to the success of historically isolated populations. As part of business growth the County must seek to grow the number and size of minority-owned enterprises, expand access for minority and economically isolated residents to educational training and business opportunities, and sustain a system that generates economic access and opportunities for all residents, particularly historically isolated populations.

It is of utmost importance that any plan for the area generally, and for this county in particular, must fully embrace the diversity of our region in the broadest sense. We must aspire to experience economic growth and quality of place that fosters inclusion and addresses disparities at every step. This plan fully embraces the work of the Cuyahoga County Equity Committee, reflected in their October 26, 2010 report (Appendix IX). Central to the success of the Department of Development will be its ability to serve the diverse constituents, geographies and municipalities of our county in an equitable fashion. We will do this by utilizing our current efforts of serving low-moderate income families, targeting areas of greatest need in our local municipalities, providing economic opportunities for minority based businesses, and tracking the demographics of those we serve (See Appendices V-VIII) as a baseline for future measurement in all of our programs and functions. To the extent allowable by law, the county will measure and evaluate programs and investments on their ability to deliver the outcomes espoused in this plan including diversity of suppliers, contracting and employment. Funding source or compliance requirements will no longer be the driving force behind what and how we measure; good measurement regarding diversity will be done as a matter of course. We seek to measure "who" received the investment, who benefited, and

“where” that investment took place. This will also provide us with a tool to determine our future successes, and will serve as a guideline to where improvements may need to be made. In addition to our current efforts, we will expand our programs by creating additional partnerships and outreach efforts to ensure that all of our available resources are distributed county-wide to all socio-economic and cultural areas in accordance with the law. We will keep in mind that fairness and justice are paramount.

Our efforts to partner with Global Cleveland to create a welcoming region for people of all ethnic and international backgrounds, as presented in the chapter on Human Capital and Education, will also help our County fully receive the benefits of a diverse population.

### **9. Elimination of Barriers**

The county recognizes that in order to improve the competitiveness of the region and create opportunities for businesses and individuals, it is critical to remove barriers that impede economic development and growth. One major obstacle is the number of governmental bodies and agencies in Cuyahoga County, each possessing their own set of policies and procedures. The County must collaborate with and incentivize local civic leaders, non-profit institutions, and the private sector to find ways to streamline government processes and standardize policies when appropriate. This will help businesses locating in and moving to Cuyahoga County more easily navigate the regulatory landscape.

- ***Priority Action (immediate and ongoing)*** Engage businesses to determine their needs to enable growth and ensure retention.

Engage directly first through the successful Employment Connection facility and then augment with Greater Cleveland Partnership and other metro chambers and through municipal economic development departments.

In the chapter on collaboration, the recommendation was made to create a single location for businesses to access all needed information regarding location or expansion decisions. Effective collaboration with other governments can also simplify regulatory procedures and reduce the cost of government.

### **10. Accountability and Metrics**

As the County strives to strengthen its global competitiveness and economic vibrancy, it is essential to measure investment performance, assess economic progress, and examine industrial trends. This analysis will help the County evaluate investments, monitor program outcomes, and study the overall performance of the economy to determine trends and best practices. Tracking the right metrics will guide the County’s economic development initiatives and investment strategy. The County will also make these measurements publicly accessible, providing transparency and enabling County residents to track our progress on economic development.

Measuring program performance provides critical information that guides the allocation of resources. This analytical process examines the direct outputs of County programs and investments. It is essential to measure factors that will directly impact outcomes that will drive the economic prosperity of the County. Identifying these metrics will help the County determine program impact:

Primary Metrics – key measures to be targeted within the first year:

- Job Creation
- Job Placements
- Dollars Leveraged
- Follow-on Funding
- Property Assembled
- Revenue Generated
- Payroll Growth
- Patents Filed

Assessing program outcomes provides information that indicates program effectiveness. This analytical process examines the indirect outcomes of County programs and investments. Indirect program outcomes are important factors in determining the economic vibrancy of the County. It is important to select and monitor metrics that indicate the outcome of County programs and reflect the economic competitiveness of the County. These metrics tend to be lagging indicators. Identifying these metrics will help the County determine program effectiveness in generating economic prosperity and vibrancy:

Secondary Metrics – measures to be targeted every 2 to 5 years:

- Tax Revenue: Sales, Property & Commercial Activity
- Exports
- Skilled Workforce
- Poverty Rate
- Population Growth
- Unemployment

Studying the performance of the economy provides information that indicates the overall health of the County economy and identifies areas of growth. This analytical process examines economic growth and provides a broad level view. Examining general economic performance is important for benchmarking progress, targeting key industries, and identifying trends. This information forms the foundation of the economic development plan and shapes the county investment strategy. It is important to select and monitor metrics that indicate the outcome of County programs and reflect the economic competitiveness of the County. Once again, these metrics tend to be lagging indicators, but are widely accepted as the key indicators of economic growth:

Tertiary Metrics – measures to be tracked every 3 to 5 years:

- Per-capita Income Growth
- Employment Growth – identify key industry segments
- Gross Metropolitan Product
- Productivity Growth

The selected indicators and metrics reflect what is believed to be most important to the county's economic prosperity. Many of these key metrics are also tracked by the Dashboard of Economic Indicators which is a product of the Council of Regional Economic Policy Advisors. These advisors counsel the Fund for Our Economic Future (FFEF) on what indicators matter most to achieve improved economic outcomes. Cuyahoga County will work with FFEF and the Council to accurately measure factors that are most important in analyzing the economic climate.

Measuring the County's economic development performance is a very important analytical tool. Not only will these measures help guide the County's economic development plan; but it will also align with the CountyStat process (a governmental performance measurement system) and indicate how county resources should be allocated. These measures will enable the county to determine the most effective way to realize this plan's vision and mission, ensure strategic investment, enable collaboration, and produce positive economic growth and prosperity.

Although none of the actions of Cuyahoga County alone will impact many of these indicators and metrics, and there is no silver bullet to move the needle short-term on most of these, we believe these are the best measures of opportunity and prosperity for all the residents of Cuyahoga County.

*First year priority: Determine how the Cuyahoga County Department of Development can best organize to realize this plan's vision and mission, ensure strategic investment, monitor and report metrics, and enable collaboration.*

**PART 3: Conclusion/Key Action Steps for Year One**

The following key actions provide the important first steps for the Department of Development and the County, for without the completion of these items, we cannot proceed with the new programs and their attendant metrics as outlined in the previous pages of this document. Only after the implementation of these first actions or objectives will the Department know its capacity to effectively and efficiently implement the priority action items and metrics.

**1. Reorganize the Department of Development to support the Vision and Mission of this Plan.**

By September 1, 2011, complete the restructure of the department to be focused on the

economic development activities articulated in the Plan as opposed to the Department of Development's present focus on grant management, direct resident assistance and the County Airport. Determine what functions must be performed by the Department of Development and which can be outsourced for efficiency and effectiveness. The new structure should have the capacity to 1) Understand the needs of its constituents including businesses, governments and citizens and be responsive to them 2) strategically invest the funds in the Economic Development Fund to address the needs and realize the mission/vision 3) apply for, receive and leverage federal grants 4) monitor and measure performance 5) evaluate existing programs, and lastly, articulate its needs for support in Columbus and DC (Advocacy).

**2. Improve intra-county government coordination and collaboration and determine its best role to play in the community.**

By September 1, 2011, create a partnership with Employment Connection and its successful Business Service model for understanding employer needs and expand it to include DOD programs.

Initiate a quarterly review of economic development plans and priorities with Director of Public Works to ensure coordination and alignment on issues of infrastructure and investment.

By November 1, 2011, work with the Planning Commission and the County Land Bank to create a unified plan and approach to land inventory and assembly.

**3. Determine how the County can best contribute (align, coordinate, fund) to the success of the network of numerous economic development players in the region.**

By December 31, 2011: Create a mechanism to align and coordinate the activities of the major ED intermediaries (Team NEO, Jumpstart, MAGNET...) so that all entities are working together.

**4. Create an Economic Development Fund (EDF) to invest strategically.**

By December 31, 2011: Introduce legislation to create and then begin to capitalize the fund

**5. Review and evaluate existing county programs (loans, grants) and funding streams (NSP, CDBG, Brownfield) to determine their application and value then add/delete/modify as needed.**

By June 1, 2012: Complete annual review of Department of Development programs and their effectiveness

The plan recognizes that the County has many assets and much strength. While we are in challenging times we have an opportunity to prosper and realize aspirations framed in the

Charter. By thinking strategically, acting in concert and measuring our progress, the future of Cuyahoga County can indeed be bright.

#### **Final Acknowledgement.**

**Literally hundreds of citizens voluntarily provided input to this plan through the work of the Economic Development and Human Capital/Quality Place Transition teams in mid 2010. The Economic Development Commission met several times, discussed the plan, reviewed drafts and heard public comment. The plan draws heavily on the thoughts and words of Dorothy Baunach, Amy Fulford, Marvin Hayes, Deb Janik, Judy Rawson and Chris Thompson. We thank them all and acknowledge their significant contributions to this work.**

# County Council of Cuyahoga County, Ohio

## Ordinance No. O2011-0029

Sponsored by: <b>County Executive FitzGerald/Department of Law</b>	<b>An Ordinance</b> amending Ordinance No. O2011-0016 to establish the organizational structure of the Department of Law.
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WHEREAS, the County Council established the Department of Law in Ordinance No. O2011-0016; and

WHEREAS, Ordinance No. O2011-0016 provides that “[p]ursuant to Section 3.09(2) of the Cuyahoga County Charter, Council shall establish, with input from the County Executive and the Director of Law, such divisions and sections within the Department of Law as Council determines to be necessary for the efficient administration of the County within 90 days following the passage of this Ordinance;” and,

WHEREAS, it is necessary to amend Ordinance No. O2011-0016 to establish the organizational structure of the Department of Law.

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

**SECTION 1.** Section 1 of Ordinance No. O2011-0016 establishing the Department of Law shall be amended as follows (language additions are shaded and boldfaced, deleted language is stricken out):

**SECTION 1.** The Cuyahoga County Department of Law.

- (a) There is hereby established the Department of Law for Cuyahoga County, to be officially called “The Cuyahoga County Department of Law.”
- (b) For convenience, the Cuyahoga County Department of Law may also be referred to as the “Cuyahoga County Law Department” or the County’s “Law Department” in correspondence, legislation, or as is otherwise necessary or convenient.
- (c) For convenience, the Director of Law may also be referred to as the County’s “Law Director” in correspondence, legislation, or as is otherwise necessary or convenient, and the term “Law Director” shall be accorded the same meaning as “Director of Law.”

- (d) The Director of Law shall exercise all powers, duties, and responsibilities that s/he may exercise under the Cuyahoga County Charter, and s/he shall have all powers, duties, and responsibilities to advise and represent the County in all legal matters and proceedings. The Director of Law and, as the Director of Law deems appropriate, his/her designee(s) within the Department of Law shall have the power to waive conflicts of interest relating to the retention of outside counsel and Department attorneys and staff. If the Director of Law and all of his/her designee(s) are unable to grant such a waiver because they have a conflict of interest pursuant to the Ohio Code of Professional Conduct, the Inspector General or, as the Inspector General deems appropriate, his/her designee(s) shall have the power to waive such conflicts.
- (e) The powers, duties, and responsibilities of the Director of Law shall be broadly construed, and the listing of any specific powers, duties, or responsibilities of the Director of Law in this Ordinance or any other ordinance or resolution shall not be construed to exclude any other powers, duties, or responsibilities of the Director of Law existent under the County Charter, its home rule powers, or the general law of the State of Ohio.
- (f) The Director of Law shall supervise and manage the Department of Law and may employ such number of deputies, assistants, and employees as s/he determines to be reasonably necessary to assist him/her in carrying out his/her powers and duties and as is consistent with approved budgetary parameters determined by Council.
- (g) ~~Pursuant to Section 3.09(2) of the Cuyahoga County Charter, Council shall establish, with input from the County Executive and the Director of Law, such divisions and sections within the Department of Law as Council determines to be necessary for the efficient administration of the County within 90 days following the passage of this Ordinance.~~ **The Cuyahoga County Department of Law shall be composed of the Director of Law, a Deputy Chief Director of Law, Assistant Law Directors, and, as deemed necessary by the Director of Law, such other assistants and other staff, including paralegals and executive and administrative assistants to serve the Director, Deputy Director, and the Assistant Law Directors.**

**SECTION 2. Open Meetings.** 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 \_\_\_\_\_, seconded by \_\_\_\_\_, the foregoing Ordinance was duly enacted.

Yeas:

Nays:

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

First Reading/Referred to Committee: July 12, 2011

Committee(s) Assigned: Justice Affairs

Journal CC003

July 26, 2011

# County Council of Cuyahoga County, Ohio

## Ordinance No. 2011-0030

Sponsored by: <b>County Executive FitzGerald and Councilmember Miller</b>	<b>An Ordinance</b> amending Ordinance No. 2011-0014 establishing the Board of Control, establishing procedures governing the making of County contracts and the purchasing of County supplies and equipment, providing procedures for the making of public improvements, establishing procedures under which the County Executive may employ experts and consultants in connection with the administration of the affairs of the County; and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, the Cuyahoga County Council enacted a Board of Control, Contracting and Purchasing Ordinance; and,

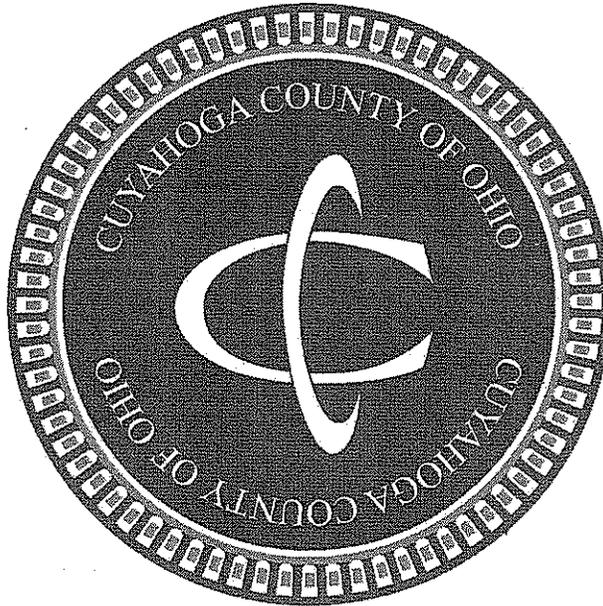
WHEREAS, it is necessary to amend the Board of Control, Contracting and Purchasing Ordinance to clarify potentially ambiguous provisions therein and to insure that the Board of Control, Contracting and Purchasing Ordinance accurately reflects Council's original intent; and,

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

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

**SECTION 1:** The policies and procedures of Cuyahoga County, Ohio, relating to contracts, purchases, sales, leases, grants, and loans are amended as follows (additions are capitalized and shaded, deletions are stricken out):

Cuyahoga County  
Board of Control, Contracting and Purchasing Ordinance



Cuyahoga County Council  
Public Works, Procurement Contracting Committee

Pernel Jones, Jr., Chair  
Chuck Germana, Vice Chair  
Yvonne Conwell  
Dale Miller  
Julian Rogers

Amended July 14, 2011

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## **Chapter 1: Establishment of the Board of Control**

### **Section 1.1: Board of Control Established**

There is, hereby, created the Cuyahoga County Board of Control, consisting of seven (7) members identified as follows:

- a) the Cuyahoga County Executive,
- b) the Fiscal Officer,
- c) the Director of Public Works,
- d) the Director of ~~THE OFFICE OF~~ Procurement and Diversity, and
- e) three members of Cuyahoga County Council, appointed by the President of Council, within seven (7) days after the enactment of this ordinance and immediately following each Organizational Meeting of Cuyahoga County Council, who shall serve until their successors are appointed.

### **Section 1.2: County Council Vacancies**

Whenever any of the three (3) positions on the Board of Control held by members of County Council becomes vacant, the President of County Council shall appoint another member of County Council to fill the position for the remainder of the term.

### **Section 1.3: Executive Branch Alternates**

For each of the four (4) executive branch members of the Board of Control, the County Executive shall appoint an alternate, who shall attend meetings of the Board of Control whenever that member is unable to do so. Only employees of Cuyahoga County may be appointed as alternates on the Board of Control. Each alternate appointed shall, according to the County Executive's best judgment, have the greatest responsibility and most knowledge in the area(s) of primary responsibility of the person that the alternate replaces. Alternates shall serve at the pleasure of the County Executive, and the County Executive shall appoint a new alternate in the same way as the original designation whenever an alternate position becomes vacant. Appointments of alternates by the County Executive shall not be subject to confirmation by County Council.

### **Section 1.4: Council Alternates**

At the same time that the President of Council appoints members to the Board of Control, the President of Council shall appoint an alternate for each member appointed. Alternates shall be members of County Council

and shall serve until their successors are designated. The President of Council shall in the same way appoint an alternate for the remainder of the term whenever an alternate position becomes vacant.

Section 1.5: Alternate Have Full Rights

Any properly appointed alternate shall have all the rights and responsibilities of a member of the Board of Control when attending a meeting on behalf of a member.

Section 1.6: Officers

The County Executive shall serve as Chairperson of the Board of Control, and the Fiscal Officer shall serve as Vice Chairperson. If both the Executive and the Fiscal Officer are absent from any meeting, the Board of Control shall choose one of its members to chair that meeting. For the purposes of this section, County Executive and Fiscal Office shall include their alternates.

Section 1.7: No Additional Compensation

No compensation in addition to a person's regular compensation as an employee of Cuyahoga County shall be provided for service on the Board of Control.

Section 1.8: Clerk of the Board of Control

The County Executive shall designate one staff person, who shall be the Clerk of the Board of Control, who shall publish agendas and meeting notices and record and publish minutes.

Section 1.9: Weekly Meetings

The Board of Control shall meet weekly, at a regular time determined by the Board of Control.

Section 1.10: Quorum

A quorum for the Board of Control shall consist of four (4) members, or their alternates or replacements.

Section 1.11: Vote Required for Board of Control Actions

Except as provided in Section 2.10(a)(7) of this ordinance, a motion to approve or disapprove any item before the Board of Control shall require

the affirmative vote of any four (4) or more members. Amendments to items before the Board of Control and parliamentary motions may be adopted by a majority of those present, provided that a quorum is present.

Section 1.12: Rules of Procedure

The Board of Control shall, consistent with the provisions of this ordinance, adopt its own rules of procedure.

Section 1.13: Public Participation

All meetings of the Board of Control shall be open to the public and shall begin by providing time for public comment on matters that are on the agenda for that day. The Board of Control shall also provide time for public comment, either at that time or later in the meeting, on matters that may come before the Board of Control in the future. The Board of Control may also require presenters to register with the Board of Control before speaking and may set a time limit on presentations, which may be extended at the discretion of the Chairperson.

Section 1.14: Agendas

The Clerk of the Board of Control shall publish the notice and agenda for each meeting on the county's website, post them at its office, and send them by electronic mail to each member of County Council no later than the close of business on the second business day before the meeting. For each proposed contract to be considered, the agenda shall list the type of contract, a summary of the scope of work, the anticipated costs, the expected schedule of payments by fiscal year, the source(s) of funding, the anticipated start date, and the vendor's name. For agenda items other than contracts, the Board of Control shall specify in its rules what documentation shall be submitted with the request.

Section 1.15: Special Meetings

The Board of Control may conduct a special meeting at a time other than its regularly scheduled time. In the event of an emergency, the Board of Control may conduct a meeting with less notice than that required by Section 1.15 of this ordinance. For any special or emergency meeting, in addition to the notice requirements of Section 1.15, the Board of Control shall also send notice to all news media organizations that request to be notified of such meetings. A meeting may be conducted with less than twenty-four (24) hours only to respond to an emergency concerning which immediate official action is required, and the notice and agenda shall state the nature of the emergency requiring such action.

Section 1.16: Minutes

The Clerk of the Board of Control shall promptly prepare and publish the minutes of each meeting of the Board of Control on the county's website, which shall in no case occur later than one week after each meeting.

Section 1.17: Executive Session

Notwithstanding the requirement in Section 1.14 for open meetings, the Board of Control may go into Executive Session, only to discuss one or more of the topics permitted to be discussed in Executive Session according to Section 121.22 of the Ohio Revised Code. The published agenda for any meeting at which the Board of Control goes into Executive Session must include notice of the intent to go into Executive Session and a general description of the subject matter to be discussed. Prior to going into Executive Session, the Board of Control must approve a motion to go into Executive Session. That motion must be approved by a majority of members present by roll call vote, with a quorum being present, and the motion shall state the topic(s) to be discussed in Executive Session and that no other topics may be discussed.

Section 1.18: Journal

The Clerk of the Board of Control shall maintain a Journal of the Board of Control, which shall be posted on the county's website and maintained as a permanent file, which may be in an electronic format. The Journal shall include the notice, agenda, and minutes of all Board of Control meetings.

Section 1.19: Public Meetings and Public Records

The Board of Control shall be subject to all state laws and county ordinances concerning public meetings and public records.

Section 1.20: Deadline for Agenda Items

The Clerk of the Board of Control, in consultation with the Fiscal Officer, the Director of Public Works, and the Director of Purchasing, may set a deadline for the submission of items for the agenda by county departments for each meeting.

Section 1.21: Consideration of Items Not on the Agenda

The Board of Control may, by 2/3 vote of members present, with a quorum being present, allow consideration of items not on the agenda or

items submitted after the deadline for submission of items established by the Clerk of the Board of Control.

## **Chapter 2: Approvals Required for Contracts, Purchases and Sales, Leases, Grants and Loans**

### Section 2.1: County Executive's Authority

- a) The County Executive, through the appropriate departments of county government acting under his/her direction may SOLICIT BIDS; enter into all contracts; MANAGE CONTRACTS THROUGH THEIR CONCLUSION AND EXECUTE ALL NECESSARY DOCUMENTS FOR THE ADMINISTRATION AND CONCLUSION OF CONTRACTS; ACCEPT COMPLETENESS OF PROJECTS; TERMINATE CONTRACTS; RELEASE ESCROW FUNDS UPON CONCLUSION OF CONTRACTS; APPLY FOR, accept or make grants; purchase, sell, AND lease any real estate or real estate interests; ACCEPT OR GRANT ACCESS, EASEMENTS, LICENSES, AND OTHER RIGHTS OF ENTRY ON REAL ESTATE; and provide or enter into loans, provided that all requirements of this ordinance applicable to that action are met. For actions requiring approval of the County Council or the Board of Control, such approvals shall be obtained prior to execution of the action. Actions not requiring approval of either the County Council or the Board of Control may be executed by the County Executive or his/her designees in accordance with procedures established by this ordinance and the County Executive.
  
- b) THE COUNTY EXECUTIVE MAY PERFORM ANY OF THE FUNCTIONS THAT HE OR SHE MAY PERFORM UNDER THIS ORDINANCE THROUGH HIS OR HER DULY AUTHORIZED DESIGNEES.

### Section 2.2: Usage of the Terms "Contract and "Sale"

For the purposes of the ordinance:

- a) "contract" shall not include an employment contract between the County and any regular full-time or part-time employee of the County or any contract entered into in settlement of litigation; and
- b) "sale" shall include only sales of assets.

### Section 2.3: Definition of Value

For the purposes of this ordinance, the value of any contract, purchase, sale, grant, or loan shall be the total amount obligated, received or contracted for, even if over multiple years, but shall not include any optional extensions. Whenever a construction or renovation project requires the execution of two or more contracts, the sum of the value of the multiple contracts required shall be used as the value for each contract, except that contracts for phases of a construction or renovation project, executed before it is known whether the total project cost will exceed \$500,000, may be handled as a separate contract.

Section 2.4: Thresholds for Options of Contracts

Exercise of an option on a contract shall require approval of the County Council or the Board of Control if the thresholds provided for in Section 2.10(a)(1) and 2.11(a), respectively, for approval of contracts are met.

Section 2.5: Contracts with Multiple Vendors

a) UNLESS AN EXEMPTION IS APPROVED UNDER SECTION 2.5(b) HEREIN, THE VALUES OF PROPOSED CONTRACTS TO BE ENTERED PURSUANT TO A SINGLE REQUEST FOR BIDS (RFB), REQUEST FOR PROPOSALS (RFP) OR REQUEST FOR QUALIFICATIONS (RFQ) SHALL BE AGGREGATED AND TREATED AS A SINGLE CONTRACT FOR PURPOSES OF APPLYING THE MONETARY THRESHOLDS UNDER SECTIONS 2.10 AND 2.11.

b) REQUESTS FOR EXEMPTION FROM THE REQUIREMENTS OF SECTION 2.5(a) SHALL BE SUBMITTED TO THE BOARD OF CONTROL, WHICH IS HEREBY AUTHORIZED TO REVIEW SUCH REQUESTS AND TO APPROVE OR DISAPPROVE THEM.

Section 2.6: Definition of New Item

For the purposes of this ordinance, a "new item" in a change order or amendment to a contract is any item not provided for in the prior version of the contract, and does not include a change in the quantity, version, style, manufacturer, or supplier of any item included in the prior version of the contract.

Section 2.7: Change Orders or Amendments on Contracts

A change order or amendment to a contract may be presented in the form of a list of proposed changes, rather than submitting items individually.

For the purposes of this ordinance, the value of a change order or amendment submitted as a list of items shall be the greater of:

- a) the net change to the value of the contract after all additions, , are added and all deletions or reductions are subtracted; or
- b) the total value of all new items, as defined in Section 2.6 of this ordinance, in the change order or amendment.
- c) The term "change order or amendment" shall include the use of county contingency funds.

Section 2.8: Approval Thresholds for Change Orders or Amendments

For the purposes of this ordinance, a change order or amendment to a contract shall not be considered a separate contract and shall be subject to the requirements of Sections 2.10(a)(7) and 2.11(c) of this ordinance.

Section 2.9: Single Approval Generally Required; Exceptions

Except as provided for in Sections 2.10(a)(7) and (8) and Sections 2.11(c) and (d), approvals provided for in Sections 2.10 and 2.11 of the ordinance shall be required to enter into a contract or lease, to accept a grant, or to make a purchase, sale, grant, or loan and not at other stages of the process of completing these transactions.

Section 2.10: Items Requiring County Council Approval

- a) The following transactions shall require approval by the County Council:
  - 1) All contracts, purchases, grants provided by the county, or loans provided by the county for more than \$500,000;
  - 2) Any loan in which the county, or any entity thereof, is the borrower;
  - 3) All contracts, purchases, loans, leases, or other transactions which create an obligation which would require the appropriation of additional funds not previously authorized;
  - 4) All purchases or sales of real estate or real estate interests for more than \$50,000 and all leases of real estate or real estate interests as lessor or lessee in which the total value of the ~~transaction~~ PURCHASE, SALE, OR LEASE is more than \$50,000;

- 5) All PURCHASES, SALES, OR LEASES OF real estate IN EXCESS OF SIX MONTHS ~~transactions~~ other than at fair market value;
  - 6) All transfers of cash or appropriation authority between accounts within the county budget and all appropriation changes that result in an increase or decrease in authorized appropriations;
  - 7) Any change order or amendment to a contract that is submitted to the Board of Control ~~for which the change order or amendment~~ AND does not receive an affirmative vote of one County Council member on the Board of Control.
  - ~~8) Any contract or agreement with one or more other political subdivisions or governmental agencies made pursuant to Article 3, Section 9, Subsection 8 of the Charter;~~
  - 8) ~~8)~~ Any other specific contract, purchase, sale, lease, grant, or loan or any procedure within the process of completing any such contract, purchase, sale, lease, grant or loan for which the County Council, by Motion of Council, requires approval of the County Council.
- b) SECTIONS 2.10 (A) (4) AND (5) ARE NOT INTENDED TO INTERFERE WITH THE EXECUTIVE AND DIRECTOR OF PUBLIC WORKS' ABILITY TO MANAGE THE COUNTY'S PROPERTY, INCLUDING, WITHOUT LIMITATION, GRANTING ACCESS, EASEMENTS, LICENSES, RIGHTS OF WAY, OR OTHER RIGHTS OF ENTRY ON THE COUNTY'S PROPERTY AND ESTABLISHING THE TERMS FOR SUCH ENTRY WITHOUT SEEKING COUNCIL APPROVAL FOR SUCH ACTION.

Section 2.11: Items Requiring Board of Control Approval

The following transactions shall require approval by the Board of Control:

- a) All contracts, purchases, grants provided or by the County, or loans provided by the County for more than \$100,000 but not more than \$500,000, except that the County Executive and/or the Director of Economic Development may make loans of not more than \$200,000 without approval from the Board of Control for the limited purpose of implementing the Federal Neighborhood Stabilization Program.
- b) All purchases or sales of real estate or real estate interests for more than \$10,000 but not more than \$50,000 and all leases of real estate or

- real estate interests as lessor or lessee in which the total value of the transaction is more than \$10,000 but not more than \$50,000;
- c) Any change order or amendment WITH A VALUE OF \$25,000 or more using the definition provided in Section 2.7 of this ordinance for contracts with a value of less than five million dollars or \$50,000 or more for contracts with a value of five million dollars or more.
  - d) Any other specific contract, purchase, sale, lease, grant, or loan or any procedure within the process of completing any such contract, purchase, sale, lease, grant or loan for which the County Council, by Motion of Council, requires approval of the Board of Control.
  - e) ANY OTHER SPECIFIC CONTRACT, PURCHASE SALE, LEASE, GRANT, EXEMPTION OR LOAN OR PROCEDURE WITHIN THE PROCESS OF COMPLETING ANY SUCH CONTRACT, PURCHASE, SALE, LEASE, GRANT EXEMPTION OR LOAN THAT DOES NOT OTHERWISE REQUIRE COUNCIL OR BOARD OF CONTROL APPROVAL, BUT THE COUNTY EXECUTIVE DETERMINES TO SUBMIT TO THE BOARD OF CONTROL FOR ITS CONSIDERATION, REVIEW AND APPROVAL OR DENIAL.

Section 2.12: Monthly Reports on Contract Changes

During any construction or renovation project, the DIRECTOR OF THE DEPARTMENT RESPONSIBLE FOR THE PROJECT IN CONJUNCTION WITH THE ~~county's representative~~, project manager, or other person responsible for the project shall provide the following information monthly to the Board of Control:

- a) A description of all changes made in the project since the previous report and the cost or savings associated with each change, and
- b) The percentage of contingency funds used in the project up to that point and how that percentage compares with the projected use of contingency funds at that point in the project.

Section 2.13: Identification of Funding Sources

Any item submitted to the County Council or the Board of Control which includes a request for approval for the expenditure of money shall specify the funding source(s) to be used.

Section 2.14: Experts or Consultants

The County Executive may enter into a contract with experts or consultants in connection with the administration of the affairs of the county, as provided for in Article 3, Section 9, Subsection 3 of the

Cuyahoga County Charter, subject to the approval process and other requirements regarding contracts provided for in this ordinance and the specific notice requirement provided for in Section 4.4 of this ordinance.

Section 2.15: County Executive Emergency Authority

In an emergency which threatens the life, health, or property in the county, ~~AS DECLARED AND DETERMINED BY THE COUNTY EXECUTIVE~~, and in which official action is needed prior to when a meeting of the County Council or the Board of Control could take place, the County Executive may enter into contracts or leases or make purchases not to exceed \$500,000 for any one emergency event, without obtaining the approval of the County Council or the Board of Control. Whenever this power is exercised, the County Executive shall immediately send a report to County Council and post the report on the county's website, describing the nature of the emergency, the actions taken, and the estimated cost and sources of funding for the actions taken.

Section 2.16: ~~GRANT APPLICATION AND~~ Acceptance of Grants

The County Executive may ~~APPLY FOR AND~~ accept grants on behalf of the county without specific approval from the Board of Control or the County Council, provided that any expenditures of grant funds shall be made from funds properly appropriated and any purchases, grants, leases, or loans made using grant funds shall be done in accordance with the provisions of this ordinance.

Section 2.17: Referral to County Council

The County Executive may refer an item to the County Council for approval that otherwise would require approval from the Board of Control.

### **Chapter 3: General Provisions**

Section 3.1: Director of Procurement and Diversity to Execute Purchases

All purchases of goods and services shall be done by the Director of Procurement and Diversity, under the direction of the County Executive. The various departments may use office vouchers for purchases not to exceed \$1,000 and procurement cards for purchases of less than \$500.

Section 3.2: Legal Review

All contracts, purchases, sales, leases, grants, or loans must undergo legal review before being executed. Use of a standard form, approved in advance by the Law Department for a specific type of transaction, shall satisfy the requirement of this section.

Section 3.3: Appropriation and Warrant Procedures

All expenditures related to any contract, purchase, sale, lease, grant, or loan must be made in accordance with the appropriation and proper warrant provisions of Section 5705.41 of the Ohio Revised Code.

Section 3.4: Competitive Bidding Required; Exceptions

a) Except as provided in Section 3.13(b) of this Ordinance and Subsection (b) below, all contracts, purchases, or leases shall be done in accordance with the competitive bidding procedures provided for in Sections 307.86 through 307.921 of the Ohio Revised Code.

b) Competitive bidding is not required when any of the following apply:

1. The estimated cost is less than \$25,000;
2. ~~The purchase is for the professional services of an accountant, architect, attorney at law, physician, engineer, consultant, surveyor, or appraiser, or construction manager; THE PURCHASE IS FOR PROFESSIONAL SERVICES, SUCH AS ARCHITECTURAL, LEGAL, MEDICAL, ENGINEERING, CONSULTING, SURVEYING, APPRAISAL, BROKERAGE, OR CONSTRUCTION MANAGEMENT SERVICES;~~
3. The purchase is made in response to an emergency as provided for in Section 2.15 of this ordinance or the purchase is approved by the County Council or the Board of Control, as applicable, to be made without competitive bidding in response to an emergency;
4. Contracts for the purchase of real property or real estate interests;
5. Leases of real estate or real estate interests as lessee, in which all of the following apply:
  - i. The contracting authority develops requests for proposals for leasing the property, specifying the criteria that will be

- considered prior to leasing the property, including the desired size and geographic location of the property;
- ii. The contracting authority receives responses from prospective lessors with property meeting the criteria specified in the requests for proposals by giving notice in a manner substantially similar to the procedures established for giving notice under section 307.87 of the Ohio Revised Code as modified by Section 3.13 of this Ordinance; and
  - iii. The contracting authority negotiates with the prospective lessors to obtain a lease at the best and lowest price reasonably possible considering the fair market value of the property and any relocation and operational costs that may be incurred during the period the lease is in effect.
6. The purchase is for used personal property, material, or supplies which are to be sold by the submission of written bids or at an auction open to the public;
  7. The purchase is for ~~SERVICES~~, supplies, ~~or a replacementS~~ or ~~a supplemental partS~~ ~~or parts~~, for a product or equipment owned or leased by the county, and the only source of ~~THE SERVICES, supplIESy, for the supplies or REPLACEMENTS OR PARTS~~ ~~part(s)~~ is limited to a single supplier;
  8. The purchase is for services related to information technology, such as programming services, that are proprietary or limited to a single source;
  9. The purchase is from the federal government, the state, another county or contracting authority of another county, or a board of education, township, or municipal corporation;
  10. The purchase is made by a county department performing the duties provided for in Section 329.04 of the Ohio Revised Code and consists of family services duties or workforce development activities;
  11. The purchase is made by a public children services agency performing the duties provided for in Section 5153.16 of the Ohio Revised Code and consists of family services, programs, or ancillary services that provide case management, prevention, or treatment services for children at risk of being or alleged to be abused, neglected, or dependent children;
  12. The purchase consists of criminal justice services, social services programs, family services, or workforce development

activities from nonprofit corporations or associations under programs funded by the federal government or by state grants;

13. The purchase is for an insurance policy, health care plan, or child care services for provision to county employees and is done in accordance with Section 307.86(F) of the Ohio Revised Code;

14. The purchase is for goods and services provided by persons with severe disabilities and provided for in Sections 4115.31 through 4115.35 of the Ohio Revised Code;

15. The contracting authority determines that the use of competitive sealed proposals would be advantageous to the county and the contracting authority complies with Section 307.862 of the Ohio Revised Code, as modified by Section 3.13(B) of this ordinance;

16. ~~Except regarding the limit provided for in Section 3.4(B)(1) of this ordinance,~~ The purchase is for any other purpose that may be done without competitive bidding according to Section 307.86 of the Ohio Revised Code;

17. THE PURCHASE IS MADE THROUGH A JOINT PURCHASING PROGRAM PURSUANT TO SECTION 9.48 OF THE OHIO REVISED CODE;

18. THE PURCHASE IS MADE THROUGH A STATE CONTRACT PURSUANT TO SECTION 125.04 OF THE OHIO REVISED CODE.

c) ANY PURCHASE OF PROFESSIONAL DESIGN SERVICES PROVIDED BY ARCHITECTS, ENGINEERS, OR SURVEYORS SHALL BE DONE AS PROVIDED FOR IN SECTIONS 153.65 THROUGH 153.71 OF THE OHIO REVISED CODE. THE CONTRACTING AUTHORITY, HOWEVER, MAY DEVIATE FROM THE REQUIREMENTS OF O.R.C. 153.691 IF THE COUNTY EXECUTIVE, WITH THE APPROVAL OF THE BOARD OF CONTROL, DETERMINES THAT DOING SO WOULD BE ADVANTAGEOUS TO THE COUNTY.

d) THE OFFICE OF PROCUREMENT AND DIVERSITY IS CHARGED WITH VERIFYING THE QUALIFICATIONS OF PURCHASES MADE UNDER SECTIONS 3.4(B) (7) AND (8). EACH PURCHASE MADE UNDER THESE SECTIONS MUST UNDERGO THE MANDATORY VERIFICATION IN ADVANCE OF INITIATING THE PURCHASING PROCESS IN

ACCORDANCE WITH THE UNIFORM PROCEDURES ADOPTED BY THE OFFICE OF PROCUREMENT AND DIVERSITY IN CONSULTATION WITH THE DEPARTMENT OF LAW.

- e) EXCEPT IN THE CASE OF PURCHASES MADE UNDER 3.4(B)(9), (17), AND (18) OR WHEN AN EXEMPTION IS GRANTED BY THE COUNTY EXECUTIVE at a public meeting, ~~Whenever~~ IF the county SEEKS TO makes purchases OF \$25,000.00 OR MORE other than by competitive bidding, and the county is able to identify multiple sources through which the purchase could be made, the contracting agency shall:
1. Develop requests for proposals or qualifications, specifying the products or services to be purchased and the criteria that will be considered prior to making the purchase;
  2. Receive responses from prospective vendors meeting the criteria specified in the request for proposals or qualifications by giving notice in a manner substantially similar to the procedures established for giving notice under section 307.87 of the Ohio Revised Code as modified by Section 3.13(B) of this Ordinance; and
  3. The contracting authority negotiates with the prospective vendors to obtain a contract which best satisfies the criteria specified in the request for proposals or qualifications.
- f) IF THE COUNTY SEEKS TO MAKE PURCHASES GREATER THAN \$1,000, BUT LESS THAN \$25,000, THE CONTRACTING AUTHORITY SHALL SEEK INFORMAL QUOTES OR PROPOSALS FROM MULTIPLE VENDORS IN ACCORDANCE WITH THE PROCEDURES ESTABLISHED BY THE OFFICE OF PROCUREMENT AND DIVERSITY.

Section 3.5: Procedure Manuals

Except as otherwise provided in this ordinance, all contracts, purchases, sales, or leases shall be done in accordance with:

- a) the Purchasing Policy and Procedure Manual, dated January, 2006, amended December 21, 2006;
- b) the Request for Proposal (RFP) Manual, adopted December, 2006;
- c) the Small Business Enterprise (SBE) Program Policies and Procedures, adopted December 20, 2005, as amended, including the SBE Price Preference Policy adopted on October 1, 2009, and the SBE

Requirements for Economic Development Bond Funded Projects,  
adopted October 29, 2009.

Section 3.6: County Executive to Propose Revisions to Procedure Manuals

On or before December 31, 2011, the County Executive shall submit legislation to County Council, proposing revisions to each of the documents listed in Section 3.5 of this ordinance to update them and align them with the provisions of this ordinance. This proposed legislation may propose dividing these documents into sections to be adopted by ordinance and other sections to be adopted by and which may be amended by administrative rule.

Section 3.7: Standards for Awarding Contracts

Contracts and purchases which require competitive bidding, and are awarded in accordance with this ordinance shall be awarded to the lowest and best bidder meeting the specifications that are most advantageous to Cuyahoga County. The County reserves the right to consider all elements entering into the question of determining the lowest and best bid, including the following:

- a) whether the bidder has the appropriate experience, reputation, and workforce to perform the required work;
- b) the bidder's past performance on legal and ethical matters;
- c) whether the bidder exhibits a history of workforce stability and workplace safety, and provides workers a fair wage and fair benefits, as evidenced by payroll and employee records, for the required work, based on market conditions;
- d) whether the bidder has adhered to all conditions and requirements of the bid, ~~RFP, or RFQ~~ AND specifications;
- e) the quality of the product or service provided by the bidder on previous projects;
- f) with respect to a bidder whose bid is substantially below that of the next lowest bidder, supplemental details regarding the bid and/or historical information regarding performance and costs on similar contracts to demonstrate the bidder's ability to complete the contract at the price specified;
- g) whether the bidder is able to comply with the criteria outlined in Section 3.8 of this ordinance;
- h) whether the bidder's past performance has demonstrated a commitment to diversity in employment and subcontracting;
- i) maintenance costs and warranty provisions provided for in the bid;
- j) the delivery or completion date provided for in the bid;
- k) whether, with respect to work done in construction trades, the bidder will use only construction trades personnel who were trained in a state

or federally approved apprenticeship program or career technical program, or who are currently enrolled in a state or federally approved apprenticeship program or career technical program, or who have at least three years of experience in a particular trade; except that for the purposes of full inclusion and creation of entry-level opportunities, up to ten percent (10%) of the construction trades personnel may be participants in pre-apprenticeship programs or otherwise have less training and experience;

- l) whether the bidder, unless otherwise agreed to in a collective bargaining agreement, contributes to an employee pension or retirement plan for those employees working on the contract, such benefits being part of the employees' regular compensation and not merely on the contract, and provides evidence thereof upon request;
- m) whether the bidder, unless otherwise agreed to in a collective bargaining agreement, makes available a minimum health care plan for those employees working on the contract, such benefits being part of the employees' regular compensation and not merely on the contract and provides a copy of the plan on request;
- n) whether the bidder meets any other requirements determined by the County to be specifically relevant to the proposed contract.

Section 3.8: Required Certifications by Successful Bidders

At the time of execution of the contract, the successful bidder shall certify that it:

- a) shall be in compliance with Ohio's Drug-Free Workplace requirements, including, but not limited to, maintaining a substance abuse policy that its personnel are subject to on the contract (the successful bidder shall provide this policy upon request);
- b) does not have an Experience Modification Rating greater than 1.5 with respect to the Bureau of Workers Compensation risk assessment rating;
- c) is in compliance and will remain in compliance with Federal and Ohio Equal Opportunity Employment Laws;
- d) shall pay the prevailing wage rate and comply with other provisions set forth in Sections 4115.03 through 4115.16 of the Ohio Revised Code and Sections 4101:9-4-01 through 4101:9-4-28 of the Ohio Administrative Code, including but not limited to the filing of certified payroll reports;
- e) has not been debarred from public contracts for prevailing wage violations or found or determined by the state to have underpaid the required prevailing wage, whether intentionally or unintentionally, even if settled subsequent to the finding, more than three (3) times in the last ten (ten) years, provided that, when aggregating for any single project, no finding of an underpaid amount of less than \$1,000.00 shall be considered, and no single finding based upon a journeyman-to-

apprenticeship ratio shall be considered a violation of this provision unless as part of multiple, similar findings;

- f) has not been penalized or debarred from any federal, state, or local public contract or falsified certified payroll records, or has otherwise been found, after appeals, to have violated the Fair Labor Standards Act in the past ~~five (5) years~~ SEVEN (7) YEARS, OR DURING THE BIDDER'S ENTIRE TIME OF DOING BUSINESS, IF LESS THAN SEVEN (7) YEARS;
- g) has not had the professional license of any of its employees revoked ~~in the past five (5) years in Ohio or any other state for malfeasance or misfeasance~~;
- h) has not violated any unemployment or workers compensation law during the past five (5) years, or during the bidder's entire time of doing business, if less than five (5) years;
- i) at the time of contract award, does not have final, unsatisfied judgments against it which in total amount to 50% or more of the contract amount;
- j) will utilize, for work performed under the contract supervisory personnel that have three (3) or more years of experience in the specific trade and who maintain the appropriate state license(s), if any;
- k) shall be properly licensed to perform all work as follows:
  - 1. if performing a trades contract, shall be licensed pursuant to Ohio Revised Code Section 4740 as a heating, ventilating, and air conditioning contractor, refrigeration contractor, electrical contractor, plumbing contractor, or hydronics contractor;
  - 2. if performing work regulated under Section 3737.65 of the Ohio Revised Code, be certified by the State Fire Marshall;
  - 3. if performing work under any other trade, occupation, or profession licensed under Title 47 of the Ohio Revised Code, be licensed for that trade, occupation, or profession as provided in the Ohio Revised Code;
- l) shall, if performing a trade contract pursuant to Ohio Revised Code Section 4740, not subcontract more than twenty-five percent (25%) of the labor, excluding materials, for its awarded contract, unless to subcontractors also licensed pursuant to Ohio Revised Code Section 4740 or certified by the State Fire Marshall pursuant to Ohio Revised Code Section 3737.65.
- m) shall provide access as needed and allow the Agency of the Inspector General to perform the functions provided for in Section 3.12 of this ordinance.‡
- n) shall require all ~~if~~ OF its subcontractors, at the time of execution of a subcontract, to make all of the certifications required in this Section 3.8, EXCEPT FOR SUBSECTIONS g, h AND j.

Section 3.9: Remedies for Breach of Contract

If any material breach of contractual obligations or the certifications provided for in Section 3.8 of this ordinance occurs during the contract performance by the vendor, the County may exercise any or all contractual remedies, including, but not limited to, contract termination for cause.

Section 3.10: Ethics Compliance Required

No contract shall be entered into unless all the provisions of state law and county ordinances related to ethics policy have been met.

Section 3.11: Unlawful Interest in a Public Contract

Any contract entered into in violation of Ohio Revised Code Section 2921.42(H) and/or related county ordinances concerning unlawful personal interest in a public contract shall be void and unenforceable.

Section 3.12: Inspector General's Authority

The Inspector General shall have the power to audit, investigate, inspect and review the operations, activities, and performance of the contracting and procurement processes of Cuyahoga County government in order to detect corruption and fraud and insure compliance with this ordinance and state and county ethics laws relating to contracting and procurement. Areas within the purview of such power shall include the following:

- a) the establishment of bid specifications,
- b) bid submittals,
- c) activities of contractors, including their departments, agents, and employees that specifically relate to performance on a contract with the county,
- d) relevant activities of public officials and employees of the county.

Provided that, in the reasonable judgment of the Inspector General's agency, doing so does not jeopardize any existing or anticipated investigation, the Inspector General's agency shall promptly report any wrongdoing to the County Executive, the County Council, Director of Public Works, the Director of Procurement and Diversity, the Director of Law, the Prosecuting Attorney, and other appropriate officials, as needed, to insure that proper action is taken in response to its findings.

### Section 3.13: Home Rule Powers Asserted

To the extent permitted under the home rule powers available to Cuyahoga County as a charter county, the County Executive or his/her designees may:

- a) issue requests for bids, proposals, or qualifications which allow the responder to choose among two or more alternative approaches for completing the work;
- b) advertise for bids or request proposals or qualifications either on-line through the county's website or through a newspaper of general circulation that serves the county, or both, with the option to supplement such advertising through the use of additional media;
- c) on or after August 1, 2011, and in accordance with any implementing legislation on alternative construction delivery systems enacted by County Council, choose among the various available construction project delivery systems, in order to achieve the best possible combination of cost, quality, time to completion, and risk control.

### Section 3.14: Encouragement of Diversity

In designing specifications for bids, requests for proposals, and requests for qualifications, the county shall consider dividing requests into smaller components when doing so would create a larger pool of potential bidders without reducing the cost-effectiveness of the project.

### **SECTION 3.15: GENERAL CONTRACTING AUTHORITY OF THE COUNTY EXECUTIVE**

- A) THIS ORDINANCE IS INTENDED TO FULFILL ANY STATE, FEDERAL, OR OTHER REQUIREMENT FOR A RESOLUTION OR ORDINANCE GRANTING THE COUNTY EXECUTIVE THE AUTHORITY TO APPLY FOR OR ACCEPT GRANTS ON BEHALF OF THE COUNTY.
- B) THIS ORDINANCE IS INTENDED TO FULFILL ANY STATE, FEDERAL, OR OTHER REQUIREMENT FOR A RESOLUTION OR ORDINANCE GRANTING THE COUNTY EXECUTIVE THE AUTHORITY TO ENTER INTO A CONTRACT UNLESS APPROVAL FOR SUCH ACTION IS SPECIFICALLY REQUIRED UNDER SECTIONS 2.10 AND 2.11.
- C) THIS ORDINANCE SHALL NOT BE CONSTRUED TO LIMIT OR TO RESTRICT THE POWERS, DUTIES AND RESPONSIBILITIES OF THE COUNTY EXECUTIVE AS

PROVIDED BY THE CHARTER OR STATE LAW AND THE LISTING OF ANY SPECIFIC POWERS, DUTIES OR RESPONSIBILITIES OF THE COUNTY EXECUTIVE IN THIS ORDINANCE SHALL NOT BE CONSTRUED TO EXCLUDE ANY OTHER POWER, DUTY OR RESPONSIBILITY PROVIDED FOR IN THE CHARTER OR BY THE GENERAL LAW OF THE STATE OF OHIO.

## **Chapter 4: Notification Requirements**

### **Section 4.1: Procurement Database**

The County Executive shall develop, maintain, and post on the county's website a procurement database, which shall include two separate parts, which shall contain descriptions of:

- a) all executed contracts, purchases, and sales, other than real estate transactions, for \$1000 or more; and
- b) all executed purchases, sales, leases (as either lessor or lessee) of real estate.

The database shall be searchable by purpose, vendor, purchaser, dollar amount, funding source, department, transaction date, and other relevant factors.

### **Section 4.2: Grants and Loans Database**

The County Executive shall develop, maintain, and post on the county's website a grants and loans database, which shall include two separate parts, which shall contain descriptions of:

- a) all grants and loans received, searchable by purpose, funding source, department, date of receipt, length of term, and other relevant factors; and
- b) all grants and loans provided, searchable by purpose, recipient, funding source, department, date provided, and other relevant factors.

### **Section 4.3: Pending Transactions Database**

The County Executive shall develop, maintain, and post on the county's website a pending transactions database, which shall include four separate parts, describing all pending transactions of \$50,000 or more which have been initiated by formal, public action but not yet completed, as follows:

- a) contracts, purchases, and sales, other than real estate transactions,
- b) real estate transactions,
- c) grants and loans to be received, and
- d) grants and loans to be provided.

The database shall provide a log of date and event for each major step in the process for each transaction and shall be searchable by purpose, department, date of initiation, funding source, and other relevant factors.

Section 4.4: Special Procurement Events Database

The County Executive shall develop, maintain and post on the county's website a special procurement events database, which shall include two parts, as follows:

- a) Any time that the County Executive initiates formal, public action to contract for goods or services that are substantially different from goods or services that the county currently contracts for or has contracted for within the last three (3) years. Contracting to achieve the same purpose using improved technology shall not require notice under this subsection unless the new technology is sufficiently different so as to constitute an entirely new product; and
- b) Any time that the County Executive initiates formal public action to contract for the services of experts or consultants as provided for in Article 3, Section 9, Subsection 3 of the Charter.

The County Executive shall promptly send specific notice to the County Council whenever any of these events occur.

Section 4.5: Notification to County Councilperson

Whenever the County Executive initiates the formal, public action for a contract, purchase, sale, lease, grant, or loan with an expected value of \$25,000 or more that is located in or primarily affects a particular County Council District, the County Executive shall provide written notification to the Councilperson from that district.

Section 4.6: Timeline for Databases and Notifications

The County shall exercise best efforts to ensure that the databases provided for in Sections 4.1 through 4.4 of this ordinance are in operation and posted on the county's website and the notification process provided for in Section 4.5 of this ordinance are in operation starting not later than September 30, 2011, with the exception that the searchable features of the databases are in operation no later than March 31, 2012. Prior to the

required initiation dates for the databases and notification processes provided for in Sections 4.1 through 4.5 of this ordinance, the County Executive shall use available resources to make available to the County Council and the public as much as possible of the information required in these sections.

Section 4.7: Historical Information not Required in Databases

The databases provided for in Sections 4.1 and 4.2 of this ordinance shall be required to include only transactions executed on or after the initiation date of each part of these databases. The databases provided for in Sections 4.3 and 4.4 shall be required to include only transactions initiated by formal, public action on or after the initiation date of each part of these databases.

Section 4.8: Exclusion of Confidential Information

Notwithstanding any other provisions of this chapter, the databases provided for in Sections 4.1, 4.2, 4.3, and 4.4 of this ordinance shall not include any information required to be kept confidential by federal or state law or federal or state administrative rule and may exclude any other information that is not a public record according to Section 149.43 of the Ohio Revised Code.

Section 4.9: Notice of Executed Contracts, Purchases and Sales

On or about the 5th calendar day prior to each regular meeting of County Council, the Executive shall provide the County Council a list of all contracts, purchases or sales executed and all grants or loans made or received for more than \$50,000 since the previous list was provided. Any change or amendment in which the total additions exceed \$50,000 shall also be included. Provided that all other requirements of this ordinance have been met, this list does not need to be provided prior to the transactions being executed.

**SECTION 2: Effective Date.** It is hereby found and determined necessary for this Ordinance to become immediately effective, for the reasons that this Ordinance provides for the usual daily and necessary operations of Cuyahoga County government. Therefore, this Ordinance, provided that it receives the affirmative vote of at least eight (8) members of County Council, shall be in full force and effect from and immediately after the earliest time permitted by law.

**SECTION 3:** It is found and determined that all formal actions of this County Council meeting relating to the adoption of this Ordinance were adopted in an open meeting of the County Council and that all deliberations of this County Council and any of its committees that resulted in such formal actions took place 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 Ordinance was duly enacted.

Yeas:

Nays:

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

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

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

First Reading/Referred to Committee:  
Committee Assigned:

Journal CC003  
July 26, 2011

# County Council of Cuyahoga County, Ohio

## Ordinance No. O2011-0033

<b>Sponsored by: County Executive FitzGerald/Department of Law and Council President Connally</b>	<b>An Ordinance</b> establishing the procedures for authorization of settlement of litigation by or against the County or any of its officers, employees, departments, offices, agencies, boards, commissions, or other authorities; and declaring the necessity that this Ordinance become immediately effective.
---	--

WHEREAS, there is currently pending, and will be in the future, various actions, claims, disputes, and lawsuits against and on behalf of Cuyahoga County which necessitate settlement; and,

WHEREAS, the Cuyahoga County Charter vests the County Executive with the authority to execute contracts on behalf of Cuyahoga County pursuant to Article II, Section 2.03, Subsection 6; and,

WHEREAS, pursuant to the Cuyahoga County Charter Article III, Section 9, Subsection 4, the County Council has enacted Ordinance 2011-014 which provides the procedures for making contracts and therein has provided specific monetary thresholds for those contracts that can be executed by the County Executive without Council approval, those that can be executed upon approval of the Board of Control, and those contracts that must first receive Council approval; and,

WHEREAS, Council made the legislative decision in Ordinance 2011-014 to separately establish the procedures governing the settlement of litigation through a separate ordinance; and,

WHEREAS, in order to ensure the efficient disposition of litigation and to improve the operation of County government, it is necessary to authorize the County Executive to adjust, settle, or compromise any action, cause of action, account, debt, claim, demand, dispute, grievance, arbitration, lawsuit, or any other matter in favor of or against the County or any of its officers, employees, departments, offices, agencies, boards, commissions, or other authorities of the County within the monetary thresholds established by Council; and,

WHEREAS, for the proper and efficient functioning of the new Cuyahoga County government, it is necessary that this Ordinance become immediately effective in order that pending and future claims, disputes, demands, and lawsuits may be resolved expeditiously.

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

**SECTION 1.** The Cuyahoga County Executive is hereby authorized to adjust, settle, or compromise any action, cause of action, account, debt, claim, demand, dispute, grievance, arbitration, lawsuit, or any other matter in favor of or against the County or any of its officers, employees, departments, offices, agencies, boards, commissions, or other authorities of the County, except as follows:

1. Settlements resulting in the County's expenditure of an amount in excess of \$50,000.00 for the voluntary acquisition, or taking through the power of eminent domain, of any real estate interest shall require prior approval of County Council; and
2. Any other settlements resulting in the County's expenditure of an amount in excess of \$100,000.00 shall require prior approval of County Council.

**SECTION 2.** The County Executive is hereby authorized to execute all settlement agreements, releases, and any other documents necessary to effectuate the adjustment, settlement, or compromise of any action, cause of action, account, debt, claim, demand, dispute, grievance, arbitration, lawsuit, or any other matter in favor of or against the County or any of its officers, employees, departments, offices, agencies, boards, commissions, or other authorities of the County authorized in accordance with this Ordinance.

**SECTION 3.** The Fiscal Officer is hereby authorized and directed to pay the amount of any settlement or compromise authorized in accordance with this Ordinance.

**SECTION 4.** Provided that this Ordinance receives the affirmative vote of eight members of Council, it shall become immediately effective upon the signature of the County Executive. It is hereby determined to be necessary that this Ordinance become immediately effective in order that pending and future claims, disputes, demands and lawsuits may be resolved expeditiously.

**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 \_\_\_\_\_, seconded by \_\_\_\_\_, the foregoing Ordinance was duly enacted.

Yeas:

Nays:

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

First Reading/Referred to Committee:  
Committee(s) Assigned:

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

# County Council of Cuyahoga County, Ohio

## Ordinance No. O2011-0034

Sponsored by: <b>County Executive FitzGerald/Human Resource Commission</b>	<b>An Ordinance</b> providing for the adoption of the administrative rules for the Cuyahoga County Human Resource Commission and declaring the necessity that this Ordinance become immediately effective.
--	--

WHEREAS, Article IX of the Charter of Cuyahoga County creates a Human Resource Commission consisting of three electors of the County having experience in personnel matters or personnel administration and who are supportive of equal opportunity considerations; and,

WHEREAS, the Human Resource Commission has determined that it will require the adoption of administrative rules to govern its official activities; and,

WHEREAS, Section 9.01 of the Charter of Cuyahoga County states that the County's human resources policies and systems shall be established by ordinance and shall be administered in such a manner as will eliminate unnecessary expense and duplication of effort, while ensuring that persons will be employed in the public service without discrimination on the basis of race, color, religion, sex, national origin, sexual orientation, disability, age or ancestry; and,

WHEREAS, it is necessary that this Ordinance become immediately effective due to the fact that civil service appeals for several employees are being held in abeyance until such time that the Human Resource Commission is operative and in order that critical services provided by Cuyahoga County can continue and to provide for the usual, daily operation of a county commission.

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

**SECTION 1.** Council hereby adopts the Human Resource Commission Administrative Rules attached as Exhibit A to this Ordinance as the administrative rules for the Cuyahoga County Human Resource Commission.

**SECTION 2.** It is necessary that this Ordinance become immediately effective due to the fact that civil service appeals for several employees are being held in abeyance until such time that the Human Resource Commission is operative and in order that critical services provided by Cuyahoga County can continue and to provide for the usual, daily operation of a county commission. Provided that this Resolution receives the affirmative vote of eight members of Council, this Resolution shall become immediately effective upon the signature of the County Executive.

**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 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

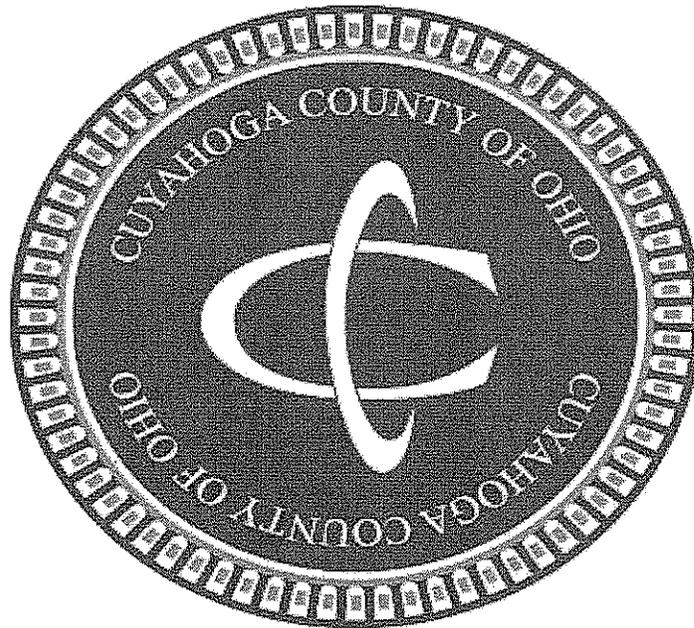
\_\_\_\_\_  
Date

First Reading/Referred to Committee:

Committee Assigned:

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

# **Human Resource Commission Administrative Rules**



**Cuyahoga County Human  
Resource Commission**

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# Section 1

## Definitions

### 1.01 Definitions

- (1) *Abolishment* – The permanent deletion of a position from the organization or structure of an Appointing Authority due to lack of continued need for the position, due to reorganization for efficient operation, economy or lack of work, or other lawful purpose.
- (2) *Appointment* – Placement of an employee in a position.
- (3) *Appointing Authority* – Means the same as defined in Section 9.04 of the Cuyahoga County Charter.
- (4) *Charter* – The Cuyahoga County Charter.
- (5) *Classification* – Means any one of the following:
  - a. A group of positions of sufficiently similar duties that the same title and specification may be assigned to each;
  - b. The act of assigning a classification title to a position(s) based upon the duties performed.
- (6) *Commission* – The Cuyahoga County Human Resource Commission.
- (7) *County* – As defined in the Charter.
- (8) *County Executive* – The Cuyahoga County Executive.
- (9) *County Council* – The Cuyahoga County Council.
- (10) *Demotion* – The act of placing an individual in a position, at the request of an Appointing Authority or the employee, the classification for which carries a lower salary range than that of the classification the employee currently holds.
- (11) *Director* – The Director of the Cuyahoga County Human Resources Department as appointed by the County Executive.



- (12) *Human Resources Department* – The Cuyahoga County Department of Human Resources.
- (13) *Layoff* – A suspension of employment due to either a lack of work or a lack of funds, or other lawful purpose.
- (14) *Meeting* – Any prearranged discussion of the public business of the HRC by a majority of its members.
- (15) *Pay* – The annual, non-overtime compensation due an employee.
- (16) *Pay Range* – The pay grade assigned to a position or classification.
- (17) *Position* – The name that applies to a group of duties intended to be performed by an employee.
- (18) *Promotion* – The appointment of an employee to a different position assigned a higher pay range than the employee’s previous position.
- (19) *Reassignment* – The assignment of an employee to a different classification.
- (20) *Reclassification* – The assignment of a different classification to a position.
- (21) *Reduction in Pay* – An action that diminishes an employee’s pay. The ending of supplemental pay shall not be considered a reduction.
- (22) *Reduction in Position* – An action that diminishes an employee’s duties or responsibilities to the extent an audit of the employee’s position would result in a reclassification to a classification assigned a lower pay range.
- (23) *Removal* – Termination of an employee’s employment.
- (24) *Suspension* – The interruption of an employee’s employment and compensation for a fixed period of time.



## Section 2

# Purpose and Authority

### 2.01 Origin

On November 3, 2009, the citizens of Cuyahoga County, Ohio, adopted a County Charter pursuant to the authority granted to them in Article 10, Section 3 of the Ohio Constitution. Section 9.01 of the Charter requires the creation of a Human Resource Commission:

*The County Executive, subject to confirmation by the Council, shall appoint the members of a Human Resource Commission, consisting of three electors of the County having experience in personnel matters or personnel administration and who are supportive of equal opportunity considerations.*

[Reference –Charter §9.01]

### 2.02 Purpose

Pursuant to Section 9.01 of the Charter, the Commission (“the Commission”) is responsible for administering, for and in cooperation with the officers, agencies, boards and commissions of the County, an efficient and economical system for the employment of persons in the public service of the County according to merit and fitness.

[Reference –Charter §9.01]

### 2.03 Authority / Jurisdiction

Pursuant to Section 9.02 of the Charter, the Commission shall have:

- (1) Responsibility for the resolution or disposition of all personnel matters, with authority to appoint hearing officers to hear all employee appeals previously under the jurisdiction of the State Personnel Board of Review;
- (2) Responsibility for administration of countywide compliance with federal and state laws regarding personnel matters for which the County is the reporting unit and for maintenance of records required by such laws;



(3) Authority to ensure:

- a. Pay equity for like positions;
  - b. Standardization of benefits;
  - c. Approval of qualifications;
  - d. Consistent discipline;
  - e. Training of management in personnel practices;
  - f. Training of employees in job functions;
  - g. Training for total quality management;
  - h. Consistent administration of performance management system;
  - i. Coordination of recruitment;
  - j. Compliance with ethics resolutions or ordinances as passed by the Council;
- and

(4) Such other functions as may be deemed necessary by the Council for the Commission to carry out its mission and purpose.

*[Reference –Charter §9.02]*

## **2.04      Relationship to Collective Bargaining Agreements**

If an employee's collective bargaining agreement provides for a final and binding arbitration of grievances, such employee and union are subject solely to that grievance procedures and the Commission shall have no jurisdiction to receive and determine any appeals relating to matters that were the subject of a final and binding grievance procedure.

*[Reference – O.R.C. §4117.08(B) & §4117.10]*



## Section 3

# Powers and Duties of the Commission

### 3.01 General Powers

The Commission shall exercise the powers designated to them by the Charter and any ordinances or resolutions adopted by County Council.

### 3.02 Appellate Powers and Duties

The Commission shall hear appeals of employees in the classified service of the County from final decisions of Appointing Authorities, the County Executive or the Director relative to the following employment actions:

- (1) Reduction in pay or position;
- (2) Job abolishment / layoff;
- (3) Suspension of more than forty (40) work hours for FLSA exempt employees;
- (4) Suspension of more than twenty four (24) work hours for FLSA non-exempt employees;
- (5) Discharge (removal from employment);
- (6) Assignment or reassignment to a new or different position classification;
- (7) Refusal of the Director to reassign an employee to another classification or to reclassify the employee's position with or without a position audit.
- (8) Other appeals as provided for by Council ordinance.

For purposes of this section, "discharge" includes disability separations.

Determination of the classified or unclassified status of an employee shall be done in accordance with general law.



The Commission may affirm, disaffirm, or modify the decision of the Appointing Authority, County Executive or the Director, as the case may be, and its decision is final. The decisions of the Commission shall be consistent with the applicable classification specifications.

The Commission has authority to appoint hearing officers to hear such employee appeals.  
[Reference – Charter §9.02(1), O.R.C. 124.03 & 124.34]

### **3.03            Classification Plans**

The Commission shall administer a clear, countywide classification and salary administration system in accordance with the requirements set forth in the Charter.  
[Reference – Charter §9.03]

### **3.04            Subpoena Powers**

The Commission has authority to subpoena and require the attendance and testimony of witnesses and the production of books, papers, public records, and other documentary evidence pertinent to any matter it has authority to investigate, inquire into, or hear.

All officers in the civil service of the County shall attend and testify when summoned to do so by the Commission. Depositions of witnesses may be taken by the Commission or designee, or any member of the Commission, in the manner prescribed by law for like depositions in civil actions in the courts of common pleas. In case any person, in disobedience to any subpoena issued by the Commission, or any member of the Commission, fails or refuses to attend and testify to any matter regarding which the person may be lawfully interrogated, or produce any documentary evidence pertinent to any investigation, inquiry, or hearing, the court of common pleas of any county, or any judge of the court of common pleas of any county, where the disobedience, failure, or refusal occurs, upon application of Commission, or any member of the Commission, shall compel obedience by attachment proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued from the court or a refusal to testify in the court.

Fees and mileage shall be allowed to witnesses and, on their certificate, duly audited, shall be paid by the Cuyahoga County Treasurer.

[Reference – O.R.C. 124.03(A)(7) & O.R.C. 124.09(G)]



### 3.05 Recordkeeping

The Commission shall maintain a record that shall be open to public inspection, in which it shall keep records of all of its proceedings and of the vote of each of its members upon every action taken by it.

The Commission shall properly adopt a records retention schedule in accordance with Chapter 149 of the Ohio Revised Code. All records described above shall be retained in accordance with the retention schedule.

[*Reference – O.R.C. §124.03(5)*]



## Section 4

# Meetings / Rule Making

### 4.01 Public Meetings

The Commission shall hold meetings as often as necessary to complete Commission business. All meetings of the Commission shall be public meetings open to the public.

All meetings shall include time at the beginning of the meeting for public comment related to the agenda for that day's meeting. Every such meeting shall also include time for public comment related to that meeting's purposes but not related to that day's agenda. Such comments may be heard either at the same time as comment related to that day's agenda or at a later time during the meeting.

The Commission's conducting of quasi-judicial hearings and its deliberations when acting in its quasi-judicial capacity are not "meetings" for purposes of this Section or Section 121.22 of the Ohio Revised Code.

[Reference – O.R.C. §121.22; *TBC Westlake, Inc. v. Hamilton County Board of Revision* (1997), 81 Ohio St.3d 58]

### 4.02 Notice

The schedule for regular meetings shall be posted under the "Public Notices" section of Cuyahoga County's main webpage (<http://www.cuyahogacounty.us>). In addition, notices of meetings, meeting agendas and minutes shall be posted on the Commission's webpage (<http://executive.cuyahogacounty.us/en-US/Human-Resource-Commission.aspx>). The Commission may also choose to post notices in any additional manner that it deems will further allow the public to determine the time and place of meetings.

Notices of special meetings shall be posted in the manner described above. When a special meeting is held to discuss particular issues, the statement of the meeting's purpose must specifically indicate those issues, and only those issues may be discussed at that meeting. The Commission shall not hold a special meeting unless it gives at least twenty-four (24) hours advance notice to the news media that have requested notification, except in the event of an emergency requiring immediate official action. In the event of an emergency, the member or members of the Commission calling the meeting shall notify the news media that have requested notification immediately of the time, place and purpose of the meeting.



Any person, upon written request to the Commission and payment of a reasonable fee, may obtain reasonable advance notification of all meetings at which any specific type of public business is to be discussed.

[Reference – O.R.C. §121.22; *Jones v. Brookfield Twp. Tr.* (June 30, 1995), 11<sup>th</sup> Dist. No. 92-T-4692]

#### **4.03        Quorum**

The physical presence of two members of the Commission at any scheduled meeting constitutes a quorum. The Commission cannot act without a quorum.

[Reference – O.R.C. §121.22]

#### **4.04        Executive Session**

The members of the Commission may hold an executive session only after a majority of a quorum of the Commission determines, by a roll call vote, to hold an executive session and only at a regular or special meeting for the purpose of considering one of the authorized matters provided in Section 121.22 of the Ohio Revised Code. The motion and roll call vote to hold the executive session shall state which one or more of the approved matters are to be considered at the executive session and the vote must be recorded in the minutes. The Commission may not take any formal action in an executive session.

[Reference – O.R.C. §121.22]

#### **4.05        Minutes**

The minutes of any meeting of the Commission shall be promptly prepared, filed, and maintained and shall be open to public inspection. The minutes need only reflect the general subject matter of discussions in executive sessions.

[Reference – O.R.C. §121.22]

#### **4.06        Rule Making Procedure**

For purposes of this Section, “rule change” includes addition of a new rule, or rescission or amendment of an existing rule. In addition, for purposes of this Section, the word “rule” includes HRC Administrative Rules, Cuyahoga County Administrative Rules, and employee classifications.

Rule changes may be proposed to the Commission by the Director or by an individual Commission member. Proposed rule changes shall be provided to the Commission at least



twenty (20) days prior to the date of the Commission meeting where the rule changes will be heard. Proposed rule changes shall be submitted with a coversheet containing the following information:

- (1) A statement declaring the intention to consider adopting, amending or rescinding the a rule;
- (2) A synopsis of the proposed rule change a general statement of the subject matter to which the proposed rule change relates; and
- (3) A statement of the reason or purpose for the rule change.

Upon receipt, the Commission shall post the proposed rule changes and the coversheet on its webpage (<http://executive.cuyahogacounty.us/en-US/Human-Resource-Commission.aspx>). The posting should include the date, time and place of the Commission meeting where the proposed rule change will be heard.

The agenda for any Commission meeting where a rule change will be presented shall clearly designate a portion of the meeting for consideration of the proposed rule changes. During this portion of the meeting, the Commission shall read the synopsis for each proposed rule change. The public shall then be permitted to comment in accordance with Section 4.01 of these Rules.

Upon closing of the public comment, the Commission shall have an opportunity to discuss the matter. The Commission may submit amendments to the proposed rule change during this meeting, so long as the final rule change is consistent with the synopsis that was posted prior to the meeting. The Commission shall then either (1) vote to table the matter to a subsequent meeting, or (2) vote whether to recommend the proposed rule change be submitted to County Council for approval. If a majority of the members of the Commission vote in the affirmative, the proposed rule(s) will be referred to County Council as an ordinance. A vote to reject the proposed rule change(s) does not preclude resubmittal of all or part of the rule change(s) at a subsequent meeting.



## Section 5

# Administrative Functions

### 5.01 Delegation of Administrative Functions

The Commission delegates the following administrative functions to the Human Resources Department, which shall serve under the day-to-day direction of the Director:

- (1) Administration of efficient and economical system for the employment of persons in the public service of the County according to merit and fitness;
- (2) Administration of Countywide compliance with federal and state laws regarding personnel matters for which the County is the reporting unit and for maintenance of records required by such laws; and
- (3) Administration of policies and systems designed to ensure:
  - a. Pay equity for like positions;
  - b. Standardization of benefits;
  - c. Approval of qualifications;
  - d. Consistent discipline;
  - e. Training of management in personnel practices;
  - f. Training of employees in job functions;
  - g. Training for total quality management;
  - h. Consistent administration of performance management system; and
  - i. Coordination of recruitment.

The Commission may also delegate additional administrative functions that are assigned by County Council to the Commission. Such assignment may be made through motion by the Commission.

The Commission shall retain an oversight role regarding all powers and duties delegated under this Section.

[Reference - Charter §9.02, §9.05]



## 5.02 Ethics

Pursuant to Section 9.02 of the Charter, the Commission shall have the authority to ensure compliance with ethics resolution as passed by County Council. Pursuant to Section 1 of Article VIII of the Cuyahoga County Ethics Code (“the Ethics Code”), the Commission shall be the ethics compliance and training body for the County pertaining to the Ethics Code. More specifically, the Commission shall:

- 1) Provide copies to all employees of Ohio and County laws relating to ethics and related policies and manuals in accordance with Section 14 of Article 2 and Section 3 of Article 7 of the Ethics Code;
- 2) Ensure that employees acknowledge in writing that they have received the materials provided for in the above paragraph;
- 3) Conduct ethics training programs and classes for County employees, lobbyists and contractors; and
- 4) Take other actions necessary to perform its responsibilities for ethics compliance and training for the County pertaining to the Ethics Code, except for actions specifically assigned to another unit of Cuyahoga County government.

Within fifteen (15) days of a public official’s or employee’s, lobbyists’ or contractor’s initial date of service, reappointment, reelection, rehire or re-registration, whichever is applicable and annually, the Commission shall furnish the public official, employee, lobbyist or contractor with a copy of all current Ohio and County laws and polices relating to ethics. In addition, all public officials and employees shall personally attend ethics training programs and classes. The public official or employee shall sign an ethics statement indicating that they have read, understood and agreed to the Ethics Code and acknowledge their receipt of materials and attendance to all programs and classes in writing to the Commission.

In addition to the above cited duties, Section 2 of Article VIII of the Ethics Code grants the Commission the authority to write and send letters of notification, admonition, and censure regarding ethics law violations, when applicable. The Commission, however, shall not exercise this authority unless one of the following occurs:

- The Inspector General requests assistance from the Commission due to a conflict of interest;
- The Commission, by a majority vote, determines that it is necessary to exercise this authority.

In accordance with Section 21 of Article VII of the Ethics Code, the Commission shall ensure that the whistleblower provisions of the Ethics Code are posted on the Cuyahoga County website and in all physical locations where other human resources policies are posted.



## Section 6:

# Employer Requirements

### 6.01 Notice Requirements

Any action taken by an Appointing Authority, the County Executive or the Director (collectively referred to as “the Employer” for purposes of this Section) that creates a right of appeal for an employee shall be done in the following manner:

- In writing and signed by the Employer or designee;
- The original or a copy of the action shall be served upon the employee on, before or as soon as practicable after the effective date of the action;
- The document should, on its face, indicate the particulars that form the basis for the action; and
- The document should specifically describe the procedures required for the employee to exercise their appellate rights.

The notice document shall be “served upon the employee” when:

- It is personally served upon the employee;
- It is received by the employee at the employee’s last known address, by certified mail, return receipt requested; or
- It is left at the usual place of residence, or last known address of the affected employee, with an adult residing therein.

If the service by certified mail under this Section is returned with an endorsement showing the service was refused or unclaimed, then the notice may be sent by ordinary mail, evidenced by a certificate of mailing (or employee affidavit). Such notice shall be deemed “served” on the third calendar day after the order is mailed.

An action will not be disaffirmed based upon failure of service where the employee has failed to notify the Employer of a change address. The burden is on the employee to prove the Employer was notified of a change in the employee’s address.



## 6.02 Laches

Employees shall not be disciplined for acts that have been known or should have been known to the Employer more than two years prior to the effective date of the disciplinary action.

This rule does not bar discipline based upon a criminal conviction, less than two years old, although the incidents giving rise to such conviction occurred more than two years prior to the imposition of discipline.

## 6.03 Merger and Bar

All incidents that occurred prior to the incident for which a non-oral disciplinary action is being imposed, of which the Employer has knowledge and for which an employee could be disciplined, are merged into the non-oral discipline imposed by the appointing authority. Incidents occurring after the incident for which a non-oral disciplinary action is being imposed, but prior to the issuance of the non-oral disciplinary order, are not merged and may form the basis for subsequent discipline.



## Section 7

# Appellate Procedure

### 7.01 Manner of Filing Appeals

All appeals to the Commission shall be in writing and shall include the following information:

- The Employee's name;
- The Employee's address and telephone number;
- Employee's Appointing Authority (Department); and
- A copy of the action being appealed or a brief summary of the subject of the appeal.

Appeals shall be filed with the Human Resources Commission at the following location:

Human Resources Commission  
County Administration Building  
1219 Ontario Street  
Cleveland, Ohio 44113

### 7.02 Time for Filing Appeals

All appeals shall be filed with the Commission within ten (10) calendar days of the date on which the employee was served with the action in question. The date the employee receives the notice is not counted as part of the 10 days. Appeals filed after that date will not be considered.

An appeal shall be deemed to be "filed" when one of the following occurs:

- The appeal is received in person and date stamped by the Commission;
- The appeal is postmarked; or
- The appeal is received by facsimile or e-mail (date of filing shall be the date marked on the appeal by the Commission's facsimile machine or e-mail system).

### 7.03 Interim Appeals

The Commission retains jurisdiction over all applicable employment actions that were taken during the time period from January 1, 2011 through the effective date of these Rules. All employees who properly perfected appeals in accordance with the instruction provided by the Human Resources Department shall be considered to have met all of the filing requirements of this section. Employees who did not properly perfect appeals in



accordance with the instruction provided by the Human Resources Department shall be deemed to have waived their right to appeal the underlying employment action.

## **7.04        Docketing**

Upon receipt of an appeal, the Commission shall conduct a preliminary review to determine the following:

- Whether the appeal was properly perfected in accordance with these Rules; and
- Whether the Commission has jurisdiction to hear the appeal.

Should the Commission determine that the appeal was not properly perfected or the Commission lacks jurisdiction to hear the appeal, the Commission may issue a final order dismissing the appeal. In addition, the Commission may choose to schedule a hearing on either of the above issues.

Once the Commission determines that an appeal shall go forward for hearing, it shall either:

- Assign the appeal to a Hearing Officer for hearing; or
- Retain matter for hearing by full Commission.

When assigning a matter to a Hearing Officer for hearing, the Commission shall transmit a docketing statement to the Hearing Officer that includes the following information:

- Name and contact information for appellant;
- Appellant's Appointing Authority;
- Summary of basis of appeal; and
- Timeframe for completion of hearing and report.

## **7.05        Hearings**

### Scheduling

The Commission (or Hearing Officer) shall notify all parties and known representatives of the time, date, and place of any evidentiary hearing at least twenty-one (21) calendar days in advance of the hearing. Continuances may be granted, upon written motion and for good cause shown.

### Discovery/Subpoenas

Prior to the hearing, the parties may make requests to the Commission (or Hearing Officer) to issue procedural orders commanding the opposing party to disclose certain documentation and/or information. The Commission (or Hearing Officer) in their sole discretion may either issue the requested procedural order, issue a modified procedural order or reject the request. If a party fails to comply with a procedural order, the Commission may dismiss the appeal or grant other appropriate relief to the opposing party.



Upon the request of either party made on or before the tenth (10th) calendar day prior to hearing, the Hearing Officer or the Commission may, in its own discretion, issue subpoenas for such persons, documents, and attendance of witnesses as the requesting party deems necessary. Such subpoenas shall be served in the manner described in Section 3.04 of these Rules.

#### Evidence

The parties may offer such evidence as is relevant and material to the appeal. The Hearing Officer or the Commission shall be the judge of the relevancy and materiality of the evidence offered. Conformity to legal rules of evidence shall not be necessary. The Commission may request offers of proof, and may disregard evidence deemed to be unreliable, and reject evidence deemed to be cumulative, unnecessary, or of slight value.

#### Burdens of Proof

With regard to a disciplinary action, the Employer is required to prove by a preponderance of the evidence:

- That the Employer has substantially complied with the procedural requirements detailed in Section 6 of these Rules; and
- That the employee committed a sufficient disciplinary offense(s) to justify the discipline received.

With regard to a job abolishment, the Employer shall demonstrate by a preponderance of the evidence:

- That the Employer substantially complied with the procedural requirements associated with the job abolishment; and
- That the job abolishment was undertaken due to a lack of a continuing need for the position based on: a reorganization for the efficient operation of the appointing authority; reasons of economy; or a lack of work expected to last one year or longer. Certification of lack of funds or lack of work is not required for job abolishments.

With regard to a layoff, the Employer shall demonstrate by a preponderance of the evidence:

- That the Employer substantially complied with the procedural requirements associated with the layoff; and
- That a layoff was undertaken due to a lack of work or lack of funds.

Job abolishments and layoffs shall also be disaffirmed if the Commission determines that the action was taken in bad faith. The employee is required to prove the Employer's bad faith by a preponderance of the evidence.

The standard of proof for all other appeals before the commission shall be a preponderance of the evidence.

#### Official Record



All hearings shall be recorded either by stenographic means or by the use of audio electronic recording devices, as the Commission determines. The stenographic or audio record is the official record and shall be maintained/destroyed in accordance with the Board's record retention schedule.

#### Post-Hearing Briefs

The Hearing Officer or Commission, in its own discretion, may allow the parties to a hearing to submit post-hearing briefs. A reasonable briefing schedule shall be established by the Hearing Officer or Commission in such cases. The official record shall be held open in such cases until the time for submittal of the briefs has passed. Any brief submitted within this time period shall be included as part of the official record.

#### Reports and Recommendations

After the official record has been closed, the Hearing Officer or the Commission will consider all evidence and submissions and issue a Report and Recommendation making findings of fact and conclusions of law. The Report and Recommendation shall be sent by regular mail to the last known post office address of all interested parties.

Either party may file with written objections to the Report and Recommendation with the Commission within fourteen (14) calendar days after the date on which the Report and Recommendation was mailed. For purposes of filing the objection, the written objection must actually be received by the Commission within the fourteen (14) day period. A party filing a written objection must also serve a copy of the objections on the opposing party. The opposing party shall have seven (7) calendar days from receipt of the objections to file a written response to the objections. The response to objections must be actually received by the Commission within this seven (7) day period.

## **7.06      Decisions of the Human Resource Commission**

At the first regular meeting of the Commission following the receipt of objections or responses, if appropriate, the Commission will, as a regular item of business, shall perform one of the following actions on pending Reports and Recommendations:

- Vote to affirm the Report and Recommendation as written;
- Vote to disaffirm the Report and Recommendation and submit new decision;
- Vote to modify the Report and Recommendation;
- Vote to remand the matter back to the Hearing Officer to reopen official record for additional evidence.

All votes taken under this Section shall be done by roll call vote and recorded in the minutes. The Commission shall notify the parties in writing of its decision. The



notification shall also inform the parties of their rights (if any) to appeal to Common Pleas Court.

**7.07      Appeals to the Court of Common Pleas**

The decision of the Board shall be a final order, and may be appealed by either the Appellant or by the County, as provided by general law.

