

MINUTES
CUYAHOGA COUNTY COUNCIL SPECIAL MEETING
TUESDAY, APRIL 5, 2011
CUYAHOGA COUNTY JUSTICE CENTER
COUNCIL CHAMBERS – 1ST FLOOR
4:00 PM

1. CALL TO ORDER

The meeting was called to order at 4:05 p.m.

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

3. SILENT MEDITATION

Council President Connally called on Mr. Germana, who requested that a moment of silent meditation be dedicated in memory of Parma Treasurer Anthony Zielinski.

4. ROLL CALL

Council President Connally asked the Clerk to call the roll. Councilmembers Conwell, Jones, Connally, Rogers, Simon, Greenspan, Miller, Brady, Germana and Gallagher were in attendance. Mr. Schron was absent. A quorum was determined.

A motion was then made by Ms. Simon, seconded by Mr. Greenspan and approved by unanimous vote to excuse Mr. Schron from the meeting due to business-related reasons.

5. PUBLIC COMMENT RELATED TO AGENDA

Ms. Janice Patterson, representing the Code of Ethics Transition Workgroup, addressed Council regarding issues of concern to her relating to Ordinance No. O2011-0008, an Ordinance providing for the adoption of a permanent Code of Ethics. She also spoke as an interested citizen concerning Ordinance No. O2011-0015, an Ordinance providing for the adoption of Human Resources Policies and Procedures for Cuyahoga County, namely Section 18.

Council President Connally then read a statement as to the reason for using suspension of the rules during a Special Meeting.

6. APPROVAL OF MINUTES

- a) March 22, 2011 Meeting

A motion was made by Mr. Rogers, seconded by Ms. Simon and approved by unanimous vote to approve the minutes of the March 22, 2011 meeting.

7. MESSAGES FROM THE COUNTY EXECUTIVE

- a) Contracts executed by County Executive

County Executive FitzGerald reported the following:

- a) **The State of the County address will be held on Wednesday, April 6, 2011; he mentioned that various proposals will be included in his address and assured Councilmembers that he intends to seek their input;**
b) **Talks are currently underway with Goodrich concerning the closing of its landing gear facility located in Cleveland in 2012; and**
c) **A “Grand Opening” press conference will be held regarding the Global Cleveland Initiative.**

8. CONSIDERATION OF MOTIONS OF COUNCIL FOR FIRST READING ADOPTION UNDER SUSPENSION OF RULES

A motion was made by Mr. Miller, seconded by Mr. Jones and approved by unanimous vote to suspend Rules 7E, 9D and 13A and to place on final passage Motion Nos. M2011-0022 and M2011-0023.

- a) M2011-0022: A Motion confirming the County Executive’s appointment of Lawrence E. Benders upon his taking the oath of office as the Director of Development of Cuyahoga County.

Sponsor: Council President Connally

On a motion by Mr. Rogers, seconded by Mr. Miller, Motion No. M2011-0022 was considered and approved by unanimous vote.

- b) M2011-0023: A Motion confirming the County Executive’s appointment of Majeed G. Makhlof upon his taking the oath of office as the Director of Law of Cuyahoga County.

Sponsor: Council President Connally

On a motion by Ms. Simon, seconded by Mr. Gallagher, Motion No. M2011-0023 was considered and approved by unanimous vote.

9. CONSIDERATION OF MOTIONS OF COUNCIL FOR FIRST READING AND REFERRAL TO COMMITTEE

- a) M2011-0024: A Motion confirming the County Executive's appointment of individuals to serve on the District One Public Works Integrating Committee of Cuyahoga County:

- 1) Bonita Teeuwen, Director of Public Works
- 2) Douglas L. Dillon, MBA, PE, PS, Cuyahoga County Engineer

Sponsor: Council President Connally

Council President Connally referred Motion No. M2011-0024 to the Human Resources, Appointments & Equity Committee.

- b) M2011-0025: A Motion confirming the County Executive's appointment of individuals to serve on the Cuyahoga Community College Board of Trustees:

- 1) David W. Whitehead
- 2) Justin Bibb

Sponsor: Council President Connally

Council President Connally referred Motion No. M2011-0025 to the Human Resources, Appointments & Equity Committee.

10. CONSIDERATION OF A RESOLUTION OF COUNCIL FOR FIRST READING ADOPTION UNDER SUSPENSION OF RULES

A motion was made by Mr. Miller, seconded by Mr. Brady and approved by unanimous vote to suspend Rules 9D and 13A and to place on final passage Resolution No. R2011-0135.

- a) R2011-0135: A Resolution ratifying Northeast Ohio Areawide Coordinating Agency Governing Board Resolution No. 2010-050 – Code of Regulations revisions incorporating new Cuyahoga County governance structure, and declaring the necessity that this Resolution become immediately effective.

Sponsor: Council President Connally and Germana

On a motion by Mr. Germana, seconded by Ms. Conwell, Resolution No. R2011-0135 was considered and adopted by unanimous vote.

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

A motion was made by Mr. Miller, seconded by Ms. Simon and approved by unanimous vote to suspend Rules 9D and 13A and to place on final passage Ordinance No. O2011-0022.

- a) O2011-0022: An Ordinance amending Section 10 of Ordinance No. 02011-0002 dated 1/3/2011 as amended by Ordinance No. 02011-0006 dated 1/11/2011 and Ordinance No. 02011-0018 dated 3/8/2011, providing certain procedures for the purchase of goods, supplies and interests in real estate and other contracts necessary for the continuation of the usual and daily operations of the County government to change the expiration date to 5/10/2011, and declaring the necessity that this Ordinance become immediately effective.

Sponsor: Council President Connally, Miller and Greenspan

On a motion by Mr. Miller, seconded by Ms. Conwell, Ordinance No. O2011-0022 was considered and adopted by unanimous vote.

12. CONSIDERATION OF AN ORDINANCE OF COUNCIL FOR THIRD READING
ADOPTION UNDER SUSPENSION OF RULES

A motion was made by Mr. Miller, seconded by Mr. Greenspan and approved by unanimous vote to suspend Rule 9D and to place on final passage Ordinance No. O2011-0008.

- a) O2011-0008: An Ordinance adopting a permanent Code of Ethics, and declaring the necessity that this Ordinance become immediately effective.

Sponsors: Greenspan, Miller and Conwell

Mr. Greenspan, Chair of the Rules, Charter Review, Ethics & Council Operations Committee, introduced several pages of written amendments as found in the agenda package on pages 79 through 90. Discussion ensued.

Mr. Miller introduced an additional written amendment to add to Article VIII as follows:

“Section 2: Pursuant to the responsibilities provided for in Section 1 of this article, the Human Resources Commission shall:

“(1) Provide copies to all employees of Ohio and county laws relating to ethics and related policies and manuals in accordance with Article II, Section 14 and Article VII, Section 3 of this Ordinance;

“(2) Insure that employees acknowledge in writing that they have received the materials provided for in Subsection 1 of this section;

“(3) Conduct ethics training programs and classes for county employees, lobbyists, and contractors;

“(4) Post the Whistleblower Policy at county offices as provided for in Article VII, Section 21 of this Ordinance;

“(5) Write and send letters of notification, admonition, and censure regarding ethics law violations, when applicable;

“(6) Take other actions necessary to perform its responsibility for ethics compliance and training for the county pertaining to this Ordinance, except for actions specifically assigned to another unit of Cuyahoga County government.”

Discussion ensued. On a motion by Mr. Miller, with a second by Mr. Rogers, the written amendment introduced by Mr. Miller was unanimously approved.

A motion was then made by Mr. Greenspan, seconded by Mr. Miller and approved by unanimous vote to approve Ordinance No. O2011-0008, as amended by all written amendments.

Ms. Simon then introduced two verbal amendments on the floor.

A motion was made by Ms. Simon, seconded by Mr. Greenspan and approved by unanimous vote to define “Anything of Value” on page 22 as “\$75.00”.

A motion was then made by Ms. Simon and seconded by Mr. Brady to remove “shall treat all citizens with courtesy, impartiality, fairness, and equality under the law, and” from Article VII, Section 16, Subsection (A). The motion failed on a vote of 5 yeas and 5 nays with Councilmembers Conwell, Jones, Connally, Simon and Brady voting in the affirmative and Councilmembers Rogers, Greenspan, Miller, Germana and Gallagher casting dissenting votes.

On a motion by Mr. Miller, seconded by Mr. Germana, the Rules were suspended in order to allow verbal amendments from the floor.

On a motion by Mr. Miller, seconded by Mr. Rogers, Ordinance No. O2011-0008, as amended, was unanimously approved.

A brief recess was taken by Council from 6:15 p.m. to 6:25 p.m.

13. CONSIDERATION OF A RESOLUTION FOR FIRST READING ADOPTION UNDER
SUSPENSION OF RULES

A motion was made by Mr. Miller, seconded by Mr. Rogers and approved by unanimous vote to suspend Rules 9D and 13A and to place on final passage Resolution No. R2011-0136.

- a) R2011-0136: A Resolution authorizing the County Executive to enter into an agreement with State of Ohio, Department of Administrative Services in the amount not-to-exceed \$861,007.79 for purchase and installation of a tower site and associated equipment for the Multi-Agency Radio Communications System (MARCS) for the period 4/12/2011 – 8/15/2011, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Justice Affairs

On a motion by Mr. Rogers, seconded by Mr. Gallagher, Resolution No. R2011-0136 was considered and adopted by unanimous vote.

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

A motion was made by Mr. Miller, seconded by Mr. Brady and approved by unanimous vote to suspend Rules 9D and 13A and to place on final passage Resolution Nos. R2011-0099 and R2011-0100.

- a) R2011-0099: A Resolution approving a Rental Rehabilitation loan in the amount not-to-exceed \$150,000.00 to Cleveland Housing Network for the Independence Place Project, located at 4019 Prospect Avenue, Cleveland; authorizing the County Executive and/or Director of Development 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

Committee Assignment and Chair: Economic Development & Planning –
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A motion was made by Mr. Miller, seconded by Mr. Rogers and approved by unanimous vote to suspend the Rules to allow for verbal amendments.

A motion was then made by Mr. Miller, seconded by Ms. Conwell and approved by unanimous vote to add standard language to make the Resolution immediately effective. Mr. Ed Morales, Interim Law Director, read the language into the record.

On a motion by Mr. Germana, seconded by Ms. Conwell, Resolution No. R2011-0099, as amended, was considered and adopted by unanimous vote.

- b) R2011-0100: A Resolution approving an economic development loan in the amount not-to-exceed \$100,800.00 to DBS Property Management, LLC, for renovation of property, located at 5061 West 161st Street, Brook Park; authorizing the County Executive and/or Director of Development 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

Committee Assignment and Chair: Economic Development & Planning – Schron

A motion was made by Mr. Miller, seconded by Mr. Greenspan and approved by unanimous vote to suspend the Rules to allow for verbal amendments.

A motion was made by Mr. Miller, seconded by Mr. Germana and approved by unanimous vote to add standard language to make the Resolution immediately effective. Mr. Ed Morales, Interim Law Director, read the language into the record.

On a motion by Mr. Miller, seconded by Mr. Germana, Resolution No. R2011-0100, as amended, was considered and adopted by unanimous vote.

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

A motion was made by Mr. Brady, seconded by Mr. Germana and approved by unanimous vote to suspend Rules 9D and 13A and to place on final passage Resolution Nos. R2011-0021, R2011-0083, R2011-0084, R2011-0103, R2011-0105 and R2011-0134.

- a) R2011-0021: A Resolution authorizing the County Executive to enter into a contract with Cleveland Foodbank, Inc. in the amount not-to-exceed \$272,500.00 for emergency food purchase and distribution to Cuyahoga County hunger centers and food pantries serving residents in need for the period 1/1/2011 - 3/31/2011, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Health and Human Services/Employment & Family Services

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

On a motion by Mr. Miller, seconded by Mr. Germana, Resolution No. R2011-0021 was considered and adopted by unanimous vote.

- b) R2011-0083: A Resolution authorizing the County Executive to enter into a contract with Educational Service Center of Cuyahoga County in the amount not-to-exceed \$926,071.00 for fiscal agent services to expend funds provided through the American Recovery and Reinvestment Act of 2009 for qualitative Help Me Grow Part C early intervention services to eligible families for the period 7/1/2010 - 6/30/2011, and declaring the necessity that this Resolution become immediately effective.

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

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

On a motion by Mr. Miller, seconded by Mr. Brady, Resolution No. R2011-0083 was considered and adopted by unanimous vote.

- c) R2011-0084: A Resolution authorizing the County Executive to enter into a contract with the Office of the Prosecuting Attorney of Cuyahoga County in the amount not-to-exceed \$2,264,000.00 for legal services for the period 1/1/2011 - 12/31/2011, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Health and Human Services/Department of Children & Family Services

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

On a motion by Mr. Rogers, seconded by Ms. Conwell, Resolution No. R2011-0084 was considered and adopted by unanimous vote.

- d) R2011-0103: A Resolution authorizing the County Executive to prepare and enter into an amendment to Contract No. CE1000249-01 with Oriana House, Inc. for operation of a Neighborhood Reentry Resource

Center for the period 2/1/2010 - 1/31/2011 to exercise an option to extend the time period to 1/31/2012, to change the scope of services and the terms, effective 2/1/2011, and for additional funds in the amount of \$287,000.00, and declaring the necessity that this Resolution become immediately effective.

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

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

On a motion by Ms. Conwell, seconded by Mr. Brady, Resolution No. R2011-0103 was considered and adopted by majority vote, with Ms. Connally recusing herself from the vote.

- e) R2011-0105: A Resolution authorizing the County Executive to prepare and enter into an amendment to Contract No. CE0800734-02 with Educational Service Center of Cuyahoga County for the Help Me Grow component of the Invest in Children Program for the period 7/1/2008 - 6/30/2011 for additional funds in the amount not-to-exceed \$316,416.00, and declaring the necessity that this Resolution become immediately effective.

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

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

On a motion by Mr. Brady, seconded by Mr. Rogers, Resolution No. R2011-0105 was considered and adopted by unanimous vote.

A motion was then made by Ms. Simon, seconded by Mr. Miller and approved by unanimous vote to suspend Rules 9D and 13A and to place on final passage Resolution Nos. R2011-0131, R2011-0132 and R2011-0133.

- f) R2011-0131: A Resolution authorizing the County Executive to prepare and enter into amendments to contracts with various providers for residential treatment services for the Youth and Family Community Partnership Program for the period 1/1/2010 – 12/31/2010 to exercise an option to extend the time period to 12/31/2011 and for additional funds, and declaring the necessity that this Resolution become immediately effective:

- 1) No. CE1000125-01 with Applewood Centers, Inc. in the amount of

\$550,000.00.

- 2) No. CE1000126-01 with Beech Brook in the amount of \$450,000.00.
- 3) No. CE1000127-01 with Bellefaire Jewish Children's Bureau in the amount \$500,000.00.
- 4) No. CE1000129-01 with Catholic Charities Services Corporation dba Parmadale in the amount of \$500,000.00.
- 5) No. CE1000130-01 with The Cleveland Christian Home Incorporated in the amount \$500,000.00.
- 6) No. CE1000132-01 with The Village Network in the amount of \$300,000.00.

Sponsor: County Executive FitzGerald and Juvenile Court

Committee Assignment and Chair: Justice Affairs – Simon

On a motion by Mr. Miller, seconded by Mr. Brady, Resolution No. R2011-0131 was considered and adopted by majority vote, with Ms. Simon recusing herself from the vote.

- g) R2011-0132: A Resolution authorizing the County Executive to prepare and enter into amendments to contracts with various providers for residential treatment services to exercise an option to extend the time period to 1/31/2012 and for additional funds, and declaring the necessity that this Resolution become immediately effective:
 - 1) for the period 2/1/2010 - 1/31/2011:
 - a) No. CE1000260-01 with The Cleveland Christian Home Incorporated in the amount of \$300,000.00.
 - 2) for the period 6/1/2010 - 1/31/2011:
 - a) No. CE1000724-01 with The Glen Mills Schools in the amount of \$350,000.00.

Sponsor: County Executive FitzGerald and Juvenile Court

Committee Assignment and Chair: Justice Affairs – Simon

On a motion by Mr. Miller, seconded by Ms. Simon, Resolution No. R2011-0132 was considered and adopted by unanimous vote.

h) R2011-0133: A Resolution authorizing the County Executive to enter into amendments to contracts with various providers for staff secure shelter care services for the period 1/1/2010 – 12/31/2010 to exercise an option to extend the time period to 12/31/2011 and for additional funds, and declaring the necessity that this Resolution become immediately effective:

1) No. CE1000091-01 with Carrington Youth Academy LLC in the amount of \$916,052.00.

2) No. CE1000094-01, 02 with The Cleveland Christian Home Incorporated in the amount of \$527,948.00.

Sponsor: County Executive FitzGerald and Juvenile Court

Committee Assignment and Chair: Justice Affairs – Simon

On a motion by Ms. Simon, seconded by Mr. Miller, Resolution No. R2011-0133 was considered and adopted by unanimous vote.

i) R2011-0134: A Resolution authorizing the execution of a Fourteenth Supplemental Base Lease, Fourteenth Supplemental Lease and Tenth Supplemental Assignment of Rights under a Lease with University Hospitals Health System, Inc. in connection with the release of certain property now constituting a portion of the leased real property securing previous issues of Hospital Improvement Revenue Bonds of the County of Cuyahoga, Ohio; authorizing other documents in connection with said release; and declaring the necessity that this Resolution become immediately effective.

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

Bond Counsel: Tucker Ellis & West LLP

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

On a motion by Mr. Brady, seconded by Ms. Conwell, Resolution No. R2011-0134 was considered and adopted by unanimous vote.

16. COMMITTEE REPORT AND CONSIDERATION OF AN ORDINANCE FOR SECOND READING ~~ADOPTION UNDER SUSPENSION OF RULES~~ **AND REFERRAL TO COMMITTEE**

- a) O2011-0016: An Ordinance establishing the Department of Law and the powers and duties of the Director of Law, and declaring the necessity that this Ordinance become immediately effective.

Sponsors: Simon, Connally and Jones

Committee Assignment and Chair: Justice Affairs – Simon

Council President Connally referred Ordinance No. O2011-0016 to the Justice Affairs Committee.

17. CONSIDERATION OF AN ORDINANCE FOR THIRD READING ADOPTION UNDER SUSPENSION OF RULES

A motion was made by Mr. Miller, seconded by Ms. Conwell and approved by unanimous vote to suspend Rule 9D and to place on final passage Ordinance No. O2011-0015.

- a) O2011-0015: An Ordinance to expire on or before 6/30/2011 providing for the approval and adoption of Human Resources Policies and Procedures for Cuyahoga County, and declaring the necessity that this Ordinance become immediately effective.

Sponsors: County Executive FitzGerald/Department of Human Resources

On a motion by Mr. Miller, seconded by Mr. Greenspan, the written amendment introduced by Mr. Miller and found on page 206 in the agenda package was considered and adopted by unanimous vote.

On a motion by Mr. Greenspan, seconded by Mr. Miller, the written amendment introduced by Mr. Greenspan and found on page 205 in the agenda package was considered and adopted by unanimous vote.

On a motion by Mr. Miller, seconded by Ms. Conwell, Ordinance No. O2011-0015, as amended, was considered and adopted by unanimous vote.

18. MISCELLANEOUS COMMITTEE REPORTS

Mr. Gallagher reported that the award referenced in Resolution No. R2011-0121 will be withdrawn from Council consideration and the project will be rebid.

Mr. Jones stated that the meeting time for the Public Works, Procurement & Contracting Committee has been changed to Wednesday, April 6th at 3:00 p.m. due to the State of the County address.

Mr. Miller gave a report concerning the Finance & Budget Committee. Matt Rubino gave a report to the Committee regarding the impending budget deficit.

Mr. Germana said that he attended the 69th Human Services Institute sponsored by the Center for Community Solutions.

19. MISCELLANEOUS BUSINESS

- a) Presentation by Justin Bibb regarding the Cuyahoga County Education Strategy.

Due to the length of the Council meeting, Mr. Bibb's presentation was postponed to a future meeting.

20. PUBLIC COMMENT UNRELATED TO AGENDA

Mr. Larry Long, representing the County Commissioners Association of Ohio (CCAO), addressed Council regarding information and programs provided by the Association.

21. ADJOURNMENT

With no further business to discuss and on a motion by Mr. Miller with a second by Mr. Greenspan, the meeting was adjourned at 7:26 p.m., without objection.