

AGENDA
CUYAHOGA COUNTY COUNCIL REGULAR MEETING
TUESDAY, MARCH 22, 2011
CUYAHOGA COUNTY JUSTICE CENTER
COUNCIL CHAMBERS – 1ST FLOOR
6:00 PM

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. SILENT MEDITATION
4. ROLL CALL
5. PUBLIC COMMENT RELATED TO AGENDA
6. APPROVAL OF MINUTES
 - a) March 15, 2011 Special Meeting
7. MESSAGES FROM THE COUNTY EXECUTIVE
 - a) Contracts executed by County Executive
8. CONSIDERATION OF A MOTION OF COUNCIL FOR FIRST READING ADOPTION UNDER SUSPENSION OF RULES
 - a) M2011-0017: A Motion amending Rule 16D of the Rules of the Cuyahoga County Council to change the expiration date of the Rules to 4/26/2011.

Sponsor: Council President Connally
9. CONSIDERATION OF MOTIONS OF COUNCIL FOR FIRST READING AND REFERRAL TO COMMITTEE
 - a) M2011-0018: A Motion confirming the County Executive's appointment of Norberto Colon to serve on the Public Safety Urban Area Working Group.

Sponsor: Council President Connally
 - b) M2011-0019: A Motion confirming the County Executive's appointment of individuals to serve on the Cuyahoga County Planning Commission:

- 1) Mayor Eileen Patton, Fairview Park (Westshore Region)
- 2) Mayor Michael Procuik, Brooklyn Heights (Cuyahoga Region)
- 3) Ed Jerse, Director of Regional Collaboration
- 4) Nathan Kelly, Deputy Chief of Development (alternate to County Executive Edward FitzGerald)

Sponsor: Council President Connally

- c) **M2011-0020**: A Motion confirming the County Executive's appointment of individuals to serve on Tax Incentive Review Councils:

- 1) Jeffery Schiffman
- 2) Jonathan Holody
- 3) Andrew Revy
- 4) Joe Micciulla, Chair

Sponsor: Council President Connally

- d) **M2011-0021**: A Motion confirming the County Executive's appointment of Nick Nardi to serve on the Greater Cleveland Regional Transit Authority Board of Trustees.

Sponsor: Council President Connally

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

- a) **M2011-0016**: A Motion confirming the County Executive's appointment of individuals to serve on the Greater Cleveland Regional Transit Authority Board of Trustees:

- 1) Mayor Gary Norton (for the unexpired term ending 3/31/2012).
- 2) Karen Gabriel Moss (for the unexpired term ending 3/31/2013).

Sponsor: Council President Connally

Committee Assignment and Chair: Human Resources, Appointments & Equity – Conwell

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

- a) **R2011-0107**: A Resolution providing for the appointment of Nikima S. Barnhill as Deputy Clerk of Council, and declaring the necessity that this Resolution become immediately effective.

Sponsor: Council President Connally

- b) **R2011-0108**: A Resolution providing for the appointment of George M. Phillips as Administrative Assistant 2 to serve the Council of Cuyahoga County, and declaring the necessity that this Resolution become immediately effective.

Sponsor: Council President Connally

12. COMMITTEE REPORT AND CONSIDERATION OF A RESOLUTION OF COUNCIL FOR SECOND READING ADOPTION UNDER SUSPENSION OF RULES

- a) **R2011-0085**: A Resolution objecting to Senate Bill 5, which would sharply curtail collective bargaining rights of Ohio public employees, and declaring the necessity that this Resolution become immediately effective.

Sponsor: Conwell, Rogers, Jones, Miller and County Executive FitzGerald

Committee Assignment and Chair: Human Resources, Appointments & Equity – Conwell

13. CONSIDERATION OF A RESOLUTION OF COUNCIL FOR THIRD READING ADOPTION

- a) **R2011-0002**: A Resolution opposing House Bill 3 of the 129th Ohio General Assembly that would amend the Ohio Revised Code to repeal the estate tax for the estates of individuals dying on or after 1/1/2013, and declaring the necessity that this Resolution become immediately effective.

Sponsors: Conwell, Miller and Germana

14. CONSIDERATION OF AN ORDINANCE OF COUNCIL FOR FIRST READING AND REFERRAL TO COMMITTEE

- a) **O2011-0020**: An Ordinance encouraging public attendance at meetings and participation in County government by providing no-cost

parking for citizens attending regularly scheduled Cuyahoga County Council meetings, and declaring the necessity that this Ordinance become immediately effective.

Sponsor: Rogers, Miller, Jones, Brady and Germana

15. CONSIDERATION OF AN ORDINANCE OF COUNCIL FOR SECOND READING AND REFERRAL TO COMMITTEE

- a) **O2011-0014**: An Ordinance 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 providing the terms upon which the County may cooperate or join by contract with any municipality, county, state or political subdivision or agency thereof in making public improvements or providing common services.

Sponsors: Miller and Jones

16. CONSIDERATION OF AN ORDINANCE OF COUNCIL FOR THIRD READING ADOPTION

- a) **O2011-0012**: An Ordinance amending the Public Records Policy for Cuyahoga County, and declaring the necessity that this Ordinance become immediately effective.

Sponsors: Miller and Greenspan

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

- a) **R2011-0109**: A Resolution approving an award on RQ19882 to Dell Marketing LP in the amount not-to-exceed \$774,282.96 for the purchase of computer equipment for the Court of Common Pleas and Clerk of Courts; 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/Office of Procurement & Diversity

- b) **R2011-0110**: A Resolution approving an award on RQ19884 to Dell Marketing LP in the amount not-to-exceed \$301,704.76 for the

purchase of computer software for the Court of Common Pleas and Clerk of Courts; 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/Office of Procurement & Diversity

- c) R2011-0111: A Resolution approving an award on RQ19964 to Dell Marketing LP in the amount not-to-exceed \$286,486.57 for the purchase of computer equipment for Juvenile Court; 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/Office of Procurement & Diversity

- d) R2011-0112: A Resolution approving an award on RQ19967 to MNJ Technologies Direct, Inc. in the amount not-to-exceed \$627,229.40 for the purchase of computer equipment for Juvenile Court; 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/Office of Procurement & Diversity

- e) R2011-0113: A Resolution approving an award on RQ19970 to Data Recovery Services, LLC, in the amount not-to-exceed \$518,394.24 for the purchase of computer equipment for Juvenile Court; 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/Office of Procurement & Diversity

- f) R2011-0114: 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/Office of Budget & Management

18. CONSIDERATION OF RESOLUTIONS FOR FIRST READING AND REFERRAL TO COMMITTEE

- 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.

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

- b) R2011-0115: A Resolution authorizing the County Executive to approve an additional settlement for property rights for the temporary taking of 3,870 sq. ft. 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 declaring the necessity that this Resolution become immediately effective.

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

- c) R2011-0116: A Resolution authorizing the County Executive to grant Sewer Builder's Licenses for the Year 2011; authorizing the Director of Public Works to execute said licenses.

Sponsor: County Executive FitzGerald/Department of Public Works/County Engineer/Sanitary Engineering Division

- d) R2011-0117: A Resolution approving specifications and estimate of cost in the amount not-to-exceed \$365,121.00 for construction of an Energy Center at the Cuyahoga County Fairgrounds, related to the Fairgrounds Wind Turbine Project; authorizing the Director of the Office of Procurement & Diversity to advertise for bids on RQ19570.

Sponsor: County Executive FitzGerald/Department of Public Works

- e) R2011-0118: A Resolution granting authority for the Director of the Office of Procurement & Diversity to advertise and to issue RFP 19343 for the purchase of electric utility services for County-owned facilities for the period of 6/1/2011 – 5/31/2012.

Sponsor: County Executive FitzGerald/Department of Public Works/Central Services

- f) R2011-0119: A Resolution rescinding Resolution No. 104762 dated 10/28/2010 that made an award on RQ15326 to Phillips Electric in the amount of \$1,401,300.00 for a wind turbine generator to be located at the County Fairgrounds for the period of 11/19/2010 – 11/18/2011.

Sponsor: County Executive FitzGerald/Department of Public Works/Central Services

- g) R2011-0120: A Resolution making an award on RQ15326 and authorizing the County Executive to enter into a contract with Halus Power Systems in the amount of \$1,400,000.00 for a wind turbine generator to be located at the County Fairgrounds for the period of 3/22/2011 – 3/21/2012.

Sponsor: County Executive FitzGerald/Department of Public Works/Central Services

- h) R2011-0121: A Resolution making an award on RQ18560 and authorizing the County Executive to enter into a contract with Infinity Construction Co., Inc. in the amount of \$5,490,000.00 for the Corrections Center Jail Kitchen Renovation Project.

Sponsor: County Executive FitzGerald/Department of Public Works/Central Services

- i) R2011-0122: A Resolution making an award on RQ19284 and authorizing the County Executive to enter into a contract with Great Lakes Construction Co. in the amount of \$4,954,904.03 for construction of a grade separation on Fitch Road over the Norfolk Southern Railroad in the City of North Olmsted and Olmsted Township, and declaring the necessity that this Resolution become immediately effective.

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

- j) R2011-0123: A Resolution authorizing the County Executive to enter into an amendment (Change Order No. 2) to Contract No. CE0800267-01 with HNTB Ohio, Inc. for general engineering services for various projects for the period 4/1/2008 – 3/31/2011 to extend the time period to 3/31/2013.

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

- k) **R2011-0124:** A Resolution authorizing the County Executive to enter into an amendment (Change Order No. 2) to Contract No. CE0900375-01 with Wilbur Smith Associates, Inc. Ohio for general engineering services for various projects for the period 4/1/2009 – 3/31/2011 to extend the time period to 3/31/2013.

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

- l) **R2011-0125:** A Resolution authorizing an economic development loan in the amount not-to-exceed \$500,000.00 to 7204 Pearl Road Associates, LLC, to assist in the acquisition and renovation of a facility located at 7204 Pearl Road, Middleburg Heights; 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

- m) **R2011-0126:** A Resolution authorizing an economic development loan in the amount not-to-exceed \$53,000.00 to Archer Realty, LLC, for infrastructure improvements of its headquarters facility located at 15601 Brookpark Road, 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

- n) **R2011-0127:** A Resolution authorizing a Brownfields Revolving Loan Fund (BRLF) Subgrant award between the County of Cuyahoga, through the Department of Development, and the City of Cleveland, in the amount not-to-exceed \$454,953.00; authorizing the County Executive and/or Director of Development to execute all documents in relation to the Revolving Loan Fund Subgrant Agreement; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Development

- o) **R2011-0128:** A Resolution authorizing an economic development loan in the amount not-to-exceed \$500,000.00 to MB&W Consumer Collections, Inc. for the acquisition of a facility located at 7088 West

130th Street, Middleburg Heights; 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

- p) **R2011-0129**: A Resolution authorizing the County Executive to enter into a contract (No. CE1100132-01) with Union Eye Care Center, Inc. in the amount not-to-exceed \$549,010.20 for the provision of vision insurance to County employees for the period 1/1/2011 – 12/31/2013, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Human Resources

- q) **R2011-0130**: A Resolution authorizing the County Executive to enter into a contract (No. CE1100162-01, 02, 03, 04) with Ports Petroleum Company, Inc. in the amount not-to-exceed \$633,375.00 for gasoline for various County facilities for the period 1/1/2011 – 12/31/2011.

Sponsor: County Executive FitzGerald/Office of Procurement & Diversity

- r) **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:

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

s) **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:

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

t) **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:

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

u) **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

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

- a) **R2011-0076**: A Resolution authorizing the County Executive to enter into an amendment (Subsidiary No. 1) to Contract No. CE1000315-01 with Perk Company, Inc. for rehabilitation of West 130th Street from Snow Road to Brookpark Road in the Cities of Brook Park and Parma for a decrease in the amount of (\$226,457.98).

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

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

- b) **R2011-0077**: A Resolution authorizing the County Executive to enter into an amendment (Subsidiary No. 1) to Contract No. CE1000334-01 with Burton Scot Contractors, LLC, for repair and resurfacing of Usher Road from Sprague Road to Bagley Road in the City of Olmsted Falls and Olmsted Township for a decrease in the amount of (\$20,941.27).

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

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

- c) **R2011-0078**: A Resolution authorizing the County Executive to prepare and enter into an amendment to Contract No. CE12377-01 with Glaus, Pyle, Schomer, Burns & DeHaven, Inc. dba GPD Associates for consultant engineering services for replacement of Bellaire Road Bridge No. 24 over Big Creek and replacement of West 130th Street Bridge No. 64 over a branch of Big Creek in the City of Cleveland and Village of Linndale for additional funds in the amount of \$243,541.66, 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

- d) **R2011-0079**: A Resolution authorizing the County Executive to enter into an agreement for settlement of property rights in connection with repair of the Stumph Road Sewer Improvement, located in the City of Parma Heights, County Sewer District No. 1, in an amount equal to the approved appraisal fair market value estimate of \$9,150.00 for Parcel Nos. 473-21-002S & 473-21-029S (Permanent Sanitary Sewer Easements), 6330 Pearl Road, Cleveland, Ohio 44130, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works/County Engineer/Sanitary Engineering Division

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

- e) **R2011-0080**: A Resolution authorizing the County Executive to grant Sewer Builder's Licenses for the Year 2011; authorizing the Director of Public Works to execute said licenses; 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

- f) **R2011-0081**: A Resolution authorizing the County Executive to enter into a revenue generating agreement with LifeBanc for lease of space at the County Coroner's Building, located at 11001 Cedar Avenue, Cleveland, for the period 12/1/2010 - 12/31/2013 for a fee to the County in the amount of \$27,600.00 per annum, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works/Central Services

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

- g) **R2011-0082**: A Resolution approving a loan in the amount not-to-exceed \$1,000,000.00 to Blue Sky Campus, Inc. for a Brownfield Redevelopment Fund Project, located at 9501 Granger Road, Garfield Heights; 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. (Pending referral from Committee.)

Sponsor: County Executive FitzGerald/Department of Development

Committee Assignment and Chair: Economic Development & Planning
– Schron

- h) **R2011-0088**: A Resolution accepting the rehabilitation of County parking lots and driveways located at the York Road maintenance yard in the City of North Royalton and the Fitch Road maintenance yard in Olmsted Township as complete and in accordance with plans and specifications; requesting authority for the County Treasurer to release the escrow account, in accordance with Ohio Revised Code Section 153.63, 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) **R2011-0089**: A Resolution authorizing the County Executive to make an application for allocation from County Motor Vehicle \$5.00 License Tax Funds in the amount of \$2,009,091.22 for improvement of Stumph Road from Snow Road to Pearl Road in the Cities of Parma and Parma Heights, 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

- j) **R2011-0090**: A Resolution approving specifications and estimate of cost in the amount not-to-exceed \$1,800,000.00 for rehabilitation of Old Mill Road Bridge No. 162 over the Chagrin River in the Village of Gates Mills; authorizing the Department of Purchasing to advertise for bids on RQ19651, 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

- k) **R2011-0091:** A Resolution authorizing the County Executive to grant Sewer Builder's Licenses for the Year 2011; authorizing the Director of Public Works to execute said licenses, 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

- l) **R2011-0092:** A Resolution authorizing the County Executive to prepare and enter into an amendment (Subsidiary No. 1) to Contract No. CE1000111-01 with Suburban Maintenance & Construction, Inc. for replacement of Main Street Bridge No. 36 over Baldwin Creek in the Cities of Middleburg Heights and Strongsville for additional funds in the amount of \$82,720.99, 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

- m) **R2011-0093:** A Resolution authorizing the County Executive to enter into an amendment (Subsidiary No. 1) to Contract No. CE1000568-01 with Perk Company, Inc. for scour repair of Old Royalton Road Bridge No. 108 over Chippewa Creek in the City of Brecksville for a decrease in the amount of (\$17,081.83).

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

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

- n) **R2011-0094:** A Resolution approving an award on RQ18812 to Fabrizi Trucking & Paving Co., Inc. in the amount of \$6,696,970.75 for improvement of Stumph Road from Snow Road to Pearl Road in the Cities of Parma and Parma Heights; 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/County Engineer

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

- o) **R2011-0095**: A Resolution approving an award on RQ18997 to Longo Sewer Construction, Inc. in the amount of \$378,993.00 for replacement of storm and sanitary sewers in Grannis Road and Thraves Road, located in the City of Garfield Heights, County Sewer District No. 9; 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/County Engineer

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

- p) **R2011-0096**: A Resolution authorizing the County Executive to enter into an amendment (Change Order No. 1) to Contract No. CE0900784-01 with E.S.I., Inc. for electrical services for the Courthouse Tower Interiors Project in connection with the Cuyahoga County Juvenile Justice Center Project to increase the Unforeseen Conditions Cash Allowance from \$570,439.00 to \$699,239.00 and for additional funds in the amount of \$128,800.00, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works/Central Services

Committee Assignment and Chair: Justice Affairs – Simon

- q) **R2011-0097**: A Resolution authorizing the County Executive to enter into an amendment (Change Order No. 2) to Contract No. CE0900784-01 with E.S.I., Inc. for electrical services for the Courthouse Tower Interiors Project in connection with the Cuyahoga County Juvenile Justice Center Project to increase the Unforeseen Conditions Cash Allowance from \$699,239.00 to \$837,239.00 and for additional funds in the amount of \$138,000.00, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works/Central Services

Committee Assignment and Chair: Justice Affairs – Simon

- r) **R2011-0098**: A Resolution approving an award on RQ19354 to CourtSmart Digital Systems, Inc. in the amount of \$625,277.00 for digital audio recording equipment for Juvenile Court in connection with the Cuyahoga County Juvenile Justice Center Project; authorizing the County Executive to enter into a contract consistent with said award, and declaring the necessity that this Resolution become immediately effective. (State Contract No. 7706600209/ORC 125.04(B)).

Sponsor: County Executive FitzGerald/Department of Public Works/Central Services

Committee Assignment and Chair: Justice Affairs – Simon

- s) **R2011-0101**: A Resolution authorizing the issuance and sale of Self-supporting Housing Revenue Bonds in an amount not-to-exceed \$6,500,000.00 for Famicos Doan Classroom LLC for the purpose of rehabilitating, improving and equipping a senior housing facility for low and moderate income seniors; authorizing the execution and delivery of a Loan Agreement, Bond Purchase Agreement, Trust Indenture and Tax Regulatory Agreement; authorizing and approving the use and distribution of a disclosure document; approving related matters; and declaring the necessity that this Resolution become immediately effective. (Pending referral from Committee.)

Sponsor: County Executive FitzGerald/Department of Development
Bond Counsel: Squire, Sanders & Dempsey

Committee Assignment and Chair: Economic Development & Planning – Schron

- t) **R2011-0102**: A Resolution authorizing Juvenile Court through the County Executive to enter into an agreement with Cuyahoga County Department of Justice Affairs, Office of Mediation in the amount not-to-exceed \$400,000.00 for the Juvenile Court Custody Mediation Project for the period 2/1/2011 - 1/31/2012, and declaring the necessity that this Resolution become immediately effective.

Sponsor: Juvenile Court through County Executive FitzGerald

Committee Assignment and Chair: Justice Affairs – Simon

- u) **R2011-0104**: A Resolution authorizing the County Executive to enter into Title IV-D Cooperative Agreement contracts with various providers for child support services for the period 1/1/2011 - 12/31/2011, and declaring the necessity that this Resolution become immediately effective:

- 1) Court of Common Pleas/Division of Domestic Relations in the amount of \$2,082,307.49.
- 2) Court of Common Pleas/Division of Juvenile Court in the amount of \$2,218,669.89.
- 3) Office of the Prosecuting Attorney of Cuyahoga County in the amount of \$2,257,588.70.

Sponsor: County Executive FitzGerald/Department of Health and Human Services/Child Support Enforcement Agency

Committee Assignment and Chair: Justice Affairs – Simon

20. CONSIDERATION OF AN ORDINANCE FOR FIRST READING AND REFERRAL TO COMMITTEE

- a) **O2011-0021**: An Ordinance authorizing the County Executive to grant a permanent easement to Ferrous Realty Ltd., for the sum of \$500.00, for the right to access, install, maintain, relocate, repair, and replace a sign on, over and under certain portions of County-owned property located at 10991 Memphis in the City of Brooklyn in connection with construction of Memphis Industrial Parkway; and declaring the necessity that this Ordinance become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works/County Engineer and Councilman Germana

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

- 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

Committee Assignment and Chair: Human Resources, Appointments
& Equity – Conwell

22. EXECUTIVE SESSION

- a) Continued discussion regarding pending litigation

23. MISCELLANEOUS COMMITTEE REPORTS

24. MISCELLANEOUS BUSINESS

25. PUBLIC COMMENT UNRELATED TO AGENDA

26. ADJOURNMENT

NEXT MEETINGS

SPECIAL COUNCIL MEETING: TUESDAY, APRIL 5, 2011
4:00 PM / COUNCIL CHAMBERS

COUNCIL WORK SESSION: TUESDAY, APRIL 12, 2011
4:00 PM / COUNCIL CHAMBERS

REGULAR MEETING: TUESDAY, APRIL 12, 2011
6:00 PM / COUNCIL CHAMBERS

MINUTES
CUYAHOGA COUNTY COUNCIL SPECIAL MEETING
TUESDAY, MARCH 15, 2011
CUYAHOGA COUNTY JUSTICE CENTER
COUNCIL CHAMBERS – 1ST FLOOR
4:00 PM

1. CALL TO ORDER

The meeting was called to order by Council President Connally at 4:04 p.m.

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

3. SILENT MEDITATION

Council President Connally requested there be a moment of silent meditation for the people of Japan as they suffer through serious concerns and deprivation resulting from earthquakes and tsunamis that have devastated their country.

4. ROLL CALL

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

5. PUBLIC COMMENT RELATED TO AGENDA

No public comments were given.

6. APPROVAL OF MINUTES

a) March 8, 2011 Meeting

On a motion by Mr. Miller with a second by Ms. Conwell, the minutes of the March 8, 2011 meeting were unanimously approved.

7. MESSAGES FROM THE COUNTY EXECUTIVE

County Executive Ed FitzGerald reported the following:

- a) **The Governor's State budget was released; it includes major funding cuts to local governments (e.g., 25% to the Local Government Fund for fiscal years 2012 and 2013, 10% to Human Services and funding for Medicaid). The State budget is being analyzed and Council will be kept informed of the impact to the County budget. Additionally, the County needs to advocate its point of view and Council was invited to participate.**
- b) **The State of the County address will be held on April 6, 2011 at 12:00 noon at the Marriott and Council was invited to attend.**

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

A motion was made by Mr. Miller, seconded by Mr. Brady and approved by majority vote to suspend Rules 9D and 13A and to place on final passage Resolution No. R2011-0106. Mr. Schron and Mr. Greenspan cast dissenting votes.

- a) R2011-0106: A Resolution opposing the decisions of the Ohio Department of Mental Health and Governor John Kasich to close the Cleveland Campus of Northcoast Behavioral Healthcare and to abstain from construction of a new state mental health hospital in Cleveland; urging the Governor and the Director of the Department of Mental Health to reconsider these decisions, and declaring the necessity that this Resolution become immediately effective.

Sponsors: County Executive FitzGerald and Councilmembers Brady and Jones

On a motion by Mr. Miller with a second by Ms. Simon, Resolution No. R2011-0106 was considered and adopted by majority vote, with Mr. Greenspan casting a dissenting vote.

9. DISCUSSION REGARDING REGIONAL COLLABORATION

Mr. Ed Jerse, Director of Regional Collaboration, addressed Council regarding regional collaboration trends, best practices, possible linkages to economic development, current County initiatives and planned activities. Council President Connally requested that Mr. Jerse update Council in six months.

10. MISCELLANEOUS COMMITTEE REPORTS

- a) **DISCUSSION REGARDING CODE OF ETHICS**

Upon the request of Mr. Greenspan, discussion regarding the Code of Ethics was deferred to a future meeting.

Mr. Miller, Chair of the Finance & Budgeting Committee, reported that he had appointed an Advisory Subcommittee of the Finance & Budgeting Committee to work with the administration and help present our concerns regarding the State budget to Columbus. The Advisory Subcommittee consists of the following members: Michael Gallagher, Chair; Jack Schron, Vice Chair; Chuck Germana; Danita Love; Larry Macon, Jr.; Mayor Thomas Perciak; and Martin McGann.

The following Committee Chairs reported on various Committee activities:

- a) Mr. Jones: Public Works, Procurement & Contracting**
- b) Mr. Schron: Economic Development & Planning**
- c) Mr. Brady: Health, Human Services & Aging**

11. EXECUTIVE SESSION

- a) CONTINUATION OF DISCUSSIONS REGARDING PENDING LITIGATION**

Council President Connally announced that Executive Session was cancelled and will be rescheduled for the March 22, 2011 Council meeting.

12. MISCELLANEOUS BUSINESS

No miscellaneous business was discussed.

13. PUBLIC COMMENT UNRELATED TO AGENDA

Ms. Sheila Howard, CSU student, addressed Council regarding issues of concern to her relating to a school project.

14. ADJOURNMENT

With no further business to discuss and on a motion by Mr. Miller with a second by Ms. Conwell, the meeting was adjourned at 5:08 p.m., without objection.



EDWARD FITZGERALD
Cuyahoga County Executive

March 8, 2011

C. Ellen Connally
Council President
County Administration Building
1219 Ontario Ave
Cleveland, Ohio 44113

Madame President Connally,

As required by Cuyahoga County Ordinance O2011 - 0002, I am providing notice of the items that I executed during the week of March 7, 2011. The attached document lists the contracts by requestor and has a brief description of each contract.

Please contact David Merriman at (216) 263-4606 if you would like additional information on any of these contracts.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Edward FitzGerald', is written over the typed name.

Edward FitzGerald
County Executive

Items approved the week of March 7, 2011:

Requestor	Description
Common Pleas Court /Corrections Planning Board	Recommending an award on RQ18845 to Psychiatric and Psychological Services in the amount not-to-exceed \$180,000.00 for sex offender counseling services for the period 3/1/2011 - 2/28/2014. (Resolution No. 105058 - authority to seek proposals.)
Common Pleas Court /Corrections Planning Board	Submitting amendments to contracts with various providers for assessment and intensive treatment services for adult sex offenders for the period 10/1/2007 - 12/31/2010 to extend the time period to 2/28/2011: 1) Contract No. CE0701017-04 with Lumen Counseling Services, Inc. for decrease in the amount of (\$9,340.00). 2) Contract No. CE0701034-06 with Psychiatric and Psychological Services; no additional funds required. 3) Contract No. CE0800040-06 with Advanced Psychotherapy Services, LLC for additional funds in the amount of \$9,340.00.
County Coroner	Submitting a grant agreement with State of Ohio, Office of Criminal Justice Services in the amount of \$102,419.17 for the Professional Education / Accrediting Project for the FY2010 Paul Coverdell Forensic Science Improvement Grants Program for the period 10/1/2010 - 9/30/2011.
Department of Development	Submitting a contract with URS Corporation - Ohio in the amount of \$97,730.00 for consultant engineering services for the Renewable and Advanced Energy Technology Master Plan for the period 2/1/2011 - 12/31/2011.
Department of Development	Submitting an amendment to a grant agreement with the State of Ohio, Department of Development in the amount of \$3,000,000.00 for a Clean Ohio Revitalization Fund grant in connection with a Brownfield Redevelopment Fund Project located on the Flats East Bank, Cleveland, for the period 6/29/2006-6/30/2011 to extend time period to 6/29/2012.
Department of Development	Submitting various Addenda to the specifications on RQ18962 for heating unit replacement and associated energy conservation activities for the Villa Serena Apartments Project, located at 6800 Mayfield Road, Mayfield Heights, in connection with the Home Weatherization Assistance Program for the period

	<p>1/1/2011 - 3/31/2011:</p> <p>a) No. 1 to change the bid due date from 12/27/2010 to 1/19/2011.</p> <p>b) No. 2 to make clarifications and to change the bid due date from 1/19/2011 to 1/28/2011, and to change the time period from 1/1/2011 - 3/31/2011 to 4/1/2011 - 6/30/2011.</p>
Department of Health and Human Services/Family & Children First Council	Submitting a contract with Charles E. Harris & Associates, Inc. in the amount not-to-exceed \$20,601.00 for a performance audit for the period 1/1/2010 - 12/31/2013.
Department of Justice Affairs	Submitting a grant agreement with Ohio Emergency Management Agency in the amount of \$1,039,182.00 for the FY2010 State Homeland Security Grant Program for the period 8/1/2010 - 3/31/2013; Requesting authority for the Director or Paula Young, Manager, to execute all fiscal and programmatic reports required in connection with said grant.
Department of Justice Affairs	Submitting a grant agreement with Ohio Emergency Management Agency in the amount of \$762,319.00 for the FY2010 State Homeland Security-Law Enforcement Grant Program for the period 8/1/2010 - 3/31/2013; requesting authority for the Director or Paula Young, Manager to execute all fiscal and programmatic reports required in connection with said grant.
Department of Justice Affairs	Submitting a grant agreement with Ohio Emergency Management Agency in the amount of \$5,094,390.00 for the FY2010 Urban Area Security Initiative Grant Program for the period 8/1/2010 - 7/31/2013; Requesting authority for the Director to execute all fiscal and programmatic reports required in connection with said grant.
Department of Justice Affairs	Submitting a grant agreement with Ohio Emergency Management Agency in the amount of \$141,225.00 for the FY2010 Interoperable Emergency Communications Grant Program for the period 6/1/2010 - 12/31/2012; requesting authority for the Director to execute all fiscal and programmatic reports required in connection with said grant.
Department of Justice Affairs	Submitting a grant award in the amount of \$263,251.00 from Ohio Department of Youth Services for the FY2010 Juvenile Accountability Block Grant Program for the period 1/1/2011 - 6/30/2012.
Department of Justice Affairs	Submitting a grant award in the amount of \$286,072.00 from Ohio Department of Youth Services for the

	FY2010 Juvenile Justice and Delinquency Prevention Program for the period 1/1/2011 - 6/30/2012.
Department of Justice Affairs	Submitting a grant application to Ohio State Emergency Response Commission in the amount of \$121,418.00 for planning and training activities for the Cuyahoga County Local Emergency Planning Committee for the period 7/1/2010 - 6/30/2011.
Department of Justice Affairs	Submitting amendments to various grant agreements with Ohio Office of Criminal Justice Services for the FY2009 STOP Violence Against Women Act Grant Program for the period 1/1/2010 - 12/31/2010: 1) in the amount of \$460,433.46 to extend the time period to 3/31/2011. 2) in the amount of \$14,146.06 for administration to extend the time period to 6/30/2011.
Department of Justice Affairs	Submitting an amendment to a grant award in the amount of \$532,797.92 from Ohio Office of Criminal Justice Services for the Recovery Act STOP Violence Against Women Act Grant Program for the period 7/31/2009 - 12/31/2010 to extend the time period to 12/31/2011.
Department of Justice Affairs	Submitting a grant award in the amount of \$20,000.00 from Ohio Department of Youth Services for administration for the FY2010 Juvenile Justice and Delinquency Prevention Program for the period 1/1/2011 - 12/31/2011.
Department of Justice Affairs	Submitting an amendment to Contract No. CE1000324-01 with City of Cleveland for the FY2009 Juvenile Accountability Block Grant Program for the period 1/1/2010 - 12/31/2010 to extend the time period to 6/30/2011; no additional funds required.
Department of Public Works	Recommending a payment in the amount not-to-exceed \$2,418.37 to S.A. Shipley for relocation services in connection with construction of a grade separation on Fitch Road over the Norfolk Southern Railroad in the City of Olmsted Falls and Olmsted Township.
Department of Public Works	Submitting an amendment to a license agreement with Cleveland Postal Employee's Credit Union for installation and maintenance of automated teller machines located at various County buildings to change the scope of services, effective 1/18/2011.
Department of Public Works	Recommending a payment of a claim from the County's Self- Insurance Fund in the amount of \$1,464.96 to M. Parmigian for vehicle damage.
Department of Public Works	Recommending payment of a claim from the County's Self-Insurance Fund in the amount of \$200.00 to J.

	Bradescu for vehicle damage.
Department of Senior and Adult Services	Submitting an amendment with Provider Gateway, Inc a sole source, in the amount not-to-exceed \$53,600.00 for maintenance of the Long Term Care System for the period 2/1/2011-1/31/2012.
Department of Senior and Adult Services	Awarded by Resolution No. 1049106 dated 11/10/2010 for the Community Social Services Program for the Department of Senior & Adult Services for the period 1/1/2011 - 12/31/2012: 1) Contract No. CE1100036-01, 02 with Catholic Charities Community Services Corporation dba St. Martin de Porres Family Center in the amount not-to-exceed \$143,891.00.
Department of Senior and Adult Services	Awarded by Resolution No. 1049106 dated 11/10/2010 for the Community Social Services Program for the Department of Senior & Adult Services for the period 1/1/2011 - 12/31/2012: 1) Contract No. CE1100032-01, 02 with City of Maple Heights in the amount not-to-exceed \$68,877.00.
Department of Senior and Adult Services	Awarded by Resolution No. 1049106 dated 11/10/2010 for the Community Social Services Program for the Department of Senior & Adult Services for the period 1/1/2011 -12/31/2012: 1) Contract No. CE1100037-01, 02 with City of Parma Heights in the amount not-to-exceed \$179,655.00.
Department of Employment and Family Services	Submitting contract with Human Services Associates, Inc. in the amount not-to-be exceed \$8,500 for consultant services on revenue and expenditure reporting process for the period 1/1/2011 – 12/31/2011
Information Services Center	Submitting an amendment to Contract No. CE0600069-01 with International Business Machines Corporation for software migration, system upgrade and support services for the zSeries/zOS System for the period 1/1/2006 - 12/31/2010 to extend the time period to 5/31/2011; no additional funds required.
Information Services Center	Submitting a contract with CGI Technologies and Solutions Inc., sole source, in the amount not-to-exceed \$87,200.00 for maintenance on the AMS BRASS Advantage System for the Office of Budget & Management for the period 8/1/2010 - 7/31/2011.
Information Services Center	Submitting a state contract with Texcel, Inc. in the amount not-to-exceed \$12,388.80 for maintenance on Cisco SmartNet Voice over Internet Protocol phones and equipment for the period 9/11/2010 - 9/10/2011.
Office of Early Childhood	Submitting a grant award in the amount of \$50,000.00 from The Treu-Mart Fund for operational support for the Hospital Based Child Find

	Specialists Program for the Invest in Children Program for the period 1/1/2011 - 12/31/2011.
Office of Procurement & Diversity	Recommending to reject all bids received on RQ18490 for 1-Two-Color Offset Press for the Department of Central Services.
Office of Procurement & Diversity	Requesting authority to dispose of surplus County property no longer needed for public use by internet auction for the period 1/1/2011 - 12/31/2011; requesting authority for the Director to advertise, post notice and conduct the internet auctions via its representative GovDeals, Inc., in accordance with Ohio Revised Code Section 307.12(E).
Office of Procurement & Diversity	Submitting specifications and estimate of cost; requesting authority for the Director of the Office of Procurement & Diversity to advertise for bids: a) on RQ19548 for 2 Digital X-Ray Systems for the Department of Justice Affairs for an estimated cost in the amount not-to-exceed \$63,018.89.
Office of Procurement and Diversity	Recommending an award to RQ 18843, MNJ Technologies Direct (1-1) in the amount of \$42,331.03 for computer hardware for the County Treasurer (State Contract No. 533268-2/ORC 125.04 (B)).
Veterans Service Commission	Recommending to fix the compensation of a Commissioner to be determined, Member, in the amount not-to-exceed \$12,000.00 per annum for the period 1/1/2011 - 12/31/2015, in accordance with Ohio Revised Code Section 5901.04.

COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO

MOTION NO. M2011-0017

SPONSORED BY: COUNCIL PRESIDENT CONNALLY

A Motion amending Rule 16D of the Rules of the Cuyahoga County Council to change the expiration date of the Rules to 4/26/2011.

WHEREAS, Section 3.10(2) of the Charter of Cuyahoga County states that the Council shall determine its own rules and order of business; and,

WHEREAS, temporary Rules have been adopted and Council is diligently working on finalizing the permanent Rules of Council; and,

WHEREAS, Section 16(D) calls for the temporary Rules of Council to expire following the Regular Council Meeting on March 22, 2011.

WHEREAS, additional time is needed for Council Members to review the proposed permanent Rules.

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

SECTION 1. The Council of Cuyahoga County, Ohio, hereby amends Rule 16D of the Rules of Council to change the expiration date to April 26, 2011.

SECTION 2. 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

Journal CC001
March 22, 2011

COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO

MOTION NO. M2011-0018

SPONSORED BY: COUNCIL PRESIDENT CONNALLY

A Motion confirming the County Executive's appointment of Norberto Colon to serve on the Public Safety Urban Area Working Group.

WHEREAS, the Cleveland Area/Cuyahoga County Urban Area Working Group, a.k.a. Counter and Anti-Terrorism Committee, was established as a subcommittee of the Cuyahoga County Emergency Services Advisory Board; and,

WHEREAS, the Emergency Services Advisory Board was established pursuant to ORC 5502.25 to advise the County on emergency management, public safety, emergency services and Homeland Security matters; and,

WHEREAS, County Executive FitzGerald has nominated Norberto Colon to serve on the Public Safety Urban Area Working Group.

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

SECTION 1. The Council of Cuyahoga County, Ohio, hereby confirms the appointment of Norberto Colon to serve on the Public Safety Urban Area Working Group.

SECTION 2. 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

Journal CC001
March 22, 2011

COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO

MOTION NO. M2011-0019

SPONSORED BY: COUNCIL PRESIDENT CONNALLY

A Motion confirming the County Executive's appointment of individuals to serve on the Cuyahoga County Planning Commission.

WHEREAS, 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 the following individuals for appointment to the Cuyahoga County Planning Commission:

- 1) Mayor Eileen Patton, Fairview Park (Westshore Region)
- 2) Mayor Michael Procuk, Brooklyn Heights (Cuyahoga Region)
- 3) Ed Jerse, Director of Regional Collaboration
- 4) Nathan Kelly, Deputy Chief of Development (Alternate to County Executive Ed FitzGerald).

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

SECTION 1. The Council of Cuyahoga County, Ohio, hereby confirms the appointment of the following individuals to serve on the Cuyahoga County Planning Commission:

- 1) Mayor Eileen Patton, Fairview Park (Westshore Region)
- 2) Mayor Michael Procuk, Brooklyn Heights (Cuyahoga Region)
- 3) Ed Jerse, Director of Regional Collaboration
- 4) Nathan Kelly, Deputy Chief of Development (Alternate to County Executive Ed FitzGerald).

SECTION 2. 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

Journal CC001
March 22, 2011

COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO

MOTION NO. M2011-0020

SPONSORED BY: COUNCIL PRESIDENT CONNALLY

A Motion confirming the County Executive's appointment of individuals to serve on the Tax Incentive Review Councils.

WHEREAS, ORC 5709.85 calls for the creation of Tax Incentive Review Councils; and,

WHEREAS, 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 the following individuals to serve on Tax Incentive Review Councils:

- 1) Jeffrey Schiffman
- 2) Jonathan Holody
- 3) Andrew Revy
- 4) Joe Micciulla

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

SECTION 1. The Council of Cuyahoga County, Ohio, hereby confirms the appointment of the following to serve on Tax Incentive Review Councils:

- 1) Jeffrey Schiffman
- 2) Jonathan Holody
- 3) Andrew Revy
- 4) Joe Micciulla

SECTION 2. 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

Journal CC001
March 22, 2011

COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO

MOTION NO. M2011-0021

SPONSORED BY: COUNCIL PRESIDENT CONNALLY

A Motion confirming the County Executive's appointment of Nick Nardi to serve on the Greater Cleveland Regional Transit Authority Board of Trustees.

WHEREAS, Chapter 306 of the Ohio Revised Code provides for the creation of a Regional Transit Authority; and,

WHEREAS, 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 Nick Nardi to Serve on the Greater Cleveland Regional Transit Authority Board of Trustees.

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

SECTION 1. The Council of Cuyahoga County, Ohio, hereby confirms the appointment of Nick Nardi to serve on the Greater Cleveland Regional Transit Authority Board of Trustees.

SECTION 2. 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

Journal CC001
March 22, 2011

COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO

MOTION NO. M2011-0016

SPONSORED BY: COUNCIL PRESIDENT CONNALLY

A Motion confirming the County Executive's appointment of individuals to serve on the Greater Cleveland Regional Transit Authority Board of Trustees.

WHEREAS, Chapter 306 of the Ohio Revised Code provides for the creation of a Regional Transit Authority; and,

WHEREAS, 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 has nominated Gary Norton and Karen Gabriel Moss to serve on the Greater Cleveland Regional Transit Authority Board of Trustees; and,

WHEREAS, this Council by a vote of at least eight (8) members determines that it is necessary that this Motion become immediately effective in order that Charter requirements can be complied with and critical services provided by Cuyahoga County can continue, and to provide for the usual, daily operation of a County department.

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

SECTION 1. The Council of Cuyahoga County, Ohio, hereby confirms the appointment of Gary Norton (for the unexpired term ending March 31, 2012) and Karen Gabriel Moss (for the unexpired term ending March 31, 2013) to serve on the Greater Cleveland Regional Transit Authority Board of Trustees.

SECTION 2. It is necessary that this Motion 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 Motion receives the affirmative vote of eight members of Council, this Motion shall become immediately effective.

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: March 8, 2011

Committee Assigned: Human Resources, Appointments & Equity

Journal _____
_____, 2011

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0107

Sponsored by: Council President Connally	A Resolution providing for the appointment of Nikima S. Barnhill as Deputy Clerk of Council, and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, pursuant to Article III, Section 3.09(1) of the Charter of Cuyahoga County, the Council is granted the power to appoint and provide for the compensation and duties of the Clerk of Council and of such other assistants for the Council as a whole as the Council determines to be necessary for the efficient performance of its duties; and

WHEREAS, The Council of Cuyahoga County has determined that it is necessary to hire a qualified candidate into the position of Deputy Clerk of Council; and,

WHEREAS, Nikima S. Barnhill has been identified as a qualified candidate for the position based on her education, employment history and other qualifications; and,

WHEREAS, this Council by a vote of at least eight (8) members determines that it is necessary that this Resolution become immediately effective in order that Charter requirements can be complied with and that the functions of Council can continue, and to provide for the usual, daily operation of Council.

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

SECTION 1. Nikima S. Barnhill is hereby appointed Deputy Clerk of Council and shall be compensated at the annual salary of \$62,940.80 effective April 4, 2011. The Deputy Clerk of Council shall be eligible to receive the same medical, leave and other benefits that are provided to full-time non-bargaining employees of the County Executive.

SECTION 2. It is necessary that this Resolution become immediately effective in order that Charter requirements can be complied with and that the functions of Council can continue, and to and to provide for the usual, daily operation Council. Provided that this Resolution receives the affirmative vote of at least eight (8) members of Council, this Resolution shall take effect and be in force immediately upon its adoption by the Council and 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

Journal CC001
March 22, 2011

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0108

Sponsored by: Council President Connally	A Resolution providing for the appointment of George M. Phillips as Administrative Assistant 2 to serve the Council of Cuyahoga County, and declaring the necessity that this Resolution become immediately effective.
---	---

WHEREAS, pursuant to Article III, Section 3.09(1) of the Charter of Cuyahoga County, the Council is granted the power to appoint and provide for the compensation and duties of the Clerk of Council and of such other assistants for the Council as a whole as the Council determines to be necessary for the efficient performance of its duties; and

WHEREAS, The Council of Cuyahoga County has determined that it is necessary to hire a qualified candidate into the position of Administrative Assistant 2; and,

WHEREAS, George M. Phillips has been identified as a qualified candidate for the position based on his education, employment history and other qualifications; and,

WHEREAS, this Council by a vote of at least eight (8) members determines that it is necessary that this Resolution become immediately effective in order that Charter requirements can be complied with and that the functions of Council can continue, and to provide for the usual, daily operation of Council.

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

SECTION 1. George M. Phillips is hereby appointed Administrative Assistant 2 and shall be compensated at the annual salary of \$39,000.00 effective March 22, 2011. The Administrative Assistant 2 of Council shall be eligible to receive the same medical, leave and other benefits that are provided to full-time non-bargaining employees of the County Executive.

SECTION 2. It is necessary that this Resolution become immediately effective in order that Charter requirements can be complied with and that the functions of Council can continue, and to and to provide for the usual, daily operation Council. Provided that this Resolution receives the affirmative vote of at least eight (8) members of Council, this Resolution shall take effect and be in force immediately upon its adoption by the Council and 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

Journal CC001
March 22, 2011

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0085

Sponsored by: Councilmembers Conwell, Rogers, Jones and Miller and County Executive FitzGerald	A Resolution objecting to Senate Bill 5, which would sharply curtail collective bargaining rights of Ohio public employees, and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, Senate Bill 5 (S.B. 5) recently introduced and passed out of the Ohio Senate, seeks to rewrite O.R.C. Chapter 4117, The Public Employee's Collective Bargaining Act; and,

WHEREAS, as passed out of the Senate, S.B. 5 would sharply curtail the collective bargaining rights of all Ohio public employees and would eliminate the use of binding arbitration as an impasse resolution process in contract negotiations for public safety employees, including police officers and firefighters; and,

WHEREAS, this Council agrees that S.B. 5 is a direct attack on public-sector workers and will lead to lower wages and benefits that will hurt Ohio families; and,

WHEREAS, this Council believes that the serious budget crisis facing the state should not be used as an excuse to eliminate the long established collective bargaining rights of hard working public servants; and,

WHEREAS, Cuyahoga County, the City of Cleveland, and many other local government jurisdictions have shown that a more effective way of addressing economic crisis is to openly engage workers and to clearly explain the crisis, while honoring union rights and respecting public servants; 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 department.

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

SECTION 1. That this Council hereby objects to Senate Bill 5 which would sharply curtail the collective bargaining rights of all Ohio public employees and would eliminate the use of binding arbitration as an impasse resolution process in contract negotiations for public safety employees, including police officers and firefighters.

SECTION 2. That the Clerk of Council is hereby directed to forward a copy of this resolution to Governor John Kasich and all members of the Ohio Senate and House of Representatives.

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 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: March 8, 2011
Committee Assigned: Human Resources, Appointments & Equity

Journal _____
_____, 2011

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0002

Sponsored by: Conwell, Miller and Germana	A Resolution opposing House Bill No. 3 of the 129 th Ohio General Assembly that would amend the Ohio Revised Code to repeal the estate tax for the estates of individuals dying on or after 1/1/2011 1/1/2013, and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, House Bill No. 3 introduced on January 11, 2011 by representatives Cheryl L. Grossman (R) and Jay Hottinger (R) would amend the Ohio Revised Code to repeal the estate tax for the estates of individuals dying on or after January 1, ~~2011~~ 2013; and

WHEREAS, the estate tax helps address the imbalance of wealth by taxing the wealthy; and

WHEREAS, currently Ohio levies an estate tax of up to 7 percent on the next value of an estate before its assets are transformed to anyone else, but Ohio doesn't collect tax on estate unless its net taxable value is greater than \$338,333, according to the Taxation Department; and

WHEREAS, the Census Bureau reports that Ohio's 2009 median family income was about \$57,000- and the median value of an Ohio owner-occupied housing unit about \$135,000; and

WHEREAS, Ohio taxed only about 8,000 estates in the 12 months that ended in June 2009, though about 110,000 Ohioans- albeit of all ages and financial circumstances-died in calendar 2008; and

WHEREAS, abolishing the estate tax would hurt local municipalities that receive about 80 percent of estate tax revenue- about \$270 million in fiscal year 2009; and

WHEREAS, with 80 cents of every \$1 Ohio collects in estate tax being returned to the city, village or township where the dead person lived, in 2008, for example \$5.4 million went to Cleveland, \$2.3 million to Cleveland Heights, \$9.2 million to Columbus, \$2 million to Upper Arlington, \$ 785,000 to Dayton, \$3.6 million to Kettering, \$1.5 million each to Springfield and Hamilton, and \$911,000 to Mason; and

WHEREAS, Representative Mike Foley, a Democrat from Cleveland, is concerned that without the estate tax, local governments will be forced to cut services and raise taxes on their own citizens to make up for the shortfall; and

WHEREAS, Ohio Municipal League Deputy Director John Mahoney said that municipalities would like to see some source of revenue that would make up for that money if the state chooses to repeal the estate tax; and

WHEREAS, this Resolution constitutes an emergency measure for the immediate preservation of public peace, property, health or safety;

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

SECTION 1. That this Council opposes House Bill No. 3 of the 129th Ohio General Assembly that would amend the Ohio Revised Code to repeal the estate tax for the estates of individuals dying on or after January 1, ~~2014~~ 2013.

SECTION 2. That the Clerk of Council is hereby directed to transmit certified copies of this Resolution to Representatives Grossman and Hottinger, the 129th Ohio General Assembly and County Executive Ed FitzGerald.

SECTION 3. It is necessary that this Resolution become immediately effective and constitutes an emergency measure for the immediate preservation of public peace, property, health or safety. 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: February 8, 2011
Committee Assigned: Intergovernmental Relations & Collaboration

Second Reading, Amended on the Floor and Tabled: March 8, 2011

Journal _____
_____, 2011

County Council of Cuyahoga County, Ohio

Ordinance No. O2011-0020

Sponsored by: Rogers, Miller, Jones, Brady and Germana	An Ordinance encouraging public attendance at meetings and participation in County government by providing no-cost parking for citizens attending regularly scheduled Cuyahoga County Council meetings, and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, the Cuyahoga County Council is proud to serve the citizens of Cuyahoga County and invites citizens to voice their opinions, ideas, and concerns; and

WHEREAS, the Cuyahoga County Council encourages public attendance at and participation in its meetings; and

WHEREAS, this Council by a vote of at least eight (8) members determines that it is necessary that this Resolution become immediately effective in order that Charter requirements can be complied with and that the functions of Council can continue, and to provide for the usual, daily operation of Council; and

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

SECTION 1: That the County will provide complimentary parking vouchers for citizens who choose to attend regularly scheduled Cuyahoga County Council meetings.

SECTION 2: That the complimentary parking vouchers will be valid in the Cuyahoga County Huntington Park Garage, located at 1141 West 3rd Street, Cleveland, Ohio 44113 (south side of Lakeside Avenue).

SECTION 3: That the complimentary parking vouchers will be valid between the hours of 4:00 p.m. and 9:00 p.m. on days of regularly scheduled Cuyahoga County Council meetings.

SECTION 4: That the complimentary parking vouchers will be available inside the Cuyahoga County Council Chambers on the evening of a meeting, will

be distributed by one of the members of the Cuyahoga County Council staff and will be valid only for that date.

SECTION 5. It is necessary that this Ordinance become immediately effective in order that Charter requirements can be complied with and that the functions of Council can continue, and to and to provide for the usual, daily operation Council. Provided that this Ordinance receives the affirmative vote of at least eight (8) members of Council, this Ordinance shall take effect and be in force immediately upon its adoption by the Council and signature of the County Executive.

SECTION 6. 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 adopted.

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

Journal _____
_____, 2011

COUNCIL OF CUYAHOGA COUNTY, OHIO

ORDINANCE NO. 2011-0014

SPONSORED BY: Councilpersons Dale Miller & Pernel Jones. Jr.

An Ordinance 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 providing the terms upon which the County may cooperate or join by contract with any municipality, county, state or political subdivision or agency thereof in making public improvements or providing common services.

WHEREAS, Article 3, Section 9, Subsections 2, 3, 4, 8, and 9 provide for the following as powers of the Cuyahoga County Council:

Article 3, Section 9, Subsection 2: To establish departments, and divisions and sections within departments, under the supervision of the County Executive, and such boards, agencies, commissions, and authorities, in addition to or as part of those provided for in this Charter, as the Council determines to be necessary for the efficient administration of the County;

Article 3, Section 9, Subsection 3: To establish procedures under which the County Executive may employ experts and consultants in connection with the administration of the affairs of the County;

Article 3, Section 9, Subsection 4: To establish procedures governing the making of County contracts and the purchasing of County supplies and equipment pursuant to competitive bidding;

Article 3, Section 9, Subsection 8: To cooperate or join by contract with any municipality, county, state or political subdivision or agency thereof, for the planning, development, construction, acquisition or operation of any public improvement or facility, or for providing a common service, and to provide the terms upon which the County shall perform any of the services and functions of any other county or any municipality or other political subdivision. If furtherance of such intergovernmental cooperation, the Council may provide for grants or loans to other political subdivisions and public agencies.

Article 3, Section 9, Subsection 9: To provide for the procedure for making public improvements and levying assessments for such improvements; and

WHEREAS, Cuyahoga County Council adopted Ordinance No. 2011-0002, providing procedures for making contracts, receiving or providing grants or loans, and making real estate transactions, adopted on January 3, 2011 and effective on January 10, 2011, and

WHEREAS, Ordinance No. 2011-0002 was adopted as a temporary measure, and it will expire on April 10, 2011, and

WHEREAS, procedures used for contracting and procurement need to enable Cuyahoga County to be efficient, flexible, and transparent and to facilitate effective oversight by County Council;

THEREFORE, be it hereby ordained by the Council of the County of Cuyahoga, State of Ohio that:

SECTION 1: The policies and procedures of Cuyahoga County, Ohio, relating to contracts, purchases, sales, leases, grants, and loans are established as follows:

Chapter 1: Establishment of the Board of Control

Section 1.1: 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 Purchasing,

(E) three members of Cuyahoga County Council, appointed by the President of Council, immediately following each Organizational Meeting of Cuyahoga County Council, who shall serve until their successors are appointed.

Section 1.2: Whenever the one position on the Board of Control appointed by the County Executive becomes vacant, the County Executive shall appoint a new member in the same manner as the original appointment.

Section 1.3: 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 1.4: For each of the four (4) administration 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 1.5: 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 1.6: Whenever an administrative member of the Board of Control and that member's alternate are both not able to attend a meeting of the Board of Control, the County Executive may appoint a replacement for that meeting for an administrative member and the President of County Council may appoint a replacement for that meeting for a County Council member.

Section 1.7: Any properly appointed alternate or replacement 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 1.8: 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.

Section 1.9: 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 1.10: The Board of Control shall meet weekly, at a regular time determined by the Board of Control.

Section 1.11: A quorum for the Board of Control shall consist of four (4) members, or their alternates or replacements.

Section 1.12: Approval or disapproval of any item before the Board of Control shall require a minimum of four (4) votes. Provided that a quorum is present, amendments to items before the Board of Control and parliamentary motions may be adopted by a majority of those present.

Section 1.13: The Board of Control shall, consistent with the provisions of this ordinance, adopt its own rules of procedure.

Section 1.14: 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 1.15: 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 two business days prior to 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 1.16: 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 1.17: The Clerk of the Board of Control shall prepare and publish the minutes of each meeting of the Board of Control on the county's website no later than one week after each meeting.

Section 1.18: Notwithstanding the requirement in Section 1.11 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 description of the topic(s) 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 1.19: 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 1.20: The Board of Control shall be subject to all state laws and county ordinances concerning public meetings and public records.

Section 1.21: The Clerk of the Board of Control, in consultation with the Fiscal Officer, the Director of Public Works, and the Director of Purchasing, shall set a deadline for the submission of items for the agenda by county departments for each meeting.

Section 1.22: 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: For the purposes of this chapter, 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.

Section 2.2: For the purposes of this chapter, the monthly rent shall be the highest monthly rent that is contracted for during any part of a lease.

Section 2.3: For the purposes of this chapter, the value of a change order shall be the total of all the items in the change order that increase the cost of the contract. A change order shall not be divided into separate parts to avoid meeting the thresholds provided for in this section.

Section 2.4: After the approvals required in this chapter, if any, are obtained, all contracts, purchases, sales, leases, grants, or loans shall be executed by the County Executive or his/her designees.

Section 2.5: Except as provided for in Sections 2.6 (C), (I) and (K) and Sections 2.7 (F) and (G), approvals shall be required to enter into a contract or lease or to make a purchase, sale, grant, or loan and not at other stages of the process of completing these transactions.

Section 2.6: The following transactions shall require approval by the County Council:

(A) All contracts, purchases, grants provided by the county, or loans provided by the County for more than \$500,000;

(B) Any loan in which the county, or any entity thereof, is the borrower.

(C) All contracts, purchases, sales, leases, grants, or loans, or other transactions for which approval of the legislative authority is required by general law.

(D) All contracts, purchases, loans, leases or other transactions which create an obligation for which funding has not been previously appropriated in an annual county budget;

(E) All sales of real estate or real estate interests for more than \$100,000 and all leases of real estate or real estate interests as lessor in which the total value of the transaction is more than \$50,000 or the monthly rent is more than \$10,000;

(F) All purchases of real estate or real estate interests for more than \$25,000 and all leases of real estate or real estate interests as lessee in which the total value of the transaction exceeds \$10,000, the monthly rent exceeds \$2,000, or the length of the lease exceeds two years;

(G) All real estate transactions other than at fair market value;

(H) All transfers of cash or appropriation authority between accounts within the county budget for more than \$50,000 and all appropriation changes that result in an increase or decrease in authorized appropriations;

(I) Any change order to a contract that does not receive the affirmative vote of one or more County Council members on the Board of Control and increases the cost of the contract by more than \$25,000.

(J) 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;

(K) 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.

Section 2.7: The following transactions shall require approval by the Board of Control

(A) All contracts, purchases, grants provided by the County, or loans provided by the County for more than \$100,000 but not more than \$500,000;

(B) Sales of real estate or real estate interests for more than \$10,000 but not more than \$100,000;

(C) Leases of real estate or real estate interests as lessor in which any of the following apply:

(1) the total value of the transaction is more than \$10,000 but not more than \$50,000

(2) the monthly rent is more than \$1,000 but not more than \$10,000

(3) the term of the lease is for more than two years and the lease does not require approval by County Council;

(D) All purchases of real estate or real estate interests and all leases as lessee that do not require approval by County Council ;

(E) Transfers of cash or appropriation authority between accounts with the county budget for an amount not to exceed \$50,000;

(F) Any change order to a contract that increases the cost of the contract by more than \$5,000.

(G) 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.

Section 2.8: 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 2.9: Any transaction requiring approval by the Board of Control may be approved by the County Council in lieu of approval by the Board of Control.

Section 2.10: The County Executive may accept grants on behalf of the county without specific approval from the Board of Control or the County Council, provided that the funding received is used in accordance with the appropriation process.

Section 2.11: 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 generally, provided for in this ordinance.

Section 2.12: In an emergency which threatens the life, health, or property in the county 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 without obtaining the approvals required in this section. 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.

Chapter 3: General Provisions

Section 3.1: All purchases of goods and services shall be done by the Director of Purchasing, 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: All contracts, purchases, sales, leases, grants, or loans must be reviewed for legal correctness by the Department of Law, but that Department may give general approval for transactions that may be completed using standard forms.

Section 3.3: All contracts, purchases, sales, leases, grants, or loans must comply with all fiscal requirements provided in general law that are applicable to counties, including, but not limited to, all provisions of Section 5705.41 of the Ohio Revised Code.

Section 3.4: All contracts, purchases, sales, or leases shall be procured in accordance with competitive bidding and procurement requirements of general law applicable to counties, including but not limited to the bidding and procurement provisions of Chapter 307 and Section 153.65 of the Ohio Revised Code.

Section 3.5: All contracts, purchases, sales, or leases shall be done in accordance with the current version of:

- (A) the Purchasing Policy and Procedure Manual;
- (B) the Request for Proposal (RFP) Manual;
- (C) the Small Business Enterprise (SBE) Program Policies and Procedures, including the SBE Price Preference Policy, and the SBE Requirements for Economic Development Bond Funded Projects.

The County Executive may amend any of the policies and procedures provided for in this section, and the amendments shall become part of this ordinance, provided that the County Executive shall provide the County Council a copy of any proposed changes, shall post the proposed changes on the county's website, and shall propose a date for the changes to become effective, which shall be at least thirty (30) days after the notification to County Council and the posting on the county's website takes

place. The County Council may, by legislative action, reject or revise the proposed changes; otherwise, the changes shall become effective on the date proposed by the County Executive.

Section 3.6: Pending required approvals and procedures provided for in this ordinance, contracts and purchases shall be awarded to the lowest and best responsive and responsible bidder(s) or vendor(s) meeting the specifications that is/are most advantageous to Cuyahoga County. A bidder or vendor shall be considered responsive to the extent that the proposal submitted by that bidder or vendor meets all of the goals, objectives, and specifications of the bid, RFP, or RFQ. A bidder or vendor shall be considered responsible to the extent that the bidder or vendor:

(A) has the appropriate experience, reputation, employee relations, high quality and well trained workforce, and dependability to perform the required work; and

(B) provides workers a fair compensation and fair benefits, as evidenced by payroll and employee records, for the required work, based on market conditions.

In determining the most advantageous bid/RFP/RFQ, factors such as, but not limited to, the following shall be considered:

(A) adherence to all conditions and requirements of the bid, RFP, or RFQ specifications;

(B) price;

(C) quality of the product or service

(D) qualifications of the bidder or vendor, including past performance, general reputation, experience, quality and training of the employees who will perform the work;

(E) with respect to a vendor whose bid is substantially below that of the next lowest bidder, provision by the vendor of supplemental details regarding the bid and/or historical information regarding previous bid performance to demonstrate the vendor's ability to complete the contract at the price specified.

(F) the bidder's or vendor's workplace safety, employee relations, and fairness of wages and benefits paid to workers;

(G) compliance with the responsible bidder criteria outlined in Section 3.7 of this ordinance;

(H) maintenance costs and warranty provisions; and

(I) delivery or completion date.

Section 3.7: To be considered a responsible vendor, as required in Section 3.6 of this ordinance, a vendor must be in substantial compliance with the following requirements. A responsible vendor shall:

(A) Certify that the vendor is 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 bidder shall provide this policy upon request.

(B) Certify that the vendor does not have an Experience Modification Rating greater than 1.5 with respect to the Bureau of Workers Compensation risk assessment rating.

(C) Certify that the vendor is in compliance and will remain in compliance with Federal and Ohio Equal Opportunity Employment Laws.

(D) 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.

(E) Certify that the vendor, and its subcontractors or any other contractor performing work on the project covered under the contract of the vendor, shall pay the appropriate 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. This includes, but is not limited to, the filing of certified payroll reports.

(F) Certify that the vendor 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, or whether settled subsequent to the finding, more than three (3) times in the last ten (ten) years. Aggregating for any single project, no finding of an underpaid amount of less than \$1,000.00 shall be considered. No single finding based upon a journeyman-to-apprenticeship ratio shall be considered, unless as part of multiple, similar findings.

(G) Certify that the vendor 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.

(H) Certify that the vendor has not had a professional license revoked in the past five (5) years in Ohio or any other state.

(I) Certify that the vendor has complied with unemployment and workers compensation laws during the past five (5) years, or during the vendor's entire time of doing business, if less than five (5) years.

(J) Certify that the vendor, 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.

(K) Certify that the vendor will contribute 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 shall provide evidence thereof upon request.

(L) Certify that the vendor will offer 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 shall provide the plan upon request.

(M) Certify that the vendor employs supervisory personnel on a contract that have three (3) or more years of experience in the specific trade and/or maintains the appropriate state license, if any.

(N) Certify that the vendor will provide access as needed and allow the Agency of the Inspector General to perform the functions provided for in Section 3.11 of this ordinance.

(O) For a licensed trade contract, the vendor shall certify that the vendor is 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 or that the vendor is certified by the State Fire Marshall pursuant to Ohio Revised Code Section 3737.65.

(P) For a trade licensed pursuant to Ohio Revised Code Section 4740, the vendor shall certify that the vendor will 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.

Section 3.8: Any material breach of the responsible vendor criteria prior to or during the contract performance shall subject the vendor to all contractual remedies, including, but not limited to, contract termination for cause.

Section 3.9: No contract shall be entered into unless all the provisions of state law and county ordinances related to ethics policy have been met.

Section 3.10: 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 3.11: 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, insure contract compliance, and insure

compliance with this ordinance and state and county ethics laws relating to contracting and procurement. Area 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.

The Inspector General's office shall promptly report the results and findings from its activities to the County Executive and the County Council and shall report results and findings from its activities to the Director of Public Works, the Director of Purchasing, 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 3.12: 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 3.13: 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.

Chapter 4: Notification Requirements

Section 4.1: The County Executive shall develop, maintain, and post on the county's website a procurement database, which shall include two separate parts:

- (A) all contracts, other than real estate transactions, regardless of dollar amount, and all purchases and sales, other than real estate transactions, for \$1000 or more;
- (B) all 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: The County Executive shall develop, maintain, and post on the county's website a grants and loans database, which shall include two separate parts:

- (A) all grants and loans received, searchable by purpose, funding source, department, date of receipt, length of term, and other relevant factors;
- (B) all grants and loans provided, searchable by purpose, recipient, funding source, department, date provided, and other relevant factors.

Section 4.3: The County Executive shall develop, maintain, and post on the county's website a pending transactions database, which shall include four separate parts, listing all pending transactions of \$50,000 or more which have been initiated by formal 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,
- (D) grants and loans to be provided.

The database shall provide a log 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: The County Executive shall develop, maintain and post on the county's website a special procurement events database, which shall include three parts, as follows:

(A) Any time that the County Executive determines its intent to enter into a contract for more than \$25,000 without competitive bidding;

(B) Any time that the County Executive initiates a process 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;

(C) Any time that the County Executive initiates a process 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: The databases provided for in Sections 4.1, 4.2, 4.3, and 4.4 of this ordinance shall be in operation and posted on the county's website starting as soon as this ordinance becomes effective, with the exception that the searchable features of the databases shall be in operation no later than March 31, 2012.

Section 4.6. Whenever the County Executive initiates the formal process 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 4.7: 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. Provided that all other requirements of this ordinance have been met, this list does not need to be provided prior to the transactions being completed.

SECTION 2. 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.

SECTION 3. Effective Date. It is hereby found and determined necessary for this ordinance to become effective immediately upon the expiration of Ordinance No. 2011-0002, for the reason that this ordinance provides for the usual daily and necessary operations of Cuyahoga County government in accordance with the requirements of the Cuyahoga County Charter; therefore, this ordinance, provided

that it received the affirmative vote of at least eight (8) members of County Council, shall become effective on April 11, 2011, except for any section for which a different effective date is provided in the ordinance; otherwise, it shall be in full force and effect from and immediately after the earliest time permitted by law.

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: February 22, 2011

Committee Assigned: Public Works, Procurement & Contracting

Journal _____
_____, 2011

COUNCIL OF CUYAHOGA COUNTY, OHIO

ORDINANCE NO. O2011-0012

SPONSORED BY: Councilpersons Dale Miller & David Greenspan

An Ordinance amending the Public Records Policy for Cuyahoga County, and declaring the necessity that this Ordinance become immediately effective.

WHEREAS, Ohio Revised Code Section 149.43(E) requires that all public offices adopt a public records policy regarding the availability and maintenance of public records and proper response to public records in compliance with ORC Section 148.43(E); and

WHEREAS, the Cuyahoga County Council passed Ordinance O2011-0003 on January 3, 2011, which adopted a Public Records Policy for Cuyahoga County that is set to expire ninety (90) days after it became effective on January 10, 2011;

THEREFORE, be it hereby ordained by the Council of Cuyahoga County, State of Ohio, that:

SECTION 1. Public Records Policy. The Public Records Policy of Cuyahoga County, Ohio, adopted as Ordinance No. O2011-0003, effective January 10, 2011, is amended to read as follows:

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Public Records Policy of Cuyahoga County, Ohio

Chapter 1: Rationale

Believing that open government leads to a better-informed citizenry, greater public participation in government, better government, better public policy, and more effective use of public resources, the County Council establishes this Public Records Policy to insure the preservation and public accessibility of records relating to all functions of Cuyahoga County government. Cuyahoga County's policy in all of its functions is to strictly adhere to all of its obligations under Ohio's Public Records Law and to exceed those obligations whenever it is practical and makes sense to do so.

Chapter 2: Definitions

Section 2.1: "Committee" shall include subcommittees.

Section 2.2: "Public office" includes the following:

- (A) the office of the County Executive
- (B) the Cuyahoga County Council, including all of its committees
- (C) all departments, divisions, offices, or other organized bodies operating under the administration of the County Executive,
- (D) the Cuyahoga County Prosecuting Attorney,
- (E) all Boards, Commissions, and Advisory Councils to which the County Executive and/or the County Council appoint at least a majority of its members,
- (F) all Boards, Commissions, Advisory Councils and any similar body created by the Cuyahoga County Charter, the County Council, and/or the County Executive.

Section 2.3: As used in Section 2.2, a "similar body" must be formally organized, be ongoing, and be involved in making or advising on public policy decisions.

Section 2.4: "Public record" includes any document, device, or item, regardless of physical form or characteristic, including electronic records, created or received by or coming under the jurisdiction of any public office, which serves to document the organization, functions, policies, decisions, procedures, operation, or other activities of the office. All records which meet this definition are public records, unless exempted under section 149.43 of the Ohio Revised Code.

Section 2.5: "Electronic record" includes prepared documents such as word processing documents, spreadsheets, and graphic presentations as well as written electronic communications, including but not limited to electronic mail and text messages.

Chapter 3: Scope of Ordinance

Section 3.1: Applicability

This ordinance is hereby adopted as the public records policy, required under Section 149.43 of the Ohio Revised Code, for every public office in Cuyahoga County government, as public office is defined in Section 2.2 of this ordinance, over which the Cuyahoga County Council has legislative authority.

Chapter 4: County Records Commission

Section 4.1: Creation of County Records Commission

There is hereby created, the County Records Commission, which shall succeed and replace the current County Records Commission. The County Records Commission shall consist of the County Executive, who shall serve as chairperson, the President of County Council, the Prosecuting Attorney, the Fiscal Officer, and the Clerk of Courts of Common Pleas.

Section 4.2: Appointment of Designees

Each member of the County Records Commission shall appoint one designee, an employee of his/her office who is knowledgeable about the maintenance of public records, who shall attend meetings of the County Records Commission whenever the member is unable to do so.

Section 4.3: Powers and Duties of County Records Commission

The County Records Commission shall have all the powers and perform all the duties of County Records Commissions provided for in Section 149.38 of the Ohio Revised Code, including, but not limited to, the power to recommend applications for one-time disposal of records or proposed records retention schedules to the Ohio Historical Society.

Section 4.4: Rules and Procedures of the County Records Commission

The County Records Commission shall adopt its own rules and procedures, which shall be consistent with Section 149.38 of the Ohio Revised Code. Until such time as the County Records Commission adopts such rules, it shall operate under the rules of the prior County Records Commission that existed prior to the enactment of this ordinance.

Section 4.5: Meetings of the County Records Commission

The County Records Commission shall meet at the call of the chair as often as needed to respond to proposed records retention schedules and proposed one-time disposals of records, but shall meet a minimum of once every six (6) months.

Section 4.6: County Records Commission Action on Records Proposals

Within sixty (60) days after receiving a request for one-time disposal of records or a proposed records retention schedule from any office, the County Records Commission shall either approve the request and send it to the Ohio Historical Society for its consideration or return the request

disapproved to the office that submitted it with a letter stating the reasons for disapproval.

Chapter 5: Public Records

Section 5.1: Maintenance of Public Records

All public offices within the scope of this ordinance shall organize and maintain all their public records so that they are readily available for inspection and copying in accordance with the Ohio Public Records Law and the Public Records Policy of Cuyahoga County.

Section 5.2 Maintenance of Electronic Mail

A.) All electronic mail sent or received through the Cuyahoga County Information Services Center shall be the property of Cuyahoga County. The necessity to maintain electronic mail as public records shall depend on the content of the records, not on the medium in which it is kept. It shall be the responsibility of the public records managers and each individual user to insure that electronic mail is maintained in accordance with the records retention schedule for each office, and that records which must be kept for an extended length of time will not be placed in files where they will be automatically deleted.

B.) Each person covered by this ordinance shall also insure that all public record electronic mail sent or received outside of the County Information Service Center system are maintained so that they are readily available for inspection and copying in accordance with the records retention schedule for each office.

Section 5.3: Designation of Countywide Public Records Manager

The County Archivist is hereby designated as the Countywide Public Records Manager and shall do the following:

- A.) Manage the public records of Cuyahoga County to insure that they are organized so as to be readily available to the public for inspection and copying and are maintained and disposed of in accordance with the records retention schedules of the various offices within Cuyahoga County government.
- B.) Assist the public records managers of the various public offices in Cuyahoga County in implementing a sound and consistent countywide public records process in accordance with this ordinance.
- C.) Assist the public offices within the scope of this ordinance in preparing and updating public records retention schedules.

Section 5.4: Designation of Deputy Countywide Public Records Manager

The County Executive shall designate one employee of the executive office staff as Deputy County Public Records Manager, who shall do the following:

- A.) Assist the Countywide Public Records Manager in the performance of his/her duties;
- B.) Maintain the public records request log provided for in Section 6.5 of this ordinance.
- C.) Work with each public office to determine what kinds of public records requests are received by that office that relate to personal or business matters, rather than governmental operations, and are not required to be included in the public records request log.
- D.) Provide a copy of Cuyahoga County's Public Records policy to each public records manager and obtain a written acknowledgement from each records manager that the policy was received,
- E.) Serve as the public records manager for the County Executive's office.

Section 5.5: Designation of Public Records Managers

- A.) Each public office shall designate a public records manager who shall be responsible for the maintenance of the public records for that office and for handling public records requests directed to that office.
- B.) For the following offices, the person designated as public records manager shall be an employee of the office who works at the principal place at which that office does business:
 - a. the County Executive, including all executive office staff
 - b. the County Council
 - c. the Law Department
 - d. the Sheriff
 - e. the Medical Examiner
 - f. the Clerk of Courts
 - g. the Department of Economic Development, which shall include the Office of Collaboration
 - h. the Information Officer
 - i. the Department of Public Works
 - j. the Department of Purchasing
 - k. the Department of Human Resources
 - l. the Fiscal Office
 - m. the Child Support Enforcement Agency
 - n. the Division of Children and Family Services
 - o. the Division of Employment and Family Services
 - p. the Division of Senior and Adult Services
 - q. the Director of Human Services, which shall include the Director's Office and all other offices in the Department of Human Services not covered by items twelve (12) through fifteen (15) above.
 - r. the Inspector General
- C.) Each office not listed in Subsection B of this section shall designate a public records manager who shall be one of the following:
 - a. an employee of that office or an officer of a Board, Commission, or Advisory Council,

- b. the Deputy County Public Records Manager, or
- c. an employee of Cuyahoga County, approved by the Deputy County Public Records Manager, who is the public records manager for another office with responsibilities related to those of the designating office.

Section 5.6: Public Records Manager for County Council

The Clerk of Council is hereby designated as public records manager for Cuyahoga County Council.

Section 5.7: Records Retention Schedules

Each public office shall have a records retention schedule in place, which shall specify, consistent with state law, the methods by which and the length of time that records shall be kept. For any office that has a records retention schedule in place at the time that this ordinance becomes effective, that records retention schedule shall remain in effect until it is amended according to the procedure set forth in Section 149.38 of the Ohio Revised Code. Each public office that does not have a records retention schedule in place at the time that this ordinance becomes effective shall propose a public records retention schedule to the County Records Commission, in accordance with the procedure set forth in Section 149.38 of the Ohio Revised Code, not later than June 30, 2011.

Section 5.8: Interim Transient Records Retention Schedule

Except to the extent that a different records retention schedule on transient communications is required for an office by state law, each public office that does not have a records retention schedule on transient communications in place at the time that this ordinance becomes effective shall use the transient records retention policy and schedule adopted by the County Commissioners on January 12, 2009, until such time as the office's records retention schedule on transient communications is updated, according to the procedure set forth in Section 149.38 of the Ohio Revised Code.

Section 5.9: Publication of Public Records Policy

- A.) Each public office having public office space shall prepare a poster which shall describe the public records policy of that office, explain how to obtain public records, and name the public records manager for that office. The poster shall be displayed in a conspicuous place at the office and at any branch office where the office conducts business. Each office shall post the same information and its public records retention schedule on its web-page on the county's website.
- B.) (B) The County Executive and the Clerk of Council shall each post on their respective web-pages the full Public Records Policy of Cuyahoga County, a summary of that policy, instructions on how to obtain public records, and a list of all of the public records managers for Cuyahoga County government and their contact

information, and the public records retention schedule for each office.

Section 5.10: County Website

The County shall maintain a readily accessible website, which shall include separate pages for the County Executive, the County Council, and each department in County government. The County Executive and the Clerk of County Council shall insure that the website is regularly updated to provide current information, including the notice, agenda, minutes, and reports of all public meetings conducted by offices within the scope of this ordinance and instructions on how to obtain public records.

Chapter 6: Public Records Requests

Section 6.1: Form of Records Request

Any person requesting public records shall identify the records requested with sufficient clarity to allow the public office to identify, retrieve, and review the records requested. No specific language or form is required to make the request. If the records request is not sufficiently clear, the public records manager must contact the requestor for clarification, and should assist the requestor by providing information about the manner in which the office keeps its records.

Section 6.2: Identity of Requestor Not Required

The requestor is not required to put a public records request in writing and does not need to provide his/her identity or the intended use of the records requested. The public office may request this information, particularly to aid in complying with the request, but must clearly state that providing this information is voluntary.

Section 6.3: Availability of Records

Records shall be made available promptly for inspection or copying. Public records requests shall be given priority attention in any office receiving them, but reasonable time shall be allowed to comply with requests that are large, involve records stored other than at the site where the request was made, or involving records that must be inspected for possible redaction of information exempt from the public records law. Whenever a request is received that cannot be complied with immediately, the public office shall provide the requestor a receipt acknowledging and describing the public records request and may provide an estimate as to when a response can be provided.

Section 6.4: Denial of Request and Redaction of Records

Any denial of records requested must include a written explanation, including legal authority. If part of a record requested is exempt from public records law, that part shall be redacted, and the remainder

provided. Each redaction shall be accompanied by a written explanation, including legal authority.

Section 6.5: Public Records Request Log

Each office shall maintain a log of all public records requests received that relate to governmental operations and shall forward a copy of the log at the end of each week to the Deputy Countywide Records Manager, who shall maintain a countywide public records log. Each office shall, with the approval of the Deputy Countywide Public Records Manager, determine what kinds of public records requests received by that office relate to personal or business matters, rather than governmental operations; and these requests shall not be required to be included in the log. For each public records request required to be included in the public records request log, the following information shall be provided:

- (A) the office that received the request
- (B) the date that the request was received,
- (C) the name of the requestor, if known
- (D) a brief description of what records were requested,
- (E) the date that response to the request was completed,
- (F) a brief description of any denials or redactions required.

Chapter 7: Costs of Public Records

Section 7.1: County Council to Determine Copy Costs for Public Records

Persons requesting copies of public records shall be required to pay for the cost of making copies, at a rate not to exceed the actual cost of making copies. Payment in advance may be required.

Starting in calendar year 2011, the County Council shall biannually determine and establish the copying costs for public records.

Section 7.2: Interim Copy Costs for Public Records

Until the County Council first determines and establishes copying costs for public records, the copying costs shall be as follows:

- A.) The charge for paper copies shall be three cents (\$.03) per page. The charge shall be waived when less than one dollar (\$1.00).
- B.) The charge for computer files downloaded to a compact disc shall be the actual cost, not to exceed \$1.26 per disc. The charge shall be waived when only one (1) disc is required to fulfill the request.
- C.) The charge for computer files downloaded to a compact disc shall be the actual cost, not to exceed \$1.26 per disc. The charge shall be waived when only one (1) disc is required to fulfill the request.
- D.) There shall be no charge for copies provided by email.

E.) Each public office shall have the discretion to waive copying costs of ten dollars (\$10.00) or less when it determines that it is practical and cost-effective to do so, provided that the public office follows a consistent policy on waiver of copying fees for all requestors.

Chapter 8: Public Records Training

All elected public officials and public records managers shall attend training on public records policy approved by the Ohio Attorney General, as provided for in Section 109.43 of the Ohio Revised Code. Each public office shall encourage other appropriate persons to receive public records training.

SECTION 2. 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.

SECTION 3. Effective Date. It is hereby found and determined necessary for this ordinance to become immediately effective, for the reason that this ordinance provides for the usual daily and necessary operations of Cuyahoga County government in accordance with the requirements of the Cuyahoga County Charter; therefore, this ordinance, provided it received the affirmative vote of at least eight members of County Council, shall become effective immediately; otherwise it shall be in full force and effect from and immediately after the earliest time permitted by law.

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: February 22, 2011

Committee Assigned: Rules, Charter Review, Ethics & Council Operations

Second Reading: March 8, 2011

Journal _____
_____, 2011

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0109

Sponsored by: County Executive FitzGerald/Office of Procurement & Diversity	A Resolution approving an award on RQ19882 to Dell Marketing LP in the amount not-to-exceed \$774,282.96 for the purchase of computer equipment for the Court of Common Pleas and Clerk of Courts; authorizing the County Executive to enter into a contract consistent with said award; and declaring the necessity that this Resolution become immediately effective.
--	---

WHEREAS, the County Executive through Procurement and Diversity has recommended an award on RQ19882 to Dell Marketing L.P., in the amount not-to-exceed \$774,282.96 for the purchase of computer equipment for the Court of Common Pleas and for the Clerk of Courts; and,

WHEREAS, this purchase is under State Contract No. 534109, expiration March 31, 2011; and,

WHEREAS, the Automated Data Processing Board approved this purchase on October 27, 2010; 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 RQ19882 for the purchase of computer equipment for the Court of Common Pleas and the Clerk of Courts is hereby approved and the County Executive is hereby authorized to enter into a contract with Dell Marketing L.P. in the amount not-to-exceed \$774,282.96.

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

Journal CC001
March 22, 2011



Item Details:

Agency/Dept. Name: Office of Procurement and Diversity **Agency/Dept. Head Name:** Lenora Lockett

Type of Request: Award Recommendation

Request Prepared by: Stephanie White **Telephone No.:** 443-7200

SUMMARY OF REQUESTED ACTION:

Office of Procurement & Diversity, recommending an award to vendor:

TOTAL AMOUNT REQUESTED: \$774,282.96

Information Services Center

On RQ19882 to Dell Marketing L.P. in the amount of \$774,282.96 for the purchase of assorted computer equipment for Common Pleas Court and Clerk of Courts and declaring the necessity that this become immediately effective. This purchase is under State Contract #534109; expiration 03/31/2011; per O.R.C. 125.04(B).

PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):

RQ19882

To Dell Marketing L.P. in the amount of \$774,282.96 for the purchase of assorted replacement computer equipment including PC's, monitors, laptops and for Common Pleas Court and Clerk of Courts and declaring the necessity that this become immediately effective.

*This purchase is under State Contract #534109; expiration 03/31/2011; per O.R.C. 125.04 (B).

*Funding is through the Clerk of Courts' computerization fund.

*ADP Board Approval: 10/27/2010

*Primary Ownership of Dell Marketing L.P. One Dell Way Round Rock, Texas 78682:

Dell Marketing L.P. is a Texas Limited Partnership. It is a wholly owned subsidiary of Dell, Inc., a Delaware Corporation and the parent company.
(800) 248-2727 x). 78682

Explanation for late submittal:

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

- [Bid Tab Sheet](#)
- [COC Form](#)
- [SOS Form](#)
- [Primary Ownership Form](#)
- [ADP Board Approval Letter](#)
- [Auditor Findings](#)

History

Time

Who

Clerk of the Board

Approval

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0110

Sponsored by: County Executive FitzGerald/Office of Procurement & Diversity	A Resolution approving an award on RQ19884 to Dell Marketing LP in the amount not-to-exceed \$301,704.76 for the purchase of computer software for the Court of Common Pleas and Clerk of Courts; authorizing the County Executive to enter into a contract consistent with said award; and declaring the necessity that this Resolution become immediately effective.
--	---

WHEREAS, the County Executive through Office of Procurement and Diversity has recommended an award on RQ19884 to Dell Marketing L.P. in the amount not-to-exceed \$301,704.76 for the purchase of computer software for the Court of Common Pleas and Clerk of Courts; and,

WHEREAS, this purchase is under State Contract Nos. 0A07004 & 534109, expiration March 31, 2011; and,

WHEREAS, the Automated Data Processing Board approved this purchase on October 27, 2010; 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 RQ19884 for the purchase of computer software for the Court of Common Pleas and the Clerk of Courts is hereby approved and the County Executive is hereby authorized to enter into a contract with Dell Marketing L.P. in the amount not-to-exceed \$301,704.76.

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

Journal CC001
March 22, 2011



Item Details:

Agency/Dept. Name: Office of Procurement and Diversity **Agency/Dept. Head Name:** Lenora Lockett

Type of Request: Award Recommendation

Request Prepared by: Stephanie White **Telephone No.:** 443-7200

SUMMARY OF REQUESTED ACTION:

Office of Procurement & Diversity, recommending an award to vendor:

TOTAL AMOUNT REQUESTED: \$301,704.76

Information Services Center

On RQ19884 to Dell Marketing L.P. in the amount of \$301,704.76 for the purchase of updated software for Common Pleas and Clerk of Courts and declaring the necessity that this become immediately effective. This purchase is under State Contract # OA07004; expiration 06/30/2011 and State Contract #534109; expiration 03/31/2011; per O.R.C. 125.04(B).

PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):

RQ19884

To Dell Marketing L.P. in the amount of \$301,704.76 for the purchase of updated software equipment as replacement equipment for Common Pleas and Clerk of Courts and declaring the necessity that this become immediately effective.

*This purchase is under State Contract # OA07004; expiration 06/30/2011 and State Contract #534109; expiration 03/31/2011; per O.R.C. 125.04(B).

*ADP Board Approval: 10/27/2010

*Funding is through the Clerk of Courts' computerization fund.

*Primary Ownership of Dell Marketing L.P. One Dell Way Round Rock, Texas 78682:

Dell Marketing L.P. is a Texas Limited Partnership. It is a wholly owned subsidiary of Dell, Inc., a Delaware Corporation and the parent company.
(800) 248-2727 x). 78682

Explanation for late submittal:

Contract/Agreement Information:

Procurement Method:

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

Financial Information:

Funding source: Explanation:

Total Amount Requested:

\$

ATTACHMENTS:

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- [Bid Tab Sheet](#)
- [COC Form](#)
- [SOS Form](#)
- [Primary Ownership Form](#)
- [ADP Board Approval Letter](#)
- [Auditor Findings](#)

History

Time

Who

Clerk of the Board

Approval

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0111

Sponsored by: County Executive FitzGerald/Office of Procurement & Diversity	A Resolution approving an award on RQ19964 to Dell Marketing LP in the amount not-to-exceed \$286,486.57 for the purchase of computer equipment for Juvenile Court; 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 through Procurement and Diversity has recommended an award on RQ19964 to Dell Marketing L.P., in the amount not-to-exceed \$286,486.57 for the purchase of computer equipment for Juvenile Court; and,

WHEREAS, this purchase is under State Contract Nos. 0A07004, expiration June 30, 2011 & 534109, expiration March 31, 2011; and,

WHEREAS, the Automated Data Processing Board approved this purchase on December 15, 2010; 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 RQ19964 for the purchase of computer equipment for Juvenile Court is hereby approved and the County Executive is hereby authorized to enter into a contract with Dell Marketing L.P. in the amount not-to-exceed \$286,486.57.

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

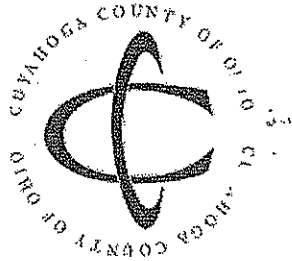
County Executive

Date

Clerk of Council

Date

Journal CC001
March 22, 2011



Item Details:

Agency/Dept. Name: Office of Procurement and Diversity **Agency/Dept. Head Name:** Lenora Lockett

Type of Request: Award Recommendation

Request Prepared by: Stephanie White **Telephone No.:** 443-7200

SUMMARY OF REQUESTED ACTION:

Office of Procurement & Diversity, recommending an award to vendor:

TOTAL AMOUNT REQUESTED: \$286,486.57

Information Services Center

On RQ19964 to Dell Marketing L.P. in the amount of \$286,486.57 for the purchase of assorted computer equipment for Juvenile Court and declaring the necessity that this become immediately effective. This purchase is under State Contract # OA07004; expiration 06/30/2011 and State Contract #534109; expiration 03/31/2011; per O.R.C. 125.04(B).

PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):

RQ19964

To Dell Marketing L.P. in the amount of \$286,486.57 for the purchase of computers, servers and software equipment for the relocation of employees to the new Juvenile Justice Center and declaring the necessity that this become immediately effective.

*This purchase is under State Contract # OA07004; expiration 06/30/2011 and State Contract #534109; expiration 03/31/2011; per O.R.C. 125.04(B).

*ADP Board Approval: 12/15/2010

*Primary Ownership of Dell Marketing L.P. One Dell Way Round Rock, Texas 78682:

Dell Marketing L.P. is a Texas Limited Partnership. It is a wholly owned subsidiary of Dell, Inc., a Delaware Corporation and the parent company.
(800) 248-2727 x). 78682

Explanation for late submittal:

Contract/Agreement Information:

Procurement Method:

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

Financial Information:

Funding source: Explanation:

Total Amount Requested:

\$

ATTACHMENTS:

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- [Bid Tab Sheet](#)
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- [ADP Board Approval Letter](#)
- [Auditor Findings](#)

History

Time

Who

Clerk of the Board

Approval

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0112

Sponsored by: County Executive FitzGerald/Office of Procurement & Diversity	A Resolution approving an award on RQ19967 to MNJ Technologies Direct, Inc. in the amount not-to-exceed \$627,229.40 for the purchase of computer equipment for Juvenile Court; 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 through Procurement and Diversity has recommended an award on RQ19967 to MNJ Technologies Direct, Inc., in the amount not-to-exceed \$627,229.40 for the purchase of computer equipment for Juvenile Court; and,

WHEREAS, this purchase is under State Contract Nos. 533268, expiration June 30, 2011; and,

WHEREAS, the Automated Data Processing Board approved this purchase on December 15, 2010; 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 RQ19967 for the purchase of computer equipment for Juvenile Court is hereby approved and the County Executive is hereby authorized to enter into a contract with MNJ Technologies Direct, Inc. in the amount not-to-exceed \$627,229.40.

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

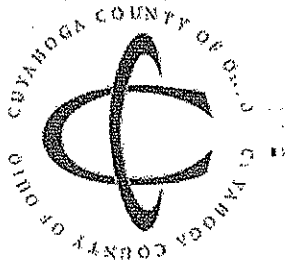
County Executive

Date

Clerk of Council

Date

Journal CC001
March 22, 2011



Item Details:

Agency/Dept. Name: Office of Procurement and Diversity **Agency/Dept. Head Name:** Lenora Lockett

Type of Request: Award Recommendation

Request Prepared by: Stephanie White **Telephone No.:** 443-7200

SUMMARY OF REQUESTED ACTION:

Office of Procurement & Diversity, recommending an award to vendor:

TOTAL AMOUNT REQUESTED: \$627,229.40

Information Services Center

On RQ19967 to MNJ Technologies Direct, Inc. in the amount of \$627,229.40 for the purchase of assorted computer equipment for Juvenile Court. This purchase is under State Contract #533268; expiration 06/30/2011; per O.R.C. 125.4(B).

PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):

RQ19967

To MNJ Technologies Direct, Inc. in the amount of \$627,229.40 for the purchase of the following assorted computer equipment for Juvenile Court: Computers, monitors, laptops and printers with warranties, for relocation of Juvenile Court employees to the Juvenile Justice Center.

*This purchase is under State Contract #533268; expiration 06/30/2011; per O.R.C. 125.4 (B).

*ADP Board Approval: 12/15/2010

*Primary Ownership of MNJ Technologies Direct, Inc. 1025 E. Busch Parkway Buffalo Grove, Illinois 60089:

Susan Kozak/President and CEO
(800) 870-4340

Explanation for late submittal:

Contract/Agreement Information:

Procurement Method:

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

Financial Information:

Funding source: Explanation:

Total Amount Requested:

\$

ATTACHMENTS:

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- [Bid Tab Sheet](#)
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- [ADP Board Approval Letter](#)
- [Auditor Findings](#)

History

Time

Who

Clerk of the Board

Approval

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0113

Sponsored by: County Executive FitzGerald/Office of Procurement & Diversity	A Resolution approving an award on RQ19970 to Data Recovery Services, LLC, in the amount not-to-exceed \$518,394.24 for the purchase of computer equipment for Juvenile Court; 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 through Procurement and Diversity has recommended an award on RQ19970 to Data Recovery Services, LLC, in the amount not-to-exceed \$518,394.24 for the purchase of computer equipment for Juvenile Court; and,

WHEREAS, this purchase is under State Contract No. 533110-3, expiration June 30, 2011; and,

WHEREAS, the Automated Data Processing Board approved this purchase on December 15, 2010; 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 RQ19970 for the purchase of computer equipment for Juvenile Court is hereby approved and the County Executive is hereby authorized to enter into a contract with Data Recovery Services, LLC, in the amount not-to-exceed \$518,394.24.

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

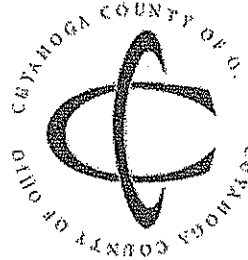
County Executive

Date

Clerk of Council

Date

Journal CC001
March 22, 2011



Item Details:

Agency/Dept. Name: Office of Procurement and Diversity **Agency/Dept. Head Name:** Lenora Lockett

Type of Request: Award Recommendation

Request Prepared by: Stephanie White **Telephone No.** 443-7200

SUMMARY OF REQUESTED ACTION:

Office of Procurement & Diversity, recommending an award to vendor:

TOTAL AMOUNT REQUESTED: \$518,394.24

Information Services Center

On RQ19970 to Data Recovery Services, LLC in the amount of \$518,394.24 for the purchase of assorted computer equipment for Juvenile Court and declaring the necessity that this become immediately effective. This purchase is under State Contract #533110-3; expiration 06/30/2011; per O.R.C. 125.04(B).

PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):

RQ19970

To Data Recovery Services, LLC in the amount of \$518,394.24 for the purchase of remote and upgrade of servers, switches and other accessories for the move of employees into the new Juvenile Justice Center and declaring the necessity that this become immediately effective.

*This purchase is under State Contract #533110-3; expiration 06/30/2011; per O.R.C. 125.04(B).

*ADP Board Approval: 12/15/2010

*Primary Ownership of Data Recovery Services, LLC 1343 Belmont Avenue Youngstown,

Ohio 44504:

Michael W. Meloy/CEO
(330) 259-4900

Explanation for late submittal:

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

- [Bid Tab Sheet](#)
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- [Auditor Findings](#)

History
Time

Who
Clerk of the Board

Approval

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0114

Sponsored by: County Executive FitzGerald/Office of Budget & Management	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.
--	--

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. 20A264 - County Law Library Resource Board (CLLRB) LL440008 – County Law Library Resource Board	BA1100309
Other Expenses \$ 29,415.00	

Funding Source: The funding sources for this fund are fines and fees collected from diverse sources such as Municipal Courts fines and fees, liquor law fines and fees, and Ohio Highway Patrol tickets.

B. 21A520 - Ryan White, Title I HIV/AIDS **BA1001211**
MI752519- Ryan White HIV/AIDS Admin &Plan Sup
Other Expenses \$ 144,680.00

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

C1. 68A100 – Hospitalization – Self Insurance Fund **BA1000156**
CC499004 – Hospitalization – Self Insurance Fund
Other Expenses \$ (7,600,000.00)

C2. 68A200 – Hospitalization – Regular Insurance Fund **BA1000157**
CC499012 – Hospitalization – Regular Insurance Fund
Other Expenses \$ 7,600,000.00

Funding Source: Employee and employer payroll contributions.

D. 20A258 -Human Resources Information System **BA1100311**
CC522011 – Human Resources Information System
Other Expenses \$ 20,000.00

Funding Source: The source of funding is leftover dollars received for technology-related support.

E. 20A814 – Wireless 911 Government Assistance **BA1100300**
JA106773 – Wireless 911 Government Assistance
Other Expenses \$ 112,482.00

Funding Source: Funding is from fees assessed on each 911 phone call placed in Cuyahoga County.

F. 20A630 – Home Detention Fees **BA1100313**
SH586115 – Home Detention Fees
Capital Outlay \$ 23,873.80

Funding Source: Funding is provided from fees collected from participants in the Home Detention program.

G. 21A526 – JAIBG Block Grant **BA1100317**
JA752956 – JAIBG Block Grant 2011
Personal Services \$ 7,954.00
Other Expenses \$ 232,675.00

Funding Source: United States Department of Justice, Office of Justice Programs.

H. 21A578 – JJDP Block Grant **BA1100318**
JA757948 – JJDP-Cuyahoga County Title II 2011
Other Expenses \$ 286,072.00

Funding Source: United States Department of Justice, Office of Justice Programs.

I.	21A500 – Urban Area Security Initiative (URSI)	BA1100319
	JA741322 – FY10 Urban Area Security Initiative (UASI)	
	Personal Services	\$ 254,719.50
	Other Expenses	\$ 4,423,920.90
	Capital Outlay	\$ 415,749.60

Funding Source: United States Department of Homeland Security, Federal Emergency Management Agency.

J.	21A764 – Interoperable Emergency Communications	BA1100320
	JA752949 – 2010 Interoperable Emergency Communications 10/12	
	Personal Services	\$ 36,725.00
	Other Expenses	\$ 104,500.00

Funding Source: United States Department of Homeland Security.

K.	21A218 – State SHSP-Law Enforcement (SHSPLE)	BA1100321
	JA767913 – FFY10 State Homeland-Law Enforcement 10/13	
	Personal Services	\$ 38,115.95
	Other Expenses	\$ 724,203.05

Funding Source: United States Department of Homeland Security.

L.	21A837 – State Homeland Security (SHSG)	BA1100322
	JA763441 – State Homeland Security (SHSP) 2010/2013	
	Personal Services	\$ 51,959.10
	Other Expenses	\$ 535,291.00
	Capital Outlay	\$ 451,931.90

Funding Source: United States Department of Homeland Security.

M.	21A854 – DNA Backlog Reduction Program	BA1100323
	CR752931 – 10/12 DNA Backlog Reduction Program	
	Other Expenses	\$ 105,000.00

Funding Source: United States Department of Justice, Office of Justice Programs, National Institute of Justice.

N.	20A076 – Cuyahoga County Regional Forensic Science Lab	BA1100327
	CR180265 – Cuyahoga County Regional Forensic Science Lab	
	Personal Services	\$ 125,000.00
	Other Expenses	\$ 10,000.00

Funding Source: Funding is from contributions made by the participating partners, Sheriff's Office, Prosecutors Office and the County Coroner (lab fund).

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

		<u>Fund Nos. /Budget Accounts</u>	<u>Journal Nos.</u>
A.	FROM:	21A513 – CCA 407 Felony Program CO741207 – Community Correction Act II FY11 Other Expenses \$ 6.00	BA1100307
	TO:	21A513 – CCA 407 Felony Program CO741207 – Community Correction Act II FY11 Personal Services \$ 6.00	
		Funding Source: Ohio Department of Rehabilitation Correction Bureau of Community Sanctions.	
B.	FROM:	61A607 – Centralized Custodial Services CT803049 – Justice Center Maintenance Personal Services \$ 250,000.00	BA1100154
	TO:	61A607 – Centralized Custodial Services CT571034 – Buildings & Grounds - Special Trades Personal Services \$ 250,000.00	
		Funding Source: Funding for the Centralized Custodial Fund comes from space maintenance charges on user agencies.	
C.	FROM:	22A719 – Home 2010 DV713297 – Home Administration Operations FY 2010 Other Expenses \$ 6,324.39	BA1100155
	TO:	22A719 – Home 2010 DV713438 – Home Project Plan FY 2010 Other Expenses \$ 6,324.39	
		Funding Source: Department of Housing and Urban Development (HUD).	
D.	FROM:	01A001 – General Fund CC012831 – Transition Advisory Group Other Expenses \$ 100,000.00	BA1100314
	TO:	01A001 – General Fund CC012054 – Human Resources Other Expenses \$ 100,000.00	
		Funding Source: General Fund.	

E. FROM: 20A322 – Delinquent Real Estate Tax Assessment **BA1100315**
TR163063 – Delinquent Real Estate Tax Assessment
Other Expenses \$ 21,670.00

TO: 20A322 – Delinquent Real Estate Tax Assessment
TR163063 – Delinquent Real Estate Tax Assessment
Capital \$21,670.00

Funding Source: The source of funding comes from fees for delinquent real estate tax payments.

F. FROM: 21A837 – State Homeland Security **BA1100324**
JA763391 – FY2008 State Homeland Security (SHSP)
Other Expenses \$ 9,029.35
Capital Outlay \$ 384.91

TO: 21A837 – State Homeland Security
JA763391 – FY2008 State Homeland Security (SHSP)
Personal Services \$ 9,414.26

Funding Source: Ohio Emergency Management Agency.

G. FROM: 20A390 – Emergency Management **BA1100328**
JA100123 – Justice Affairs-Emergency Management
Other Expenses \$ 3,900.00

TO: 20A390 – Emergency Management
JA100123 – Justice Affairs-Emergency Management
Capital Outlay \$ 3,900.00

Funding Source: Local Emergency Planning Committee.

H. FROM: 01A001 – General Fund **BA1100329**
DR495515 – Domestic Relations Child Support
Other Expenses \$ 357,643.00

TO: 01A001 – General Fund
DR391052 – Domestic Relations Court
Other Expenses \$ 357,643.00

Funding Source General Fund.

C. FROM: 63A100 – Info. Services Center **BA1100334**
IS821009 – Cuyahoga County Info. Services Center
Personal Services \$ 80,000.00

FROM: 63A100 – Info. Services Center
IS692467 – User Supplies
Capital Outlay \$ 50,000.00

TO: 63A100 – Info. Services Center
 IS821009 – Cuyahoga County Info. Services Center
 Other Expenses \$ 130,000.00

Funding Source: Charges to user agencies for data processing services.

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:	01A001 – General Fund	JT1100080
		JA301325 – Justice Affairs-Criminal Justice Administration	
		Transfer Out \$	3,701.00
	TO:	21A526 – General Fund	
		JA752956 – JAIBG Block Grant 2011	
		Revenue Transfer \$	3,701.00

Funding Source: General 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 CC001
March 22, 2011

March 15, 2011

REVISED: March 11, 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 March 22, 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.

Other Operating Funds	Amount
Law Library – Increasing appropriation to cover expenses through year-end. Funding is from fines and fees collected from Municipal Court's fines and fees, liquor law fines and fees, Ohio Highway Patrol tickets among others.	\$29,415.00
Hospitalization – A decrease from the Self-Insurance Fund and a corresponding increase in the Regular Insurance Fund to cover pre-negotiated monthly premiums claims. Funding is from employee and employer payroll contributions for health care plans (7,600,000.00).	\$0.00
Human Resources Information System – To cover costs of computer equipment. Funding is from leftover dollars received for technology related support.	20,000.00
Justice Affairs – Increasing appropriation to cover a pending maintenance agreement for the Wireless 9-1-1 Government Assistance account. Funding is from fees assessed on each 9-1-1 call placed in Cuyahoga County.	\$112,482.00
Sheriff – Increasing appropriation to cover the purchase of electronic ankle bracelets. Funding is from fees collected from participants in the Home Detention Program.	\$23,873.80
Total	\$185,770.80

Grants/Projects	Amount
Ryan White Title I HIV/AIDS – To appropriate an increase in grant award from the U.S. Department of Health & Human Services.	\$144,680.00
Justice Affairs – To appropriate the Juvenile Accountability Block Grant received from the U.S. Department of Justice, Office of Justice Programs.	\$240,629.00
Justice Affairs – To appropriate the Juvenile Justice Delinquency Prevention grant from the U.S. Department of Justice, Office of Justice Programs.	\$286,072.00
Justice Affairs – To appropriate the Urban Area Security Initiative grant from the U.S. Department of Homeland Security, Federal Emergency Management Agency.	5,094,390.00
Justice Affairs – To appropriate the Interoperable Emergency Communications grant from the U.S. Department of Homeland Security.	\$141,225.00
Justice Affairs – To appropriate the State Homeland Security Program Law Enforcement grant from the U.S. Department of Homeland Security.	\$762,319.00
Justice Affairs – To appropriate the State Homeland Security Program grant from the U.S. Department of Homeland Security.	\$1,039,182.00

Medical Examiner – To appropriate the DNA Backlog Reduction Program grant from the U.S. Department of Justice, Office of Justice Programs.	\$105,000.00
Medical Examiner – To establish the Cuyahoga County Regional Forensic Science Laboratory for the first quarter. Funding is from contributions from the Sheriff, the Prosecutor's Office and the Office of the Coroner's Lab Fund.	\$135,000.00
TOTAL	\$7,948,497.00

Total Additional Appropriations - All Funds	\$8,134,267.80
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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. *There are no requests for General Fund dollars on this agenda.*

APPROPRIATION STATUS SUMMARY :		03/22 Agenda		Year to Date		Adjusted Annual Appropriation	
General Fund	\$	0.00	\$	409,008.12	\$	305,341,160.12	
Other Fund	\$	8,134,267.80	\$	28,839,772.30	\$	1,438,229,501.30	
Total	\$	8,134,267.80	\$	29,248,780.42	\$	1,743,570,661.42	

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

General Fund/Health & Human Services	Amount
Transition Advisory Group – An appropriation transfer to Human Resources cover a request for proposals to complete a Compensation and Classification study. This is a one-time expense. Funding is from the General Fund.	\$100,000.00
Domestic Relations – An appropriation transfer within the operating budget to properly align resources between the Child Support Division and the Court. Funding is from the General Fund.	\$357,643.00
TOTAL	\$457,643.00

Other Operating Funds	Amount
Treasurer – An appropriation transfer between budget lines is needed to cover technology investments for the Delinquent Real Estate Tax Assessment Fund. Funding is from fees assessed on delinquent real estate taxes.	\$21,670.00
Information Services Center – To cover network related contracts. Funding is from charges to user agencies.	\$130,000.00
TOTAL	\$151,670.00

Grants/Projects	Amount
Common Pleas – To realign appropriations in the Community Correction Act II FY11 account. Funding is from the Ohio Department of Rehabilitation Correction, Bureau of Community Sanctions.	6.00
Central Services – An appropriation transfer to move funds from the Justice Center Maintenance to the Building and Grounds Special Trades account to cover personal services for ongoing capital projects. Funding is from space maintenance charges on user agencies.	\$250,000.00
Development – An appropriation transfer within the HOME 2010 fund budget to cover the City of Parma's share of the administrative expenses for programmatic purposes. Funding is from the Department of Housing and Urban Development.	\$6,324.39
Justice Affairs – Realigning appropriations in the proper expense categories to cover a pending expense adjustment. Funding is from the Ohio Emergency Management Agency.	\$9,414.26
Justice Affairs – An appropriation transfer between budget lines to cover the purchase of equipment for the Cleveland Fire Department. Funding is from the Local Emergency Planning Committee and General Fund Subsidy.	\$3,900.00
TOTAL	\$269,644.65

Total Appropriation Transfers - All Funds	\$878,957.65
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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.

General Fund/Health & Human Services	Amount
Justice Affairs – A cash transfer to cover a cash match for the Juvenile Accountability Incentive Block Grant. Funding is from the General Fund.	\$3,701.00
Total	\$3,701.00
Total Cash Transfers - All Funds	\$3,701.00

Thank you for your consideration regarding this matter.

Sincerely,



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

MEMORANDUM

TO: Jeanne Schmotzer, Clerk of Council
FROM: Matthew Rubino, Office of Budget & Management
DATE: March 15, 2011
RE: Agenda Items

Revised: March 11, 2011

The Office of Budget & Management requests that the following 2011 fiscal items be presented to the members of County Council for their consideration at the meeting of March 22, 2011. The requested fiscal items including additional appropriations, appropriation transfers, and cash transfers meet agency budgetary needs.

Resolution: Additional Appropriations

A.	20A264 - County Law Library Resource Board (CLLRB)	BA1100309
	LL440008 - County Law Library Resource Board	
	Other Expenses	\$ 29,415.00

This appropriation increase is to cover projected spending until year-end. Anticipated revenue is higher than the 2011 budget estimate. The funding sources for this fund are fines and fees collected from diverse sources such as Municipal Courts fines and fees, liquor law fines and fees, and Ohio Highway Patrol tickets. Sufficient cash exist for this appropriations increase.

B.	21A520 - Ryan White, Title I HIV/AIDS	BA1001211
	MI752519- Ryan White HIV/AIDS Admin & Plan Sup	
	Other Expenses	\$ 144,680.00

To increase appropriation in response to additional allocation awarded to the county for Ryan White, Title I HIV/AIDS administration and planning support grant. There is no cash match in conjunction with this grant. The source of funding is the U.S Department of Health and Human Services.

C1.	68A100 - Hospitalization - Self Insurance Fund	BA1000156
	CC499004 - Hospitalization - Self Insurance Fund	
	Other Expenses	\$ (7,600,000.00)
C2.	68A200 - Hospitalization - Regular Insurance Fund	BA1000157
	CC499012 - Hospitalization - Regular Insurance Fund	
	Other Expenses	\$ 7,600,000.00

An appropriation decrease in the Self-Insurance Fund is requested to move contracts from Self-Insurance to Regular Insurance. A corresponding appropriation increase is requested in the Regular Insurance Fund to accept contracts from Self-Insurance. The Regular Insurance account includes those plans for which the County pays pre-negotiated monthly premiums regardless of claims. For Self-Insured plans, the County does not pay a premium, but uses the cash balance to cover claims.

Office of Budget & Management
1219 Ontario Street, Cleveland, OH 44113, (216) 443-7220, FAX (216) 443-7256
Ohio Relay Service (TTY) 711

Funding for the self-insurance and regular insurance funds comes from employee and employer payroll contributions for employee health care plans.

D.	20A258 -Human Resources Information System		BA1100311
	CC522011 – Human Resources Information System		
	Other Expenses	\$	20,000.00

The appropriation would pay for computer equipment that had been charged to the General Fund. The source of funding is leftover dollars received for technology-related support.

E.	20A814 – Wireless 911 Government Assistance		BA1100300
	JA106773 – Wireless 911 Government Assistance		
	Other Expenses	\$	112,482.00

Increase appropriations for a pending maintenance agreement (on CSR 5110069) on the 9-1-1 Commander mapping system which covers the period 8/1/2010 through 7/31/2011. The appropriations anticipate the next period 8/1/2011 through 7/31/2012. Funding is from fees assessed on each 911 phone call placed in Cuyahoga County as established under House Bill 361 dated May 1, 2005. Sufficient cash exists for this request.

F.	20A630 – Home Detention Fees		BA1100313
	SH586115 – Home Detention Fees		
	Capital Outlay	\$	23,873.80

Provide additional appropriations in the Sheriff's special revenue fund titled Home Detention Fees for an expense adjustment from the General Fund (JA1100313) for electronic ankle bracelets purchased against DO1005035-01 and paid on voucher PV1102082-01. Funding is provided from fees collected from participants in the Home Detention program covering the period January 1, 2011 through December 31, 2011. Sufficient cash exists for this request.

G.	21A526 – JAIBG Block Grant		BA1100317
	JA752956 – JAIBG Block Grant 2011		
	Personal Services	\$	7,954.00
	Other Expenses	\$	232,675.00

Establishing appropriations for a recent Juvenile Accountability Block Grant Program award to promote accountability in Juvenile Justice. The award is from United States Department of Justice, Office of Justice Programs passed through the Ohio Department of Youth Services and awarded to Justice Affairs, Criminal Justice Services covering the period January 1, 2011 through December 31, 2012. The award was accepted under Executive Approval #EA2011-0048 on January 18, 2011. The federal portion was \$236,928 with a local cash match of \$26,323 with a total project cost of 263,251. The various vendors being funded under the grant program are providing 86% (\$22,624) of the cash match and the County is providing 14% (\$3,701) as seen on JT1100080, fiscal item A, on page 7.

H.	21A578 – JJDP Block Grant		BA1100318
	JA757948 – JJDP-Cuyahoga County Title II 2011		
	Other Expenses	\$	286,072.00

Establish appropriations for a recent Juvenile Justice Delinquency Prevention (JJDP) Cuyahoga County Title II award. The award is from United States Department of Justice, Office of Justice Programs passed through the Ohio Department of Youth Services and awarded to Justice Affairs, Criminal Justice Services covering the period January 1, 2011 through June 30, 2012. The award was accepted under Executive Approval #EA2011-0049 on January 18, 2011. No cash match is required.

I.	21A500 – Urban Area Security Initiative (URSI)		BA1100319
	JA741322 – FY10 Urban Area Security Initiative (UASI)		
	Personal Services	\$	254,719.50
	Other Expenses	\$	4,423,920.90
	Capital Outlay	\$	415,749.60

Establish appropriations for a recent Urban Area Security Initiative grant. The award is from United States Department of Homeland Security, Federal Emergency Management Agency passed through the Ohio Department of Emergency Management and awarded to Justice Affairs covering the period August 1, 2010 through July 31, 2013. The award was accepted under Executive Approval #EA2011-0046 on January 18, 2011. No cash match is required.

J.	21A764 – Interoperable Emergency Communications		BA1100320
	JA752949 – 2010 Interoperable Emergency Communications 10/12		
	Personal Services	\$	36,725.00
	Other Expenses	\$	104,500.00

Establish appropriations for a recent Interoperable Emergency Communications grant. The award is from United States Department of Homeland Security passed through the Ohio Emergency Management Agency and awarded to Justice Affairs, Public Safety Grants Administration covering the period June 1, 2010 through December 31, 2012. The award was accepted under Executive Approval #EA2011-0047 on January 18, 2011. No cash match is required.

K.	21A218 – State SHSP-Law Enforcement (SHSPLE)		BA1100321
	JA767913 – FFY10 State Homeland-Law Enforcement 10/13		
	Personal Services	\$	38,115.95
	Other Expenses	\$	724,203.05

Establish appropriations for a recent State Homeland Security Program-Law Enforcement award. The award is from United States Department of Homeland Security passed through the Ohio Emergency Management Agency and awarded to Justice Affairs covering the period August 1, 2010 through March 31, 2013. The award was accepted under Executive Approval #EA2011-0045 on January 18, 2011. No cash match is required.

L.	21A837 – State Homeland Security (SHSG)		BA1100322
	JA763441 – State Homeland Security (SHSP) 2010/2013		
	Personal Services	\$	51,959.10
	Other Expenses	\$	535,291.00
	Capital Outlay	\$	451,931.90

Establish appropriations for a recent State Homeland Security Program award. The award is from United States Department of Homeland Security passed through the Ohio Emergency Management Agency and awarded to Justice Affairs covering the period August 1, 2010 through March 31, 2013. The award was accepted under Executive Approval #EA2011-0044 on January 18, 2011. No cash match is required.

M.	21A854 – DNA Backlog Reduction Program		BA1100323
	CR752931 – 10/12 DNA Backlog Reduction Program		
	Other Expenses	\$	105,000.00

Establish appropriations for a recent DNA Backlog Reduction Program award. The award is from United States Department of Justice, Office of Justice Programs, National Institute of Justice and awarded to the County Medical Examiner's Office covering the period October 1, 2010 through March 31, 2012. The award was accepted by the County Commissioners on September 30, 2010, Resolution #104258. No cash match is required.

N.	20A076 – Cuyahoga County Regional Forensic Science Lab	BA1100327
	CR180265 – Cuyahoga County Regional Forensic Science Lab	
	Personal Services	\$ 125,000.00
	Other Expenses	\$ 10,000.00

Establish appropriations for the newly created Cuyahoga County Regional Forensic Science Laboratory for the first quarter. Funding is from contributions made by the participating partners, including the Sheriff's Office, Prosecutors Office and the County Coroner (Lab Fund). These appropriations are to cover the first quarter, April 1, 2011 through June 30, 2011. Sufficient cash exists in the fund for this request.

Resolutions: Appropriation Transfers

A. FROM: 21A513 – CCA 407 Felony Program **BA1100307**
CO741207 – Community Correction Act II FY11
Other Expenses \$ 6.00

TO: 21A513 – CCA 407 Felony Program
CO741207 – Community Correction Act II FY11
Personal Services \$ 6.00

This appropriation transfer is necessary to move appropriations into the correct sub-object codes as approved on the budget revision request from the Corrections Planning Board to the state dated 02/08/11 for FY 2011 grants. This funds the diversion of offenders into community sanction programs and is 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 is required.

B. FROM: 61A607 – Centralized Custodial Services **BA1100154**
CT803049 – Justice Center Maintenance
Personal Services \$ 250,000.00

TO: 61A607 – Centralized Custodial Services
CT571034 – Buildings & Grounds - Special Trades
Personal Services \$ 250,000.00

An appropriation transfer is requested from Justice Center Maintenance to the Special Trades account to cover the cost of the Special Trades staff who are working on renovations in the Justice Center and County Administrative Buildings. These costs will be expensed to the project account once the budget has been appropriated. Funding for the Centralized Custodial Fund comes from space maintenance charges on user agencies.

C. FROM: 22A719 – Home 2010 **BA1100155**
DV713297 – Home Administration Operations FY 2010
Other Expenses \$ 6,324.39

TO: 22A719 – Home 2010
DV713438 – Home Project Plan FY 2010
Other Expenses \$ 6,324.39

An appropriation transfer is requested from the Home Operating account to the Home Project Plan account to cover the City of Parma's share of the administrative expenses to be used for programmatic purposes. HOME is a program set up to fund the rehabilitation of homes and to provide loans to homeowners to fix up homes. Funding for Home 2010 comes from the Department of Housing and Urban Development (HUD). This grant requires no County match. The grant period runs from January 1, 2010 to December 31, 2010.

D. FROM: 01A001 – General Fund **BA1100314**
CC012831 – Transition Advisory Group
Other Expenses \$ 100,000.00

TO: 01A001 – General Fund
CC012054 – Human Resources
Other Expenses \$ 100,000.00

A transfer is requested to cover a one-time expense for a request for proposals to complete a compensation and classification study of the existing personnel structure of various County agencies.

The new governance structure of Cuyahoga County necessitates a study to incorporate prior elected County offices into a structure that coincides with the County charter.

E.	FROM:	20A322 – Delinquent Real Estate Tax Assessment	BA1100315
		TR163063 – Delinquent Real Estate Tax Assessment	
		Other Expenses	\$ 21,670.00
	TO:	20A322 – Delinquent Real Estate Tax Assessment	
		TR163063 – Delinquent Real Estate Tax Assessment	
		Capital	\$ 21,670.00

A transfer is requested to cover technology investments. The source of funding comes from fees for delinquent real estate tax payments.

F.	FROM:	21A837 – State Homeland Security	BA1100324	
		JA763391 – FY2008 State Homeland Security (SHSP)		
		Other Expenses		\$ 9,029.35
		Capital Outlay		\$ 384.91
	TO:	21A837 – State Homeland Security		
		JA763391 – FY2008 State Homeland Security (SHSP)		
		Personal Services	\$ 9,414.26	

To provide sufficient appropriations in the proper categories for a pending expense adjustment from the General Fund to the FY2008 State Homeland Security Program. Funding is from the Ohio Emergency Management Agency covering the period September 1, 2008 through March 31, 2011.

G.	FROM:	20A390 – Emergency Management	BA1100328	
		JA100123 – Justice Affairs-Emergency Management		
		Other Expenses		\$ 3,900.00
		Capital Outlay		\$ 3,900.00
	TO:	20A390 – Emergency Management		
		JA100123 – Justice Affairs-Emergency Management		
		Capital Outlay	\$ 3,900.00	

To provide sufficient appropriations in the proper category for a pending purchase of equipment for the Cleveland Fire Department of which funds will be reimbursed after the purchase from the LEPC HMEP Fire Inspection Grant. Funding from the special revenue fund is from grant funds (LEPC) and general fund subsidy covering the period January 1, 2011 through December 31, 2011.

H.	FROM:	01A001 – General Fund	BA1100329	
		DR495515 – Domestic Relations Child Support		
		Other Expenses		\$ 357,643.00
		Capital Outlay		\$ 357,643.00
	TO:	01A001 – General Fund		
		DR391052 – Domestic Relations Court		
		Other Expenses	\$ 357,643.00	

To properly align resources between the two divisions within Domestic Relations Court in compliance with original controlled services budgets for both data processing and space maintenance. Funding is from the General Fund covering the period January 1, 2011 through December 31, 2011.

I.	FROM:	63A100 – Info. Services Center	BA1100334
		IS821009 – Cuyahoga County Info. Services Center	
		Personal Services \$	80,000.00
	FROM:	63A100 – Info. Services Center	
		IS692467 – User Supplies	
		Capital Outlay \$	50,000.00
	TO:	63A100 – Info. Services Center	
		IS821009 – Cuyahoga County Info. Services Center	
		Other Expenses \$	130,000.00

A transfer is requested to cover network-related contracts. The source of funding is charges to agencies for data processing services.

Resolutions: Cash Transfers

A.	FROM:	01A001 – General Fund		JT1100080
		JA301325 – Justice Affairs-Criminal Justice Administration		
		Transfer Out	\$	3,701.00
	TO:	21A526 – General Fund		
		JA752956 – JAIBG Block Grant 2011		
		Revenue Transfer	\$	3,701.00

The transfer is providing sufficient cash in the newly created grant for Juvenile Accountability Incentive Block Grant for 2011. This is the County's contribution to the cash match portion of the grant (see additional appropriation, item G, on page 2). Approved by the County Executive in January of 2011. Funding is from the general fund covering the period January 1, 2011 through December 31, 2011.

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County Council of Cuyahoga County, Ohio

Resolution No. R2011-0021

Sponsored by: County Executive FitzGerald/Employment & Family Services	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.
---	--

WHEREAS, Employment & Family Services has recommended a contract be entered into with the Cleveland Foodbank, Inc., for emergency food purchase and distribution to Cuyahoga County hunger centers and food pantries servicing residents in need, for the period 1/1/2011 through 3/31/2011; and

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

SECTION 1. That the County Executive is authorized to enter into a contract with the Cleveland Foodbank, Inc. in an amount not-to-exceed \$272,500.00 for emergency food purchase and distribution to Cuyahoga County hunger centers and food pantries servicing residents in need, for the period 1/1/2011 through 3/31/2011.

SECTION 2. Funds have been certified and encumbered sufficient to fund this contract.

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

Withdrawn from agenda at request of County Executive: January 11, 2011

Journal _____
_____, 2011



Item Details:

Agency/Dept. Name:	Employment and Family Services	Agency/Dept. Head Name:	Jacque Ward, Interim Director
Type of Request:	Contract/Amendment		
Request Prepared by:	Robert K. Math	Telephone No.	216.987.6911
SUMMARY OF REQUESTED ACTION:			
Submitting a contract with Cleveland Foodbank, Inc in the amount of \$272,500.00 for Food Purchase for Hunger Centers for the period January 1, 2011 to March 31, 2011.			
PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):			
PURPOSE:			
To maximize the limited resources for the purchase and distribution of emergency food to hunger centers and food pantries serving food insecure residents of Cuyahoga County by contracting with one organizing entity.			
OUTCOMES:			
<ul style="list-style-type: none"> • To increase the purchasing power for food items to be distributed by agencies serving those in need • To increase the overall efficiency for the purchase and distribution of food by contracting with a single organizing entity. • To eliminate duplication in the administration of emergency food distribution programs providing similar services to food insecure residents of Cuyahoga County. 			
PRINCIPAL OWNER(s):			
William H. Coquillette, President of the Board (Nonprofit Organization), Cleveland FoodBank, Inc., 5500 South Waterloo Road, Cleveland, OH 44110			
Explanation for late submittal:			
per the County Executive office, a late change was requested with respect to the duration and dollar amount of the contract.			

Contract/Agreement Information:

Procurement Method:

Other

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

Contract period is reduced from 8 months to 3 months.

Financial Information:

Funding source:

Other

Explanation:

Health & Human Services Levy Funding

Total Amount Requested:

\$272,500.00

ATTACHMENTS:

Click to download

- [Contract Cleveland Foodbank](#)
- [W9 CLE Foodbank Inc](#)
- [FR-DMA-CC CLE Foodbank Inc](#)
- [Business Filing Cleveland Foodbank Inc](#)
- [BuySpeed Req Cleveland Foodbank Inc](#)
- [Evaluation](#)
- [History](#)
- [Cleveland Foodbank Blue Back](#)

History

Time

3/8/2011 2:30 PM

Who

Office of Procurement &
Diversity

Clerk of the Board

Approval

Yes

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

Contractor: Cleveland Foodbank, Inc.

Contract No.: CE-1000229-01

Time Period: 4/1/2010 through 12/31/2010

Service Description:

The Provider distributes food, non-food items and provides equipment and training to 480 member agencies who serve those in need of food. The Provider purchases selected products to insure consistent availability for member agencies that have strict product-type distribution requirements. In addition, use commercially reasonable best efforts to have available for the Hunger Centers a range of products which satisfies the current Packing List Products used by Hunger Centers and related nutritional requirements, including items which are appropriate substitutes in the reasonable judgment of the Provider's nutritionist.

Original Contract Amount: \$ 377,718.00

Amendment Amount (s): (1) \$377,718.00

Performance Indicators:

Provide 35-Hunger Centers with consistent availability of strict product-type distribution requirements and have available a range of products which satisfies the current Packing List Products used by Hunger Centers and related nutritional requirements.

Actual performance versus performance indicators (include statistics):

During the program, Cleveland Foodbank has supplied the 35 Hunger Centers with over 4,500,000 lbs of food for an average cost of \$0.15 per lb.

Rating of Overall Performance of Contractor (Check One):

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

Justification of Ratings:

The Provider has demonstrated the capability to combine food assets to better serve the Hunger Centers at an economical cost.

Employment & Family Services
User Department

1/12/2011
Date

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0115

Sponsored by: County Executive FitzGerald/Department of Public Works/County Engineer	A Resolution authorizing the County Executive to approve an additional settlement for property rights for the temporary taking of 3,870 sq. ft. 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 declaring the necessity that this Resolution become immediately effective.
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WHEREAS, in 2009, the Ohio Department of Transportation had filed an appropriation proceeding for the temporary taking of 3,870 sq. ft. from property owners Edith C. and Donald L. Stamps, Cuyahoga County Probate Court, Case No. 2009 ADV 0151017, 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 11/24/08 at \$3,950.00, which amount was originally deposited with the Probate Court upon filing of the action; and

WHEREAS, after filing the appropriation proceeding and in preparation for trial, an updated Summary Right of Way appraisal was obtained on May 18, 2010 increasing the value of the appraisal based upon the inclusion of replacement of three large trees; and

WHEREAS, based upon settlement negotiations conducted by the Cuyahoga County Probate Court, in conjunction with the Ohio Department of Transportation's Real Estate Administrator, the total amount of \$5,280.00 has been approved as full payment for the public right of way taking; and

WHEREAS, the difference between the initial deposit with the Court and the subsequent negotiated value is an additional \$1,300.00 compensation value for the taking which the Department of Public Works now requests authorization to pay; and

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 \$1,300.00 in settlement of the appropriation proceedings filed in Cuyahoga County Probate Court Case No. 2009 ADV 0151017 based upon the

summary analysis and negotiations conducted by the Ohio Department of Transportation and the Cuyahoga County Probate Court.

SECTION 2. It is necessary that this Resolution become immediately effective in order that necessary appropriation court proceedings can proceed to conclusion in compliance with the Probate Court's order. 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:

Agency/Dept. Name:	County Engineer	Agency/Dept. Head Name:	Jamal Husani, P.E.
Type of Request:	Other		
Request Prepared by:	Fred Whatley	Telephone No.	348-3840

SUMMARY OF REQUESTED ACTION:

County Engineer recommending an award as settlement for property rights for the temporary taking of 3,870 sq. ft. in connection with the grading, draining and paving of Bainbridge road (CR-83) from S.O.M. Center Road to the Solon ECL, in the City of Solon, PID #79457, Federal Project # E080298.

Parcel: 137-T (Temporary Easement)
Owners: Edith C. and Donald L. Stamps
35200 Bainbridge Road
Solon, Ohio 44139

Request for Approval of Appropriation Settlement (additional compensation in the amount of \$1,330.00). This is a confirmation of settlement in the total amount of \$5,280.00. The Cuyahoga County Probate Court, Case No. 2009 ADV 0151017, authorized settlement in this amount. The original value analysis on this parcel was completed on 11/24/08, and was for \$3,050. On 12/11/08, the review appraiser added \$900.00 to the value analysis for the reason that the original appraiser missed 3 trees, valued at \$300.00 each. This brought the value of the taking to \$3,950.00. This amount was deposited with the Probate Court upon the filing of the complaint for Appropriation on September 18, 2009.

After filing the appropriation proceeding and in preparation for trial, an updated appraisal was obtained on parcel 137-T on May 18, 2010. The updated appraisal included 1 large tree along the east side of the driveway, valued at \$500.00, that was not found in the earlier analyses, while valuing the temporary take itself slightly lower, at \$1,900.00, vs. the earlier sum of \$1,950.00. The total amount due the owners under the updated appraisal was \$4,400.00 (see, attached Summary Right-of-Way Appraisal).

The attorneys for the property owner made an initial demand of \$24,000.00. Subsequently,

the property owners presented an estimate from a landscape company indicating that it would cost \$7,647.68 to replace three of the trees. Based on this estimate, the owners demanded \$15,000.00 to settle the case [\$7,500 for the trees + \$7,500 for the temporary take]. After pretrial conferences and discussions with the owners' attorneys, a settlement amount of \$5,280.00 was agreed to by the parties. This settlement is reasonable and is far less costly than pursuing any further negotiations, preparing for trial, incurring the costs of expert preparation and testimony, incurring the cost of the court reporter, and then allowing the case to proceed to a jury verdict. The settlement amount has been approved for compensation by ODOT (See, Revised "Value Analysis", as authorized by Daniel J. Dougherty, P.E., Real Estate Administrator, ODOT District 12).

PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):

Explanation for late submittal:

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

- [Revised Value Analysis authorizing settlement amount](#)
- [Summary RoW Appraisal](#)
- [Purchase Requisition for Parcel 137T](#)

History

Time

Who

Clerk of the Board

Approval

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0116

Sponsored by: County Executive FitzGerald/Department of Public Works/County Engineer/Sanitary Engineering Division	A Resolution authorizing the County Executive to grant Sewer Builder's Licenses for the Year 2011; authorizing the Director of Public Works to execute said licenses.
---	--

WHEREAS, the Department of Public Works has received applications for sewer building licenses for the Year 2011 and has requested the authority to execute licenses; and,

WHEREAS, Sewer builders provide new sewer services for connecting homes and commercial developments to main line sewers and construct main line sewer systems in residential developments; and,

WHEREAS, the Sanitary Engineer licenses and renews licenses for sewer contractors to protect the general public by requiring that the contractors provide:

1. a \$5,000 bond and Power of Attorney for the bond, and
2. Proof of Public Liability and Property Damage Insurance in the amount of \$100,000/\$500,000 minimum; and,

WHEREAS, the Department of Public Works has determined that good and sufficient bond indemnifying the County of Cuyahoga accompanies such applications; and

WHEREAS, new licenses are also required to provide evidence of experience and a \$60.00 annual fee, which is a source of revenue for the Sanitary Engineer.

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

SECTION 1. That the Director of Public Works is hereby authorized to execute 2011 sewer building licenses to the following license applicants that shall be effective through December 31, 2011:

**ALFIERI BROTHERS MATERIAL SUPPLY CO., DANIEL ALFIERI,
PRESIDENT
ARS PLUMBING & RESCUE ROOTER, JASON J. NORRIS,
PRESIDENT
AUBURN-BAINBRIDGE EXCAVATING, LEWIS TOMSIC,
PRESIDENT**

**BARONE CONTRACTING CO., INC., JULIE BARONE, PRESIDENT
B. MCDERMOTT ENTERPRISES, INC., BRIAN MCDERMOTT,
OWNER
BENJAMIN FRANKLIN PLUMBING-CHARDON, LEONA
KRATOCHVIL, PRESIDENT
D.R.S. ENTERPRISES, INC., DANIEL R. SCHMOLDT, PRESIDENT
DAVIS DIGGERS, INC., JAMES L. DAVIS, PRESIDENT
FABRIZI TRUCKING & PAVING CO., INC., EMIL FABRIZI, JR.,
PRESIDENT
JUBILEE EXCAVATION, DARRYL GREEN, PRESIDENT
MARTIN ENTERPRISES, INC., ANGELO MARTIN, PRESIDENT
MURAL & SON, INC., ROBERT W. MURAL, PRESIDENT
OHIO TRENCH & EXCAVATING, DAVID DUCAS, PRESIDENT
PERK COMPANY, INC., JOSEPH CIFANI, PRESIDENT
PLUMBING 911, INC., KEITH MILLER, JR., OWNER
THE PLUMBING SOURCE, GREG FAUSTINA, PRESIDENT
PRO PLUM, INC., JOHN R. GRIBBLE, JR., PRESIDENT
QWEST MECHANICAL CORP., NICOLE MIKOLAK, OWNER
SHILOH TOOL COMPANY, FRANK SISKA, OWNER
STEPHENS EXCAVATING, INC., MATT STEPHENS, PRESIDENT
STRONGSVILLE EXCAVATING, INC., DANIEL P. WHELLER,
PRESIDENT
TRUSHEL EXCAVATING, INC., VERL C. TRUSHER, OWNER
UTILICON CORP., DONALD LAVAN, PRESIDENT
WIEMELS-HIROS PLUMBING CO., JOSEPH HIROS, PRESIDENT
ZEIGLER EARTHWORKS, INC., RODNEY ZEIGLER, PRESIDENT**

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

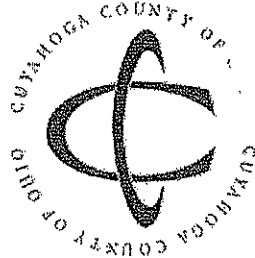
Date

Clerk of Council

Date

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

Journal _____
_____, 2011



Item Details:

Agency/Dept. Name:	County Engineer/Sanitary Engineering Division	Agency/Dept. Head Name:	Robert C. Klaiber Jr.,
Type of Request:	Authority To Submit		
Request Prepared by:	Rana Sakr	Telephone No.	(216) 443-8199
SUMMARY OF REQUESTED ACTION:			
Sanitary Engineering Division, submitting Sewer Builder's Licenses for the Year 2011.			
Sewer builders provide new sewer services for connecting homes and commercial developments to main line sewers. They also construct main line sewer systems in residential developments. The Sanitary Engineer licenses and renews licenses for sewer contractors to protect the general public by requiring that the contractors provide:			
<ol style="list-style-type: none">1. A \$5,000 bond and Power of Attorney for the bond.2. Furnish proof of Public Liability and Property Damage Insurance in the amount of \$100,000/\$500,000 minimum as per Board Resolution No. 524306.			
New licensees are also required to provide evidence of experience. The \$60.00 annual license fees are a source of revenue for the Sanitary Engineer's Office. If you have any questions, please call James Johnson, Jr., Supervisor, Permits & Inspection, at ext. 8208 or William Schneider, P.E., Chief Engineer, at ext. 8205.			
PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):			
25 License applications with the Request For Board Action 107 Total processed for 2011 to date ALFIERI BROTHERS MATERIAL SUPPLY CO., DANIEL ALFIERI, PRESTIDENT ARS PLUMBING & RESCUE ROOTER, JASON J. NORRIS, PRESIDENT AUBURN-BAINBRIDGE EXCAVATING, LEWIS TOMSIC, PRESIDENT BARONE CONTRACTING CO., INC., JULIE BARONE, PRESIDENT B. McDERMOTT ENTERPRISES, INC., BRIAN McDERMOTT, OWNER			

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0117

Sponsored by: County Executive FitzGerald/Department of Public Works	A Resolution approving specifications and estimate of cost in the amount not-to-exceed \$365,121.00 for construction of an Energy Center at the Cuyahoga County Fairgrounds, related to the Fairgrounds Wind Turbine Project; authorizing the Director of the Office of Procurement & Diversity to advertise for bids on RQ19570.
---	--

WHEREAS, the Department of Public Works has submitted specifications and estimates of cost in the amount not-to-exceed \$365,121.00 for the construction of an Energy Center at the Cuyahoga County Fairgrounds, related to the Fairgrounds Wind Turbine Project; and

WHEREAS; the proposed Fairgrounds Wind Turbine Project, with its 660kW wind turbine and an educational Energy Center, was one of 10 awardees selected from approximately 100 wind projects proposed in Ohio; 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, the primary funding for this project stems from successful grant applications that yielded a \$1,075,000.00 state/federal grant, another in the amount of \$200,000.00, and a third grant in the amount of \$400,000.00 made to the County Development Department. Based upon prior approvals, Cuyahoga County committed to fund the remaining balance of the construction costs; and



Item Details:

Agency/Dept. Name:	Department of Central Services	Agency/Dept. Head Name:	Jay Ross
Type of Request:	RFP / Bid		
Request Prepared by:	Nick Willis	Telephone No.	443-6993

SUMMARY OF REQUESTED ACTION:

Submitting specifications and estimate of cost in the amount of \$365,121.00 on RQ-19570 for construction of an Energy Center at the Cuyahoga County Fairgrounds, related to the Fairgrounds Wind Turbine Project; requesting authority for the Director of the Office of Procurement & Diversity to advertise for bids.

PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):

In November of 2009, the proposed Fairgrounds Wind Turbine Project, with its 660kW wind turbine and an educational Energy Center, was one of 10 awardees selected from about 100 wind projects proposed in Ohio. The ultimate goal to be achieved by this display of leadership in renewable energy by Cuyahoga County would be economic development.....one step in the attraction of wind turbine manufacturing jobs to Northeast Ohio.

The successful grant application yielded a \$1,075,000 state/federal grant. A second application, for a different grant, recently resulted in an additional \$200,000 award, which was amended to the first, for a total of \$1,275,000. Another \$400,000 was allocated from a federal EECBG grant made to the county's Development Department. Cuyahoga County committed to funding the balance, estimated at \$476,000.

The turbine itself should produce a \$50,000 per year savings in electricity bills for the Fair Board, part of which they will escrow for a Capital Improvements Fund, to become less dependent on the County, as Fairgrounds owner, to make repairs and replacements of buildings and infrastructure.

As part of the wind turbine project, the proposed Energy Center will be an educational

center to house wind turbine data displays, Renewable Energy exhibits, sustainability practices and conference space. Baldwin-Wallace College is volunteering to help staff it with interns, and Polaris Career Center plans to utilize it as a teaching aid. Fairgrounds visitors (400,000 per year), schools, groups and individuals will be encouraged to visit the Center and learn the benefits of pollution-free Renewable Energy as an alternative to fossil-fuel-generated electricity.

This current county request is for the no-cost action of advertising for construction bids, a lengthy process (3 months) which, if started now, could help prevent further loss of original schedule. Project delays to-date total 13 months, due to the funding source's (DOE's) lengthy agreement-submission period (+5 mo.), followed by the added requirement to prepare an environmental assessment (+8 mo.) Construction documents for the energy center building have been prepared by "green" architects Doty & Miller, and are ready for bidding.

As additional information, the originally-proposed turbine vendor cannot obtain bonding, so the project is negotiating with the second-ranked RFP respondent. The should be settled by February 23rd and a request will then be submitted for authorization to award the turbine contract. To match the turbine schedule, bidding for the Energy Center needs to go forward as quickly as possible.

Construction of the Energy Center and installation of the wind turbine by February 2012 are the project goals.

Explanation for late submittal:

Contract/Agreement Information:

Procurement Method:

Competitive Bid

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

Financial Information:

Funding source:	Explanation:
Other	Capital Projects Funding

Total Amount Requested:

\$365,121.00

ATTACHMENTS:

Click to download

[Bid Manual](#)

History

Time

Who

Office of Procurement &
Diversity

Approval

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0118

Sponsored by: County Executive FitzGerald/Department of Public Works/Central Services	A Resolution granting authority for the Director of the Office of Procurement & Diversity to advertise and to issue RFP 19343 for the purchase of electric utility services for County-owned facilities for the period of 6/1/2011 – 5/31/2012.
--	--

WHEREAS, the Department of Central Services has submitted a request for authority to seek proposals from electric utility providers on RFP 19343 for the purchase electric utility services for County-owned facilities for the period of 6/1/2011 – 5/31/2012; and

WHEREAS, the County owns and operates multiple facilities with a combined electricity consumption of approximately 62 million kilowatt hours at a cost of \$5.5 million in 2010; and

WHEREAS, the County last issued an RFP for electricity consumption in 2009 and awarded a two-year contract to First Energy Solutions which is due to expire on May 31, 2011; and

WHEREAS, the purpose of this Resolution is to advertise for bids and obtain competitively bid proposals for the purchase of electric utility services for County owned facilities in order to obtain the lowest cost to the County.

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

SECTION 1. That the County Executive, through the Office of Procurement & Diversity, is authorized to advertise for bids on RFP 19343 for the purchase of electricity utility services for County-owned facilities for the period of 6/1/2011 – 5/31/2012.

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

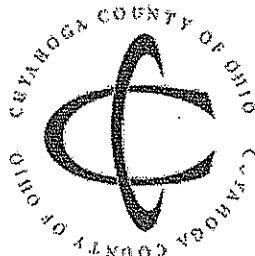
Date

Clerk of Council

Date

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

Journal _____
_____, 2011



Item Details:

Agency/Dept. Name:	Department of Central Services	Agency/Dept. Head Name:	Jay Ross
Type of Request:	RFP / Bid		
Request Prepared by:	Gerard Salomon	Telephone No.	216 698-6527

SUMMARY OF REQUESTED ACTION:

Requesting authority for the Director of the Office of Procurement & Diversity to advertise and to issue **RFP # 19343** for the purchase of Electricity on the open Market. The County, through the Department of Public Works, owns and operate multiple facilities with a combined electricity consumption of approximately 62 Million Kilo-Watt-Hours in 2010 costing \$5.5 million.

PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):

Cuyahoga County last issued an RFP for electricity consumption in 2009 and at that time awarded a two-year contract to First Energy Solutions. The current contract expires on May 31, 2011 and it is recommended that the County issue a new RFP for competitive pricing proposals. Based on the current market, multiple vendors appear interested and it is anticipated that the County will receive a beneficial rate. The County also will include an option for other governmental entities in Cuyahoga County to purchase electricity through this contract award, providing a regional approach to electricity consumption. Based on the County's annual 2010 consumption of 55 million kWh, we believe many governments using less energy would benefit from the County's rates.

In closing, RFP # 19343 will allow the Department of Public Works to purchase electrical power and services for County facilities at the lowest rate. The awarded supplier will provide services to all designated location listed in the attached spreadsheet with guaranteed delivery to all facilities, outlining how these services will be assured to the County and enumerating penalties against the supplier for not meeting these standards. The vendor may also recommend methods for the county to reduce annual electric consumption and costs through operational and/or equipment changes. The vendor will set invoice terms that will not carry over taxes levied by the state against the supplier.

Attachment:

2010 Usage electricity data.
Draft RFP #19343

Explanation for late submittal:

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

[2010 Electric Data](#)

[RFP Draft 3/7/11](#)

History

Time

3/7/2011 2:57 PM

Who

Office of Procurement &
Diversity

Clerk of the Board

Approval

Yes

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0119

Sponsored by: County Executive FitzGerald/Department of Public Works/Central Services	A Resolution rescinding Resolution No. 104762 dated 10/28/2010 that made an award on RQ15326 to Phillips Electric in the amount of \$1,401,300.00 for a wind turbine generator to be located at the County Fairgrounds for the period of 11/19/2010 – 11/18/2011.
--	--

WHEREAS, the Department of Central Services has submitted a request for County Council to rescind Resolution No. 104762 dated 10/28/2010 that made an award on RQ15326 to Phillips Electric in the amount of \$1,401,300.00 for a wind turbine generator to be located at the County Fairgrounds for the period of 11/19/2010 – 11/18/2011; and

WHEREAS, in the process of preparing the contract, it was revealed by Phillips Electric that they had gone through bankruptcy and could not obtain the performance bond required by the RFP and are no longer a viable contractor to supply a wind turbine to Cuyahoga County.

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

SECTION 1. That the County Council hereby rescinds Resolution No. 104762 dated 10/28/2010 that made an award on RQ15326 to Phillips Electric in the amount of \$1,401,300.00 for a wind turbine generator to be located at the County Fairgrounds for the period of 11/19/2010 – 11/18/2011.

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

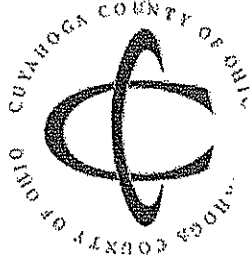
Date

Clerk of Council

Date

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

Journal _____
_____, 2011



Item Details:

Agency/Dept. Name:	Department Central Services	of Agency/Dept. Head Name:	Jay Ross
Type of Request:			
Request Prepared by:	Nick Willis	Telephone No.:	443-6993
SUMMARY OF REQUESTED ACTION: Recommending to rescind Resolution No.104762 dated 10/28/2010 which made an award on RQ 15326 to Phillips Electric in the amount of \$1,401,300.00 for a wind turbine generator to be located at the County Fairgrounds for the Department of Central Services, authorized Jay Ross to prepare a contract and authorized the County Administrator to sign the contract.			
PURPOSE/OUTCOMES - PRINCIPAL OWNER(S): In the process of preparing the contract, it was revealed by Phillips Electric that they had recently gone through bankruptcy and could not obtain the performance bond required by the RFP. Thus, they are no longer a viable contractor to supply a wind turbine to Cuyahoga County.			
Explanation for late submittal:			

Contract/Agreement Information:

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

Financial Information:

Funding source:	Explanation:
Total Amount Requested:	
\$na	

ATTACHMENTS:

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0120

Sponsored by: County Executive FitzGerald/Department of Public Works/Central Services	A Resolution making an award on RQ15326 and authorizing the County Executive to enter into a contract with Halus Power Systems in the amount of \$1,400,000.00 for a wind turbine generator to be located at the County Fairgrounds for the period of 3/22/2011 – 3/21/2012.
--	---

WHEREAS, the Department of Central Services has recommended an award on RQ15326 to Halus Power Systems in the amount of \$1,400,000.00 for a wind turbine generator to be located at the County Fairgrounds for the period of 11/19/2010 – 11/18/2011; and

WHEREAS, this award had previously been granted by the Board of County Commissioners to Phillips Electric, but due to bankruptcy, that company could not obtain the requisite performance bond and the award must be rescinded; and

WHEREAS, Halus Power Systems based upon the bid evaluations conducted, Halus Power Systems was in fact ranked as the stronger candidate, but not chosen because it was at a higher cost. However, Halus Power Systems has reduced its price and has matched the price quoted by Phillips Electric in order to accommodate the budget allocated for the Cuyahoga County Wind Turbine Project and construction of the Energy Center.

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

SECTION 1. That the County Council hereby authorizes the County Executive to award RQ15326 and to enter into contract with Halus Power Systems in the amount of \$1,400,000.00 for a wind turbine generator to be located at the County Fairgrounds for the period of 3/22/2011 – 3/21/2012.

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:

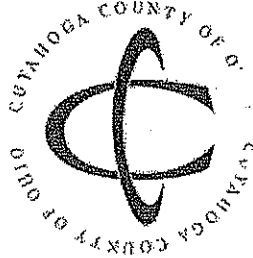
County Council President Date _____

County Executive Date _____

Clerk of Council Date _____

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

Journal _____
_____, 2011



Item Details:

Agency/Dept. Name:	Department of Central Services	Agency/Dept. Head Name:	Jay Ross
Type of Request:	Award Recommendation		
Request Prepared by:	Nick Willis	Telephone No.	443-6993

SUMMARY OF REQUESTED ACTION:

Department of Central Services, recommending an award on RQ15326 to Halus Power Systems in the amount of \$1,400,000.00 for a wind turbine generator installed at the Cuyahoga County Fairgrounds. (Resolution No. 094244 - authority to seek proposals.)

PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):

As evidenced by Resolution 090702 in support of the Fairgrounds Wind Turbine Project (initiated by the Cuyahoga County Agricultural Society on 1/24/08), the former Board of Commissioners of Cuyahoga County supported the utilization of Wind Renewable Energy and wished to demonstrate that Cuyahoga County can become a wind turbine manufacturing center, thus bringing needed jobs to the area.

The project proposes to buy a used turbine and tower from Europe (where they are being replaced by larger machines), have them shipped to the USA, where the turbine will be rebuilt in California and a tower extension will be fabricated in Ohio, then erected at the Cuyahoga County Fairgrounds. An integral part of the project is the construction of an educational Energy Center exhibit/teaching building near the turbine. Assisting the County as Owner's Rep is wind turbine expert Aaron Godwin, owner of The Renaissance Group.

The cost of the turbine is \$1,400,000 and the cost of the Energy Center, including custom-designed exhibits is \$476,000. Project management, environmental assessment and consultant fees bring the total project costs to \$2,151,000.00.

The County will be reimbursed 100% for all turbine (not Energy Center) expenses, from two DOE grants totaling \$1,675,000.00. The main grant is ARRA "Stimulus" funds from the U.S. Department of Energy (DOE), channeled through the State of Ohio's State Energy

Program (SEP). This consists of an initial \$1,000,000 competitive grant obtained by the efforts of Central Services Department, winning 1 of 10 similar awards from a field of 100 applicants. Later, a second grant application netted another \$200,000. DOE also added \$75,000 to cover costs of the environmental assessment. The second DOE grant was in the amount of \$400,000 as part of a \$5.7 million EECBG award to the County's Development Department.

Five responses were received to RFP-15326. The highest-rated and lowest price in the specified size range was Phillips Electric. A contract was to be awarded to Phillips until it was recently revealed that they had gone through bankruptcy and cannot obtain the required performance bond. The RFP responses were re-visited and negotiations conducted with the second-ranked candidate, Halus Power Systems. Halus is actually a stronger broker/installer of turbines, but had been much higher-priced. Now, they are matching Phillips price (and our budget) in order to enter the Ohio market.

The turbine proposed by Halus is a Vestas V-39 turbine, an exceptionally reliable machine, which has a nominal power rating of 500 kW, is a typical 3-bladed, horizontal-axis turbine having a 39 meter diameter rotor (63'-long blades) with blade pitch regulation. It will sit atop a 60-meter (197') monopole tower, a height chosen to escape turbulence at lower levels, a decision made from information that was obtained from 14 months of wind monitoring by Green Energy Ohio and from a project feasibility study by The Renaissance Group.

The primary benefit of the project is the value of demonstrating Cuyahoga County leadership in promoting the development of a wind industry in Northeast Ohio, thus attracting more wind industry manufacturing plants, and the associated new jobs. As a secondary benefit, The turbine is expected to produce about half of the Fairgrounds annual consumption of electricity, saving the Fair Board about \$50,000 per year, less \$15,000 per year to be escrowed for a turbine preventive maintenance contract and for a repair fund.

Until formal documents are available and uploaded, a project information presentation is attached. It does contain a few references to Phillips Electric and a 600 kW turbine, which will be corrected.

The environmental assessment has been completed, DOE has lifted that condition from the grant award, Halus is devoting top-priority to providing all required proposals and Ohio DOD will expedite approval of our turbine supplier revisions (by 3/18).

If a turbine contract with Halus can be authorized in March, just before (3) turbines are coming available from Europe, the installation could be completed well before our scheduled February 2012 date. Missing the opportunity to acquire one of those three would set the schedule back several months, and could miss the ARRA Act expiration deadline for project completion by March 27, 2012. The outlook is for timely, successful execution of our project.

Principal Owner: Louis Rigaud, Owner, Halus Power Systems

Explanation for late submittal:

Contract/Agreement Information:

Procurement Method:

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

Financial Information:

Funding source: **Explanation:**
Other Capital Projects Funding

Total Amount Requested:
\$1,400,000.00

ATTACHMENTS:

Click to download

- [Fairgrounds Wind Turbine Project](#)
- [W-9](#)
- [Blue Back](#)
- [DRAFT Contract](#)
- [DRAFT Scope of Work](#)
- [Business Filings](#)
- [Recovery Findings](#)
- [DMA](#)
- [Campaign Contributions](#)
- [Certificate of Insurance](#)
- [Insurance](#)
- [Escrow Agent](#)
- [Certificate of Property Tax](#)
- [Prevailing Wage](#)
- [Non-Collusion Affidavit](#)

History

Time

3/4/2011 2:43 PM

Who

Office of Procurement &
Diversity

Clerk of the Board

Approval

Yes

RQ 15326

**CUYAHOGA COUNTY
TABULATION OF PROPOSALS RECEIVED**

DEPARTMENT NAME: Central Services PROPOSAL DUE DATE: November 16, 2009
 RFP TITLE: Wind Turbine Re-bid RFP #: Ct - 09 - 15326 SBE: 0%

TO BE COMPLETED BY OPD	TO BE COMPLETED BY SBE CONTRACT COMPLIANCE OFFICER						USER DEPT.
	VENDOR NAME & ADDRESS	SBE SUBCONTRACTOR NAME AMOUNT & PERCENTAGE	SBE PRIME %	TOTAL SBE %	COMPLY Y/N	COMMENTS & INITIALS	
Columbus Energy Coop P.O. Box 403 Columbus, Ohio 43805							
Hyalus Power Systems 25352 Cypress Avenue Suite B Hayward, CA 94544							
Lake Erie Electric, Inc. 25730 First Street Westlake, Ohio 44145							
Phillips Electric 4126 St. Clair Avenue Cleveland, Ohio 44103							YES

Pat Nick Winsa & Jay Ross / 10/19/10
 Department Signature of Approval Date
 (SEE ATTACHED)

D. ESCHEMERE
 OPD Buyer 10/20/10

FAIRGROUNDS WIND TURBINE PROJECT

TURBINE RFP BID TABULATION -- RFP #15326

NW 9-22-10

	HALUS POWER	PHILLIPS ELECTRIC	LAKE ERIE ELECTRIC	COLUMBUS ENERGY	HALUS POWER
TURBINE OFFERED TYPE SIZE	VESTAS V-29 HAWT 225 KW	VESTAS V-47 HAWT 660 /220 kW	BONUS 600 - ? HAWT 600 KW	VAWT 500 KW	VESTAS V-39 HAWT 500 KW
Tower Ht.	60	60	60		60
Rotor Dia.	29	47	44		39.4
O.A. Height, meters	74.5	83.5	82		79.7
O.A. Height, feet	244.36	273.88	268.96		261.416
Annual kWh @ 10.5 mph					
Warranty	5	5	5	1	5
BASE BID - Turbine only					
Acquisition Cost	481,500	497,000	547,628	924,000	882,000
Shipping to U.S.	0	115,000	50,000		0
Re-furbishing	125,000	170,000	250,000		165,000
Final Delivery	30,000	40,000	40,000	130,000	50,000
QA/QC Travel/Visits	30,000	9,000	4,500		30,000
Cash Allowance	50,000	50,000	50,000	50,000	50,000
TOTAL BASE BID	716,500	881,000	942,128	1,104,000	1,177,000
ALT. BID -Installation					
Electrical	100,000	145,000	137,753	176,000	150,000
Assemble & Erect	150,000	120,000	110,000	66,000	175,000
Cash Allowance	50,000	50,000	50,000	50,000	50,000
TOTAL ALTERNATE BID	300,000	315,000	297,753	292,000	375,000
BASE BID + ALTER. BID	1,016,500	1,196,000	1,239,881	1,396,000	1,552,000
Add foundation	180,000	180,000	180,000	180,000	180,000
Add options	25,300	25,300	25,300	25,300	25,300
Total Contract Cost	1,221,800	1,401,300	1,445,181	1,601,300	1,757,300
<p style="text-align: center;">Recommended <i>Stick Walker 10/19/10</i> <i>Jay R... 10/19/10</i></p>					
OTHER Project Costs					
Environ. Assess.	75,000	75,000	75,000	75,000	75,000
Owner's Rep	60,000	60,000	60,000	60,000	60,000
Geotech	2,000	2,000	2,000	2,000	2,000
Energy Ctr. Architect	40,000	40,000	40,000	40,000	40,000
Energy Ctr. Construction	320,000	320,000	320,000	320,000	320,000
Energy Ctr. Exhibits	80,000	80,000	80,000	80,000	80,000
Energy Ctr. Exhibit Concep	5,000	5,000	5,000	5,000	5,000
Construction Admin.	16,000	16,000	16,000	16,000	16,000
County Proj. Admin./Repor	120,000	120,000	120,000	120,000	120,000
Site Prep	31,700	31,700	31,700	31,700	31,700
Total Project Cost	1,971,500	2,151,000	2,104,881	2,351,000	2,507,000

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0121

Sponsored by: County Executive FitzGerald/Department of Public Works/Central Services	A Resolution making an award on RQ18560 and authorizing the County Executive to enter into a contract with Infinity Construction Co., Inc. in the amount of \$5,490,000.00 for the Corrections Center Jail Kitchen Renovation Project.
--	---

WHEREAS, the Cuyahoga County Correction Center kitchen was originally constructed in 1975 and is in need of significant repair and renovations including but not limited to aging equipment, leaking, slippery floors, inefficient operations and storage limitations; and

WHEREAS, the kitchen is utilized by the Cuyahoga County Sheriffs Department to serve 6,000 plus meals per day to inmates and the renovations will allow the Sheriffs Department to continue to serve in a more efficient and safer environment; and

WHEREAS, the renovation project also includes expanding both the female and male Correction Officers/Deputies locker rooms to better accommodate employees; and

WHEREAS, the Department of Central Services received bids for a combined award and multiple trade awards including electrical, fire protection, plumbing, mechanical, kitchen equipment and other general trades; and

WHEREAS, the Department of Central Services has submitted a recommendation to award RQ18560 to Infinity Construction Co., Inc., in the amount of \$5,490,000.00 for the Corrections Center Jail Kitchen Renovation Project; and

WHEREAS, this award recommendation is based upon the finding that Infinity Construction Co., Inc., is the lowest bidder for the project.

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

SECTION 1. That the County Council hereby authorizes the County Executive through the Department of Public Works to award RQ18560 and enter into contract with Infinity Construction Co., Inc., in the amount of \$5,490,000.00 for the Corrections Center Jail Kitchen Renovation Project.

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(s) Assigned:

Journal _____
_____, 2011



Item Details:

Agency/Dept. Name:	Department of Central Services	Agency/Dept. Head Name:	Jay Ross
Type of Request:	Award Recommendation		
Request Prepared by:	George Geletka	Telephone No.	216-443-6152

SUMMARY OF REQUESTED ACTION:
Recommending an award: to Infinity Construction Co., Inc. 18440 Cranwood Parkway, Warrensville Heights, Ohio 44128. In the amount of \$5,490,000.00. Infinity was the lowest bidder for the project with total SBE participation of 30%.

PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):
The current Jail Kitchen is from the original 1970's construction and has a number of issues including leaking and slippery floors, aging equipment, inefficient operations and storage concerns. The proposed project is for a new kitchen to replace the current Fourth floor kitchen in Jail I which was built in 1975. The proposed project will move the current Kitchen from Jail I to the basement and First floor of Jail II. With all new and upgraded kitchen equipment, the new facility will allow the Sheriffs Department to continue to serve the 6,000+ meals per day in a more efficient and safer environment. The new Kitchen will also be better served by the numerous deliveries needed to maintain the Kitchen and its Services, by receiving its deliveries from St Clair instead of West 3rd. Street. The project also involves expanding both the female and male Correction Officers/Deputies locker rooms to better accomodate the employees. The project will require some Sheriffs Dept. employees to be move from Jail II first floor to other areas in the Justice Center.

This project has been coordinated with the Sheriff's Office, and they are in full support of the project.

The County received bids for a combined award and multiple trade awards (general trades, electrical, fire protection, mechanical, plumbing, and kitchen equipment), with a total project estimate of \$6.0 million. The plumbing bids were all over estimate by more than 10% and have to be rejected due to legal requirements. Without a plumbing award,

awarding other multiple prime bid contracts would be likely to result in potential claim delays and cost increases.

The combined low bid, at \$5,490,000, while higher than the total cost of multiple prime contracts, is still \$550,000 below the estimate and it has been determined that they meet legal requirements. The low bidder, Infinity Construction, did not include a set of required forms, and the Prosecutor in the attached opinion has ruled that this is a waivable requirement since no competitive advantage has been gained through this omission.

Based on the combined bid award representing a \$550,000 savings from the estimate; the inability to award a plumbing contract, resulting in a time delay and cost issues; and the benefit of having one contractor responsible for the entire project, it is recommended that the County award this project to the lowest combined bid, Infinity Construction, for \$5,490,000.

Award contract to Infinity Construction Co., Inc. 18440 Cranwood Parkway Warrensville Heights, Ohio 44128. in the amount of \$5,490,000.00. Primary owner; Charles Izzo

Explanation for late submittal:

Contract/Agreement Information:

Procurement Method:

Competitive Bid

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

Financial Information:

Funding source: Explanation:

General Fund

Total Amount Requested:

\$5,490,000.00

ATTACHMENTS:

Click to download

- [BB](#)
- [Jail II Kitchen Tab Sheet](#)
- [Prosecutor ruling](#)
- [Bus filing](#)
- [Jail audit](#)
- [Coc](#)
- [owner](#)
- [DMA](#)
- [Jail Kitchen bid award summary](#)

History

Time

Who

Approval

BID DUE DATE January 23, 2011

OFFICE OF PROCUREMENT & DIVERSITY

TABULATION OF BIDS RECEIVED OVER \$25,000

I.
General Trades
(Page 1 of 2)

REQUISITION NUMBER CT-10-18560 CONTRACT PERIOD N/A
 REQUISITIONING DEPT. Central Services NUMBER OF TIB'S SENT/RETURNED 64/25
 COMMODITY DESCRIPTION Correction Center Jail Kitchen Renovation ESTIMATE \$1,782,647.50
 SBE GOALS 30%

TO BE COMPLETED BY OPD AND USER DEPARTMENT (P=PROCUREMENT; D=DEPARTMENT)			TO BE COMPLETED BY CONTRACT COMPLIANCE OFFICER					
BIDDER'S NAME & ADDRESS	BID BOND / CHECK	P-ADMINISTRATIVE D-TECHNICAL REVIEW	ACTUAL BID AMOUNT	SBE SUBCONTRACTOR NAME	PRICE PREFERENCE IF Y, SEE*	TOTAL SBE %	COMPLY Y/N	COMMENTS & INITIALS
Infinity Construction Co., Inc. 18440 Cranwood Parkway Warrensburg Heights, Ohio 44128	Bid Bond, 100% - Fidelity & Deposit Company of Maryland	P: NO <u>3-11-11</u> D: NO NOT SUBMIT AIA REG. A 305	\$1,865,000.00	North American Const. #12,500,000 @ 5.5% VIP Restoration #17,500,000 @ 9.4% Total #30,000,000 @ 7.5% Erie Const. #152,000,000 @ 1.6% Commercial Title #15,000,000 @ 4.1% SBE Flooring Not Cert.	42.7%	Y	RC Mete Rupp	
Town Center Construction, LLC. 7888 Olde 8 Road Northfield, Ohio 44067	Bid Bond, 100% - Great American Insurance Company	YES <u>3-11-11</u> PER LEGAL OPINION <u>3/11</u>	\$1,872,000.00	Regency SBE Out 20% Banklike Const #194,000,000 @ 10.29% VIP Restoration #227,000,000 @ 12% VIP Rest #70,250,000 @ 3.72% Commercial Title #148,570,000 @ 7.7%	33.18%	N	RC Mete Rupp	
Regency Construction Services, Inc. 14600 Detroit Avenue, Suite 1495 Lakewood, Ohio 44107	Bid Bond, 100% - Liberty Mutual Insurance Company	P: YES <u>3-11-11</u>	\$1,885,621.00	Mid Amer. Const SBE 30% Commercial Title #148,876,000 @ 7.84% Erie Const #163,000,000 @ 8.6% Mid State Rest. #37,060,000 @ 1.43%	53.91%	Y	Mete Rupp	
Mid American Construction, LLC 8506 Lake Avenue, Suite B Cleveland, Ohio 44102	Bid Bond, 100% - Fidelity & Deposit Company of Maryland	P: YES <u>3-11-11</u>	\$1,897,800.00	Sandover Son #270,000,000 @ 13.92% Commercial Title #150,000,000 @ 7.23% North Coast Concrete #500,000,000 @ 10.31% Mid State Restoration #30,000,000 @ 1.54%	37.85%	Y	Mete Rupp	
SONA Construction, LLC. 7344 Forestwood Drive Independence, Ohio 44131	Bid Bond, 100% - Aegis Security Insurance Company	P: YES <u>3-11-11</u> COPY OF AIA A 305 WITH ORIGINAL SIGN	\$1,940,000.00		33.5%	Y	Mete Rupp	

* LOWEST BID REC'D \$ 1,872,000 RANGE OF LOWEST BID REC'D \$ 1,000,000 - 3,000,000 PRICE PREF % & \$ LIMIT: 8% up to 210,000 MAX SBE PRICE PREF % 30%
 * 2,021,760

BID DUE DATE January 28, 2011

OFFICE OF PROCUREMENT & DIVERSITY
 TABULATION OF BIDS RECEIVED OVER \$25,000

I.
 General Trades
 (Per 2.0 of 2)

REQUISITION NUMBER CT-10-18560

REQUISITIONING DEPT. Central Services

COMMODITY DESCRIPTION Correction Center Jail Kitchen Renovation

CONTRACT PERIOD N/A

NUMBER OF ITB'S SENT/RETURNED 64/25

ESTIMATE \$1,782,647.50

SBE GOALS 30%

TO BE COMPLETED BY CONTRACT COMPLIANCE OFFICER

TO BE COMPLETED BY OPD AND USER DEPARTMENT (P=PROCUREMENT, D=DEPARTMENT)

BIDDER'S NAME & ADDRESS	BID BOND / CHECK	P-ADMINISTRATIVE D-TECHNICAL REVIEW	ACTUAL BID AMOUNT	SBE SUBCONTRACTOR NAME	PRICE PREFERN. IF Y, SEE*	TOTAL SBE %	COMPLY Y/N	COMMENTS & INITIALS
EnvironCom Construction, Inc. 23632 Mercantile Road Beachwood, Ohio 44122	Bid Bond, 100% - Great American Insurance Company	P: Yes D: 1/31/11	\$1,948,000.00	Carcoran Title + Mar. #150,000.00 7.70% VIP Restoration #240,000.00 12.33% VIP Restoration #79,000.00 4.06%	24.08%	N	Request a waiver but not to clear on the reg west M/E/R R/W 11/11/11	
Cold Harbor Building Company 115 Industrial Parkway Chardon, Ohio 44024	Bid Bond, 100% - Fidelity & Deposit Company of Maryland	P: No D: 1/31/11 (Exceeds 10% Above Estimate)	\$2,048,000.00	Dunkhys Construction, 1,000,000.00 9.8% Commercial Title #148,370.00 1.3% Reg. Pay. #4,500.00 Lanning 2.2% VIP Restoration #79,000.00 3.8%	21.22%	N	Requested waiver stating that other companies not available at the moment M/E/R R/W 11/11/11	
John G. Johnson Construction Co. 8360 East Washington Street Chagrin Falls, Ohio 44023	Bid Bond, 100% - The Cincinnati Insurance Company	P: No D: 1/31/11 (Exceeds 10% Above Estimate)	\$2,078,000.00	11/2 East #170,000.00 8.19% Buckshire #194,000.00 9.3% Commercial Title #148,370.00 7.3% Midstate East #13,000.00 0.63% Ruelle Construction #500,000.00 24.0% Empire Payroll #2,500.00 0.12% A & P Construction #1,300.00 0.06% North Const Center #145,700.00 7.1%	38.5%	Y	They submitted 3 more responses but did not put price or percentage also sent paper of good faith but I not request M/E/R R/W 11/11/11	

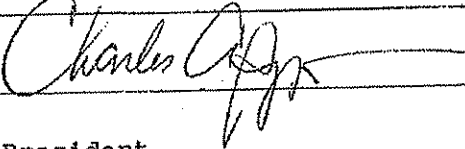
* LOWEST BID REC'D \$ _____ RANGE OF LOWEST BID REC'D \$ _____ PRICE PREFER % & \$ LIMIT: _____ MAX SBE PRICE PREFER \$ _____

BIDDERS NOTIFIED _____ DATE _____

OEM APPROVAL
 (If actual bid exceeds estimate)



Required Document for Award Recommendations to the Cuyahoga County Board of County Commissioners

Company Name:	Infinity Construction Co., Inc.,
Primary Ownership:	C-Corp. (Charles Izzo, George Nemeth, Jim Fantozzi)
Title:	President, V.P. Secretary/Treasurer, Vice President
Address:	18440 Cranwood Pkwy., Warrensville Hts., OH 44128
Phone Number:	216-663-3777
Name of Person Completing Form:	Charles A. Izzo
Signature:	
Title:	President

If there is more than one (1) primary owner, please complete information for that / those person(s) as well

Revised 08/15/2008

Office of Procurement & Diversity, 112 Hamilton Court, Room 100, Cleveland, Ohio 44114
(216) 443-7200, FAX (216) 443-7206, Ohio Relay Service (TTY) 1-800-750-0750

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0122

Sponsored by: County Executive FitzGerald/Department of Public Works/County Engineer	A Resolution making an award on RQ19284 and authorizing the County Executive to enter into a contract with Great Lakes Construction Co. in the amount of \$4,954,904.03 for construction of a grade separation on Fitch Road over the Norfolk Southern Railroad in the City of North Olmsted and Olmsted Township, and declaring the necessity that this Resolution become immediately effective.
---	--

WHEREAS, the County Engineer has recommended an award to Great Lakes Construction Co., in the amount of \$4,954,904.03 for the construction of a grade separation on Fitch Road over the Norfolk Southern Railroad in the City of North Olmsted and Olmsted Township ; and

WHEREAS, this award recommendation is based upon the finding that Great Lakes Construction Co., is a qualified bidder at the lowest cost to the County; and

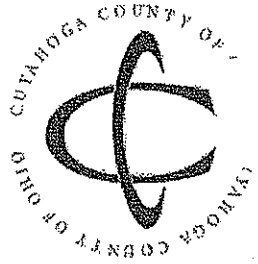
WHEREAS, it is necessary that this Resolution become immediately effective to assure construction can start May 1, 2011 and be completed by June 1, 2013 per plan specifications. In addition, this timeframe marks the prime construction season and any delay could incur additional expenses to the County.

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

SECTION 1. That the County Council hereby authorizes the County Executive to award RQ19284 and to enter into a contract with Great Lakes Construction Co., in the amount of \$4,954,904.03 for the construction of a grade separation on Fitch Road over the Norfolk Southern Railroad in the City of North Olmsted and Olmsted Township.

SECTION 2. It is necessary that this Resolution become immediately effective to assure construction can start May 1, 2011 and be completed by June 1, 2011 per plan specifications. In addition, this timeframe marks the prime construction season and any delay could incur additional expenses to the County. 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.



Item Details:

Agency/Dept. Name:	County Engineer	Agency/Dept. Head Name:	Thomas P. Sotak, P.E.
Type of Request:	Award Recommendation		
Request Prepared by:	Juliann Conway	Telephone No.	216-348-3838
SUMMARY OF REQUESTED ACTION:			
<p>County Executive/County Engineer is recommending an award: RQ19284 to the Great Lakes Construction Co. in the amount of \$4,954,904.03 for the construction of a grade separation on Fitch Road over the Norfolk Southern Railroad in the City of North Olmsted and Olmsted Township declaring the necessity that this Resolution become immediately effective.</p> <p>The immediate request is to assure construction can start May 1, 2011 per plan specifications. This is the prime construction season and therefore construction needs to commence to be completed by the scheduled completion date of June 1, 2013. Any possible delay could incur additional expenses to the County.</p> <p>The attached bids were received on February 22, 2011 and the engineer's estimate was \$6,770,000.00 . This office has tabulated the extension of the unit bid prices submitted by each bidder and verified the accuracy of the total amounts. This is a federally funded project, therefore the Small Business Enterprise (SBE) goal is not required. However, per the Ohio Department of Transportation (ODOT) regulations for locally administered federally funded projects; once a contract is awarded the contractor is required to use its best efforts to solicit bids from and utilize Disadvantage Enterprise Business (DBE) subcontractors to meet an eight (8%) DBE goal.</p> <p>As per the LPA (Local Project Administrator) Federal Project Agreement - federal funds will reimburse the County \$2,644,123.00 and the remaining balance would be 80% Federal and 20% County. The County will use funds from the \$7.50 Vehicle License Tax Fund to pay their portion.</p> <p>PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):</p>			

Primary Ownership: Employee Owned Corporation

The purpose of this request is to award a contract for the aforementioned project to a qualified bidder at the lowest cost to the County and complete construction per plan intent in the scheduled time period (05/01/11- 06/01/13), approximately twenty-four (24) months.

Explanation for late submittal:

Contract/Agreement Information:

Procurement Method:

Competitive Bid

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

Financial Information:

Funding source: Explanation:

Federal

See Summary of Requested Action

Total Amount Requested:

\$4,954,904.03

ATTACHMENTS:

Click to download

- [CCE Bid Tabs](#)
- [Auditors Findings](#)
- [Business Name Filing](#)
- [House Bill 694](#)
- [DMA](#)
- [OPD Bid Tab](#)

History

Time

3/7/2011 2:31 PM

Who

Office of Procurement &
Diversity

Clerk of the Board

Approval

Yes

BID DUE DATE February 22, 2011

**OFFICE OF PROCUREMENT & DIVERSITY
TABULATION OF BIDS RECEIVED OVER \$25,000**

REQUISITION NUMBER CE - 11 - 19284 CONTRACT PERIOD N/A
 REQUISITIONING DEPT County Engineer NUMBER OF ITB'S SENT/RETURNED 18/9
 COMMODITY DESCRIPTION Fitch Road Grade Crossing Elimination ESTIMATE \$6,770,000.00
 SBE GOALS N/A

TO BE COMPLETED BY OPD AND USER DEPARTMENT (P=PROCUREMENT; D=DEPARTMENT)		TO BE COMPLETED BY CONTRACT COMPLIANCE OFFICER						
BIDDER'S NAME & ADDRESS	BID BOND / CHECK	P - ADMINISTRATIVE D-TECHNICAL REVIEW	ACTUAL BID AMOUNT	SBE SUBCONTRACTOR NAME	PRICE PREFERM. IF Y, SEE*	TOTAL SBE %	COMPLY Y/N	COMMENTS & INITIALS
The Great Lakes Construction Co. 2608 Great Lakes Way Hinckley, Ohio 44233	Bid Bond, 100% - Liberty Mutual Company	P-YES-D 2-23-11	\$4,954,904.03					
Fabrizi Trucking & Paving Co., Inc. 389 Columbia Road Valley City, Ohio 44280	Bid Bond, 100% - Ohio Farmers Insurance Co	P-YES-D 2-23-11	\$4,996,364.40					
J.D Williamson Construction Co., Inc. 441 Geneva Avenue P.O. Box 113 Tallmadge, Ohio 44278	Bid Bond, 100% - The Ohio Casualty Insurance Company	P-YES-D 2-23-11	\$5,289,745.00					
Mr. Excavator, Inc. 8616 Euclid-Chardon Road Kirtland, Ohio 44094	Bid Bond, 100% - Merchants Bonding Company (Mutual)	P-YES-D 2-23-11	\$5,354,235.39					
Perk Company, Inc 8100 Grand Avenue Suite 300 Cleveland, Ohio 44104	Bid Bond, 100% - Travelers Casualty & Surety Company of America	P-YES-D 2-23-11	\$5,445,513.04					

RQ 19284

N/A

* LOWEST BID REC'D \$ _____ RANGE OF LOWEST BID REC'D \$ _____ PRICE PFERM % & \$ LIMIT: _____ MAX SBE PRICE PFERM % _____

BIDDERS NOTIFIED _____ DATE _____
 OBM APPROVAL _____
 (If actual bid exceeds estimate)
 Tab sheet with SBE _____
 October 1, 2009

BID DUE DATE February 22, 2011

OFFICE OF PROCUREMENT & DIVERSITY

TABULATION OF BIDS RECEIVED OVER \$25,000

REQUISITION NUMBER CE-11-19284 CONTRACT PERIOD N/A
 REQUISITIONING DEPT County Engineer NUMBER OF ITB'S SENT/RETURNED 18/9
 COMMODITY DESCRIPTION Fitch Road Grade Crossing Elimination ESTIMATE \$6,770,000.00
 SBE GOALS N/A

TO BE COMPLETED BY OPD AND USER DEPARTMENT (P=PROCUREMENT; D=DEPARTMENT)		TO BE COMPLETED BY CONTRACT COMPLIANCE OFFICER						
BIDDER'S NAME & ADDRESS	BID BOND / CHECK	P - ADMINISTRATIVE D-TECHNICAL REVIEW	ACTUAL BID AMOUNT	SBE SUBCONTRACTOR NAME	PRICE PREFER IF Y, SEE*	TOTAL SBE %	COMPLY Y/N	COMMENTS & INITIALS
Mosser Construction, Inc. 122 South Wilson Avenue Drawer D Fremont, Ohio 43420	Bid Bond, 100% - Travelers Casualty & Surety Company of America	P-YES-JF 2-23-11	\$5,598,279.43					
DiGioia-Surbaban Excavating, LLC & Schirmer Construction Company, JV 11293 Royaltan Road North Royalton, Ohio 44133	Bid Bond, 100% - Great American Insurance Company & Travelers Casualty & Surety Company of America	P-YES-JF 2-23-11	\$5,894,360.33 \$5,804,360.88 ①					
Independence Excavating, Inc 5720 Scheaf Road Independence, Ohio 44131	Bid Bond, 100% - Travelers Casualty & Surety Company of America	P-YES-JF 2-23-11	\$6,036,981.30					
The Beaver Excavating Company 2000 Beaver Place Avenue SW Canton, Ohio 44706	Bid Bond, 100% - Hartford Fire Insurance Company	P-YES-JF 2-23-11	\$6,085,406.98					

* LOWEST BID REC'D \$ _____ RANGE OF LOWEST BID REC'D \$ _____ PRICE PFER % & \$ LIMIT: _____ MAX SBE PRICE PFER \$ _____

OBM APPROVAL _____ DATE _____ BIDDERS NOTIFIED _____

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0123

Sponsored by: County Executive FitzGerald/ Department of Public Works/ County Engineer	A Resolution authorizing the County Executive to enter into an amendment (Change Order No. 2) to Contract No. CE0800267-01 with HNTB Ohio, Inc. for general engineering services for various projects for the period 4/1/2008 – 3/31/2011 to extend the time period to 3/31/2013.
---	--

WHEREAS, the Department of Public Works/County Engineer has requested authority to prepare an amendment (Change Order No. 2) to Contract No. CE0800267-01 with HNTB Ohio, Inc. for general engineering services for various projects for the period 4/1/2008 – 3/31/2011 to extend the time period to 3/31/2013; and,

WHEREAS, this time extension is required to complete tasks related to Columbus Road Lift Bridge review, Warrensville/Van Aken and E. 105th/MLK Roadway projects; and

WHEREAS, due to a shift in schedule to the projects above, the performance of the supplemental environmental tasks and peer review must shift as well; and

WHEREAS, this amendment to Contract No. CE0800267-01 with HNTB Ohio, Inc. for general engineering services requires no additional funds.

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

SECTION 1. That the County Executive is authorized to enter into an amendment (Change Order No. 2) to Contract No. CE0800267-01 with HNTB Ohio, Inc. for general engineering services for various projects for the period 4/1/2008 – 3/31/2011 to extend the time period to 3/31/2013.

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

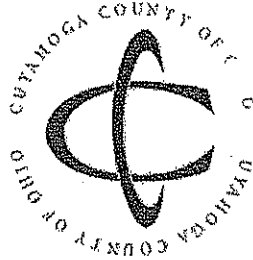
Date

Clerk of Council

Date

First Reading/Referred to Committee:
Committee Assigned:

Journal _____
_____, 2011



Item Details:

Agency/Dept. Name:	County Engineer	Agency/Dept. Head Name:	Michael Chambers / Jamal Husani	W.
---------------------------	-----------------	--------------------------------	---------------------------------	----

Type of Request: Contract/Amendment

Request Prepared by:	Heather Keel	Telephone No.	216-348-3852
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SUMMARY OF REQUESTED ACTION:

County Engineer's Office, submitting Amendment #2 to Contract No. CE0800267-01 with HNTB Ohio, Inc. for General Engineering Services to amend the time period from April 1, 2008 - March, 31 2011 to April 1, 2008 - March 31, 2013.

PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):

Purpose/Outcomes: Time extension is required to complete tasks related to Columbus Road Lift Bridge review, Warrensville/Van Aken and E.105th/MLK Roadway projects. All tasks are supplemental to larger design projects contracted separately where due to funding constraints and/or design considerations have seen a shift in project schedule. Since the overall project schedule has shifted, the performance of the supplemental environmental tasks and peer review must shift as well.

Principal Owners: See attached.

Explanation for late submittal:

Contract/Agreement Information:

Procurement Method:

Other

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

N/A

Financial Information:

--

Funding source: Other	Explanation: \$7.50 License Tax Fund
Total Amount Requested: \$0.00	

ATTACHMENTS:

Click to download

- [Contract Amendment](#)
- [Contract Evaluation](#)
- [Contract History](#)
- [Principal Owners](#)
- [W-9](#)
- [BB](#)

History

Time

3/7/2011 11:54 AM

3/7/2011 12:03 PM

Who

Office of Procurement &
Diversity

Clerk of the Board

County Prosecutor Civil

Approval

Yes

Yes

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

Contractor: HNTB Ohio, Inc.

Contract/Agreement No.: CE0800267-01

Time Period: 4/1/08-3/31/11

Service Description: General Engineering Services

Original Contract/Agreement Amount: \$300,000

Prior Amendment(s) Amount(s): \$221,413

Performance Indicators: HNTB has provided the County with high quality engineering services and thorough design services of all tasks on this contract.

Actual performance versus performance indicators (include statistics): HNTB has had a 95% success rate in meeting performance for all tasks.

Rating of Overall Performance of Contractor (Check One):

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

Justification of Rating: All of the engineers that have worked on assigned task have been proficient in their field.


User Department

2/28/11
Date

HNTB Corporation
Engineers Architects Planners

1100 Superior Avenue
Suite 1330
Cleveland, Ohio 44114-2531

Telephone (216) 522-1140
Facsimile (216) 522-0554
www.hntb.com

HNTB

List of Principal Owners of HNTB Ohio, Inc.

Contract No. CE0800267-01, Amendment #2
General Engineering Services Contract

Shareholders of HNTB Ohio, Inc.: Terry Miller and HNTB Corporation.
Directors: Terry K. Miller and John Friel
President: Terry K. Miller
Vice Presidents: John Friel, John E. Kupke, Roger C. Ward, and William C. Clawson
Secretary/Treasurer: Craig W. Denson

Signature:



Name:

David T. Black

Title:

Managing Agent with Power of Attorney

Firm:

HNTB Ohio, Inc.

Address:

1100 Superior Avenue, Suite 1330

Cleveland, Ohio 44114

Tax ID#:

43-1628397

Date:

02/28/11

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0124

Sponsored by: County Executive FitzGerald/ Department of Public Works/ County Engineer	A Resolution authorizing the County Executive to enter into an amendment (Change Order No. 2) to Contract No. CE0900375-01 with Wilbur Smith Associates, Inc. Ohio for general engineering services for various projects for the period 4/1/2009 – 3/31/2011 to extend the time period to 3/31/2013.
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WHEREAS, the Department of Public Works/County Engineer has requested authority to prepare an amendment (Change Order No. 2) to Contract No. CE0900375-01 with Wilbur Smith Associates, Inc. Ohio for general engineering services for various projects for the period 4/1/2009 – 3/31/2011 to extend the time period to 3/31/2013; and,

WHEREAS, this time extension is required to complete tasks related to Bellaire Road Bridge and Veterans Memorial Bridge Lighting; and

WHEREAS, due to a shift in the overall schedule to the projects above, the performance of the right of way acquisition must shift as well; and

WHEREAS, this amendment to Contract No. CE0900375-01 with Wilbur Smith Associates, Inc. Ohio for general engineering services requires no additional funds.

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

SECTION 1. That the County Executive is authorized to enter into an amendment (Change Order No. 2) to Contract No. CE0900375-01 with Wilbur Smith Associates, Inc. Ohio for general engineering services for various projects for the period 4/1/2009 – 3/31/2011 to extend the time period to 3/31/2013.

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:	County Engineer	Agency/Dept. Head Name:	Michael Chambers / Jamal Husani
Type of Request:	Agreement/Amendment		
Request Prepared by:	Heather Keel	Telephone No.	216-348-3852
SUMMARY OF REQUESTED ACTION:			
County Engineer's Office, submitting Amendment #2 to Contract No. CE0900375-01 with Wilbur Smith Associates, Inc. Ohio for General Engineering Services to amend the time period from April 1, 2009 - March 31, 2011 to April 1, 2009 - December 31, 2011.			
PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):			
Purpose/Outcomes: Time extension is required to complete tasks related to Bellaire Road Bridge and Veterans Memorial Bridge Lighting. Bellaire Road Bridge task is supplemental to larger design project contracted separately where due to funding constraints and design considerations have seen a shift in project schedule. Since the overall project schedule has shifted, the performance of the right of way acquisition must shift as well. The Veterans Memorial Bridge lighting task is in the final stages of completion with the final review remaining.			
Principal Owners: See attached.			
Explanation for late submittal:			

Contract/Agreement Information:

Procurement Method: Other
Explanation for Increase/Decrease in \$ Amount for current request:

Financial Information:

Funding source:	Explanation:
------------------------	---------------------

Total Amount Requested:

\$

ATTACHMENTS:

Click to download

- [Contract Amendment](#)
- [Contract Evaluation](#)
- [Contract History](#)
- [Principal Owners](#)
- [W-9](#)
- [SOS](#)
- [BB](#)

History

Time

Who

Approval

3/7/2011 11:52 AM

Office of Procurement &
Diversity

Yes

3/7/2011 12:05 PM

Clerk of the Board

Yes

3/14/2011 4:17 PM

County Prosecutor Civil

Yes

3/15/2011 8:18 AM

Clerk of the Board

Yes

Clerk of the Board

[http://www.secmis.com/contracting](#)


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

Contractor: Wilbur Smith Associates, Inc. Ohio

Contract/Agreement No.: CE0900375-01 Time Period: 4/1/09-3/31/11

Service Description: General Engineering Services

Original Contract/Agreement Amount: \$300,000.00

Prior Amendment(s) Amount(s): \$21,592.00

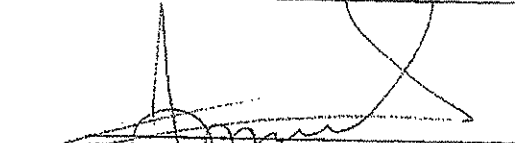
Performance Indicators: Wilbur Smith has provided the County with high quality engineering services and thorough design services of all tasks on this contract.

Actual performance versus performance indicators (include statistics): Wilbur Smith has had a 95% success rate in meeting performance for all tasks.

Rating of Overall Performance of Contractor (Check One):

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

Justification of Rating: All of the engineers that have worked on assigned task have been proficient in their field.


User Department

2/28/11
Date

**WILBUR SMITH ASSOCIATES, INC.
LIST OF DIRECTORS AND OFFICERS**

WSA BOARD OF DIRECTORS

MILLEDGE STEVENSON SMITH	(1) CHAIRMAN OF THE BOARD AND CHIEF EXECUTIVE OFFICER 6125 MARIHA'S GLEN ROAD, COLUMBIA, SC 29209-1312	DIRECTOR
WILLIAM EDWARD HURRELL	(2) SENIOR VICE PRESIDENT 3 OAK VIEW TERRACE, ORINDA, CA 94563-3327	DIRECTOR
ANOOSHEH JANNESARI	(3) REGIONAL VICE PRESIDENT 17 REL YEA RD , VOORHEESVILLE, NY 12186-9320	DIRECTOR
KAMRAN ALI KHAN	(4) SENIOR VICE PRESIDENT 28 CARR COURT, WHEATON, IL 60189	DIRECTOR
DOUGLAS ALLEN LAVOIE	(5) REGIONAL VICE PRESIDENT 13709 W. ISLAND RD , FOWLER, MI 48835	DIRECTOR
JAMES EDWARD LEWIS	(1) SENIOR VICE PRESIDENT/SECRETARY 661 WINDY ROAD, GILBERT, SC 29054-9185	DIRECTOR
EDWARD JOSEPH REGAN, III	(6) EXECUTIVE VICE PRESIDENT/CHIEF BUSINESS OFFICER/CHIEF STRATEGY OFFICER 36 JUGGERNAUI ROAD, PROSPECT, CT 05712-1450	DIRECTOR
DAVID EMLYN JONES	315 CLIFFTOP COURT ROSWELL, GA 30076	OUTSIDE DIRECTOR
MARYVONNE PLESSIS-FRAISSARD	1528 CRESTWOOD LANE McLEAN, VA 22101-2510	OUTSIDE DIRECTOR
MICHAEL STEVEN TOWNES	7 NATUREWOOD CIRCLE HAMPTON, VA 23666	OUTSIDE DIRECTOR
CHARLES MICHAEL WALTON	3404 RIVER ROAD AUSTIN, TX 78703	OUTSIDE DIRECTOR

() = BUSINESS LOCATION
SEE PAGE 11

**WILBUR SMITH ASSOCIATES, INC.
LIST OF DIRECTORS AND OFFICERS**

OTHER WSA CORPORATE OFFICERS

SHAHID TANWEER ANWAR	(7) REGIONAL VICE PRESIDENT P.O. BOX 301285, RIYADH 11372, SAUDI ARABIA
ROBERT PAUL BABINEAUX, JR.	(8) VICE PRESIDENT 2923 BENILEY CT., PEARLAND, TX 77584-8621
BARRY VINCENI BANKS	(9) VICE PRESIDENT 5203 AZTEC DRIVE, OGDEN, UT 84403
NICKSON ANDRE BENEDICO	(10) VICE PRESIDENT 1850 ARLINGTON COURI, LONGWOOD, FL 32779
MARK JOHN BERNDT	(11) VICE PRESIDENT 1718 143 RD AVENUE, NE, HAM LAKE, MN 55304
ROBERT WESLEY BOWERS	(12) VICE PRESIDENT 4000 MARSHA WAY, KNOXVILLE, TN 37938
WILLIAM GILLOCK BROOKS	(10) VICE PRESIDENT 5218 ST. REGIS PLACE, ORLANDO, FL 32812
MELVIN STEVE BROWN	(13) VICE PRESIDENT 2239 NORTH RIVER TRAIL, MARIETTA, GA 30066
CHARLES ERIC BURKE	(1) VICE PRESIDENT 390 POINDEXIER LANE, LEXINGTON, SC 29072
LINDA KAY CARPENTIER	(14) VICE PRESIDENT 4639 HANOVER AVENUE, RICHMOND, VA 23226
BRYAN LEE CULLY	(1) VICE PRESIDENT 221 POPES LANE, LEXINGTON, SC 29072
JOHN LEONARD CARR	(15) VICE PRESIDENT 1213 MELODY LANE, LEXINGTON, KY 40514
DAVID RUSSELL DANFORTH	(1) REGIONAL VICE PRESIDENT 6329 WHITEOAK ROAD, COLUMBIA, SC 29206-3360
TODD JAMES DAVIS	(5) VICE PRESIDENT 3210 OLD HICKORY TRAIL, DEWITT, MI 48820

() = BUSINESS LOCATION
SEE PAGE 11

**WILBUR SMITH ASSOCIATES, INC.
LIST OF DIRECTORS AND OFFICERS**

STEVEN BRIAN DOERR	(16) SENIOR VICE PRESIDENT P O BOX 44212, DUBAI, UAE
MOHAMED FATHI	(16) VICE PRESIDENT KHALID BIN AL WALEED STREET, AL ATTAR GRAND BUILDING, 4 TH FLOOR, DUBAI
ROBERT BYRD FERRELL	(1) VICE PRESIDENT 115 PRESS LINDLER ROAD, COLUMBIA, SC 29212-8012
BARBARA GRIFFIN FRITSCHÉ	(17) SENIOR VICE PRESIDENT 63 MIAMI PARKWAY, FT THOMAS, KY 41075-1154
DAVID ALLAN GREENWOOD	(18) VICE PRESIDENT 1002 AMBERLY CT , BEL AIR, MD 21014-2402
TERRY STANLEY GRUBB	(12) REGIONAL VICE PRESIDENT 7821 CRANLEY ROAD, POWELL, TN 37849-3752
JAMES WALTER HAMANN	(19) EXECUTIVE VICE PRESIDENT/CHIEF OPERATING OFFICER, INTERNATIONAL DORPSTRAAT 1 ECKELRADE 6251, THE NEETHERLANDS
RANDALL ALAN HARRIS	(14) VICE PRESIDENT 8500 SUMMIT ACRES DRIVE, RICHMOND, VA 23235
KIRK LEE HAYBARKER	(5) REGIONAL VICE PRESIDENT 409 FARMSTEAD LANE, LANSING, MI 48917-3020
ANTHONY HODGSON	(16) VICE PRESIDENT KHALID BIN AL WALEED STREET, AL ATTAR GRAND BUILDING, 4 TH FLOOR, DUBAI
GRANI REED HOLLAND	(13) SENIOR VICE PRESIDENT 10 BASSWOOD CIRCLE, NE, ATLANTA, GA 303285
DANIEL THOMAS HOUSTON	(1) SENIOR VICE PRESIDENT/CHIEF PEOPLE OFFICER 39 AVINGTON COURT, COLUMBIA, SC 29229
WILLIAM STEPHEN HUFFSTETLER	(1) SENIOR VICE PRESIDENT 1328 LIBBY ARIAIL CIRCLE, CHAPIN, SC 29036-9740
ARTHUR TILLMAN HUGHES, II	(1) CONTROLLER, VICE PRESIDENT 108 ISLAND VIEW CT , LEXINGTON, SC 29072

() = BUSINESS LOCATION
SEE PAGE 11

**WILBUR SMITH ASSOCIATES, INC.
LIST OF DIRECTORS AND OFFICERS**

DALE ALAN JANIK	(1) REGIONAL VICE PRESIDENT 117 TALON WAY, BLYTHEWOOD, SC 29016
DAVID SCOTT JOHNSON	(1) SENIOR VICE PRESIDENT/CHIEF FINANCIAL OFFICER 11 TRANQUIL POINT, LEXINGTON, SC 29072
PAMELA SUE KEIDEL-ADAMS	(20) SENIOR VICE PRESIDENT 1508 W IARA DRIVE, GILBERT, AZ 85233
DAVID MARCHESI	(21) VICE PRESIDENT 6 APPLETREE LANE, HUMMELSTOWN, PA 17036
MICHAEL THOMAS MCGUIRE	(1) REGIONAL VICE PRESIDENT 58 DOE DRIVE, LITTLE MOUNTAIN, SC 29075
DALE EDWARD MILLER	(20) REGIONAL VICE PRESIDENT 7730 E. PASARO DRIVE, SCOTTSDALE, AZ 85266
DAVID M. Y. MILLIKAN	(22) REGIONAL VICE PRESIDENT 10501 MOSSHEAD COVE, AUSTIN, TX 78730
MICHAEL WAYNE MONTGOMERY	(13) VICE PRESIDENT 4240 NORTH MOUNTAIN ROAD, MARIETTA, GA 30066-2457
CHRISTOPHER EPHRAIM MWALWANDA	(22) VICE PRESIDENT 2602 BONNYRIGG COURT, CEDAR PARK, TX 78613
SANTHOSH VASUMATHY KRISHNAN NAIR	(13) REGIONAL VICE PRESIDENT 1227 CREEKSIDE PLACE, SE, SMYRNA, GA 30082
HARIHARAN PARAMESWARAN	(23) VICE PRESIDENT 301, SOBHA CORAL, JAKKUR, YELAHANKA HOBLI, BANGALORE - 560 064, INDIA
ROBERT WILLIAM PINTAR, JR.	(24) VICE PRESIDENT 618 LOUISE COURT, CANONSBURG, PA 15317
VIRGIL EMMETT ROOK	(10) VICE PRESIDENT 16267 BRISTOL LAKE CIRCLE, ORLANDO, FL 32828
EUGENE RYAN	(4) VICE PRESIDENT 14 IMPERIAL STREET, PARK RIDGE, IL 60068

() = BUSINESS LOCATION
SEE PAGE 11

**WILBUR SMITH ASSOCIATES, INC.
LIST OF DIRECTORS AND OFFICERS**

ROBERT SCOTT SANDERS	(17) VICE PRESIDENT 5735 LENGWOOD DRIVE, CINCINNATI, OH 45244
PIERRE ANSELME DOMINIQUE FELIX SANTONI	(16) VICE PRESIDENT 4/F AL ATTAR GRAND BLDG., KHALID BIN AL WALEED ST., P O. BOX 44212, DUBAI, U A.E
BALA SASHIKANT	(1) SENIOR VICE PRESIDENT/CHIEF INFORMATION OFFICER 1353 KATHWOOD DRIVE, COLUMBIA, SC 29206
ADRIAN BERNARD SHARE	(10) SENIOR VICE PRESIDENT 9913 LAKE GEORGIA DRIVE, ORLANDO, FL 32817
DOUGLAS FREDERICK SMITH	(24) SENIOR VICE PRESIDENT 1814 KENT ROAD, PITTSBURGH, PA 15241
TERRY MITCHELL SNOW	(25) VICE PRESIDENT 110 SHOTWELL COURT, HILLSBOROUGH, NC 27278
CHARLES FRANKLIN STEARNS	(1) VICE PRESIDENT 116 CHALFONT LANE, COLUMBIA, SC 29229
GERALD STUMP	(26) EXECUTIVE VICE PRESIDENT/CHIEF OPERATING OFFICER, U S. 537 SOLOMON DRIVE, FRANKLIN, TN 37064
SHAIKHO TALAL	(16) VICE PRESIDENT 4/F AL ATTAR GRAND BLDG , KHALID BIN AL WALEED ST., P O BOX 44212, DUBAI, U A.E
DAVID WILLIAM TAYLOR	(1) VICE PRESIDENT 4639 PAMLICO CIRCLE, COLUMBIA, SC 29206-1022
RALPH FRANK TREPAL	(27) REGIONAL VICE PRESIDENT 4386 ARCHER ROAD, CLEVELAND, OH 44105-6069
DONALD LEE VARY	(28) VICE PRESIDENT 7611 QUICKSILVER COURT, BOWIE, MD 20720
JAMES ARTHUR WALRATH	(29) VICE PRESIDENT 39 POMMELAY FARMS LANE, RED HOOK, NY 12571

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SEE PAGE 11

**WILBUR SMITH ASSOCIATES, INC.
LIST OF DIRECTORS AND OFFICERS**

RICHARD HALL WARD

(1) SENIOR VICE PRESIDENT
110 TREYBURN CIRCLE, IRMO, SC 29063

DAVID LEE WILVER

(25) VICE PRESIDENT
1901 SHOTWELL ROAD, CLAYTON, NC 27520

RONALD ELWOOD WOLCOTT

(3) VICE PRESIDENT
40 DREW DRIVE, EASTPORT, NY 11941

KRIS NORMAN WUESTEFELD

(6) VICE PRESIDENT
9 NORTH RACEBROOK ROAD, WOODBRIDGE, CT 06525

JOHN GREGORY YARBROUGH

(1) VICE PRESIDENT
206 HODSON HALL DRIVE, COLUMBIA, SC 29229

**WILBUR SMITH ASSOCIATES, INC.
LIST OF DIRECTORS AND OFFICERS**

INTERNATIONAL

UNITED KINGDOM CORPORATION

WILBUR SMITH ASSOCIATES, UK, LTD.

MILLEDGE STEVENSON SMITH	(30) CHAIRMAN OF THE BOARD AND CHIEF EXECUTIVE OFFICER 6125 MARTHA'S GLEN ROAD COLUMBIA, SC 29209-1312	DIRECTOR
JAMES WALTER HAMANN	(30) EXECUTIVE VICE PRESIDENT/CHIEF OPERATING OFFICER, INTERNATIONAL STATIONSPLEIN 8-K BT MAASTRICHT 6221 THE NETHERLANDS	DIRECTOR
DAVID RUSSELL DANFORTH	(30) REGIONAL VICE PRESIDENT 6329 WHITEOAK ROAD COLUMBIA, SC 29206-3360	DIRECTOR

HONG KONG CORPORATION

WILBUR SMITH ASSOCIATES, LTD.

MILLEDGE STEVENSON SMITH	(31) CHAIRMAN OF THE BOARD AND CHIEF EXECUTIVE OFFICER 6125 MARTHA'S GLEN ROAD COLUMBIA, SC 29209-1312	DIRECTOR
JAMES WALTER HAMANN	(31) EXECUTIVE VICE PRESIDENT/CHIEF OPERATING OFFICER, INTERNATIONAL STATIONSPLEIN 8-K BT MAASTRICHT 6221 THE NETHERLANDS	CHAIRMAN
STEVEN BRIAN DOERR	(31) SENIOR VICE PRESIDENT/CHIEF ENGINEER P.O. BOX 44212 DUBAI, UAE	DIRECTOR
SANTHOSH VASUMATHY KRISHNAN NAIR	(31) REGIONAL VICE PRESIDENT 1227 CREEKSIDE PLACE, SE SMYRNA, GA 30082	DIRECTOR

() = BUSINESS LOCATION
SEE PAGE 11

**WILBUR SMITH ASSOCIATES, INC.
LIST OF DIRECTORS AND OFFICERS**

INDIA COMPANY

WILBUR SMITH ASSOCIATES PRIVATE LIMITED

MILLEGE STEVENSON SMITH	(23) CHAIRMAN OF THE BOARD AND CHIEF EXECUTIVE OFFICER 6125 MARIHA'S GLEN ROAD COLUMBIA, SC 29209-1312	DIRECTOR
JAMES WALTER HAMANN	(23) EXECUTIVE VICE PRESIDENT/CHIEF OPERATING OFFICER, INTERNATIONAL STATIONSPLEIN 8-K9 BT MAASTRICHT 6221, THE NETHERLANDS	DIRECTOR
DAVID SCOTT JOHNSON	(23) SENIOR VICE PRESIDENT/CHIEF CHIEF FINANCIAL OFFICER 11 TRANQUIL POINT, LEXINGTON, SC 29072	DIRECTOR
SANTHOSH VASUMATHY KRISHNAN NAIR	(23) REGIONAL VICE PRESIDENT 1227 CREEKSIDE PLACE, SE, SMYRNA, GA 30082	COUNTRY MANAGER

CANADA CORPORATION

MILLEGE STEVENSON SMITH	(32) CHAIRMAN OF THE BOARD AND CHIEF EXECUTIVE OFFICER 6125 MARIHA'S GLEN ROAD COLUMBIA, SC 29209-1312	DIRECTOR
EDWARD D. WONG	(32) CANADIAN DIRECTOR 365 EVANS AVENUE, SUITE 604 TORONTO, ONTARIO M8Z 1K2	DIRECTOR

WILBUR SMITH ASSOCIATES, INC.
LIST OF DIRECTORS AND OFFICERS

DOMESTIC STATE-SPECIFIC COMPANIES

WILBUR SMITH ASSOCIATES, INC., OHIO

RALPH F. TREPAL, P.E.

4386 ARCHER ROAD
CLEVELAND, OH 44105-6069

PRESIDENT

ROBERT B. PARKER, P.E.

28852 SERENITY LANE
WICKLIPFE, OH 44092

DIRECTOR

WILBUR SMITH ASSOCIATES, INC., MICHIGAN

KIRK L. HAYBARKER, AICP

409 FARMSTEAD LANE
LANSING, MI 48917-3020

PRESIDENT

DOUGLAS A. LAVOIE, P.E.

13709 W ISLAND ROAD
FOWLER, MI 48835

DIRECTOR

MATTHEW D WENDLING, P.E.

13545 HUNTERS CROSSING
BATH, MI 48808

DIRECTOR

WILBUR SMITH ASSOCIATES, INC., DC/PC

CARLOS C. VILLARREAL, P.E.

11802 OLD GATE PLACE
ROCKVILLE, MD 20852-4416

PRESIDENT

MILLEDGE STEVENSON SMITH, P.E.

6125 MARTHA'S GLEN ROAD
COLUMBIA, SC 29209-1312

DIRECTOR

WILBUR SMITH ASSOCIATES, INC.
LIST OF DIRECTORS AND OFFICERS

WSA GROUP PE/PC, NEW YORK

ANOOSHED JANNESARI, P.E.

17 RELYEA ROAD
VOORHEESVILLE, NY 12186-9320

DIRECTOR

JAMES A. WALRAIH, P.E.

39 POMMELAY FARMS LANE
RED HOOK, NY 12571

DIRECTOR

() = BUSINESS LOCATION
SEE PAGE 11

**WILBUR SMITH ASSOCIATES, INC.
LIST OF DIRECTORS AND OFFICERS**

BUSINESS ADDRESS:

- (1) 1301 GERVAIS STREET (29201-3356), P. O. BOX 92, COLUMBIA, SC 29202-0092
- (2) 201 MISSION STREET, SUITE 1450, SAN FRANCISCO, CA 94105
- (3) 3 LEAR JET LANE, SUITE 202, LAIHAN, NY 12110-2314
- (4) 801 WARRENVILLE ROAD, SUITE 260, LISLE, IL 60532
- (5) 6709 CENTURION DRIVE, SUITE 220, LANSING MI 48917
- (6) 900 CHAPEL, SUITE 1400, NEW HAVEN, CT 06510-2408
- (7) P O. BOX 301285, RIYADH 11372, SAUDI ARABIA
- (8) 9800 RICHMOND AVENUE, SUITE 400, HOUSTON, TX 77042-4521
- (9) 257 EAST 200 SOUTH, SUITE 825, SALT LAKE CITY, UT 84111-2227
- (10) 3191 MAGUIRE BOULEVARD, SUITE 200, ORLANDO, FL 32803-3759
- (11) 371 COMMERCE COURT, SUITE B, VADNAIS HEIGHTS, MN 55127
- (12) 1100 MARION STREET, SUITE 200, KNOXVILLE, IN 37921-6856
- (13) 2835 BRANDYWINE ROAD, SUITE 400, ATLANTA, GA 30341-5540
- (14) 2108 WEST LABURNUM AVENUE, SUITE 210, RICHMOND, VA 23227
- (15) 465 EAST HIGH STREET, LEXINGTON, KY 40507-1938
- (16) KHALID BIN AL WALEED STREET, AL ATTAR GRAND BUILDING, 4TH FLOOR, DUBAI
- (17) 6600 CLOUGH PIKE, CINCINNATI, OH 45244
- (18) 810 GLENEAGLES COURT, SUITE 306, TOWSON, MD 21286
- (19) STATIONSPLEIN 8-K, BT MAASRICHT 6221, THE NETHERLANDS
- (20) 1475 N. SCOTTSDALE ROAD, SUITE 480, SCOTTSDALE, AZ 85257
- (21) 2040 LINGLESTOWN ROAD, SUITE 204, HARRISBURG, PA 17110
- (22) 9500 ARBORETIUM BLVD., SUITE 360, AUSTIN, TX 78759
- (23) NO 8, 2ND FLOOR, 80 FEETI ROAD, R. I. NAGAR, BANGALORE, INDIA 560 032
- (24) 503 MARIINDALE STREET, 6TH FLOOR, PITTSBURGH, PA 15212-5722
- (25) 421 FAYETTEVILLE STREET MALL, SUITE 1303 (27601-1742), P.O. BOX 2478, RALEIGH, NC 27602-2478
- (26) 6640 CAROTHERS PARKWAY, SUITE 160, FRANKLIN, IN 37067
- (27) 55 PUBLIC SQUARE, SUITE 600, CLEVELAND, OH 44113-1901
- (28) 3060 WILLIAMS DRIVE, SUITE 300, FAIRFAX, VA 22031
- (29) 112 DELAFIELD STREET, POUGHKEEPSIE, NY 12601
- (30) LINEN HALL, FOURTH FLOOR, 162-168 REGENT STREET, LONDON W1R 5TB, UNITED KINGDOM
- (31) UNIT 803-6, 8/F, TWO HARBOURFRON, 22 TAK FUNG STREET, HUNG HOM, KOWLOON, HONG KONG
- (32) 365 EVANS AVENUE, SUITE 604, TORONTO, ONTARIO M8Z 1K2

() = BUSINESS LOCATION
SEE PAGE 11

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0125

Sponsored by: County Executive FitzGerald/ Department of Development	A Resolution authorizing an economic development loan in the amount not-to-exceed \$500,000.00 to 7204 Pearl Road Associates, LLC, to assist in the acquisition and renovation of a facility located at 7204 Pearl Road, Middleburg Heights; 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.
---	--

WHEREAS, the Department of Development has recommended an Economic Development Loan in the amount of \$500,000.00 to 7204 Pearl Road Associates, LLC to assist in the acquisition and renovation of a 20,000 square foot facility located at 7204 Pearl Road, Middleburg Heights; and,

WHEREAS, the renovated facility will be the new headquarters for Audio Video Interiors and Safety Technologies, Inc. resulting in the relocation of 28 full-time jobs from Medina County and creating 5 new full-time jobs; and

WHEREAS, the County's Economic Development Loan Committee reviewed the request on June 9, 2010 and recommended approval by the Board of Cuyahoga County Commissioners on August 5, 2010, but said loan was not finalized or signed prior to commencement of the new government; and

WHEREAS, Section 7.01 of the Charter, County Economic Development, declares 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.

WHEREAS, it is necessary that this Resolution become immediately effective in order achieve progress towards the stated goal of the Charter of Cuyahoga County to promote economic development opportunities for the citizens of the County.

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

SECTION 1. That Council hereby authorizes an Economic Development Loan in the amount of \$500,000.00 to 7204 Pearl Road Associates, LLC to assist in the acquisition and renovation of a 20,000 square foot facility located at 7204 Pearl Road,

Middleburg Heights; authorizing the County Executive and/or the Interim Director of Development to execute all documents required in connection with said loan.

SECTION 2. It is necessary that this Resolution become immediately effective in order achieve progress towards the stated goal of the Charter of Cuyahoga County to promote economic development opportunities for the citizens 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

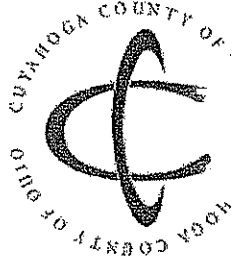
County Executive Date

Clerk of Council Date

First Reading/Referred to Committee:

Committees Assigned:

Journal _____
_____, 2011



Item Details:

Agency/Dept. Name:	Department Development	of	Agency/Dept. Head Name:	Baunach
Type of Request:	Other			
Request Prepared by:	Arnold Lockett	Telephone No.	216-443-3159	

SUMMARY OF REQUESTED ACTION:

Recommending a loan to 7204 Pearl Road Associates LLC in the amount not-to-exceed \$500,000 to assist in the acquisition and renovation of a facility located at 7204 Pearl Road Middleburg Heights, Ohio; requesting authority for the Director of Development or Deputy Chief of Staff for Development to execute the loan documents, amendments, subordination agreements and other instruments and agreements with such parties that may be required or appropriate to effectuate the loan.

The County's Economic Development Loan Committee reviewed the request on June 9, 2010 and recommended approval by the Board of Cuyahoga County Commissioners on August 05, 2010.

PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):

The economic development loan will assist in the finance cost associated with 7204 Pearl Road Associates , LLC in the acquisition of a 20,000 square foot facility located at 7204 Pearl Road Middleburg Heights, Ohio. The facility will be the new headquarters for Audio Video Interiors and Safety Technologies Inc. and Audio Video Interiors and Safety Technologies Inc. are relocating 28 full-time jobs from Medina and creating 5 new full-time jobs.

Note: Audio Video Interiors and Safety Technologies is the operating company for 7204 Pearl Road (the real estate holding company).

Source of Funds

Chase Bank \$456,000

Cuyahoga County 500,000
504 SBA Growth Capital 304,000
Equity 140,000

Total \$1,400,000

Department of Development recommending an economic development loan in the amount not-to-exceed \$500,000 to 7204 Pearl Road Associates LLC, for acquisition of a facility located at 7204 Pearl Road Middleburg Heights, Ohio; requesting authority for the County Administrator or Director to execute all documents required in connection with said loan.

Michael A. Pope owns 100% of Safety Technologies and Audio Video. He also owns 49% of 7204 Pearl Road Associates LLC, while his wife, Donna L. Leibold, owns the remaining 51% of the company. The limited liability company was created as a real estate holding entity that will lease 100% of the space to Safety Technologies, Inc. and Audio Video Interiors, Inc. (the Company).

Explanation for late submittal:

Contract/Agreement Information:

Procurement Method:

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

Financial Information:

Funding source:	Explanation:
Federal	Community Development Block Grant

Total Amount Requested:
\$500,000.00

ATTACHMENTS:

Click to download

- [Loan Write-up](#)
- [BOCC Resolution](#)

History

Time

Who

Approval

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0126

Sponsored by: County Executive FitzGerald/ Department of Development	A Resolution authorizing an economic development loan in the amount not-to-exceed \$53,000.00 to Archer Realty, LLC, for infrastructure improvements of its headquarters facility located at 15601 Brookpark Road, 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.
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WHEREAS, the Department of Development has recommended an economic development loan in the amount not-to-exceed \$53,000.00 to Archer Realty, LLC, for infrastructure improvements to property, located at 15601 Brookpark Road, Brook Park, Ohio; and,

WHEREAS, Archer Realty, LLC, is a holding company for Anchor Enterprises, a material handling company located in Brookpark, Ohio; and,

WHEREAS, the County's Economic Development Loan Committee reviewed the request on October 13, 2010, recommended approval and the loan was approved by the legislative authority of the former government on November 10, 2010; and,

WHEREAS, Anchor Enterprises has signed a Workforce Agreement in which it has committed to retaining 11 full-time positions and to creating 3 new positions within 3 years; and,

WHEREAS, it is necessary that this Resolution become immediately effective in order achieve progress towards the stated goal of the Charter of Cuyahoga County to promote economic development opportunities for the citizens of the County.

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

SECTION 1. The County Executive and/or the Director of the Department of Development are hereby authorized to execute all documents required for an economic development loan in the amount not-to-exceed \$53,000.00 to Archer Realty, LLC, for infrastructure improvements to property located at 15601 Brookpark Road, Brook Park, Ohio.

SECTION 2. It is necessary that this Resolution become immediately effective in order achieve progress towards the stated goal of the Charter of Cuyahoga County to promote economic development opportunities for the citizens 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

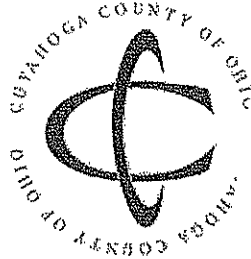
County Executive

Date

Clerk of Council

Date

Journal _____
_____, 2011



Item Details:

Agency/Dept. Name:	Department of Development	Agency/Dept. Head Name:	Dorothy C. Baunach
Type of Request:	Other		
Request Prepared by:	Arnold Lockett	Telephone No.	216 443-3159

SUMMARY OF REQUESTED ACTION:

Recommending an economic development loan to Archer Realty, LLC in the amount not-to-exceed \$53,000 to assist in the infrastructure improvements of a facility located at 15601 Brookpark Road, Brook Park, Ohio; requesting authority for the Director of Development or Deputy Chief of Staff for Development to execute the loan documents, amendments, subordination agreements and other instruments and agreements with such parties that may be required or appropriate to effectuate the loan.

The County's Economic Development Loan Committee reviewed the request on October 13, 2010 and recommended approval by the Board of Cuyahoga County Commissioners. The BOCC approved this loan on November 10, 2010.

The County's SBE policy does not apply as the loan amount being requested is below \$250,000.

PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):

The economic development loan will be used for infrastructure improvements to Archer Realty LLC's 19,000 square foot headquarters (a holding company for Anchor Enterprises - material handling company located 15601 Brookpark Road, Brook Park, Ohio). Anchor Enterprises will retain 11 full-time position and create 3 new positions jobs within three years.

Source of Funds
Fifth Third \$66,255
Cuyahoga County \$53,000

Owners Equity \$13,255

Total Sources \$132,510

George Archer owns 100% of Archer Realty,LLC. He also owns 100% of Anchor Enterprises which is the operating company.

Explanation for late submittal:

Contract/Agreement Information:

Procurement Method:

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

Financial Information:

Funding source: **Explanation:**
Federal Community Development Block Grant

Total Amount Requested:
\$53,000.00

ATTACHMENTS:

Click to download

- [Resolution](#)
- [Loan Write-up](#)
- [Community Support Letter](#)

History

Time

Who

Clerk of the Board

Approval

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0127

Sponsored by: County Executive FitzGerald/ Department of Development	A Resolution authorizing a Brownfields Revolving Loan Fund (BRLF) Subgrant award between the County of Cuyahoga, through the Department of Development, and the City of Cleveland, in the amount not-to-exceed \$454,953.00; authorizing the County Executive and/or Director of Development to execute all documents in relation to the Revolving Loan Fund Subgrant Agreement; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the Department of Development applied for and received a \$1.9 million United States Environmental Protection Agency (USEPA) American Recovery and Reinvestment Act Revolving Loan Fund grant in the amount of \$1.9 million; and,

WHEREAS, the funds are to be utilized for environmental cleanup activities, such as asbestos abatement, of eligible properties located in Cuyahoga County; and,

WHEREAS, City of Cleveland applied to the County for funding through the USEPA BRLF program for asbestos abatement services in connection with the former Warner & Swasey project located at 5701 Carnegie Avenue, Cleveland, Ohio in the amount not-to-exceed \$454,953.00 and the USEPA has deemed the project eligible; and,

WHEREAS, it is necessary that this resolution become immediately effective in order to achieve progress towards the stated goal of the Charter of Cuyahoga County to promote economic development opportunities for the citizens of the County.

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

SECTION 1. The County Executive and Director of Development are authorized to enter into a USEPA American Recovery and Reinvestment Act (ARRA) Brownfield Revolving Loan Fund subgrant award between County of Cuyahoga, on behalf of the Department of Development, and the City of Cleveland, for asbestos abatement in connection with the Warner & Swasey project located at 5701 Carnegie Avenue, Cleveland, Ohio, in the amount not-to-exceed \$454,953.00. The County Executive and/or the Director of Development are authorized to execute all necessary documents in relation to the Revolving Loan Fund Subgrant Agreement.

SECTION 2. It is necessary that this Resolution become immediately effective in order achieve progress towards the stated goal of the Charter of Cuyahoga County to promote economic development opportunities for the citizens 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

Journal _____
_____, 2011



Item Details:

Agency/Dept. Name:	Department Development	of Agency/Dept. Head Name:	Baunach
Type of Request:	Other		
Request Prepared by:	Laura Clark	Telephone No.	698.2575
SUMMARY OF REQUESTED ACTION:			
<p>Requesting the approval of United States Environmental Protection Agency (USEPA) American Recovery and Reinvestment Act (ARRA) Brownfield Revolving Loan Fund (BRLF) Subgrant award between the County of Cuyahoga, on behalf of the Department of Development, and the City of Cleveland for the former Warner & Swasey project located at 5701 Carnegie Avenue, Cleveland, Ohio, in the amount not-to-exceed \$454,953. Authorizing the Director of the Department of Development to sign all necessary documents in relation to the Revolving Loan Fund Subgrant Agreement.</p>			
PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):			
<p>PURPOSE: The Department of Development applied for (BOCC Resolution - 091708) and received a \$1.9 million USEPA ARRA RLF grant (BOCC Resolution - 094607). The funds are to be utilized for environmental cleanup activities, such as asbestos abatement, at eligible properties located in Cuyahoga County. FEDERAL FUNDS, NO GENERAL FUND DOLLARS. No match was required for this grant award; the Cooperative Agreement between the BOCC and U.S.EPA is attached. The following subgrant award is recommended; a project description and principal ownership information for the project is attached:</p> <p>City of Cleveland in the amount not-to-exceed \$454,953 for asbestos abatement project at former Warner & Swasey facility located at 5701 Carnegie Avenue, Cleveland, Ohio.</p>			
Award Recommendation Information: The Department announced that grant funds had been received and went back to the pipeline of projects that we had submitted to USEPA for funding. Unfortunately, the majority of the projects that were in our pipeline were no longer moving forward or had already moved forward. Therefore, the Department announced we were accepting applications through February 15; first come first served. We			

received five applications; three (Cleveland, Famicos, St. Martin de Porres) were part of that five, and were deemed eligible by USEPA; therefore, the County put them forward for BOCC approval (BOCC Resolution - 101709). The Department re-opened the application period through April 1, 2010; we received two additional applications (Detroit Shoreway and Lutheran). These two projects (Detroit Shoreway and Lutheran) were deemed eligible by USEPA; therefore, the County put them forward for BOCC approval (BOCC Resolution - 102814). As the Department has continued to identify eligible projects, we learned that ParkWorks, Inc. had environmental contamination on two sections of the planned LakeLink Trail. These two projects (LakeLink North and LakeLink South) were deemed eligible by USEPA; therefore, the County has put them forward for BOCC approval (BOCC Resolution - 104108). The Notre Dame College applied to the County for funding in November; USEPA deemed the project eligible in December, Cuyahoga County approved this project on January 25, 2011 - resolution pending. The city of Cleveland applied to the County for funding of the former Warner & Swasey project in January, 2011. USEPA deemed the project eligible and approved providing a \$454,953 subgrant to the City in January, 2011.

OUTCOMES: The City of Cleveland conducted an RFP for developers to redevelop the former Warner & Swasey buildings located in the Midtown Neighborhood. During the preliminary environmental investigations, it was determined the asbestos-containing building materials had never been removed from the building. The City is requesting financial assistance for the removal of the asbestos-containing building materials so the property can be redeveloped.

PRINCIPAL OWNERS: The Mayor of Cleveland is Frank Jackson.

Explanation for late submittal:

Contract/Agreement Information:

Procurement Method:

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

Financial Information:

Funding source:	Explanation:
Federal	U.S.EPA-2010 ARRA Supplemental BRLF
Total Amount Requested:	
\$454,953.00	

ATTACHMENTS:

Click to download

[Cooperative Agreement](#)

[Project Description](#)

History

Time

Who

Clerk of the Board

Approval

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0128

Sponsored by: County Executive FitzGerald/ Department of Development	A Resolution authorizing an economic development loan in the amount not-to-exceed \$500,000.00 to MB&W Consumer Collections, Inc. for the acquisition of a facility located at 7088 West 130 th Street, Middleburg Heights; 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.
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WHEREAS, the Department of Development has recommended an economic development loan in the amount not-to-exceed \$500,000.00 to MB&W Consumer Collections, Inc, for the acquisition of a facility located at 7088 West 130th Street in Middleburg Heights, Ohio, and,

WHEREAS, the proposed loan will be secured by a third mortgage on real estate at 7088 Pearl Road, Middleburg Heights, Ohio for which the County will hold a third position in the amount of \$500,000.00; and,

WHEREAS, MB&W Consumer Collections, Inc., will create 75 new jobs within the next three (3) years with an average annual salary of \$35,000.00; and,

WHEREAS, it is necessary that this Resolution become immediately effective in order achieve progress towards the stated goal of the Charter of Cuyahoga County to promote economic development opportunities for the citizens 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.

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

SECTION 1. The County Executive and/or the Director of the Department of Development are hereby authorized to execute all documents required for a an economic development loan in the amount not-to-exceed \$500,000.00 to MB&W Consumer Collections, Inc., for the acquisition of a facility located at 7088 West 130th Street in Middleburg Heights, Ohio.

SECTION 2. It is necessary that this Resolution become immediately effective in order achieve progress towards the stated goal of the Charter of Cuyahoga County

to promote economic development opportunities for the citizens 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

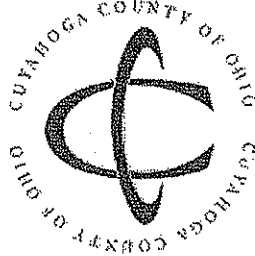
County Executive

Date

Clerk of Council

Date

Journal _____
_____, 2011



Item Details:

Agency/Dept. Name:	Department Development	of Agency/Dept. Head Name:	Dorothy Baunach
Type of Request:	Other		
Request Prepared by:	Arnold Lockett	Telephone No.	216-443-3159
SUMMARY OF REQUESTED ACTION:			
<p>Recommending an Economic Development loan to MB&W Consumer Collections, Inc, an Ohio corporation in the amount not-to-exceed \$500,000 to assist in the acquisition of a facility located at 7088 West 130th Street Middleburg Heights Ohio 44130; requesting authority for the Director of Development or Chief of Staff for Development to execute all documents amendments, subordination agreements and other instruments and agreements with such parties that may be required or appropriate to effectuate the loan.</p> <p>The County's loan will be secured by a third mortgage on real estate located at 7088 Pearl Road, Middleburg Heights, Ohio 44130. Fifth Third Bank has a mortgage for \$700,000, in first position, the State of Ohio will have a second position for \$600,000 and the County will have a third position for \$500,000.</p> <p>Loan to value - As is Appraised value: \$1,735,000 Building Improvements: 300,000 Total value: \$2,035,000 \$600,000 + \$500,000 + 700,000 = \$2,000,000 = 90% \$1,800,000</p> <p>PURPOSE/OUTCOMES - PRINCIPAL OWNER(S): MB&W Collections Inc. will create 75 new jobs within the next three years, which exceeds the County's employment creation requirements of 1 job created or retained for every \$35,000 of funds borrowed under the Economic Development Loan program. The average salary without benefits is \$35,000. Jobs Created · The types of jobs created are listed below. · 1 - Managers hourly rate - \$26.00 · 4 - Supervisors hourly rate - \$20.00 · 70 - Collections Representatives hourly rate - \$16.50</p> <p>Explanation for late submittal:</p>			

Contract/Agreement Information:

Procurement Method:

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

Financial Information:

Funding source: Explanation:

Federal

Community Development Block Grant

Total Amount Requested:

\$

ATTACHMENTS:

Click to download

- [Resolution](#)
- [Letter from Bank](#)
- [Loan Write-up](#)

History

Time

Who

Clerk of the Board

Approval

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0129

Sponsored by: County Executive FitzGerald/Department of Human Resources	A Resolution authorizing the County Executive to enter into a contract (No. CE1100132-01) with Union Eye Care Center, Inc. in the amount not-to-exceed \$549,010.20 for the provision of vision insurance to County employees for the period 1/1/2011 – 12/31/2013, and declaring the necessity that this Resolution become immediately effective.
--	---

WHEREAS, the Department of Human Resources has requested authorization to execute a contract with Union Eye Care for the period January 1, 2011 through December 31, 2013 in an amount not-to-exceed \$549,010.20 for the provision of vision insurance to County employees; and,

WHEREAS, the proposed contract was previously awarded by the former legislative authority of Cuyahoga County by Resolution No. 104604; and,

WHEREAS, execution of the contract will enable the Department of Human Resources to offer vision benefits to County employees for the period January 1, 2011 through December 31, 2013; and,

WHEREAS, it is necessary that this Resolution become immediately effective to provide for the usual, daily operation of the Department of Human Resources.

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

SECTION 1. The County Executive is hereby authorized to enter into Contract No. CE1100132-01 with Union Eye Care Center, Inc. for the period January 1, 2011 through December 31, 2013 in an amount not-to-exceed \$549,010.20 for the provision of vision insurance to County employees.

SECTION 2. It is necessary that this Resolution become immediately effective to continue the usual and daily operation of the Department of Human Resources. 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:

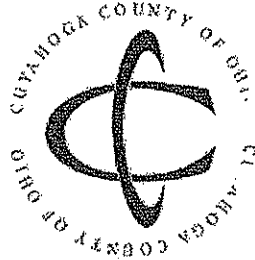
Nays:

County Council President Date

County Executive Date

Clerk of Council Date

Journal _____
_____, 2011



Item Details:

Agency/Dept. Name:	Office of Human Resources	Agency/Dept. Head Name:	Debbie Southerington
Type of Request:	Contract/Amendment		
Request Prepared by:	Jeannine Westlock	Telephone No.	216-443-5601
SUMMARY OF REQUESTED ACTION:			
The Board approved the attached awarded contract(s) by Resolution No. 17503 dated **/**/****. The following contracts are being submitted for signature.			
Union Eye Care Centers, Inc. - vision insurance \$549,010.20 for January 1, 2011 through December 31, 2013.			
PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):			
By signing agreements, we will be able to offer employees vision insurance for the years January 1, 2011 through December 31, 2013.			
Explanation for late submittal:			

Contract/Agreement Information:

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

Financial Information:

Funding source:	Explanation:
Other	Self hospitalization fund
Total Amount Requested:	
\$549,010.20	

ATTACHMENTS:

Click to download

- [Contract](#)
- [Electronic Signature](#)
- [UEC Agreement Exhibit A](#)
- [UEC Agreement Exhibit B](#)
- [Vision rates](#)
- [W-9](#)
- [FR](#)
- [DMA](#)
- [OC](#)
- [SOS](#)
- [PO](#)
- [EEOC](#)
- [BWC](#)
- [Personal Property](#)
- [UEC Bluebacks](#)
- [UEC SBE-1](#)
- [UEC SBE-2](#)
- [UEC Non Collusion](#)
- [UEC Certificate of Insurance](#)
- [UEC Corporate Resolution](#)
- [Final RFP - Vision & FSA - Part 1](#)
- [Cuyahoga County RFP FSA & Vision Part 2](#)
- [Final RFP - Vision & FSA - Part 3](#)
- [Cuyahoga County RFP FSA & Vision Part 4](#)
- [Cuyahoga County RFP FSA & Vision Part 5](#)
- [Cuyahoga County RFP FSA & Vision Part 6](#)
- [Cuyahoga County RFP FSA & Vision Part 7](#)
- [Cuyahoga County RFP FSA & Vision Part 8](#)
- [Cuyahoga County RFP FSA & Vision Part 9](#)
- [UEC's Proposal - Part 1](#)
- [UEC's Proposal - Part 2](#)
- [UEC's Proposal - Part 3](#)
- [UEC's Proposal - Part 4](#)
- [UEC's Proposal - Part 5](#)
- [UEC's Proposal - Part 6](#)
- [UEC's Proposal - Part 7](#)
- [UEC's Proposal - Part 7A](#)
- [UEC's Proposal - Part 8](#)
- [UEC's Proposal - Part 8A](#)
- [UEC's Proposal - Part 9](#)
- [104604](#)
- [BlueBack](#)
- [VOUCHER](#)

History

Time

3/3/2011 11:19 AM

3/4/2011 8:17 AM

Who

Clerk of the Board

County Auditor

County Prosecutor Civil

Approval

Yes

Yes

RQ 17503

Flex Spending Accts Revised again 8/27/10
 TABULATION OF PROPOSALS RECEIVED Revised 8/23/10

CUYAHOGA COUNTY

TABULATION OF PROPOSALS RECEIVED

DEPARTMENT NAME: Human Resources PROPOSAL DUE DATE: August 13, 2010
 RFP TITLE: Vision Insurance & Flex Spending Accounts RFP #: CC002 - 10 - 17503 SBE: 5%

VISION INSURANCE		TO BE COMPLETED BY SBE CONTRACT COMPLIANCE OFFICER				USER DEPT.
VENDOR NAME & ADDRESS	SBE SUBCONTRACTOR NAME AMOUNT & PERCENTAGE	SBE PRIME %	TOTAL SBE %	COMPLY Y/N	COMMENTS & INITIALS	AWARD Y/N
EyeMed Vision Care, LLC 4000 Luxottica Place Mason, Ohio 45040	Progressive Benefit Agency, Inc \$10,000.00 (2,500.00 monthly) 20% 5%/yr.		20%	Y	YMS ANA 8/24/10 nm 8/23/10 Revised	
Medical Mutual of Ohio 2060 East 9th Street Cleveland, Ohio 44115	Wilmington Ins. Agency \$34,350.00 5% Base at estimated annual cost		5%	Y	YMS ANA 8/24/10 nm 8/23/10 Revised	
Union Eye Care 4750 Beidler Road Willoughby, Ohio 44094	Solidarity Health Net work \$27,200.00 (a pro.) 5%		5%	Y	YMS ANA 8/24/10 nm 8/23/10 Revised	YES
Vision Benefits of America 300 Weyman Plaza Suite 400 Pittsburgh, PA 15236	Non Profit		0%	Y	YMS ANA 8/24/10 nm 8/23/10 Revised	

ELEANOR HAUGH / JS
 Department Signature of Approval / 8/13/10
 Date

J. ESCAMIERE
 OPD Buyer

Revised 8/27/10

CUYAHOGA COUNTY
 TABULATION OF PROPOSALS RECEIVED

DEPARTMENT NAME: Human Resources
 PROPOSAL DUE DATE: August 13, 2010
 RFP TITLE: Vision Insurance & Flex Spending Accounts
 RFP #: CC002 - 10 - 17503 SBE: 5%

TO BE COMPLETED BY OPD		TO BE COMPLETED BY SBE CONTRACT COMPLIANCE OFFICER				USER DEPT.
VENDOR NAME & ADDRESS	SBE SUBCONTRACTOR NAME AMOUNT & PERCENTAGE	SBE PRIME %	TOTAL SBE %	COMPLY Y/N	COMMENTS & INITIALS	AWARD Y/N
A Better Idea / <i>Charles Sydes</i> 3510 Irwin Simpson Road Mason, Ohio 45040	AA Blueprint Company \$1950,000 5%		5%	Y	<i>YMF 8/27/10</i> Revised 8/27/10 YMF They are requesting a full price when only submitting 2 items. I will submit more of the same companies. <i>YMF 8/27/10</i> Revised 8/27/10 YMF	
Ceridian Benefits Services 3201 34 th Street South St. Petersburg, FL 33711	na		0	N		
Medical Mutual of Ohio 2060 East 9 th Street Cleveland, Ohio 44115	Washington Insurance \$1,100,000 5%		5%	Y	<i>YMF 8/27/10</i> Revised 8/27/10 YMF	
Northwest Group Services Agency, Inc. 1910 Indianwood Circle Maurice, Ohio 43537	Cincoft Productions \$3,000.00 5%		5%	Y	<i>YMF 8/27/10</i> Revised 8/27/10 YMF	YES
Total Administrative Services Corporation 2302 International Lane Madison, WI 53704	Dicks Insurance Agency \$1,125.00 5%		5%	Y	<i>YMF 8/27/10</i> Revised 8/27/10 YMF	

J. Escamzys
 OPD Buyer
 Department Signature of Approval
 ELEANOR HAUGH / *JE*
 Date 10/12/10



Required Document for Award Recommendations to the
Cuyahoga County Board of County Commissioners

Please complete the following information and fax back to email to *rough@cuyahogacounty.us*
(Dept./Agency).

Company Name:	UNION EYE CARE CENTER, INC.
Primary Ownership:	CORPORATION
Title:	
Address:	4750 BEINLER RD., WILLOUGHBY, OH 44094
Phone Number:	(216) 986-9700 x 28
Name of Person Completing Form:	PAUL PREISZIG
Signature:	Paul Preiszig
Title:	Dir. ADMINISTRATION & GROUP SALES

If there is more than one (1) primary owner, please complete information for that / those person(s) as well.
If a corporation, please identify the CEO, President or other officers of the Corporation representing
shareholders.

Fax back to: () (Fax No.), Attn: (Dept. Contact).

Return document(s) required by (Date). Thank you.

Office of Procurement & Diversity, 112 Hamilton Court, Room 100, Cleveland, Ohio 44114
(216) 443-7200, FAX (216) 443-7206, Ohio Relay Service (TTY) 1-800-750-0750

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0130

Sponsored by: County Executive FitzGerald/Office of Procurement & Diversity	A Resolution authorizing the County Executive to enter into a contract (No. CE1100162-01, 02, 03, 04) with Ports Petroleum Company, Inc. in the amount not-to-exceed \$633,375.00 for gasoline for various County facilities for the period 1/1/2011 – 12/31/2011.
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WHEREAS, the County Executive/Procurement and Diversity has requested authorization to execute a contract with Ports Petroleum Company for the period January 1, 2011 through December 31, 2013 in an amount not-to-exceed \$633,375.00 for gasoline for various County facilities; and,

WHEREAS, the proposed contract was previously awarded by the former legislative authority of Cuyahoga County by Resolution No. 105050 after a competitive bidding process; and,

WHEREAS, Ports Petroleum Company, based in Wooster, Ohio, was the lowest bidder.

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

SECTION 1. The County Executive is hereby authorized to enter into Contract No. CE1100162-01,02,03,04 with Ports Petroleum Company, Inc. for the period January 1, 2011 through December 31, 2013 in the amount not-to-exceed \$633,375.00 for the provision of gasoline to various County facilities.

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

Journal _____
_____, 2011



Item Details:

Agency/Dept. Name:	Office of Procurement and Diversity	Agency/Dept. Head Name:	Lenora M. Lockett
Type of Request:	Submission of Awarded Contract		
Request Prepared by:	Kristen McNeil Kaspar	Telephone No.	(216) 443-7201
SUMMARY OF REQUESTED ACTION:			
Submitting a contract with Ports Petroleum Cos., Inc. in the amount not-to-exceed \$633,375.00 for Supply of Gasoline for the period January 1, 2011 through December 31, 2011 .			
PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):			
Principal Owner: Robert Lay, Government Sales Ports Petroleum 1337 Blachleyville Road Wooster, Ohio 44691			
Explanation for late submittal:			

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](#)

- PortsPetroleumContract
- Contract Attachment pt. 1 RQ 18462 Ports Petroleum Cos., Inc.
- Contract Attachment pt. 2 RQ 18462 Ports Petroleum Cos., Inc.
- Primary Ownership Ports Petroleum Cos., Inc.
- Workers'CompCertificate
- PortsPetroleumInsuranceCertificate
- Corporate Resolution
- W-9
- Blue Back
- Voucher

History

Time

3/7/2011 10:56 AM

Who

Clerk of the Board

County Auditor

Approval

Yes



BID DUE DATE November 2, 2010

OFFICE OF PROCUREMENT & DIVERSITY

TABULATION OF BIDS RECEIVED OVER \$25,000

CONTRACT PERIOD January 1, 2011 through December 31, 2011

REQUISITION NUMBER OC010-10-18462

REQUISITIONING DEPT. Office of Procurement and Diversity

COMMODITY DESCRIPTION Supply of Gasoline

NUMBER OF ITB'S SENT/RETURNED 7/5

ESTIMATE \$633,375.00 (not-to-exceed)

SBE GOALS 0%

TO BE COMPLETED BY OFD AND USER DEPARTMENT (P=PROCUREMENT; D=DEPARTMENT)		TO BE COMPLETED BY CONTRACT COMPLIANCE OFFICER						
BIDDER'S NAME & ADDRESS	BID BOND / CHECK	P - ADMINISTRATIVE D-TECHNICAL REVIEW	ACTUAL BID AMOUNT	SBE SUBCONTRACTOR NAME	PRICE PREFER. IF Y, SBE*	TOTAL SBE %	COMPLY Y/N	COMMENTS & INITIALS
Ports Petroleum Cos., Inc. 1337 Blackeyville Road Wooster, Ohio 44691	Bid Bond, \$30,000.00 - Ohio Casualty Insurance Company	P-YES-07 11-5-10	\$0.03583					
Petroleum Traders Corporation 7120 Pointe Inverness Way Fort Wayne, IN 46804	Bid Bond, \$30,000.00 - Hanover Insurance Company	P-YES-07 11-5-10	\$0.0370		N/A			
Great Lakes Petroleum Co. 4478 Johnston Parkway Cleveland, Ohio 44128	Bid bond, \$30,000.00 - Federated Mutual Insurance Company	P-YES-07 11-5-10	\$0.093					
RKA Petroleum Companies, Inc. 28340 Wick Road Romulus, MI 48174	Bid Bond, \$30,000.00 - Fidelity & Deposit Company of Maryland	P-YES-07 11-5-10	\$0.1776					

RQ 18462

* LOWEST BID REC'D \$ _____ RANGE OF LOWEST BID REC'D \$ _____ PRICE PREF % & \$ LIMIT: _____ MAX SBE PRICE PREF \$ _____

Tab sheet with SBE
October 1, 2009

BIDDERS NOTIFIED

DATE

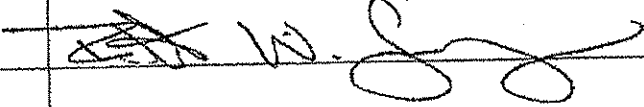
OEM APPROVAL
(If actual bid exceeds estimate)

duffy 11/10/10



Required Document for Award Recommendations to the Cuyahoga County Board of County Commissioners

Please complete the following information and fax back to the Office of Procurement & Diversity.

Company Name:	PORTS PETROLEUM
Primary Ownership:	CORPORATION
Title:	Govt Sales
Address:	1337 BLACKLEYVILLE
Phone Number:	330 9804 9106
Name of Person Completing Form:	ROBERT LAY
Signature:	
Title:	GOVT SALES

If there is more than one (1) primary owner, please complete information for that / those person(s) as well.
If a corporation, please identify the CEO, President or other officers of the Corporation representing shareholders.

Please e-mail back ASAP to jmtaylor@cuyahogacounty.us

Revised 11/14/2008

Office of Procurement & Diversity, 112 Hamilton Court, Room 100, Cleveland, Ohio 44114
(216) 443-7200. FAX (216) 443-7206, Ohio Relay Service (TTY) 1-800-750-0750

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0131

Sponsored by: County Executive FitzGerald and Juvenile Court	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.
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WHEREAS, the Youth and Family Community Partnership (YFCP) program was initiated following the closure in 2008 of the Cuyahoga County Youth Development Center in Hudson, Ohio; and,

WHEREAS, The YFCP program is a collaborative effort between the County and Juvenile Court that provides adjudicated youths with the opportunity to enter neighborhood based residential facilities for relatively short periods of time and to receive aftercare through the Juvenile Court's probation aftercare program; and,

WHEREAS, Juvenile Court entered into contracts with various local residential facilities participating in the YFCP program and has requested that these contracts be extended to enable the placement of adjudicated youth into the YFCP program; and,

WHEREAS, the local facilities provide a variety of services to adjudicated youths based on the level of care required, including, but not limited to, substance abuse treatment counseling, mental health treatment counseling, and other services designed to enhance pro-social decision-making and to avoid recidivism.

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

SECTION 1. The County Executive is hereby authorized to prepare and execute amendments to contracts with various providers for residential treatment services for the Youth and Family Community Partnership Program for the period January 1, 2010 through December 31, 2010 to exercise an option to extend the time period to December 31, 2011 and for additional funds as follows:

- a) No. CE1000125-01 with Applewood Centers, Inc., in the amount of \$550,000.00;
- b) No CE1000126-01 with Beech Brook in the amount of \$450,000.00;

- c) No. CE1000127-01 with Bellefaire Jewish Children's Bureau in the amount of \$500,000.00;
- d) No. CE1000129-01 with Catholic Charities Services Corporation dba Parmadale in the amount of \$500,000.00;
- e) No. CE1000130-01 with the Cleveland Christian Home Incorporated in the amount of \$500,000.00;
- f) No. CE1000132-01 with The Village Network in the amount of \$300,000.00.

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

Journal _____
_____, 2011



Item Details:

Agency/Dept. Name:	Juvenile Court	Agency/Dept. Head Name:	Marita Kavalec
Type of Request:	Authority To Prepare		
Request Prepared by:	Karen Lippmann	Telephone No.	698-4791

SUMMARY OF REQUESTED ACTION:

Rescinding resolutions 104847 and 104848 and Requesting authority to prepare an amendment with (a)Applewood Centers, Inc., to increase funds by \$550,000.00; (b)Beech Brook, to increase funds by \$450,000.00; (c)Bellefaire Jewish Childrens Bureau, to increase funds by \$500,000.00; (d)Catholic Charities Services Corporation, dba Parmadale, to increase funds by \$500,000.00; (e)The Cleveland Christian Home Incorporated, to increase funds by \$500,000.00; (f) New Directions, Inc.to increase funds by \$250,000.00; (g) The Vilage Network, to increase funds by \$300,000.00; for the Youth and Family Community Partnership residential treatment for the period Janaury 1, 2010 - December 31, 2010; to extend the time until December 31, 2011.

PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):

Executive Director of Applewood Centers, Inc.is Melanie Falls. Services are located at 2525 East 22nd Street, Cleveland, Ohio. Executive Director of Beech Brook is Debra Rex, Services are located at 3737 Lander Road, Pepper Pike, Ohio. Executive Director of Bellefaire JCB is Adam Jacobs. Services are located at 22001 fairmount Blvd., Shaker Heights, Ohio. Executive Director of Catholic Charities Services Corporation, DBA Parmadale is Maureen Dee. Services are located at 6753 State Road, Parma, Ohio. Executive Director of The Cleveland Christian Home Incorporatated is David Lundeen. Services are located at 2202 Prame Ave., Cleveland, Ohio. Executive Director of The Village Network is James Miller. Services are located at PO Box 508, Smithville, Ohio. Executive Director of Applewood Centers, Inc.is Melanie Falls. Services are located at 2525 East 22nd Street, Cleveland, Ohio. Executive Director of Beech Brook is Debra Rex, Services are located at 3737 Lander Road, Pepper Pike, Ohio. Executive Director of Bellefaire JCB is Adam Jacobs. Services are located at 22001. fairmount Blvd., Shaker Heights, Ohio. Principal owner of Carrington Youth Academy, LLC is Bernard Pawlikowsky. Services are located at 2114 Noble Road, East

Cleveland, Ohio. Executive Director of Catholic Charities Services Corporation, DBA Parmadale is Maureen Dee. Services are located at 6753 State Road, Parma, Ohio. Executive Director of The Cleveland Christian Home Incorporated is David Lundeen. Services are located at 2202 Prame Ave., Cleveland, Ohio. Executive Director of New Directions, Inc. Michael Matoney. Services are located at 30800 Chagrin Blvd., Pepper Pike, Ohio. Executive Director of The Village Network is James Miller. Services are located at PO Box 508, Smithville, Ohio. Executive Director of Applewood Centers, Inc. is Melanie Falls. Services are located at 2525 East 22nd Street, Cleveland, Ohio. Executive Director of Beech Brook is Debra Rex, Services are located at 3737 Lander Road, Pepper Pike, Ohio. Executive Director of Bellefaire JCB is Adam Jacobs. Services are located at 22001 fairmount Blvd., Shaker Heights, Ohio. Principal owner of Carrington Youth Academy, LLC is Bernard Pawlikowsky. Services are located at 2114 Noble Road, East Cleveland, Ohio. Executive Director of Catholic Charities Services Corporation, DBA Parmadale is Maureen Dee. Services are located at 6753 State Road, Parma, Ohio. Executive Director of The Cleveland Christian Home Incorporated is David Lundeen. Services are located at 2202 Prame Ave., Cleveland, Ohio. Executive Director of New Directions, Inc. Michael Matoney. Services are located at 30800 Chagrin Blvd., Pepper Pike, Ohio. Executive Director of The Village Network is James Miller. Services are located at PO Box 508, Smithville, Ohio.

- Executive Director of Applewood Centers, Inc. is Melanie Falls. Services are located at 2525 East 22nd Street, Cleveland, Ohio.

Executive Director of Beech Brook is Debra Rex, Services are located at 3737 Lander Road, Pepper Pike, Ohio. Executive Director of Bellefaire JCB is Adam Jacobs. Services are located at 22001 fairmount Blvd., Shaker Heights, Ohio. Principal owner of Carrington Youth Academy, LLC is Bernard Pawlikowsky. Services are located at 2114 Noble Road, East Cleveland, Ohio. Executive Director of Catholic Charities Services Corporation, DBA Parmadale is Maureen Dee. Services are located at 6753 State Road, Parma, Ohio. Executive Director of The Cleveland Christian Home Incorporated is David Lundeen. Services are located at 2202 Prame Ave., Cleveland, Ohio. Executive Director of New Directions, Inc. Michael Matoney. Services are located at 30800 Chagrin Blvd., Pepper Pike, Ohio. Executive Director of The Village Network is James Miller. Services are located at PO Box 508, Smithville, Ohio. 1. 75% of adjudicated YOUTH admitted to the program during the contract period will successfully complete the program.

2. 75% of adjudicated YOUTH admitted to the program will not recidivate within 6 months of successful release from the program.
3. 75% of adjudicated YOUTH admitted to the program will not recidivate within 12 months of successful release from the program.
4. 100% of the YOUTH and/or their families will be contacted within 48 hours of youth's admission to the program.
5. 100% of the YOUTH will be assessed and will have Individualized Service Plans developed for them within 30 days of admission to the program.
6. 100% of YOUTH will be enrolled in an educational/vocational program within 3 days of successful release from program.
7. 100% of YOUTH will demonstrate a drop in the Yo-LSI score at the time of discharge from the VENDOR'S residential facility.
8. 100% of YOUTH will demonstrate a drop in the Yo-LSI score after 6 months of successful discharge from the VENDOR'S residential facility.

9. 100% of YOUTH will demonstrate a drop in the Yo-LSI score after 12 months of successful discharge from the VENDOR'S residential facility.
10. 100% of YOUTH discharged on medication will have an appointment with a community-based psychiatrist within 30 days of successful release from program.
11. 70% of YOUTH will not require a psychiatric hospitalization within 3 months of successful release from the program.
12. 60% of YOUTH will not require a psychiatric hospitalization within 6 months of successful release from the program.
13. 50% of YOUTH will not require a psychiatric hospitalization within 12 months of successful release from the program.
14. 70% of YOUTH will not test positive for alcohol and/or drugs within 3 months of successful release from the program.
15. 60% of YOUTH will not test positive for alcohol and/or drugs within 6 months of successful release from the program.
16. 50% of YOUTH will not test positive for alcohol and/or drugs within 12 months of successful release from the program.

Executive Director of Applewood Centers, Inc. is Melanie Falls. Services are located in Cleveland, Ohio.

Executive Director of Beech Brook is Debra Rex, Services are located in Pepper Pike, Ohio.

Executive Director of Bellefaire JCB is Adam Jacobs. Services are located in Shaker Heights, Ohio.

Principal owner of Carrington Youth Academy, LLC is Bernard Pawlikowsky. Services are located in East Cleveland, Ohio.

Executive Director of Catholic Charities Services Corporation, DBA Parmadale is Maureen Dee. Services are located in Parma, Ohio.

Executive Director of The Cleveland Christian Home Incorporated is David Lundeen. Services are located in Cleveland, Ohio.

Executive Director of New Directions, Inc. Michael Matoney. Services are located in Pepper Pike, Ohio.

Executive Director of The Village Network is James Miller. Services are located in Smithville, Ohio.

Explanation for late submittal:

Contract/Agreement Information:

Procurement Method:

RFP (Request for Proposal)

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

Contract amounts based on utilization and extension of contract for an additional one year period

Financial Information:

Funding source:

Other

Explanation:

special revenue funds

Total Amount Requested:

\$3,200,00.00

ATTACHMENTS:

Click to download

- [draft amendment Applewood](#)
- [draft amendment BeechBrook](#)
- [draft amendment Bellefaire](#)
- [draft amendment CCSCParmadale](#)
- [draft amendment CleveChristianHome](#)
- [draft amendment VillageNetwork](#)
- [Applewood evaluation](#)
- [BeechBrook evaluation](#)
- [Bellefaire evaluation](#)
- [CCSC Parmadale evaluation](#)
- [CleveChristianHome evaluation](#)
- [VillageNetwork evaluation](#)
- [YFCP contract history](#)
- [RFP See pg 3](#)

History
Time

Who
Clerk of the Board

Approval

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

Contractor: Applewood Centers, Inc.

Contract/Agreement No.: CE1000125 **Time Period:** 1/1/10 - 12/31/10

Service Description: Youth and Family Community Partnership

Original Contract/Agreement Amount: \$150,000.00

Prior Amendment(s) Amount(s): \$350,000.00

Performance Indicators:

1. 75% of adjudicated YOUTH admitted to the program during the contract period will successfully complete the program.
2. 75% of adjudicated YOUTH admitted to the program will not recidivate within 6 months of successful release from the program.
3. 75% of adjudicated YOUTH admitted to the program will not recidivate within 12 months of successful release from the program.
4. 100% of the YOUTH and/or their families will be contacted within 48 hours of youth's admission to the program.
5. 100% of the YOUTH will be assessed and will have Individualized Service Plans developed for them within 30 days of admission to the program.
6. 100% of YOUTH will be enrolled in an educational/vocational program within 3 days of successful release from program.
7. 100% of YOUTH will demonstrate a drop in the Yo-LSI score at the time of discharge from the VENDOR'S residential facility.
8. 100% of YOUTH will demonstrate a drop in the Yo-LSI score after 6 months of successful discharge from the VENDOR'S residential facility.
9. 100% of YOUTH will demonstrate a drop in the Yo-LSI score after 12 months of successful discharge from the VENDOR'S residential facility.
10. 100% of YOUTH discharged on medication will have an appointment with a community-based psychiatrist within 30 days of successful release from program.
11. 70% of YOUTH will not require a psychiatric hospitalization within 3 months of successful release from the program.
12. 60% of YOUTH will not require a psychiatric hospitalization within 6 months of successful release from the program.
13. 50% of YOUTH will not require a psychiatric hospitalization within 12 months of successful release from the program.

Actual performance versus performance indicators (include statistics): 18 youth were released from this service provider from 1/1/10 – 9/30/10, 17 successfully released.

Rating of Overall Performance of Contractor (Check One):

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

Justification of Rating: Youth have successfully transitioned from the facility back to their home communities and families

Karen Lippman
User Department

10/4/10
Date

s: evaluation

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

Contractor: Beech Brook

Contract/Agreement No.: CE1000126 **Time Period:** 1/1/10 - 12/31/10

Service Description: Youth and Family Community Partnership

Original Contract/Agreement Amount: \$390,000.00

Prior Amendment(s) Amount(s): \$100,000.00

Performance Indicators:

1. 75% of adjudicated YOUTH admitted to the program during the contract period will successfully complete the program.
2. 75% of adjudicated YOUTH admitted to the program will not recidivate within 6 months of successful release from the program.
3. 75% of adjudicated YOUTH admitted to the program will not recidivate within 12 months of successful release from the program
4. 100% of the YOUTH and/or their families will be contacted within 48 hours of youth's admission to the program.
5. 100% of the YOUTH will be assessed and will have Individualized Service Plans developed for them within 30 days of admission to the program
6. 100% of YOUTH will be enrolled in an educational/vocational program within 30 days of successful release from program
7. 100% of YOUTH will demonstrate a drop in the Yo-LSI score at the time of discharge from the VENDOR'S residential facility
8. 100% of YOUTH will demonstrate a drop in the Yo-LSI score after 6 months of successful discharge from the VENDOR'S residential facility
9. 100% of YOUTH will demonstrate a drop in the Yo-LSI score after 12 months of successful discharge from the VENDOR'S residential facility
10. 100% of YOUTH discharged on medication will have an appointment with a community-based psychiatrist within 30 days of successful release from program.
11. 70% of YOUTH will not require a psychiatric hospitalization within 3 months of successful release from the program
12. 60% of YOUTH will not require a psychiatric hospitalization within 6 months of successful release from the program.
13. 50% of YOUTH will not require a psychiatric hospitalization within 12 months of successful release from the program.

Actual performance versus performance indicators (include statistics): 10 youth were released from this service provider from 1/1/10 – 9/30/10, 6 successfully released

Rating of Overall Performance of Contractor (Check One):

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

Justification of Rating: Youth have successfully transitioned from the facility back to their home communities and families

Karen Lygman
User Department

10/4/10
Date

s: evaluation

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

Contractor: Bellefaire JCB

Contract/Agreement No : CE1000127 Time Period: 1/1/10 - 12/31/10

Service Description: Youth and Family Community Partnership

Original Contract/Agreement Amount: \$475,000.00

Prior Amendment(s) Amount(s): \$25,000 00

Performance Indicators:

1. 75% of adjudicated YOUTH admitted to the program during the contract period will successfully complete the program.
2. 75% of adjudicated YOUTH admitted to the program will not recidivate within 6 months of successful release from the program.
3. 75% of adjudicated YOUTH admitted to the program will not recidivate within 12 months of successful release from the program.
4. 100% of the YOUTH and/or their families will be contacted within 48 hours of youth's admission to the program.
5. 100% of the YOUTH will be assessed and will have Individualized Service Plans developed for them within 30 days of admission to the program.
6. 100% of YOUTH will be enrolled in an educational/vocational program within 30 days of successful release from program.
7. 100% of YOUTH will demonstrate a drop in the Yo-LSI score at the time of discharge from the VENDOR'S residential facility.
8. 100% of YOUTH will demonstrate a drop in the Yo-LSI score after 6 months of successful discharge from the VENDOR'S residential facility.
9. 100% of YOUTH will demonstrate a drop in the Yo-LSI score after 12 months of successful discharge from the VENDOR'S residential facility.
10. 100% of YOUTH discharged on medication will have an appointment with a community-based psychiatrist within 30 days of successful release from program.
11. 70% of YOUTH will not require a psychiatric hospitalization within 3 months of successful release from the program.
12. 60% of YOUTH will not require a psychiatric hospitalization within 6 months of successful release from the program.
13. 50% of YOUTH will not require a psychiatric hospitalization within 12 months of successful release from the program.

Actual performance versus performance indicators (include statistics): 8 youth were released from this service provider from 1/1/10 – 9/30/10, 3 successfully released.

Rating of Overall Performance of Contractor (Check One):

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

Justification of Rating: Youth have successfully transitioned from the facility back to their home communities and families

Karen Lygman
User Department

10/4/10
Date

s: evaluation

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

Contractor: Catholic Charities Services Corp , dba Parmadale

Contract/Agreement No.: CE1000129 **Time Period:** 1/1/10 - 12/31/10

Service Description: Youth and Family Community Partnership

Original Contract/Agreement Amount: \$280,000.00

Prior Amendment(s) Amount(s): \$295,000.00

Performance Indicators:

1. 75% of adjudicated YOUTH admitted to the program during the contract period will successfully complete the program.
2. 75% of adjudicated YOUTH admitted to the program will not recidivate within 6 months of successful release from the program.
3. 75% of adjudicated YOUTH admitted to the program will not recidivate within 12 months of successful release from the program
4. 100% of the YOUTH and/or their families will be contacted within 48 hours of youth's admission to the program
5. 100% of the YOUTH will be assessed and will have Individualized Service Plans developed for them within 30 days of admission to the program.
6. 100% of YOUTH will be enrolled in an educational/vocational program within 3 days of successful release from program.
7. 100% of YOUTH will demonstrate a drop in the Yo-LSI score at the time of discharge from the VENDOR'S residential facility.
8. 100% of YOUTH will demonstrate a drop in the Yo-LSI score after 6 months of successful discharge from the VENDOR'S residential facility.
9. 100% of YOUTH will demonstrate a drop in the Yo-LSI score after 12 months of successful discharge from the VENDOR'S residential facility.
10. 100% of YOUTH discharged on medication will have an appointment with a community-based psychiatrist within 30 days of successful release from program.
11. 70% of YOUTH will not require a psychiatric hospitalization within 3 months of successful release from the program.
12. 60% of YOUTH will not require a psychiatric hospitalization within 6 months of successful release from the program
13. 50% of YOUTH will not require a psychiatric hospitalization within 12 months of successful release from the program.

Actual performance versus performance indicators (include statistics): 19 youth were released from this service provider from 1/1/10 - 9/30/10, 16 successfully released.

Rating of Overall Performance of Contractor (Check One):

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

Justification of Rating: Youth have successfully transitioned from the facility back to their home communities and families.

Karen Lyman
User Department

10/7/10
Date

s: evaluation

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

Contractor: The Cleveland Christian Home Incorporated

Contract/Agreement No.: CE1000130 **Time Period:** 1/1/10 - 12/31/10

Service Description: Youth and Family Community Partnership

Original Contract/Agreement Amount: \$350,000.00

Prior Amendment(s) Amount(s): \$150,000.00

Performance Indicators:

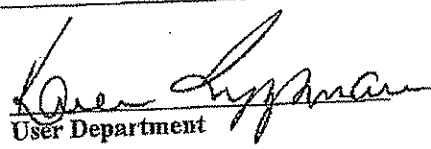
1. 75% of adjudicated YOUTH admitted to the program during the contract period will successfully complete the program
2. 75% of adjudicated YOUTH admitted to the program will not recidivate within 6 months of successful release from the program.
3. 75% of adjudicated YOUTH admitted to the program will not recidivate within 12 months of successful release from the program.
4. 100% of the YOUTH and/or their families will be contacted within 48 hours of youth's admission to the program.
5. 100% of the YOUTH will be assessed and will have Individualized Service Plans developed for them within 30 days of admission to the program
6. 100% of YOUTH will be enrolled in an educational/vocational program within 30 days of successful release from program
7. 100% of YOUTH will demonstrate a drop in the Yo-LSI score at the time of discharge from the VENDOR'S residential facility
8. 100% of YOUTH will demonstrate a drop in the Yo-LSI score after 6 months of successful discharge from the VENDOR'S residential facility
9. 100% of YOUTH will demonstrate a drop in the Yo-LSI score after 12 months of successful discharge from the VENDOR'S residential facility.
10. 100% of YOUTH discharged on medication will have an appointment with a community-based psychiatrist within 30 days of successful release from program
11. 70% of YOUTH will not require a psychiatric hospitalization within 3 months of successful release from the program.
12. 60% of YOUTH will not require a psychiatric hospitalization within 6 months of successful release from the program.
13. 50% of YOUTH will not require a psychiatric hospitalization within 12 months of successful release from the program.

Actual performance versus performance indicators (include statistics): 21 youth were released from this service provider from 1/1/10 - 9/30/10, 15 successfully released.

Rating of Overall Performance of Contractor (Check One):

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

Justification of Rating: Youth have successfully transitioned from the facility back to their home communities and families


User Department

10/4/10
Date

s: evaluation

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

Contractor: The Village Network

Contract/Agreement No.: CE1000132 **Time Period:** 1/1/10 - 12/31/10

Service Description: Youth and Family Community Partnership

Original Contract/Agreement Amount: \$335,000.00

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

Performance Indicators:

1. 75% of adjudicated YOUTH admitted to the program during the contract period will successfully complete the program.
2. 75% of adjudicated YOUTH admitted to the program will not recidivate within 6 months of successful release from the program.
3. 75% of adjudicated YOUTH admitted to the program will not recidivate within 12 months of successful release from the program.
4. 100% of the YOUTH and/or their families will be contacted within 48 hours of youth's admission to the program.
5. 100% of the YOUTH will be assessed and will have Individualized Service Plans developed for them within 30 days of admission to the program.
6. 100% of YOUTH will be enrolled in an educational/vocational program within 3 days of successful release from program.
7. 100% of YOUTH will demonstrate a drop in the Yo-LSI score at the time of discharge from the VENDOR'S residential facility.
8. 100% of YOUTH will demonstrate a drop in the Yo-LSI score after 6 months of successful discharge from the VENDOR'S residential facility.
9. 100% of YOUTH will demonstrate a drop in the Yo-LSI score after 12 months of successful discharge from the VENDOR'S residential facility.
10. 100% of YOUTH discharged on medication will have an appointment with a community-based psychiatrist within 30 days of successful release from program.
11. 70% of YOUTH will not require a psychiatric hospitalization within 3 months of successful release from the program.
12. 60% of YOUTH will not require a psychiatric hospitalization within 6 months of successful release from the program.
13. 50% of YOUTH will not require a psychiatric hospitalization within 12 months of successful release from the program.

Actual performance versus performance indicators (include statistics): 7 youth were released from this service provider from 1/1/10 – 9/30/10, 7 successfully released.

Rating of Overall Performance of Contractor (Check One):

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

Justification of Rating: Youth have successfully transitioned from the facility back to their home communities and families

Karen Chapman
User Department

10/4/10
Date

s: evaluation

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0132

Sponsored by: County Executive FitzGerald and Juvenile Court	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.
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WHEREAS, the Cuyahoga County Juvenile Court has requested authority to prepare and execute an amendment to contracts with various providers for residential treatment services to exercise an option to extend the time period to December 31, 2012 and for additional funds; and,

WHEREAS, residential treatment services are required pursuant to court orders involving adjudicated youths; and,

WHEREAS, Juvenile Court has entered into contracts with various local residential facilities for the provision of these services; and,

WHEREAS, the local facilities provide a variety of services to adjudicated youths based on the level of care required, including, but not limited to, substance abuse treatment counseling, mental health treatment counseling, sex offender, dual diagnosis and general offender treatment.

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

SECTION 1. The County Executive is hereby authorized to prepare and enter into amendments to contracts with various providers of residential treatment services to extend the time frames and for additional funds as follows:

- a) For the period February 1, 2010 through January 31, 2011: Contract No. CE1000260-01 with The Cleveland Christian Home Incorporated, for additional funds in the amount of \$300,000.00;
- b) For the period June 1, 2010 through January 31, 2011: Contract No. CE1000724-01 with The Glen Mills Schools, for additional funds in the amount of \$350,000.00.

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

Journal _____
_____, 2011



Item Details:

Agency/Dept. Name:	Juvenile Court	Agency/Dept. Head Name:	Marita Kavalec
Type of Request:	Authority To Prepare		
Request Prepared by:	Karen Lippmann	Telephone No.	698-4791
SUMMARY OF REQUESTED ACTION:			
Requesting authority to prepare amendments with (a) The Cleveland Christian Home Incorporated, (CE1000260) to increase funds by \$300,000.00; and (b) The Glen Mills Schools, (CE1000724) to increase funds by \$350,000.00; for traditional residential placement and treatment, and to extend the time until January 31, 2012.			
PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):			
Executive Director of The Cleveland Christian Home is David Lundeen. Services are located at 2202 Prame Avenue, Cleveland, OH 44109. Executive Director of The Glen Mills Schools is Garrison Ipock. Services are located at PO Box 5001, Concordville, Pennsylvania.			
Explanation for late submittal:			

Contract/Agreement Information:

Procurement Method:
RFP (Request for Proposal)
Explanation for Increase/Decrease in \$ Amount for current request:
Continue Services for an additional year

Financial Information:

Funding source:	Explanation:
General Fund	
Total Amount Requested:	

\$1,677,000.00

ATTACHMENTS:

Click to download

- [draft amendment Cleveland Christian Home](#)
- [draft amendment GlenMills](#)
- [exercising option page 8](#)
- [CleveChr-History](#)
- [CleveChr-Evaluation](#)
- [GlenMills-Evaluation](#)

History
Time

Who
Clerk of the Board

Approval


Copyright 2001-2009

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

Contractor: The Cleveland Christian Home, Incorporated

Contract/Agreement No.: CE1000260 **Time Period:** 2/1/10 – 1/31/11

Service Description: Residential treatment

Original Contract/Agreement Amount: \$180,000.00

Prior Amendment(s) Amount(s): \$20,000.00

Performance Indicators:

1. 75% of adjudicated YOUTH admitted to the program during the contract period will successfully complete the program
2. 75% of adjudicated YOUTH admitted to the program will not recidivate within 6 months of successful release from the program.
3. 75% of adjudicated YOUTH admitted to the program will not recidivate within 12 months of successful release from the program
4. 100% of the YOUTH and/or their families will be contacted within 48 hours of youth's admission to the program.
5. 100% of the YOUTH will be assessed and will have Individualized Service Plans developed for them within 30 days of admission to the program
6. 100% of YOUTH will be enrolled in an educational/vocational program within 3 days of successful release from program.
7. 100% of YOUTH will demonstrate a drop in the Yo-LSI score at the time of discharge from the VENDOR'S residential facility
8. 100% of YOUTH will demonstrate a drop in the Yo-LSI score after 6 months of successful discharge from the VENDOR'S residential facility.
9. 100% of YOUTH will demonstrate a drop in the Yo-LSI score after 12 months of successful discharge from the VENDOR'S residential facility.
10. 100% of YOUTH discharged on medication will have an appointment with a community-based psychiatrist within 30 days of successful release from program
11. 70% of YOUTH will not require a psychiatric hospitalization within 3 months of successful release from the program
12. 60% of YOUTH will not require a psychiatric hospitalization within 6 months of successful release from the program
13. 50% of YOUTH will not require a psychiatric hospitalization within 12 months of successful release from the program.

Actual performance versus performance indicators (include statistics): 4 youth were released from this service provider from 1/1/10 – 9/30/10, 4 successfully released

Rating of Overall Performance of Contractor (Check One):

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

Justification of Rating: Youth have successfully transitioned from the facility back to their home communities and families.

Karen Lygman
User Department

3/4/11 Date

s: evaluation

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

Contractor: The Glen Mills Schools

Contract/Agreement No.: CE1000724 **Time Period:** 6/1/10 – 1/31/10

Service Description: Residential treatment

Original Contract/Agreement Amount: \$170,000.00

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

Performance Indicators:

1. 75% of adjudicated YOUTH admitted to the program during the contract period will successfully complete the program.
2. 75% of adjudicated YOUTH admitted to the program will not recidivate within 6 months of successful release from the program.
3. 75% of adjudicated YOUTH admitted to the program will not recidivate within 12 months of successful release from the program.
4. 100% of the YOUTH and/or their families will be contacted within 48 hours of youth's admission to the program.
5. 100% of the YOUTH will be assessed and will have Individualized Service Plans developed for them within 30 days of admission to the program.
6. 100% of YOUTH will be enrolled in an educational/vocational program within 3 days of successful release from program.
7. 100% of YOUTH will demonstrate a drop in the Yo-LSI score at the time of discharge from the VENDOR'S residential facility.
8. 100% of YOUTH will demonstrate a drop in the Yo-LSI score after 6 months of successful discharge from the VENDOR'S residential facility.
9. 100% of YOUTH will demonstrate a drop in the Yo-LSI score after 12 months of successful discharge from the VENDOR'S residential facility.
10. 100% of YOUTH discharged on medication will have an appointment with a community-based psychiatrist within 30 days of successful release from program.
11. 70% of YOUTH will not require a psychiatric hospitalization within 3 months of successful release from the program.
12. 60% of YOUTH will not require a psychiatric hospitalization within 6 months of successful release from the program.
13. 50% of YOUTH will not require a psychiatric hospitalization within 12 months of successful release from the program.

Actual performance versus performance indicators (include statistics): 4 youth were released from this service provider from 1/1/10 – 9/30/10, 4 successfully released

Rating of Overall Performance of Contractor (Check One):

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

Justification of Rating: Youth have successfully transitioned from the facility back to their home communities and families.

Keren Lyzeman
User Department

3/4/11 Date

s: evaluation

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0133

Sponsored by: County Executive FitzGerald and Juvenile Court	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.
---	---

WHEREAS, the Cuyahoga County Juvenile Court has requested authority to prepare and execute an amendment to contracts with various providers for staff secure shelter services, to exercise an option to extend the time period to December 31, 2011, and for additional funds; and,

WHEREAS, staff secure shelter care services are necessary to alleviate the Detention Center population; and,

WHEREAS, Juvenile Court has entered into contracts with various providers of staff secure shelter services for the period January 1, 2010 through December 31, 2010 after utilizing a request for proposals process; and,

WHEREAS, Juvenile Court has determined that it is necessary to extend these contracts in order that staff secure shelter services shall be continued.

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

SECTION 1. The County Executive is hereby authorized to enter into amendments to contracts with various providers of staff secure shelter care services for the period January 1, 2010 through December 31, 2010, to extend the time frames to December 31, 2011 and for additional funds as follows:

- a) Contract No. CE1000091-01 with the Carrington Youth Academy LLC in the amount of \$916,052.00;
- b) Contract No. CE1000094-01, 02 with The Cleveland Christian Home Incorporated in the amount of \$527,948.00.

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:

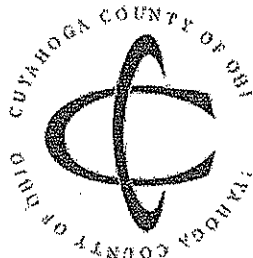
Nays:

County Council President Date

County Executive Date

Clerk of Council Date

Journal _____
_____, 2011



Item Details:

Agency/Dept. Name:	Juvenile Court	Agency/Dept. Head Name:	Marita Kavalec
Type of Request:	Agreement/Amendment		
Request Prepared by:	Karen Lippmann	Telephone No.	698-4791
SUMMARY OF REQUESTED ACTION:			
Submitting amendments to (a) Carrington Youth Academy LLC, (CE1000091) for additional funds in the amount of \$916,052.00; (b) The Cleveland Christian Home, Incorporated (CE1000094) for additional funds in the amount of \$527,948.00; for staff secure shelter care services for the period January 1, 2010 - December 31, 2010; and to extend the time from January 1, 2011-December 31, 2011			
PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):			
Carrington Youth Academy, LLC is a private for-profit entity funded by private equity and traditional banking financing. Advisory Board consists of Bernard Pawlikowsky, Brian Dean, David Tully-Smith and John Haugh, 2114 Noble Road, Cleveland, OH 44112. Services are provided in East Cleveland, Ohio			
The Cleveland Christian Home, Incorporated is a non-profit organization whose executive director is David Lundeen, Services are provided at 2202 Prame Avenue, Cleveland, Ohio.			
Explanation for late submittal:			
The item is late due to contract negotiations, holiday schedules, and processing issues.			

Contract/Agreement Information:

Procurement Method:	RFP (Request for Proposal)
Explanation for Increase/Decrease in \$ Amount for current request:	
Increase is due to program usage and to one of the service providers no longer providing sheltercare. Also, funding originally encumbered was known to not be able to cover the whole contract period, but state grant funds had not been allocated yet.	

Financial Information:

Funding source: Other	Explanation: RECLAIM and Special revenue funds
---------------------------------	--

Total Amount Requested:
\$1,444,000.00

ATTACHMENTS:

Click to download

- [sheltercare amend Carrington](#)
- [shltercare amend Cleveland Christian Home](#)
- [sheltercare amend Carrington DMA](#)
- [sheltercare amend Cleveland ChristianHome DMA](#)
- [sheltercare amend Carrington Campaign](#)
- [sheltercare amend Cleveland Christian Home campaign](#)
- [sheltercare amend Carrington eval](#)
- [sheltercare amend Cleveland Chrisitan Home eval](#)
- [sheltercare Carrington BB](#)
- [sheltercare ClevelandChristianHome BB](#)
- [shelter care contract history](#)
- [Carrington - History](#)
- [Cleveland Christian - History](#)

History

Time

3/8/2011 2:17 PM

Who

Office of Procurement &
Diversity

Clerk of the Board

Approval

Yes

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

Contractor: Carrington Youth Academy, LLC

Contract/Agreement No.: CE1000091-01 Time Period: 1-1-2010/12-31-2010

Service Description: Staff Secure Sheltercare

Original Contract/Agreement Amount: \$550,000

Prior Amendment(s) Amount(s): \$657,347.00

Performance Indicators:

- 1 75% of youth admitted to the program during the contract period will successfully complete the program
2. 95% of the youth will not have new charges filed while assigned to the program

Actual performance versus performance indicators (include statistics): During the last fiscal year 88% of the youth were successfully terminated from the program or 518 youth out of 590 youth admitted.

Rating of Overall Performance of Contractor (Check One):

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

Justification of Rating: Youth have successfully gone their next Court hearing without having a new charge.

Karen Lippmann (PP)
User Department

10-25-10
Date

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

Contractor: The Cleveland Christian Home Incorporated

Contract/Agreement No.: CE1000094-01 Time Period: 1-1-2010/12-31-2010

Service Description: Staff Secure Sheltercare

Original Contract/Agreement Amount: \$201,526

Prior Amendment(s) Amount(s): \$132,457.85

Performance Indicators:

1. 75% of youth admitted to the program during the contract period will successfully complete the program
2. 95% of the youth will not have new charges filed while assigned to the program.

Actual performance versus performance indicators (include statistics): During the last fiscal year 88% of the youth were successfully terminated from the program or 518 youth out of 590 youth admitted

Rating of Overall Performance of Contractor (Check One):

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

Justification of Rating: Youth have successfully gone their next Court hearing without having a new charge.

Karen Sippmann (Signature)
User Department

10-25-10
Date

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0134

<p>Sponsored by: County Executive FitzGerald/Department of Health and Human Services</p>	<p>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.</p>
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WHEREAS, the County of Cuyahoga, Ohio (herein called the "County") has previously issued various series of Hospital Improvement Revenue Bonds (the "Bonds"), the proceeds of which were used to assist University Hospitals Health System, Inc. and its predecessor University Hospitals of Cleveland (the "Hospital") in financing the costs of acquiring and approving certain Hospital Facilities as defined in Chapter 140 of the Ohio Revised Code; and

WHEREAS, in connection with the issuance of each series of the Bonds, the County and the Hospital entered into a Base Lease and various supplements and amendments thereto (said Base Lease, as so amended and supplemented, being hereinafter referred to as the "Base Lease"), pursuant to which the Hospital leased certain land (the "Leased Real Property") to the County; and

WHEREAS, in connection with the issuance of each series of the Bonds, the County and the Hospital have also entered into a Lease and various supplements and amendments thereto (said Lease, as so amended and supplemented, being hereinafter referred to as the "Lease"), pursuant to which the County leased to the Hospital the Leased Real Property; and

WHEREAS, in connection with the issuance of each series of the Bonds, the County and The Bank of New York Mellon Trust Company, N.A., as successor Trustee under the Amended and Restated Master Indenture dated as of June 15, 1989 (the "Trustee"), have previously entered into an Assignment of Rights Under A Lease and various supplements and amendments thereto (said Assignment, as so amended and supplemented, being hereinafter collectively referred to as the "Assignment"), wherein the County did grant to the Trustee certain of its rights as lessor under the Lease;

WHEREAS, the Hospital, as authorized by Section 10.1 of the Lease, desires to remove a portion of the Leased Real Property (the "Released Property") from the leasehold estates created in the Base Lease and the Lease; and

WHEREAS, the County is willing to amend the Base Lease, the Lease and the Assignment by executing a Fourteenth Supplemental Base Lease, a Fourteenth Supplemental Lease and a Tenth Supplemental Assignment of Rights Under A Lease (collectively, the "Supplemental Lease Documents") for the purpose of releasing the Released Property from the Leased Real Property;

WHEREAS, removing the Released Property from the leasehold estate is necessary for the property to be transferred to a third party who is developing a hotel on the property, it is found and determined that this Resolution is necessary to be effective immediately to promote, as stated in the Charter, the fundamental governmental purpose of economic growth and job creation.

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

SECTION 1. The County Executive is hereby authorized in the name and on behalf of the County to make, execute, acknowledge and deliver to the Hospital, the Supplemental Lease Documents in substantially the forms now on file with this Council in order to effect the release of and removal from the Base Lease, the Lease and the Assignment, and the leasehold estates created thereby, of the Released Property described in Exhibit A to the Supplemental Lease Documents. The Supplemental Lease Documents are, and each of them are hereby approved, with such changes therein not inconsistent with this Resolution and not adverse to the County as may be approved by the officers executing such documents on behalf of the County. The approval of such changes by said officers, and that such are not adverse to the County, shall be conclusively evidenced by the execution and delivery of such documents by such officers. The County Executive is authorized and directed to take any and all actions necessary or proper consistent with the terms of this Resolution, and of the Supplemental Lease Documents, to effect the release of the Released Property.

SECTION 2. It is necessary that this Resolution become effective immediately to promote, as stated in the Charter, the fundamental governmental purposes of economic growth and job creation. Provided this Resolution receives the affirmative vote of eight members of Council, it 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 adoption of this Resolution were adopted in an open meeting of this Board, and that all deliberations of this Board and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with the law.

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

Yeas:

Nays:

County Council President

Date

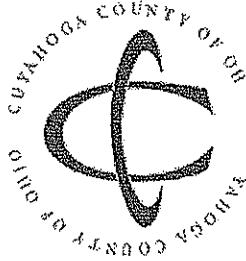
County Executive

Date

Clerk of Council

Date

Journal _____
_____, 2011



Item Details:

Agency/Dept. Name: Administrator's Office/Health and Human Services **Agency/Dept. Head Name:** Rick Werner

Type of Request: Other

Request Prepared by: Sabrina L. Roberts **Telephone No.:** 698-2316

SUMMARY OF REQUESTED ACTION:

The Office of Health & Human Services is submitting a request from Tucker Ellis & West LLP, on behalf of University Hospitals Health System, Inc. (UH), to adopt a resolution authorizing the execution of a Fourteenth Supplemental Base Lease, a Fourteenth Supplemental Lease and a Tenth Supplement 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; and authorizing other documents in connection with said release.

PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):

The proposed resolution would release a parcel of property located across Cornell Road from the new University Hospitals Cancer Center at the corner of Euclid Avenue and Cornell. (See attached maps)

This parcel needs to be removed from the definition of "leased real property" in the bond documents in order for the property to be transferred to a third party that is developing a hotel on the property.

All community benefits negotiated by the County that are in the Seventh Supplemental Lease of the Series 1999 and Series 2001 Bonds will remain in effect.

Contact:

Bond Counsel
Eugene M. Killeen
Tucker Ellis & West LLP
EKilleen@tuckerellis.com
(216) 696-3984

Principal Owner(s): University Hospitals, not-for-profit, Thomas F. Zenty III, CEO

Explanation for late submittal:

Contract/Agreement Information:

Procurement Method:

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

Financial Information:

Funding source: **Explanation:**

Total Amount Requested:

\$0

ATTACHMENTS:

Click to download

- [Resolution-UH Bond Change 3.22.11 mtg](#)
- [UH Bond Counsel letter for mtg 3.22.11](#)
- [Map drawings of land-UH property release for 3.22.11 mtg](#)
- [UH Bond cahnge-release prop for 3.22.11 mtg](#)
- [UH Bond changes-Hotel Plan Concepts for 3.22.11 mtg](#)

History

Time

Who

Clerk of the Board

Approval

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0076

Sponsored by: County Executive FitzGerald/Department of Public Works/County Engineer	A Resolution authorizing the County Executive to enter into an amendment (Subsidiary No. 1) to Contract No. CE1000315-01 with Perk Company, Inc. for rehabilitation of West 130 th Street from Snow Road to Brookpark Road in the Cities of Brook Park and Parma for a decrease in the amount of (\$226,457.98).
---	--

WHEREAS, the Department of Public Works has recommended approval of an amendment to Contract No. CE100315-01 with the Perk Company for rehabilitation of West 130th Street from Snow Road to Brookpark Road in the Cities of Brook Park and Parma for a decrease in the amount of (\$226,457.98); and,

WHEREAS, the original contract was in the amount of \$1,641,141.72 and the amendment will be for a reduction in the amount of (\$226,457.98), bringing the revised contract amount to \$1,414,683.74.

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 an amendment to Contract No. CE1000315-01 with the Perk Company, Inc. for rehabilitation of West 130th Street from Snow Road to Brookpark Road in the Cities of Brook Park and Parma for a decrease in the amount (\$226,457.98).

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: March 1, 2011
Committee(s) Assigned: Public Works, Procurement & Contracting

Journal _____
_____, 2011

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0077

Sponsored by: County Executive FitzGerald/Department of Public Works/County Engineer	A Resolution authorizing the County Executive to enter into an amendment (Subsidiary No. 1) to Contract No. CE1000334-01 with Burton Scot Contractors, LLC, for repair and resurfacing of Usher Road from Sprague Road to Bagley Road in the City of Olmsted Falls and Olmsted Township for a decrease in the amount of (\$20,941.27).
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WHEREAS, the Department of Public Works has recommended approval of an amendment to Contract No. CE1000334-01 with Burton Scot Contractors, LLC, for repair and resurfacing of Usher Road from Sprague Road to Bagley Road in the City of Olmsted Falls and Olmsted Township for a decrease in the amount of (\$20,941.27); and,

WHEREAS, the original contract was in the amount of \$1,211,850.00 and the amendment will be for a reduction in the amount of (\$20,941.27), bringing the revised contract amount to \$1,190,908.73.

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 an amendment to Contract No. CE1000334-01 with Burton Scot Contractors, LLC, for repair and resurfacing of Usher Road from Sprague Road to Bagley Road in the City of Olmsted Falls and Olmsted Township for a decrease in the amount of (\$20,941.27).

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: March 1, 2011
Committee(s) Assigned: Public Works, Procurement & Contracting

Journal _____
_____, 2011

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0078

<p>Sponsored by: County Executive FitzGerald/Department of Public Works/County Engineer</p>	<p>A Resolution authorizing the County Executive to prepare and enter into an amendment to Contract No. CE12377-01 with Glaus, Pyle, Schomer, Burns & DeHaven, Inc. dba GPD Associates for consultant engineering services for replacement of Bellaire Road Bridge No. 24 over Big Creek and replacement of West 130th Street Bridge No. 64 over a branch of Big Creek in the City of Cleveland and Village of Linndale for additional funds in the amount of \$243,541.66, and declaring the necessity that this Resolution become immediately effective.</p>
--	--

WHEREAS, the Department of Public Works has recommended approval for authority to prepare an amendment to Contract No. CE12377-01 with Glaus, Pyle, Schomer, Burns & DeHaven, Inc. dba GPD Associates for consultant engineering services for the replacement of Bellaire Road Bridge No. 24 over Big Creek and the replacement of West 130th Street Bridge No. 64 over a branch of Big Creek in the City of Cleveland and Village of Linndale for additional funds in the amount of \$243,541.66; and,

WHEREAS, additional funds are needed for the redesign of the project due to the Ohio Environmental Protection Agency (EPA) ruling that the additional culverting of this urban stream, as previously proposed for addressing slope failure along Kensington Avenue, will not be permitted; and,

WHEREAS, the original contract was in the amount of \$329,092.00 and the amendment will increase the contract total to \$564,566.62 and the Department of Public Works is attesting that these funds are necessary to complete the plans and specifications for the project.

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

SECTION 1. That the County Executive is hereby authorized to prepare and enter into an amendment to Contract No. CE12377-01 with Glaus, Pyle, Schomer, Burns & DeHaven, Inc. dba GPD Associates for consultant engineering services for the replacement of Bellaire Road Bridge No. 24 over Big Creek and the replacement

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0079

<p>Sponsored by: County Executive FitzGerald/Department of Public Works/County Engineer/Sanitary Engineering Division</p>	<p>A Resolution authorizing the County Executive to enter into an agreement for settlement of property rights in connection with repair of the Stumph Road Sewer Improvement, located in the City of Parma Heights, County Sewer District No. 1, in an amount equal to the approved appraisal fair market value estimate of \$9,150.00 for Parcel Nos. 473-21-002S & 473-21-029S (Permanent Sanitary Sewer Easements), 6330 Pearl Road, Cleveland, Ohio 44130, and declaring the necessity that this Resolution become immediately effective.</p>
--	--

WHEREAS, the Department of Public Works/Sanitary Engineer has determined it necessary to construct, maintain, operate and repair the Stumph Road Improvement Sewer, located in the City of Parma Heights, County Sewer District No.1; and,

WHEREAS, the Department of Public Works/Sanitary Engineer has determined it necessary to acquire permanent maintenance easements to enable the County to install a new sanitary sewer to discharge to the Northeast Ohio Regional Sewer District connection of Parma Heights relief sewer that will eliminate a 1920's era siphon ender to the Big Creek.

WHEREAS, the proposed sewer easements are in connections with Parcel Nos. 473-21-002 & 473-21-029 and the agreed upon purchase price is \$9,150.00, an amount equal to the approved fair market value estimate as determined by an appraiser certified by the Ohio Department of Transportation; and,

WHEREAS, the Department of Public Works/Sanitary Engineer recommends that this agreement be approved.

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 a settlement agreement for property rights in connection with the repair of the Stumph Road Sewer Improvement, located in the City of Parma Heights, County Sewer District No. 1, equal to the approved fair market value estimate as determined by an appraiser certified by the Ohio Department of Transportation.

SECTION 2. 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 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: March 1, 2011

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

Journal _____
_____, 2011

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0080

Sponsored by: County Executive FitzGerald/Department of Public Works/County Engineer/Sanitary Engineering Division	A Resolution authorizing the County Executive to grant Sewer Builder's Licenses for the Year 2011; authorizing the Director of Public Works to execute said licenses; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the Department of Public Works has received applications for sewer building licenses for the Year 2011 and has requested the authority to execute licenses; and,

WHEREAS, Sewer builders provide new sewer services for connecting homes and commercial developments to main line sewers and construct main line sewer systems in residential developments; and,

WHEREAS, the Sanitary Engineer licenses and renews licenses for sewer contractors to protect the general public by requiring that the contractors provide:

1. a \$5,000 bond and Power of Attorney for the bond.
2. proof of Public Liability and Property Damage Insurance in the amount of \$100,000/\$500,000 minimum; and,

WHEREAS, the Department of Public Works has determined that good and sufficient bond indemnifying the County of Cuyahoga accompanies such applications; and,

WHEREAS, new licensees are also required to provide evidence of experience and a \$60.00 annual fee, which is a source of revenue for the Sanitary Engineer.

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

SECTION 1. That the Director of Public Works is hereby authorized to execute 2011 sewer building licenses to the following license applicants that shall be effective through December 31, 2011:

1. AAA FLEXIBLE PIPE CORP., 7277 BESSEMER AVENUE,
CLEVELAND, OHIO 44127

2. A.B.V. CORPORATION, 36315 READING AVENUE, WILLOUGHBY, OHIO 44094
3. ANTHONY ALLEGA CEMENT CONTRACTOR, INC., 5585 CANAL ROAD, VALLEY VIEW, OHIO 44125
4. APPROVED PLUMBING CO., 770 KEN MAR INDUSTRIAL PARKWAY, BROADVIEW HTS., OHIO 44147
5. THE BEAVER EXCAVATING COMPANY, 2000 BEAVER PLACE S.W., CANTON, OHIO 44706
6. C.A. AGRESTA CONSTRUCTION CO., 4186 GREENVALE ROAD, SOUTH EUCLID, OHIO 44121
7. CAMINO CONSTRUCTION, INC., 1548 EAST 367TH STREET, EASTLAKE, OHIO 44095
8. CARMEN CANZONA, 10861 WILSON MILLS ROAD, CHARDON, OHIO 44024
9. CARRON ASPHALT PAVING, INC., 7615 BOND ST., SOLON, OHIO 44139
10. CIRO'S SEWER CLEANING, INC., 37100 RESEARCH DRIVE, EASTLAKE, OHIO 44095
11. CUNNINGHAM PAVING CO., 20814 AURORA ROAD, CLEVELAND, OHIO 44146-1006
12. D. FARINACCI EXCAVATING CO., INC., 34980 LAKELAND BOULEVARD, EASTLAKE, OHIO 44095
13. DOMENICK ELECTRIC SEWER CLEANING CO., INC., 35886 LAKELAND BOULEVARD, EASTLAKE, OHIO 44095
14. FANTOZZI & SON GENERAL CONTRACTORS, INC., 5627 WILSON MILLS ROAD, HIGHLAND HEIGHTS, OHIO 44143
15. FECHKO EXCAVATING, 865 W. LIBERTY STREET, MEDINA, OHIO 44256
16. FERRETTI PLUMBING, 6638 COMMONWEALTH BLVD, PARMA HTS, OHIO 44130
17. FORTUNA CONSTRUCTION COMPANY, INC., 3133 WATERFALL WAY, WESTLAKE, OHIO 44145

18. THE GREAT LAKES CONSTRUCTION CO., 2608 GREAT LAKES WAY, HINCKLEY, OHIO 44233
19. GWINN BROTHERS CONSTRUCTION, P.O. BOX 150, 1453 KINSMAN ROAD, NORTH BLOOMFIELD, OHIO 44450
20. H. JACKS PLUMBING & HEATING CO. OF MENTOR, INC., 29930 LAKELAND BOULEVARD, WICKLIFFE, OHIO 4409
21. HALLMARK EXCAVATING, INC., 482 BLACKBROOK ROAD, PAINESVILLE, OHIO 44077
22. HARVEY PLUMBING, INC., 4191 MAHONING ROAD, P.O. BOX 278, DIAMOND, OHIO 44412
23. J.R. SBROCCO PLUMBING INC., 29299 WILLOW LANE, WILLOUGHBY HILLS, OHIO 44092, MAILING ADDRESS P.O. BOX 43354, RICHMOND HTS., OHIO 44143
24. J.S. PARIS EXCAVATING, INC., 11550 MAHONING AVENUE, NORTH JACKSON, OHIO 44451
25. THE JOHN F. GALLAGHER, CO., 36360 LAKELAND BLVD., EASTLAKE, OHIO 44095
26. KENMORE CONSTRUCTION CO., INC., 700 HOME AVENUE, AKRON, OHIO 44310
27. KENT'S EXCAVATING SERVICES, INC., 9002 RYAN ROAD, SEVILLE, OHIO 44273
28. KING EXCAVATING CO., 35080 LAKELAND BOULEVARD, EASTLAKE, OHIO 44095
29. KMU TRUCKING & EXCAVATING, INC., 4436 CENTER ROAD, AVON, OHIO 44011
30. KODIAK CONSTRUCTION, INC., 4431 STONEY RIDGE, AVON, OHIO 44011
31. KRUMROY-COZAD CONSTRUCTION CORPORATION, 376 W. EXCHANGE ST., AKRON, OHIO 44302
32. LAKE COUNTY SEWER COMPANY, INC., 32900 LAKELAND BLVD., WILLOWICK, OHIO 44095
33. LASSNICK EXCAVATING, 7841 PROCTOR ROAD, PAINESVILLE, OHIO 44077

34. MARK SCHAFFER EXCAVATING & TRUCKING, INC., 1623 OLD STATE ROAD, NORWALK, OHIO 44857
35. MARRA SERVICES, INC., 31300 SOLON ROAD, STE. 12, SOLON, OHIO 44139
36. MODERN POURED WALLS, INC., 41807 ST. RT. 18, WELLINGTON, OHIO 44090
37. MONTE CONSTRUCTION CO., INC., 9290 AMBER WOOD DRIVE, KIRTLAND, OHIO 44094
38. MR. EXCAVATOR, INC. 8616 EUCLID-CHARDON RD, KIRTLAND OH 44094
39. NORHIO PLUMBING, INC., 11342 CHAMBERLAIN ROAD, AURORA, OHIO 44202
40. NORTHEAST OHIO TRENCHING SERVICE INC., 17900 MILES ROAD, WARENSVILLE HEIGHTS, OHIO 44128
41. OTTO FALKENBERG EXCAVATING INC., 9350 COIT ROAD, MANTUA, OHIO 44255
42. PRECISION EXCAVATING & GRADING CO., 2570 PRESSLER ROAD, AKRON, OHIO 44312
43. PROGRESSIVE POURED WALLS, LLC., 11280 AVON-BELDEN ROAD, GRAFTON, OHIO 44044
44. PRO-TRADES, 8281 Chardon Road, Suite D, Kirtland, Ohio 44094
45. R.J. PLATTEN CONTRACTING CO., 14490 YORK ROAD, NORTH ROYALTON, OHIO 44133
46. SCI INC., 7011 ST RT 45 P.O. BOX 306, ORWELL OH 44076
47. SITETECH, INC., 35700 E. ROYALTON ROAD, GRAFTON, OHIO 44044
48. SITEWORK DEVELOPING, INC., 9940 WATERFORD TRAIL, CHAGRIN FALLS, OHIO 44023
49. SOEHNLEN PIPING COMPANY, 4620 JOHNSTON PARKWAY, CLEVELAND, OHIO 44128
50. TERRACE CONSTRUCTION COMPANY, INC., 3965 PEARL ROAD, CLEVELAND, OHIO 44109

- 51. TONY & SON PLUMBING CO., 5308 CORTLAND RESERVE DRIVE, NORTH ROYALTON, OHIO 44133
- 52. TRIAD ENGINEERING & CONTRACTING CO., 7575 NORTHFIELD ROAD, WALTON HILLS, OHIO 44146
- 53. VALENTINO CAMARDO, 4911 MILLWOOD DRIVE, BROADVIEW HEIGHTS, OHIO 44147
- 54. THE VALLEJO COMPANY, INC., 4429 STATE ROAD, STE. 24, CLEVELAND, OHIO 44109
- 55. UNITED MECHANICAL CONTRACTORS, INC., 26660 LAKELAND BOULEVARD, EUCLID, OHIO 44132
- 56. UTILITIES CONSTRUCTION COMPANY, 645 SOUTH GREEN ROAD, SOUTH EUCLID, OHIO 44121

SECTION 2. 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 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: March 1, 2011
Committee(s) Assigned: Public Works, Procurement & Contracting

Journal CC001
March 22, 2011

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0081

Sponsored by: County Executive FitzGerald/Department of Public Works/Central Services	A Resolution authorizing the County Executive to enter into a revenue generating agreement with LifeBanc for lease of space at the County Coroner's Building, located at 11001 Cedar Avenue, Cleveland, for the period December 1, 2010 through December 31, 2013 for a fee to the County in the amount of \$27,600.00 per annum, and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the Department of Public Works has recommended approval of a lease agreement with LifeBanc, a non-profit corporation located at 4775 Richmond Road, Cleveland, Ohio 44128 for approximately 600 square feet of space identified in the basement or ground floor of the Coroner's Building located at 11001 Cedar Avenue, Cleveland, Ohio; and,

WHEREAS, if approved the term of the lease shall be for three (3) years and one month commencing December 1, 2010 to December 31, 2013 in the amount of \$2,300.00 per month for an annual total of \$27,600.00 with the option to extend the lease agreement for an additional two (2) years at a cost to be negotiated; and,

WHEREAS, there is language in the proposed lease agreement that reserves the right for either party to terminate the lease at any time with written 90 days notice; and,

WHEREAS, LifeBanc currently leases 277 square feet of space at the Coroner's Building and this lease has been in effect since 2009, generating \$18,000 annually for the County; and,

WHEREAS, LifeBanc has requested additional space and the Coroner is able to accommodate this request which will bring the total square footage leased by LifeBanc to 600 square feet, generating \$27,600 annually; and,

WHEREAS, LifeBanc provides a valuable service for many patients in need of organ donation and their location in the Coroner's Building allows them to act quickly in support of their mission.

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 an agreement with LifeBanc for lease of space at the County Coroner's Building, located at 11001 Cedar Avenue, Cleveland, for the period December 1, 2010 through December 31, 2013 for a fee in the amount of \$27,600.00 per annum.

SECTION 2. 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 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: March 1, 2011

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

Journal _____
_____, 2011

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0082

Sponsored by: County Executive FitzGerald/Department of Development	A Resolution approving a loan in the amount not-to-exceed \$1,000,000.00 to Blue Sky Campus, Inc. for a Brownfield Redevelopment Fund Project, located at 9501 Granger Road, Garfield Heights; 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.
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WHEREAS, the Department of Development is recommending approval of a Brownfield Redevelopment Fund Loan to Blue Sky Campus, Inc., in the amount not-to-exceed \$1,000,000.00; and,

WHEREAS, the loan request was reviewed by the County Economic Development Loan Review Committee on November 10, 2010 and was recommended for approval; and,

WHEREAS, Blue Sky Campus, Inc, an affiliate of OverDrive, Inc., has purchased the former Nestaway facility in Garfield Heights and plans to redevelop the property as the headquarters for OverDrive, Inc., a digital security firm for audio books, eBooks, music and videos; and,

WHEREAS, OverDrive, Inc. currently has over 100 employees and anticipates creating over 100 new jobs over the next few years with annual salaries ranging from \$35,000.00 to \$60,000.00; and,

WHEREAS, Section 7.01 of the Charter, County Economic Development, declares 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.

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

SECTION 1. That the County Executive and/or Director of Development are hereby authorized to execute all documents required in connection with a loan in the amount not-to-exceed \$1,000,000.00 to Blue Sky Campus, Inc. for a Brownfield Redevelopment Fund Project, located at 9501 Granger Road, Garfield Heights.

SECTION 2. This Resolution is hereby determined to be an emergency measure and that it is necessary that this Resolution become immediately effective in order

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0088

Sponsored by: County Executive FitzGerald/Department of Public Works	A Resolution accepting the rehabilitation of County parking lots and driveways located at the York Road maintenance yard in the City of North Royalton and the Fitch Road maintenance yard in Olmsted Township as complete and in accordance with plans and specifications; requesting authority for the County Treasurer to release the escrow account, in accordance with Ohio Revised Code Section 153.63, and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, The Department of Public Works has requested that the rehabilitation of County parking lots and driveways located at the York Road maintenance yard in the City of North Royalton and the Fitch Road maintenance yard in Olmsted Township be accepted as complete and in accordance with plans and specifications; and,

WHEREAS, The Department of Public Works/County Engineer has certified that project has been completed according to the plans and specifications; and,

WHEREAS, The Department of Public Works/County Engineer confirmed that the final cost of the project was paid in full in the amount of \$347,434.76, which was lower than the amount of the project estimate and the amount of the original contract with C.A. Agresta Construction Co.; and,

WHEREAS, the Department of Public Works has requested that the County Treasurer be authorized to release the escrow upon notification the County of Cuyahoga in accordance with R.C.153.63.

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

SECTION 1. The rehabilitation of County parking lots and driveways located at the York Road maintenance yard in the City of North Royalton and the Fitch Road maintenance yard in Olmsted Township is approved and is hereby accepted as being complete in accordance with plans and specifications as required by Contract No. CE1000552-01 with C.A. Agresta Construction Co.

SECTION 2. The County Treasurer is hereby authorized to release the escrow in the amount of \$7,138.50 plus any accrued interest upon notification from the County of Cuyahoga in accordance with R.C. 153.63.

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 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: March 8, 2011

Committee Assigned: Public Works, Procurement & Contracting

Journal CC001

March 22, 2011

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0089

Sponsored by: County Executive FitzGerald/Department of Public Works/County Engineer	A Resolution authorizing the County Executive to make an application for allocation from County Motor Vehicle \$5.00 License Tax Funds in the amount of \$2,009,091.22 for improvement of Stumph Road from Snow Road to Pearl Road in the Cities of Parma and Parma Heights, and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, pursuant to O.R.C. 4504.02, the County imposes a \$5.00 motor vehicle tax on each motor vehicle registered in the County and the funds derived from that tax may be utilized for the purposes set forth in the statute, including planning, construction, improvement, maintenance and repair of public roads; and,

WHEREAS, the Department of Public Works has determined that Stumph Road from Snow Road to Pearl Road in the cities of Parma and Parma Heights are in need of improvement; and,

WHEREAS, the Ohio Public Works Commission will pay 70% of the cost of the above referenced road improvement and the County and the Cities of Parma and Parma Heights will split the remaining amount.

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

SECTION 1. That the County Executive is authorized to make an application for allocation from County Motor Vehicle \$5.00 License Tax Funds, in the amount of \$2,009,091.22 for improvement of Stumph Road from Snow Road to Pearl Road in the Cities of Parma and Parma Heights.

SECTION 2. 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 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: March 8, 2011
Committee Assigned: Public Works, Procurement & Contracting

Journal CC001
March 22, 2011

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0090

Sponsored by: County Executive FitzGerald/Department of Public Works/County Engineer	A Resolution approving specifications and estimate of cost in the amount not-to-exceed \$1,800,000.00 for rehabilitation of Old Mill Road Bridge No. 162 over the Chagrin River in the Village of Gates Mills; authorizing the Department of Purchasing to advertise for bids on RQ19651, and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the Department of Public Works has submitted specifications and estimates of costs for the rehabilitation of Old Mill Road Bridge No. 162 over the Chagrin River in the City of Gates Mills and is requesting authority for the Director of the Office of Procurement and Diversity to advertise for bids; and,

WHEREAS, the funding for the project is as follows: 50% by the Ohio Public Works Commission and 50% from the County (\$7.50 License Tax Fund); and,

WHEREAS, the purpose of the request is to advertise for bids and obtain a qualified contractor to complete construction per plan at the lowest cost to the County.

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

SECTION 1. That the County Executive, through the Department of Procurement and Diversity, is authorized to advertise for bids on RQ # 19651 for the rehabilitation of Old Mill Road Bridge No. 162 over the Chagrin River in the City of Gates Mills consistent with the specifications and estimates of cost submitted by the Department of Public Works in the amount not-to-exceed \$1,800,000.

SECTION 2. 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 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: March 8, 2011
Committee Assigned: Public Works, Procurement & Contracting

Journal CC001
March 22, 2011

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0091

Sponsored by: County Executive FitzGerald/Department of Public Works/County Engineer/Sanitary Engineering Division	A Resolution authorizing the County Executive to grant Sewer Builder's Licenses for the Year 2011; authorizing the Director of Public Works to execute said licenses; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the Department of Public Works has received applications for sewer building licenses for the Year 2011 and has requested the authority to execute licenses; and,

WHEREAS, Sewer builders provide new sewer services for connecting homes and commercial developments to main line sewers and construct main line sewer systems in residential developments; and,

WHEREAS, the Sanitary Engineer licenses and renews licenses for sewer contractors to protect the general public by requiring that the contractors provide:

1. a \$5,000 bond and Power of Attorney for the bond.
2. proof of Public Liability and Property Damage Insurance in the amount of \$100,000/\$500,000 minimum; and,

WHEREAS, the Department of Public Works has determined that good and sufficient bond indemnifying the County of Cuyahoga accompanies such applications; and,

WHEREAS, new licensees are also required to provide evidence of experience and a \$60.00 annual fee, which is a source of revenue for the Sanitary Engineer.

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

SECTION 1. That the Director of Public Works is hereby authorized to execute 2011 sewer building licenses to the following license applicants that shall be effective through December 31, 2011:

1. ANGELO SALVATORE EXCAVATING, 9240 NOBLE PARK DRIVE, BRECKSVILLE, OHIO 44141
2. ANTONELLI BROTHERS, INC., 13436 CHILLICOTHE ROAD,

CHESTERLAND, OHIO 44026

3. BOB BENNETT CONSTRUCTION COMPANY, 2795 BARBER ROAD, NORTON, OHIO 44203
4. CLEVELAND WATERPROOFING, INC., 2501 WEST 3RD STREET, CLEVELAND, OHIO 44113
5. C.U.E. EXCAVATING CONTRACTORS, LLC., P.O. BOX 23036, CHAGRIN FALLS, OHIO 44023
6. D.B. BENTLEY, INC., 2649 NARROWS ROAD, PAINESVILLE, OHIO 44077
7. DEGREEN CONSTRUCTION SERVICES, INC., 8276 BRAKEMAN ROAD, PAINESVILLE, OHIO 44077
8. DIFRANCO & SON SEWER CLEANING CO., 36501 EDDY ROAD, WILLOUGHBY HILLS, OHIO 44094
9. DIGIOIA-SUBURBAN EXCAVATING, LLC, 11293 ROYALTON ROAD, NORTH ROYALTON, OHIO 44133
10. DINO'S CONTRACTING CO., 30160 EDDY ROAD, WILLOUGHBY HILLS, OHIO 44094
11. FIRESIDE BUILDERS, LLC, 6779 ENGLE ROAD, STE. K, NORTH ROYALTON, OHIO 44133
12. FRANK SALVATORE EXCAVATING, INC., 1435 OAKES ROAD, BROADVIEW HEIGHTS, OHIO 44147
13. GREAT LAKES CRUSHING, LTD., 35650 LAKELAND, EASTLAKE, OHIO 44095
14. INDEPENDENCE EXCAVATING, INC., 5720 SCHAAF ROAD, INDEPENDENCE, OHIO 44131
15. LOU SEVERINO CONSTRUCTION, INC., 1809 CEDARHURST DRIVE, WICKLIFFE, OHIO 44092
16. MILLER PLUMBING & HEATING CO., 196 BELL STREET, CHAGRIN FALLS, OHIO 44022
17. MR. ROOTER PLUMBING CORP., 31382 INDUSTRIAL PARKWAY, NORTH OLMSTED, OHIO 44070
18. NIRO EXCAVATION PLUS, INC., 7799 DUNHAM ROAD, WALTON HILLS, OHIO 44146

19. PODOJIL EXCAVATING CO., P.O. BOX 95, CHESTERLAND, OHIO 44026
20. PRECISE BORING OF OHIO, LLC, 10985 CLEARPORT ROAD, AMANDA, OHIO 43102
21. PRECISION ENGINEERING & CONTRACTING, INC., 31340 SOLON ROAD, SUITE 25 & 26, SOLON, OHIO 44139
22. P. SUGLIA TRENCHING CO., 35750 CHARDON ROAD, WILLOUGHBY HILLS, OHIO 44094
23. SCHIRMER CONSTRUCTION CO., 31350 INDUSTRIAL PARKWAY, NORTH OLMSTED, OHIO 44070
24. SHAW TRUCKING AND EXCAVATING, LTD., 3991 AVON LAKE ROAD, LITCHFIELD, OHIO 44253
25. THE SMITH & OBY COMPANY, 7676 NORTHFIELD ROAD, WALTON HILLS, OHIO 44146
26. TC CONSTRUCTION CO., INC., 2936 LYNN DRIVE, WILLOUGHBY HILLS, OHIO 44092

SECTION 2. 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 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: March 8, 2011
Committee Assigned: Public Works, Procurement & Contracting

Journal CC001
March 22, 2011

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0092

<p>Sponsored by: County Executive FitzGerald/Department of Public Works/County Engineer</p>	<p>A Resolution authorizing the County Executive to prepare and enter into an amendment (Subsidiary No. 1) to Contract No. CE1000111-01 with Suburban Maintenance & Construction, Inc. for replacement of Main Street Bridge No. 36 over Baldwin Creek in the Cities of Middleburg Heights and Strongsville for additional funds in the amount of \$82,720.99, and declaring the necessity that this Resolution become immediately effective.</p>
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WHEREAS, the Department of Public Works has requested authority to prepare an amendment (Subsidiary No. 1) to Contract CE1000111-01 with Suburban Maintenance & Construction, Inc., for the replacement of the Main Street Bridge No. 36 over Baldwin Creek in the Cities of Middleburg Heights and Strongsville for additional funds not-to-exceed \$82,720.99; and,

WHEREAS, the original contract was in the amount of \$534,267.10 and the amendment will be for an increase in the amount of \$82,720.99, bringing the revised contract amount to \$616,988.09 (15.5% over the original contract amount); and,

WHEREAS, a majority of these additional funds were needed as a result of the water line location shown on the original plan differing from the actual field location causing the need for a revised water line relocation plan.

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

SECTION 1. That the County Executive is hereby authorized to prepare and to execute an amendment (Subsidiary No. 1) to Contract No. CE1000111-01 with Suburban Maintenance & Construction, Inc. for replacement of Main Street Bridge No. 36 over Baldwin Creek in the Cities of Middleburg Heights and Strongsville for additional funds in the amount of \$82,720.99.

SECTION 2. 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 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: March 8, 2011

Committee Assigned: Public Works, Procurement & Contracting

Journal CC001
March 22, 2011

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0093

Sponsored by: County Executive FitzGerald/Department of Public Works/County Engineer	A Resolution authorizing the County Executive to enter into an amendment (Subsidiary No. 1) to Contract No. CE1000568-01 with Perk Company, Inc. for scour repair of Old Royalton Road Bridge No. 108 over Chippewa Creek in the City of Brecksville for a decrease in the amount of (\$17,081.83).
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WHEREAS, the Department of Public Works has recommended approval of an amendment to Contract No. CE1000568-01 with the Perk Company Inc, for the scour repair of Old Royalton Road Bridge No. 108 over Chippewa Creek in the City of Brecksville for a decrease in the amount of (\$17,081.83); and,

WHEREAS, the original contract was in the amount of \$179,800.00 and the amendment will be for a reduction in the amount of (\$17,081.83), bringing the revised contract amount to \$162,718.17, equal to 9.5% under the original contract amount.

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 an amendment to Contract No. CE1000568-01 with the Perk Company, Inc. for the scour repair of Old Royalton Road Bridge No. 108 over Chippewa Creek in the City of Brecksville for a decrease in the amount of (\$17,081.83).

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: March 8, 2011
Committee Assigned: Public Works, Procurement & Contracting

Journal _____
_____, 2011

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0094

Sponsored by: County Executive FitzGerald/Department of Public Works/County Engineer	A Resolution approving an award on RQ18812 to Fabrizi Trucking & Paving Co., Inc. in the amount of \$6,696,970.75 for improvement of Stumph Road from Snow Road to Pearl Road in the Cities of Parma and Parma Heights; 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 Department of Public Works has recommended an award on RQ#18812 to Fabrizi Trucking & Paving Co., Inc., in the amount of \$6,696,970.75 for the improvement of Stumph Road from Snow Road to Pearl Road in the Cities of Parma and Parma Heights; and,

WHEREAS, bids were received on January 27, 2011 and the engineer's estimate was \$7,930,000.00; and,

WHEREAS, the Department of Public Works/County Engineer tabulated the extension of the prices submitted by each bidder, verified the accuracy of the total amounts and determined Fabrizi Trucking & Paving Co., Inc. to be the lowest qualified bidder; and,

WHEREAS, funding for the project is as follows: 70% Ohio Public Works Commission (Issue 1), 15% County (\$5.00 License Tax Fund), 15% the Cities of Parma and Parma Heights.

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

SECTION 1. The recommended award on RQ#18812 for the improvement of Stumph Road from Snow Road to Pearl Road in the Cities of Parma and Parma Heights is approved and the County Executive is hereby authorized to execute a contract with Fabrizi Trucking & Paving Co., Inc., in an amount not-to-exceed \$6,696,970.75.

SECTION 2. 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 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: March 8, 2011

Committee Assigned: Public Works, Procurement & Contracting

Journal CC001

March 22, 2011

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0095

Sponsored by: County Executive FitzGerald/Department of Public Works/Sanitary Engineer	A Resolution approving an award on RQ18997 to Longo Sewer Construction, Inc. in the amount of \$378,993.00 for replacement of storm and sanitary sewers in Grannis Road and Thraves Road, located in the City of Garfield Heights, County Sewer District No. 9; 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 Department of Public Works has recommended an award on RQ#18997 to Longo Sewer Construction, Inc., in the amount of \$378,993.00 for the replacement of storm and sanitary sewers on Grannis & Thraves Roads in the City of Garfield Heights, Sewer District No. 9; and,

WHEREAS, Nine bids were received on January 18, 2011 and the Department of Public Works tabulated the extension of the prices submitted by each bidder, verified the accuracy of the total amounts and determined that Longo Sewer Construction, Inc. to be the qualified bidder with a 30.9% SBE participation; and,

WHEREAS, Longo Construction, Inc. submitted all necessary documentation per the proposal, plans, and specifications.

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

SECTION 1. The recommended award on RQ18997 for the replacement of storm and sanitary sewers on Grannis & Thraves Roads in the City of Garfield Heights is hereby approved and the County Executive is authorized to execute a contract with Longo Sewer Construction, Inc., in an amount not-to-exceed \$378,993.00.

SECTION 2. 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 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: March 8, 2011
Committee Assigned: Public Works, Procurement & Contracting

Journal CC001
March 22, 2011

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0096

<p>Sponsored by: County Executive FitzGerald/Department of Public Works/Central Services</p>	<p>A Resolution authorizing the County Executive to enter into an amendment (Change Order No. 1) to Contract No. CE900784-01 with E.S.I., Inc. for electrical services for the Courthouse Tower Interiors Project in connection with the Cuyahoga County Juvenile Justice Center Project to increase the Unforeseen Conditions Cash Allowance from \$570,439.00 to \$699,239.00 and for additional funds in the amount of \$128,800.00, and declaring the necessity that this Resolution become immediately effective.</p>
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WHEREAS, the Department of Public Works has recommended approval of an amendment to Contract No. CE900784-01 with E.S.I. Inc. for electrical services for the Courthouse Tower Interiors Project in connection with the Cuyahoga County Juvenile Justice Center Project to increase the Unforeseen Conditions Cash Allowance from \$570,439.00 to \$699,239.00 and for additional funds in the amount of \$128,800.00; and,

WHEREAS, the requested additional funds are for the purpose of adding wiring and backbone for the audio retrieval network system being purchased by the County; and,

WHEREAS, the Department of Public Works/Central Services has averred that the audio retrieval network is an essential component of the operation of the 32 courtrooms, providing digital audio recording, transcription, redundant storage, conversion to file formats and file management courtroom proceedings; and,

WHEREAS, the system is currently being requisitioned via State Term contract, from CourtSmart, a provider who supplies hardware and software and does not perform the wiring; and,

WHEREAS, E.S.I. Inc., the site electrical contractor, will install the electrical backbone and wiring, connecting the CourtSmart equipment in the 32 courtrooms.

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 an amendment (C.O. No. 1) to Contract No. CE900784-01 with E.S.I. Inc. for electrical

services for the Courthouse Tower Interiors Project in connection with the Cuyahoga County Juvenile Justice Center Project to increase the Unforeseen Conditions Cash Allowance from \$570,439.00 to \$699,239.00 and for additional funds in the amount of \$128,800.00.

SECTION 2. 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 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: March 8, 2011

Committee Assigned: Justice Affairs

Journal _____
_____, 2011

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0097

Sponsored by: County Executive FitzGerald/Department of Public Works/Central Services	A Resolution authorizing the County Executive to enter into an amendment (Change Order No. 2) to Contract No. CE900784-01 with E.S.I., Inc. for electrical services for the Courthouse Tower Interiors Project in connection with the Cuyahoga County Juvenile Justice Center Project to increase the Unforeseen Conditions Cash Allowance from \$699,239.00 to \$837,239.00 and for additional funds in the amount of \$138,000.00, and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the Department of Public Works/Central Services has recommended approval of an amendment to Contract No. CE900784-01 with E.S.I. Inc. for electrical services for the Courthouse Tower Interiors Project in connection with the Cuyahoga County Juvenile Justice Center Project to increase the Unforeseen Conditions Cash Allowance from \$699,239.00 to \$837,239.00 and for additional funds in the amount of \$138,000.00; and,

WHEREAS, the requested additional funds are for the purpose of adding wiring and antennae connections for the courtroom wireless computer connection system that is being provided by the Information Services Center; and,

WHEREAS, the Information Services Center is procuring the required antennae and software, and the wiring will need to be installed by the project's electrical contractor, E.S.I., Inc.; and,

WHEREAS, E.S.I., Inc. will install patches in the data closets, run cable and install 167 antennae to 167 wireless access points in the 32 courtrooms, including removal and replacement of ceiling tiles.

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 an amendment (C.O. No. 2) to Contract No. CE900784-01 with E.S.I. Inc. for electrical services for the Courthouse Tower Interiors Project in connection with the Cuyahoga County Juvenile Justice Center Project to increase the Unforeseen Conditions Cash Allowance from \$699,239.00 to \$837,239.00 and for additional funds in the amount of \$138,000.00.

SECTION 2. 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 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: March 8, 2011

Committee Assigned: Justice Affairs

Journal _____
_____, 2011

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0098

Sponsored by: County Executive FitzGerald/ Office of Procurement and Diversity	A Resolution approving an award on RQ19354 to CourtSmart Digital Systems, Inc. in the amount of \$625,277.00 for digital audio recording equipment for Juvenile Court in connection with the Cuyahoga County Juvenile Justice Center Project; authorizing the County Executive to enter into a contract consistent with said award, and declaring the necessity that this Resolution become immediately effective. (State Contract No. 7706600209/ ORC 125.04(B)).
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WHEREAS, the Office of Procurement and Diversity has recommended an award on RQ19354 to CourtSmart Digital Systems, Inc. in the amount of \$625,277.00 for the purchase of digital audio recording equipment for Juvenile Court in connection with the Cuyahoga County Juvenile Justice Center under State Term Schedule #7706600209, expiration date June 9, 2013; and,

WHEREAS, the digital and audio recording equipment is needed to replace and upgrade all current recording services for Juvenile Court; and,

WHEREAS, the purchase of this equipment will also centralize the DVD publishing archive system and the installation of new audio/video systems for courtrooms which includes eight portable hearing assist systems that are compliant with the Americans with Disabilities Act, and,

WHEREAS, the Automated Data Processing Board approved this request on January 18, 2011.

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

SECTION 1. The recommended award on RQ19354 for the purchase of digital audio recording equipment for Juvenile Court in connection with the Cuyahoga County Juvenile Justice Center under State Term Schedule #7706600209, expiration date June 9, 2013, is hereby approved, and the County Executive is authorized to execute a contract with CourtSmart in an amount not-to-exceed \$625,277.00.

SECTION 2. 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 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: March 8, 2011

Committee Assigned: Justice Affairs

Journal _____
_____, 2011

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0101

Sponsored by: County Executive FitzGerald/ Department of Development	A Resolution authorizing the issuance and sale of Self-supporting Housing Revenue Bonds in an amount not-to-exceed \$6,500,000.00 for Famicos Doan Classroom LLC for the purpose of rehabilitating, improving and equipping a senior housing facility for low and moderate income seniors; authorizing the execution and delivery of a Loan Agreement, Bond Purchase Agreement, Trust Indenture and Tax Regulatory Agreement; authorizing and approving the use and distribution of a disclosure document; approving related matters; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the County of Cuyahoga, Ohio (the "*County*"), a county and political subdivision in and of the State of Ohio (the "*State*"), is authorized and empowered by virtue of the laws of the State, including without limitation, Article VIII, Section 16 of the Ohio Constitution and Section 133.51 of the Ohio Revised Code (collectively, the "*Act*"), among other things, to: (i) acquire, finance, refinance, construct, renovate, improve and equip real and personal property to provide for senior housing and multifamily housing; (ii) issue its revenue bonds for the purpose of paying the costs thereof; (iii) enter into a loan agreement to provide for the loan of the proceeds of and revenues to pay the principal of and interest and any premium on those revenue bonds; (iv) secure those revenue bonds by the pledge and assignment of payments made to it under the loan agreement, and (v) adopt this Resolution, to enter into the Issuer Documents (as hereinafter defined), and to execute and deliver certain other statements, documents and instruments upon the terms and conditions provided in this Resolution and those documents and instruments; and

WHEREAS, this Council of the County of Cuyahoga, Ohio (the "*Council*"), pursuant to the foregoing authority and at the request of, and based upon the representations of, Famicos Doan Classroom LLC, an Ohio limited liability company (the "*Borrower*"), has determined that it is willing to authorize the issuance and sale of the County's Housing Revenue Bonds, Series 2011 in the maximum principal amount of \$6,500,000 to finance costs of rehabilitating, improving and equipping real and personal property located in the City of Cleveland to be used as an affordable senior housing facility containing approximately 45 units, to be owned by the Borrower (the "*Project*"), and in connection with that issuance and sale, to adopt this Resolution, to enter into the

Issuer Documents and to execute and deliver certain other statements, documents and instruments upon the terms set forth in this Resolution and those documents and instruments; and

WHEREAS, the Bonds will be issued pursuant to the provisions of the Act and a Trust Indenture (the "*Indenture*"), by and between the County and The Huntington National Bank, as trustee (the "*Trustee*"); and

WHEREAS, the operation of the Project will be subject to the provisions of a Tax Regulatory Agreement by and among the County, the Trustee, and the Borrower (the "*Regulatory Agreement*") and other tax-related agreements which are intended to ensure the excludability of interest on the Bonds from the gross income of the owners of the Bonds for federal income tax purposes; and

WHEREAS, the Bonds shall not represent or constitute a general obligation, debt or bonded indebtedness, or a pledge of moneys raised by taxation or the faith and credit of the County, the State or any political subdivision thereof, and the holders of the Bonds shall not be given and shall not have any right to have excises or taxes levied by this Council or the County, or the State or the taxing authority of any political subdivision thereof, for the payment of bond service charges or any other costs of the Project, and the Bonds will be payable solely from revenues of the Project and other monies available to the Borrower; and

WHEREAS, providing for the financing of the Project will confer a public benefit and serve the public interest by lowering the cost of maintaining, and expanding available housing opportunities for low and moderate income senior residents in the County, all in accordance with, and in furtherance of, the purposes of the Act.

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

SECTION 1. Definitions and Interpretations. All words and terms used herein as defined words and terms but not otherwise defined herein shall have the respective meanings given to them in the Indenture unless the context or use clearly indicates another or different meaning or intent:

"*Authorized Denominations*" means a denomination of \$5,000 or any whole multiple thereof.

"*Bond Counsel*" means the firm of Squire, Sanders & Dempsey (US) LLP or another firm of attorneys nationally recognized as having expertise with respect to the validity of obligations of states, political subdivisions and other public bodies and the treatment for federal income taxation of interest on those obligations.

“*Bond Purchase Agreement*” means the Bond Purchase Agreement among the Issuer, the Borrower and the Original Purchaser in connection with the sale and delivery of the Bonds.

“*Code*” means the Internal Revenue Code of 1986, the Treasury Regulations (whether temporary or final) under that Code or the statutory predecessor of that Code, and any amendments of, or successor provisions to, the foregoing and any official rulings, announcements, notices, procedures and judicial determinations regarding any of the foregoing, all as and to the extent applicable. Unless otherwise indicated, reference to a section of the Code includes any applicable successor section or provision and the applicable Treasury Regulations, rulings, announcements, notices, procedures and determinations pertinent to that section.

“*County Executive*” means the County Executive of the County.

“*Depository*” means any securities depository that is a clearing agency under federal law operating and maintaining, with its participants or otherwise, a book entry system to record ownership of book entry interests in the Bonds, and to effect transfers of book entry interests in the Bonds, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

“*Loan Agreement*” means the Loan Agreement, dated as of the date of the Indenture, between the County and the Borrower.

“*Fiscal Officer*” means the Fiscal Officer of the County.

“*Issuer Documents*” means the Indenture, the Loan Agreement, the Regulatory Agreement, the Assignment, if any, and the Bond Purchase Agreement.

“*Original Purchaser*” means The Sturges Company, Dublin, Ohio.

Any reference to this Council, the County or to its members or officers, or to other public officers, boards, commissions, departments, institutions, agencies, bodies or entities, shall include those which succeed to their functions, duties or responsibilities by operation of law and also those who at the time may legally act in their place.

Any reference to a section or provision of the Ohio Constitution or the Ohio Revised Code or other laws of the State shall include such section, provision and laws as may from time to time be amended, modified, revised or superseded, provided that no amendment, modification, revision, supplement or superseding section, provision or chapter shall be applicable solely by reason of this provision if it constitutes in any way an impairment of the rights or obligations of the County, the Holders, the Trustee, this Resolution, the Bonds, or any other instrument or document entered into in connection with any of the foregoing.

SECTION 2. Authorization of the Bonds. Based upon the representations of the Borrower, this Council finds and determines that (A) it is necessary to, and the County shall, issue, sell and deliver, as provided and authorized herein and pursuant to the Act, self-supporting housing revenue bonds (the "Bonds") of the County in an aggregate principal amount not to exceed \$6,500,000, for the purpose of paying (i) costs of rehabilitating, improving and equipping the Project, (ii) interest to accrue on the Bonds from their date and during the estimated construction and renovation period of the Project, and (iii) certain costs associated with the issuance of the Bonds; and (B) the Project and the financing thereof by the issuance of the Bonds will further the public purpose of better providing adequate housing in this County and the State and improving the economic and general well-being of the people of the County and the State. The Bonds shall be designated "County of Cuyahoga, Ohio Housing Revenue Bonds, Series 2011 (Doan Classroom Apartments Project)."

SECTION 3. Terms and Provisions of the Bonds

(a) Bond Terms. The Bonds shall (i) be issuable only in fully registered form and substantially as set forth in the Indenture; (ii) be exchangeable only for Bonds of the same series in Authorized Denominations, as provided in the Indenture; (iii) be numbered in a manner determined by the Trustee which will distinguish each Bond of a series from each other Bond of that series; (iv) be dated as set forth in the Indenture, provided that such date shall not be later than December 31, 2011; (v) bear interest from the most recent date to which interest has been paid or duly provided for, or if no interest has been paid or duly provided for, from their date of delivery, at the rates set forth in the Indenture, provided that the rates for the Bonds shall not exceed 7% per year (computed on a 360-day per year basis); (vi) payable on the interest payment dates set forth in the Indenture and the Indenture; (vii) be subject to optional redemption, extraordinary optional redemption and mandatory redemption, including mandatory sinking fund redemption, in accordance with the Indenture; and (viii) mature, subject to prior redemption as set forth above, on the dates set forth in the Indenture, the final maturity date of which shall not exceed 30 years from their date of delivery.

(b) Method of Payment; Paying Agents. The principal of and any premium and interest on the Bonds (the "*Bond Service Charges*") shall be payable as provided in the Indenture without deduction for the services of any paying agent. The Trustee initially shall be paying agent for the Bonds and may designate additional paying agents as provided in the Indenture.

(c) Execution. The Bonds shall be signed by the County Executive. Neither the County Executive, the members of this Council nor any person executing the Bonds shall be liable personally on the Bonds by reason of issuance thereof. In case the County Executive shall cease to be in office before the issuance or delivery of the Bonds, such signature or facsimile thereof shall nevertheless be valid and sufficient for all purposes, the same as if he or she had remained in office until after that time.

(d) Book-Entry System. The Bonds are permitted, but not required, to be issued to the Depository for holding in a book-entry system as provided in the Indenture, as the official(s) or member(s) executing and delivering the Indenture shall approve in the manner described in and under authority of Section 8 hereof.

SECTION 4. Sale of the Bonds.

(a) Generally. The Bonds are sold and awarded to the Original Purchaser on such terms that are in accordance with the Act, are authorized or not inconsistent with this Resolution, are not materially adverse to the County, and as are provided for or specified in the Bond Purchase Agreement. The purchase price for the Bonds may not be less than 98% of the aggregate principal amount of the Bonds (or, if the Bonds are sold at any original issue discount, 98% of the amount resulting from the subtraction of the aggregate net original issue discount from the aggregate original principal amount of the Bonds), plus any interest accrued on Bonds from their date to their delivery date. The original issue discount, if any, shall not exceed in the aggregate 5%. The County Executive, or the Fiscal Officer at the direction of the County Executive, are authorized and directed to execute the Bond Purchase Agreement, in order to provide for the definitive terms and terms of sale and award to the Original Purchaser of the Bonds as provided in this Resolution, but in any event not later than December 31, 2011. The Bond Purchase Agreement shall not be inconsistent with this Resolution, and shall be approved by the County Executive, or the Fiscal Officer at the direction of the County Executive, their execution of the Bond Purchase Agreement to constitute conclusive approval, and a finding that the terms are not materially adverse to the County, on behalf of the County.

The County Executive, the Clerk of this Council and the Fiscal Officer are authorized and directed, alone or together, to make the necessary arrangements, as directed by the Trustee and upon the advice of Bond Counsel, with the Original Purchaser to establish the date, location, procedure and conditions for the delivery of the Bonds to the Original Purchaser. The County Executive is further authorized and directed to make the necessary arrangements for the printing of the Bonds and the execution, authentication and delivery of the Bonds to the Original Purchaser under the terms of this Resolution, the Indenture and the Bond Purchase Agreement.

(b) Official Statement. The County hereby consents to the use and distribution by the Original Purchaser of an offering document, in its preliminary and final forms, relating to the original issuance of the each series of Bonds. Except to the extent described in the Bond Purchase Agreement, the County has not confirmed, and assumes no responsibility for, the truthfulness, accuracy, completeness, sufficiency or fairness of any statements in the offering document, in its preliminary and final forms, or any amendments thereof or supplements thereto, or in any reports, financial information, offering or disclosure documents or other information relating to the Original Purchaser, the Lender, the Trustee, the Project, the Borrower or the history, businesses, properties, organization,

management, financial condition, market area or any other matter relating to the Borrower or contained otherwise in the offering document, or with respect to the Depository, any federally insured mortgage loan program, any investment agreements and the providers thereof, or the Original Purchaser.

SECTION 5. Loan and Terms Thereof. This Council authorizes and approves the loan of the Bond proceeds by the County to the Borrower pursuant to the terms of the Indenture, the Loan Agreement and the Regulatory Agreement, each substantially in the form now on file with the Clerk of this Council, to assist in financing the Project.

SECTION 6. Security for the Bonds. The Bonds shall be special, limited obligations of the County and the principal of and any premium and the interest on the Bonds shall be (i) payable solely from the revenues pledged therefor in the Indenture and (ii) secured by the trust estate identified in the Indenture.

Anything in this Resolution or the Bonds to the contrary notwithstanding, the Bonds do not and shall not represent or constitute a general obligation, debt or bonded indebtedness, or a pledge of moneys raised by taxation or the faith and credit of the County, the State or any political subdivision thereof, and the holders of the Bonds shall not be given and shall not have any right to have excises or taxes levied by this Council or the County, or the State or the taxing authority of any political subdivision thereof, for the payment of bond service charges or any other costs of the Project, and the Bonds will be payable solely from revenues of the Project and other monies available to the Borrower. The Bonds shall contain a statement to that effect and to the effect that the Bonds are payable solely from the sources specified in the Indenture and any amounts received by the Trustee pursuant to the Indenture and the Assignment, if any, and from any other moneys paid by the Borrower or obtained by the Trustee upon the exercise of rights and remedies under the Loan Agreement or Indenture.

SECTION 7. Covenants and Agreement of County. In addition to the other covenants of the County set forth in this Resolution and the Issuer Documents, the County further covenants and agrees as follows:

(a) Authority and Actions. The County is, and upon delivery of the Bonds will be, duly authorized by the laws of the State, particularly and without limitation the Act, to issue the Bonds, to execute and deliver the Issuer Documents and other instruments and documents to which it is a party, to provide the security for payment of the principal of and any premium or interest on the Bonds solely in the manner and from the sources and to the extent set forth herein, all as authorized by this Council and upon the advice of Bond Counsel. All actions on the part of the County for the issuance of the Bonds and the execution and delivery of the Issuer Documents and such other instruments and documents have been or will be duly and effectively taken. The Bonds will be valid and enforceable special obligations of the County according to the terms thereof. Each duty of the County and of its officers and employees undertaken pursuant to the

Bonds and the Issuer Documents, is a duty specifically enjoined by law upon the County and each of those officers and employees having authority thereunder or by provision of law to perform the duty, resulting from an office, trust or station, within the meaning of Section 2731.01, Ohio Revised Code, providing for enforcement by writ of mandamus.

(b) Arbitrage and Tax Compliance Provisions; Transcript. Upon the advice of Bond Counsel and to the extent within its authority and control, the County will restrict the use of the proceeds of the Bonds in such manner and to such extent as is necessary so that the Bonds will not constitute arbitrage bonds under Section 148 of the Code. The members of this Council, the County Executive, the Fiscal Officer or the Clerk of this Council or any other officer of the County having responsibility for the issuance of the Bonds, alone or in conjunction with the Borrower or any officer, employee or agent of or consultant to the Borrower, shall give an appropriate certificate of the County for inclusion in the transcript of proceedings for the Bonds setting forth the reasonable expectations of the County regarding the amount and use of all of the proceeds of the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on the Bonds.

Upon the advice of Bond Counsel, and to the extent within its authority and control, the County (i) will take, or require to be taken, all actions that are required of it for the interest on the Bonds to be and remain excluded from gross income for federal income tax purposes, and (ii) will not knowingly take or authorize to be taken any actions that would adversely affect that exclusion under the provisions of the Code. The members of this Council, the County Executive, the Fiscal Officer and the Clerk of this Council and any other appropriate officers are hereby authorized and directed to take any and all actions and make or give such reports and certifications, as may be appropriate to assure such exclusions of that interest.

In its performance of these covenants, and other covenants of the County pertaining to federal income tax laws, the County may rely upon the advice of Bond Counsel.

The Clerk of this Council shall furnish to the Original Purchaser a true transcript of proceedings, certified by the Clerk, of all proceedings had with reference to the issuance of the Bonds together with such information from the records as is necessary to determine the regularity and validity of the issuance of the Bonds.

(c) Further Assurances. To the extent within its authority and control, the County shall do all things and take all actions on its part necessary to comply with the obligations, duties and responsibilities on its part under the Issuer Documents. Nothing herein or in the Issuer Documents shall be construed as requiring the County to operate the Project or to use any moneys from any source other than those provided in the Indenture and the Loan Agreement.

SECTION 8. Issuer Documents. To provide for the issuance and sale of the Bonds and the consummation of the transactions contemplated herein, the County Executive and the Fiscal Officer at the direction of the County Executive, alone or in conjunction with any of the foregoing, are authorized and directed to execute, acknowledge and deliver, for and in the name and on behalf of the County, each Issuer Document, in substantially the respective forms thereof submitted to and approved by this Council and the County's legal officer. The Issuer Documents are approved with any changes therein which are not inconsistent with this Resolution, are not adverse to the County, are permitted by the Act, and are approved by the member or members or officer or officers executing the respective Issuer Documents and by the County's legal officer. The approval of those changes by such member or members or officer or officers, and the character of those changes as not being adverse to the County, shall be evidenced conclusively by the execution and delivery of the respective Issuer Documents by such member or members or officer or officers. The Fiscal Officer is authorized to give any certifications that may be required under Ohio Revised Code Sections 5705.41 and 5705.44 with respect to any of the Issuer Documents.

SECTION 9. Other Documents. The County Executive, the President of the Council, the Fiscal Officer, the Clerk of the Council or any other officer of the County, alone or in conjunction with any of the foregoing, are authorized and directed to execute, deliver and, if applicable, file, for and in the name and on behalf of the County, any certifications, financing statements, assignments and other instruments and documents which are, in the opinion of the County's legal officer and Bond Counsel to the County, necessary or appropriate to perfect the assignments contemplated in the Indenture or the Loan Agreement and to consummate the transactions contemplated in the Issuer Documents, including the issuance of the Bonds. Those certifications and other instruments and documents include, without limitation, one or more reports on IRS Form 8038 (including Forms 8038-R and 8038-T), any other certifications and forms necessary or advisable under the Code and a certification by the Clerk of this Council of the transcript of proceedings relating to the issuance of the Bonds. The Borrower is hereby authorized and directed, upon the request or direction of the County, to file any such certifications or instruments that require filing.

SECTION 10. Acknowledgement of Assignment. The County acknowledges that pursuant to the Assignment, the County will assign without recourse its rights under the Indenture and Loan Agreement to the Trustee, except for Unassigned Issuer's Rights (as defined in the Loan Agreement).

SECTION 11. Prevailing Wage Rates. All laborers and mechanics employed on the Project shall, in accordance with policies heretofore established by the County, be paid at the residential prevailing rates of wages of laborers and mechanics for the classes of work called for by the Project, which wages shall be determined in accordance with the requirements of Section 176.05 and Chapter 4115, Ohio Revised Code, for determination of prevailing wage rates.

The Borrower shall comply, and shall require compliance by all contractors or subcontractors working on the installation of the Project, with all applicable requirements of Section 176.05 and Sections 4115.03 through 4115.16, Revised Code, including, without limitation obtaining or causing to be obtained, from the State its determination of the prevailing rates of wages to be paid for the class of work called for by the Project, and ensuring that all contractors and subcontractors receive notification of changes in prevailing wage rates as required under Section 4115.05, Revised Code. Concurrently with issuance of the Bonds and at such times as the County requests, the Borrower shall be required to provide the County with evidence, satisfactory to the County, that there has been compliance with the foregoing agreements. None of the requirements of this Section shall be applicable to the Borrower unless the Bonds are issued. The requirements of this Section are subject to preemption by any controlling federal law.

SECTION 11. Tax Credit Allocation. This Council hereby preliminarily finds and determines that the amount of tax credits to be allocated to the Project under Section 42 of the Code does not exceed the amount necessary for the financial feasibility of the Project and its viability as a qualified housing project throughout the credit period for the Project. In making the foregoing determination, this Council has relied exclusively upon representations of the Borrower. The foregoing determinations shall not be construed to be a representation or warranty by this Council or the Issuer as to the feasibility or viability of the Project. This Council hereby authorizes and directs any member of this Council to make the foregoing determination again for and on behalf of this Council at the request of the Borrower, following receipt of supporting materials submitted by the Borrower to the Ohio Housing Finance Agency (“OHFA”) and either written representations of the Borrower or of the OHFA to the effect that (i) the amount of tax credits to be allocated to the Project under Section 42 of the Code does not exceed the amount necessary for the financial feasibility of the Project and its viability as a qualified housing project throughout the credit period for the Project and (ii) the Project satisfies the requirements for the allocation of a housing credit dollar amount under OHFA’s qualified allocation plan. In reliance upon the representations of the Borrower, it is hereby found and determined that the Project satisfies the requirements for the allocation of a housing credit dollar amount under OHFA’s qualified allocation plan.

SECTION 12. No Personal Liability. No recourse under or upon any obligation, covenant, acceptance or agreement contained in this Resolution, or in the Bonds, or in the Issuer Documents, or under any judgment obtained against the County or by the enforcement of any assessment or by any legal or equitable proceeding by virtue of any constitution or statute or otherwise, or under any circumstances, shall be had against any officer or employee as such, past, present, or future, of the County, including any member of the Council, either directly or through the County, or otherwise, for the payment for or to the County or any receiver thereof, or for or to the Holder, or otherwise, of any sum that may be due and unpaid by the County upon any of the Bonds. Any and all personal liability of

every nature, whether at common law or in equity, or by statute or by constitution or otherwise, of any such officer or employee, as such, to respond by reason of any act or omission on his or her part, or otherwise, for, directly or indirectly, the payment for or to the County or any receiver thereof, or for or to the Borrower or the Holder, or otherwise, of any sum that may remain due and unpaid upon any Bond, shall be deemed to be expressly waived and released as a condition of and consideration for the execution and delivery of the Issuer Documents and the issuance of the Bonds.

SECTION 14. A public hearing of this Council shall be held at the Chambers of the Council of Cuyahoga County, 1274 W. 3rd Street, Cleveland, Ohio 44113, on the 21 day of March, 2011 at 3:30 p.m., local time, for the purpose of hearing objections and/or public comment on the issuance said bonds.

SECTION 15. Open Meeting This Council hereby finds and determines that all formal actions of this Council and its committees concerning and relating to the adoption of this resolution were adopted in an open meeting of this 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, Ohio Revised Code.

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0102

Sponsored by: Juvenile Court through County Executive FitzGerald	A Resolution authorizing Juvenile Court through the County Executive to enter into an agreement with Cuyahoga County Department of Justice Affairs, Office of Mediation in the amount not-to-exceed \$400,000.00 for the Juvenile Court Custody Mediation Project for the period 2/1/2011 - 1/31/2012, and declaring the necessity that this Resolution become immediately effective.
---	--

WHEREAS, Juvenile Court has requested authorization for an agreement between Juvenile Court and the Cuyahoga County Department of Justice Affairs, Office of Mediation, for the Juvenile Court Custody Mediation Project, in an amount not-to-exceed \$400,000 for the period February 1, 2011 through January 31, 2012; and,

WHEREAS, the proposed contract in for the same amount as the prior year; and,

WHEREAS, 69% of mediated cases referred to the Department of Justice Affairs, Office of Mediation result in a mediation disposition, and 75% of mediations that resulted in a mediation disposition will not come back to the Court as official filings within 12 months of the case termination date; and 100% of cases will have mediators assigned to them within five working days of the filing date; and 95% of mediators will complete their mediation work within 45 days of the case filing date.

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

SECTION 1. Council hereby authorizes the execution of an agreement between Juvenile Court and the Cuyahoga County Department of Justice Affairs, Office of Mediation, in the amount not-to-exceed \$400,000 for the Juvenile Court Custody Mediation Project, for the period February 1, 2011 through January 31, 2012.

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 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: March 8, 2011

Committee Assigned: Justice Affairs

Journal _____
_____, 2011

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0104

Sponsored by: County Executive FitzGerald/Department of Health and Human Services/Child Support Enforcement Agency	A Resolution authorizing the County Executive to enter into Title IV-D Cooperative Agreement contracts with various providers for child support services for the period 1/1/2011 - 12/31/2011: (1) the Court of Common Pleas/Division of Domestic Relations in an amount not-to-exceed \$2,082, 307.49, (2) the Court of Common Pleas/Juvenile Court in an amount not-to-exceed \$2,218,669.89, and (3) the Office of the Prosecuting Attorney of Cuyahoga County in an amount not-to-exceed \$2,257,588.70, and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the Department of Health and Human Services/Child Support Enforcement Agency (CSEA) is requesting approval for three (3) Title IV-D Cooperative Agreement contracts for the period January 1, 2011 through December 31, 2011 with: (1) the Court of Common Pleas/Division of Domestic Relations in an amount not-to-exceed \$2,082, 307.49, (2) the Court of Common Pleas/Juvenile Court in an amount not-to-exceed \$2,218,669.89, and (3) the Office of the Prosecuting Attorney of Cuyahoga County in an amount not-to-exceed \$2,257,588.70; and,

WHEREAS, Title IV Cooperative Agreement contracts are mandated by O.R.C. 3125.14, and the Ohio Department of Jobs and Family Services (ODJFS) regulations in order to specify the services which will be rendered by each of aforementioned entities pertaining to the establishment, modification, and enforcement of Child Support Obligations, in accordance with applicable child support regulations; and,

WHEREAS, the Court of Common Pleas/Division of Domestic Relations and the Court of Common Pleas/Juvenile Court conduct hearings into Title IV-D Child Support matters and issue court orders and the Office of the Prosecuting Attorney is the CSEA's legal representative at these court hearings; and,

WHEREAS, the execution of these Cooperative Agreement contracts enables the County to recover the 66% federal financial participation reimbursement portion of the expenses incurred by the Domestic Relations Court, Juvenile Court and the Office of the Prosecuting Attorney while providing Title IV-D services to CSEA; and,

WHEREAS, for 2011 the amount of federal reimbursement is \$6,558,566.08 and this amount is reimbursed to the County's general fund to offset the expenditures of

the two courts and the Office of the Prosecuting Attorney and without approval of the Cooperative Agreement contracts, reimbursement to the County general fund will not occur; and,

WHEREAS, each of the Agreements contains various federal and local mandated performance standards.

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

SECTION 1. The County Executive is hereby authorized to execute three (3) Title IV-D Cooperative Agreement contracts for the period January 1, 2011 through December 31, 2011, as follows: one with: (1) the Court of Common Pleas/Division of Domestic Relations in an amount not-to-exceed \$2,082, 307.49, (2) the Court of Common Pleas/Juvenile Court in an amount not-to-exceed \$2,218,669.89, and (3) the Office of the Prosecuting Attorney of Cuyahoga County in an amount not-to-exceed \$2,257,588.70.

SECTION 2. 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 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: March 8, 2011
Committee Assigned: Justice Affairs

Journal _____
_____, 2011

County Council of Cuyahoga County, Ohio

Ordinance No. O2011-0021

Sponsored by: County Executive FitzGerald/Department of Public Works/County Engineer and Councilman Germana	An Ordinance authorizing the County Executive to grant a permanent easement to Ferrous Realty Ltd., for the sum of \$500.00, for the right to access, install, maintain, relocate, repair, and replace a sign on, over and under certain portions of County-owned property located at 10991 Memphis in the City of Brooklyn in connection with the construction of Memphis Industrial Parkway; and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, Cuyahoga County is in the process of reconstructing Memphis Industrial Parkway in the City of Brooklyn resulting in the need for Ferrous Realty Limited to relocate their business sign onto County property located at 10991 Memphis; and

WHEREAS, it is necessary to grant an easement to Ferrous Realty Ltd., in order for them to access, install, maintain, relocate, repair, and replace its sign on, over and under the County-owned property; and

WHEREAS, the Cuyahoga County Engineer has evaluated that the sum of \$500.00 is an adequate value to be paid by Ferrous Realty Ltd. for the grant of this easement.

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

SECTION 1. That the County Executive is hereby authorized to grant a permanent easement to Ferrous Realty Ltd., for the sum of \$500.00, for the right to access, install, maintain, relocate, repair, and replace a sign on, over and under certain portions of County-owned property located at 10991 Memphis in the City of Brooklyn in connection with the construction of Memphis Industrial Parkway.

SECTION 2. It is necessary that this Ordinance become immediately effective in order to retain secured financing and project completion. 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. 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



Item Details:

Agency/Dept. Name:	County Engineer	Agency/Dept. Head Name:	Jamal Husani, P.E.
Type of Request:	Other		
Request Prepared by:	Fred Whatley	Telephone No.	348-3840
SUMMARY OF REQUESTED ACTION:			
County Engineer recommending the grant of a permanent easement to Ferrous Realty Limited in the City of Brooklyn for the sum of \$500.00. This easement is in conjunction with the construction of Memphis Industrial Parkway in the City of Brooklyn. This easement would allow Ferrous Realty Limited to relocate its sign on County property. The exact area of the sign easement is described in Exhibit C, and the location of the easement is depicted on the "Legal Description Exhibit for: Sign Easement across CCDD for Ferrous Metals", both of which are attached hereto as Exhibits.			
PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):			
Purpose - To grant a permanent easement to Ferrous Realty Limited to locate its sign on County property.			
Explanation for late submittal:			

Contract/Agreement Information:

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

Financial Information:

Funding source:	Explanation:
	No funds required for this agreement.
Total Amount Requested:	
\$	

County Council of Cuyahoga County, Ohio

Ordinance No. O2011-0015

Sponsored by: County Executive FitzGerald/ Department of Human Resources	An Ordinance to expire on or before June 30, 2011 providing for the approval and adoption of Human Resources Policies & Procedures for Cuyahoga County, and declaring the necessity that this Ordinance become immediately effective.
---	--

WHEREAS, Cuyahoga County Charter Section 9.01 provides that the County's Human Resources Polices and Systems for County employees shall be established by ordinance and shall be administered in such 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;

WHEREAS, the County Executive has determined it is necessary to adopt the Human Resources Policies & Procedures effective immediately to ensure consistency in the administration of said Policies & Procedures for all County offices, employees and officers under the authority of the County Executive and the County Council;

WHEREAS, the County Council will adopt permanent Human Resources Policies & Procedures on or before June 30, 2011;

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

Section 1: The Human Resources Policies & Procedures Manual adopted by the former governing body of Cuyahoga County and last revised in January, 2011 (attached thereto as Exhibit "A"), shall be applicable to all County offices, employees, and officers under the authority of the County Executive and the County Council, and shall remain in force and effect and shall be followed by County offices, employees, and officers under the authority of the County Council and the County Executive, for a period not to exceed June 30, 2011.

Section 2: Due to complexities associated with merging certain policies and procedures, the following sections in the HR Policies & Procedures Manual will not apply to certain agencies: **Section 6, Workweek and Hours/Payroll; Section 7.03, Employee Assistance Program; Section 8.04, FMLA Amount of Leave; Section 8.05, FMLA Coordination with Other Leaves of Absences; and Section 9, Employee Leave.** For the policies covered by these sections, employees will continue

to adhere to the policies and procedures that they were subject to on December 31, 2010.

Section 3: Effective Date. Provided this Ordinance receives the affirmative vote of eight of the members of Council, it shall take effect immediately upon the signature of the County Executive. It is hereby determined to be necessary that this Ordinance become immediately effective in order that Cuyahoga County services may continue to be provided in an consistent manner, and so that the usual and daily operations of government may continue to function on and after January 1, 2011. This Ordinance shall expire on June 30, 2011.

Section 4: It is found and determined that all formal actions of this Council meeting and 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

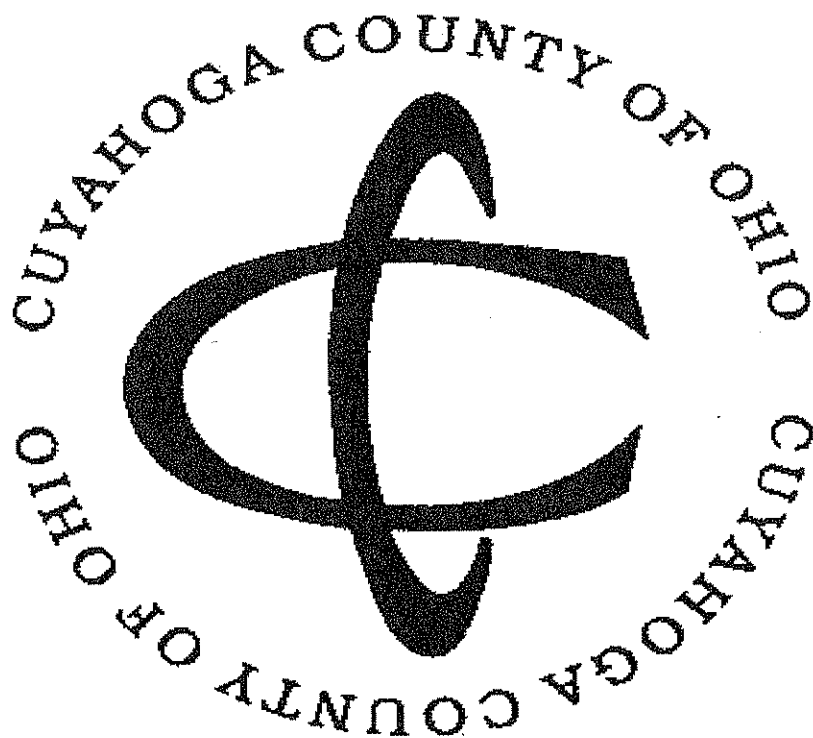
County Executive Date

Clerk of Council Date

First Reading/Referred to Committee: February 22, 2011
Committee Assigned: Human Resources, Appointments & Equity

Journal CC001
March 22, 2011

Personnel Policies and Procedures Manual



Cuyahoga County Office of
Human Resources

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Section 1:
**INTRODUCTION / GENERAL
INFORMATION**

1.01 Introduction

Cuyahoga County (“County”) is responsible for providing many vital services to the citizens of Cuyahoga County through its employees. The County expects employees to fulfill their role in providing these services and to perform their job in a professional, fair, honest, and thorough manner. The County expects that employees will strive for excellence in advancing the County’s mission, demonstrating integrity and professional standards.

1.02 Administration

All matters relating to the administration of the policies and procedures in this Manual will be under the general supervision of the Director of the Office of Human Resources (“Human Resources”).

Questions regarding interpretation and application of this Manual should be directed to Human Resources.

1.03 Disclaimer / Reservation of Rights

The policies and procedures set forth in this Manual supersede all previous written and unwritten County personnel policies. This Manual does not constitute a contract of employment, expressed or implied, and should not be considered as such. Furthermore, this Manual is not a limitation on the County’s right to direct its workforce. Unless restricted by law, the County reserves all rights to manage its workforce. The policies and procedures contained in this Manual do not reflect or represent every conceivable factual situation, but those most often encountered. Situations may differ and will be handled as warranted by the circumstances and at the discretion of the County. The policies and procedures in this Manual are intended to be guidelines to employees and managers. The County retains the right to amend, add to or change the policies and procedures in this Manual at any time.



1.04 Relationship to Collective Bargaining Agreements

For employees covered by a collective bargaining agreement, the terms and conditions of the collective bargaining agreement supersede this Manual on any subject covered by the collective bargaining agreement. The subjects covered in this Manual do not diminish the County's management rights and should not in any way be considered a waiver of these rights. Employees should contact their union representative or Human Resources should they have any questions regarding conflicts between your collective bargaining agreement and this Manual.

1.05 Relationship to Departmental Policy and Procedure Manuals

The terms and conditions of this Manual supersede any contradictory terms or conditions set forth in any Departmental Policy and Procedure Manual.

1.06 Building Closure Policy

Timesheet Code: AWD

Closing for the Full Day

In the event that it appears necessary to close County Buildings for a complete day, either the evening before or prior to 6:30 a.m. on the day of the proposed closing, the County Executive or designee will authorize the placing of a recording on the County's main number (216) 443-7000 regarding the closing of County Buildings. The recording will also identify the Department of Central Services' 24-hour security number (216) 443-2141. This number will provide person-to-person solutions in unusual cases of emergency.

In addition, arrangements for dissemination of County building status information have been made with local television and radio stations. These announcements can be heard/found on the following radio and television stations/websites:

Television Stations

WKYC – TV, Channel 3
WOIO-TV, Channel 19
WUAB-TV, Channel 43
WVIZ/PBS, ideastream

Radio Stations

WTAM, 1100 AM
WMVX, 106.5 FM
WMJI, 105.7 FM
WGAR, 99.5 FM
WAKS, 96.5 FM
WMMS, 100.7 FM
WHLO, 640 AM
WKDD, 98.1 FM
WCRF, 103.3 FM
WCPN, 90.3 FM
WCLV, 104.9 FM
Radio Free Ohio, 1350 AM

Websites

www.cuyahogacounty.us
www.wkyc.com
www.wtam.com
www.wmvx.com
www.wmji.com
www.wgar.com
www.kisscleveland.com
www.wmms.com
www.640whlo.com
www.wkdd.com
www.1350radiofreeohio.com



The announcement will state "CUYAHOGA COUNTY GOVERNMENT BUILDINGS CLOSED." In the absence of an announcement, employees should assume the County's buildings are open for operation.

Early Closings / Abbreviated Work Day

Employees will be notified by their respective Department's management should it be necessary to close buildings early because of weather or other emergency. Employees will be instructed by management as to the actual closing time of the building and the proper procedure for completing their timesheet for that day.

"Essential Employees"

Any notice of closing will not apply to "essential employees" (i.e., employees necessary to protect the immediate safety and/or security of person or property for which the County has direct responsibility, or the provision of emergency services which cannot be interrupted.) All elected officials, agency heads, and Department Directors will identify their essential employees and any buildings that must remain open and operating during an emergency building closing.

1.07 **Employee Communications with the Media / Responding to Public Records Requests**

Any media request or public records request regarding County business (e.g., on-camera interview, interview by a newspaper, request for documents) shall be referred immediately to the Director of Communication or applicable Department Director and/or designee for official response. All Departments affected by the request will assist the communications department with gathering the relevant information. No information shall be released, however, without approval from Director of Communications or applicable Department Director.

1.08 **Acknowledgement of Receipt**

Employees are required to acknowledge receipt of this Manual (either electronically or in writing) and are required to make themselves familiar with its contents. A copy of each employee's acknowledgement will be retained by Human Resources.



Section 2: CIVIL SERVICE

2.01 **Classification**

Pursuant to the Ohio Revised Code (“Revised Code”), County employees are divided into either unclassified service or classified service.

Unclassified Service

The unclassified service is comprised of the specific positions listed in the Revised Code, which includes, but is not limited to, Department Directors, the clerical and administrative staff of the County Executive, student interns, and temporary employees. All offices and positions in the unclassified service are exempt from civil service examination and have no tenure under the law. Unclassified employees serve at the pleasure of the County.

Classified Service

All other employees are deemed to be classified employees and their employment is subject to the provisions of the Ohio Revised Code, the Ohio Administrative Code, the Cuyahoga County Administrative Rules and this Manual.

2.02 **Administrative Rules**

The County has adopted the rules applicable to county government contained in the Ohio Administrative Code Chapter 123 except as they are modified by the Cuyahoga County Administrative Rules.

2.03 **Prior Service**

Employees who have prior service with the County or another political subdivision of the State of Ohio may be eligible for a higher vacation accrual rate or credit for unused accumulated sick leave.

Employees must provide Human Resources with a letter from their former employer(s), on their letterhead, with qualifying start and end dates of employment and with verification of any unused accumulated sick leave. Vacation accrual rates and available sick leave balances shall be adjusted and be effective upon receipt of documentation deemed acceptable by the County.

NOTE: See Section 9.02 for more information on the impact of prior service on vacation accrual rates and Section 9.03 for the impact on sick leave balances.



Section 3:

CODE OF ETHICS

3.01 **Ethics Policy**

It is the policy of the County to carry out its mission in accordance with the strictest ethical guidelines and to ensure that County members and employees conduct themselves in a manner that fosters public confidence in the integrity of the County, its processes, and its accomplishments. Failure to adhere to the standards of ethical conduct may subject an employee to discipline, up to and including removal, pursuant to Section 13 of this Manual as well as criminal prosecution in certain cases.

3.02 **Compliance with Ohio Ethics Laws**

County officials and employees are required to abide by the State of Ohio's ethics laws, as found in the Ohio Revised Code and as interpreted by the Ohio Ethics Commission and Ohio courts. A copy of these laws will be provided to each employee upon commencement of their employment with the County. These laws are also available at www.ethics.ohio.gov. Each employee shall be required to sign a form acknowledging receipt of this document and the form shall be placed in each employee's personnel file.

3.03 **General Standards of Ethical Conduct**

The following is a non-exclusive general summary of the restraints on the conduct of all County officials and employees.

No County official or employee shall:

- Use their public position to obtain any benefit for themselves, an immediate family member (as defined in Section 9.03 of this Manual), or anyone with whom they have a business or employment relationship;
- Solicit or accept anything of value from anyone doing business with the County;
- Solicit or accept employment from anyone doing business with the County, without prior written authorization from a Director or higher-level County official. The official or employee must first withdraw from any decision-making activity affecting the party offering employment and the County must approve the withdrawal;



- Use or disclose confidential information protected by law, unless appropriately authorized;
- Be paid or accept any form of compensation for personal services rendered on a matter before the County or the departments, offices, agencies and/or other bodies reporting to it;
- Hold or benefit from a contract with, authorized by, or approved by the County (*see Revised Code Section 2921.42* for exceptions);
- Vote, authorize, recommend, or in any other way use their position to secure approval of a County contract in which themselves, an immediate family member (as defined in Section 9.03 of this Manual), or anyone with whom they have a business or employment relationship, has an interest;
- Solicit or accept payment for services provided as an officer or employee of the County;
- Use, or authorize the use of, their title, the name Cuyahoga County, or the County's logo in a manner that suggests impropriety, favoritism, or bias by the County or the official or employee.

3.04 "Moonlighting" Policy

The County does not prohibit an employee from securing additional employment outside of their employment with the County, so long as the following conditions are met:

- The employee provides notice of their outside employment to Human Resources prior to beginning work with the second employer;
- The employee's outside employment does not interfere in any way with their ability to perform the duties of their position with the County; and
- The employee's outside employment does not place the employee in violation of the County's Code of Ethics (*see Section 3*), including, but not limited to, creation of a conflict of interests.

NOTE: Individual Department's may have "moonlighting policies" that require that employees place Department Management on notice of additional employment outside of their employment with the County. Department management, however, shall not prohibit an employee from pursuing additional employment unless one of the above-cited conditions is not met. Employees should consult their Departmental policies and procedures manual for more information.



3.05 **Political Activity**

No employee in the classified service of the County shall directly or indirectly solicit or receive, or be in any manner concerned in soliciting or receiving, any assessment, subscription, or contribution for any political party or for any candidate for public office. Nor shall any employee in the classified service of the County be an officer in any political organization or take part in politics other than to vote as the officer or employee pleases and to express freely political opinions.

The following are examples (non-exclusive) of permissible activities for County employees in the classified service:

- Registration and voting;
- Expression of opinions, either oral or written;
- Voluntary financial contributions to political candidates or organizations;
- Circulation of nonpartisan petitions or petitions stating views on legislation;
- Attendance at political rallies;
- Signing nominating petitions in support of individuals;
- Display of political materials in the employee's home or on the employee's property;
- Wearing political badges or buttons, or the display of political stickers on private vehicles; and
- Serving as a precinct election official for the Board of Elections.

The following activities are prohibited to County employees in the classified service:

- Candidacy for public office in a partisan election;
- Candidacy for public office in a nonpartisan general election if the nomination to candidacy was obtained in a partisan primary or through the circulation of nominating petitions identified with a political party;
- Filing of petitions meeting statutory requirements for partisan candidacy to elective office;
- Circulation of official nominating petitions for any candidate participating in a partisan election;
- Service in an elected or appointed office in any political organization (e.g., partisan precinct committee);
- Acceptance of a party-sponsored appointment to any office normally filled by partisan election;
- Campaigning by writing for publications, by distributing political material, or by writing or making speeches on behalf of a candidate for partisan elective office, when such activities are directed toward party success;
- Solicitation of any assessment, contribution or subscription, either monetary or in-kind, for any political party or partisan political candidate;
- Solicitation of the sale, or actual sale of political party tickets;
- Partisan activities at the election polls, such as solicitation of votes for other than nonpartisan candidates and nonpartisan issues;



- Service as a witness or challenger for any party or partisan committee;
- Participation in political caucuses of a partisan nature; and
- Participation in a political action committee which supports partisan activity.

An employee that is considering in engaging in any political activity that may potentially be prohibited under this policy should consult with Human Resources for guidance. An employee who engages in any of the prohibited activities listed above may be subject to disciplinary action, up to and including removal.

3.06 Employment of Relatives

Relationship to another individual employed by the County will not constitute a bar to initial employment. The County extends equal consideration to all applicants and candidates for employment. Neither positive nor negative weight shall be considered when a relationship exists with another County employee.

To preclude actual favoritism or the appearance of favoritism in the employment relationship, no employee shall take any part in the selection process for a position for which a relative is an applicant. In addition, an individual may not be assigned or accept employment in a department in which supervisory authority and/or responsibility directly affecting that department is provided by a relative of the individual. Employees who become related as a result of marriage (their own or that of a relative) will be transferred to another work unit. An employee will not participate in decisions involving a direct benefit to relatives such as employment, retention, appraisal, promotion, salary, and leave of absence.

For purposes of this Section, “relatives” include anyone who is related as husband, wife, father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, father-in-law, mother-in-law, sister-in-law, brother-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother or half sister.



3.07

County Procurement Card

The County procurement card is a credit card issued by the County to use for certain work related purchases. The procurement card is provided to enable County Departments to become more productive by improving efficiency in procurement and expediting payments to vendors. Each County employee who is assigned a procurement card shall be required to sign a "Cuyahoga County Procurement Card Program Cardholder Acknowledgement" form. By signing the form and accepting the procurement card, the employee agrees to comply with the following responsibilities:

- The procurement card is to be used for individual County-approved purchases of under \$500 and within otherwise established limits.
- The procurement card shall not be used for personal purchases. All charges will be billed directly to and paid directly by the County. The bank cannot accept any monies from employees directly. Therefore, any personal charges billed to the County could be considered misappropriation of County funds.
- The card is issued in the employee's name. Therefore, the employee is responsible for keeping the card in a secure location and for assuring that no other person uses the card. The employee is accountable for any and all charges against the card.
- If the card is lost or stolen, the employee shall immediately notify the card issuer by telephone. The employee shall then provide written notification to the program administrator and their Department coordinator.
- The card is County property. As such, the employee is required to comply with internal control procedures designed to protect County assets. This may include being asked to produce the card to validate its existence and account number.
- The employee shall record all transactions on the procurement card log, attaching the related receipts for each purchase. The employee shall cooperate with their agency coordinator to reconcile all purchasing activity by reconciling the purchasing log with the monthly statements during statement periods. The employee shall resolve any discrepancies by contacting the vendor first and will involve the program administrator when necessary.
- The card may be revoked at any time in the sole discretion of the County. The employee must surrender the card immediately upon termination of employment.

Any violation of the policies and procedures set forth in this section may be referred to the County Prosecutor for criminal prosecution and/or institution of civil litigation and may subject an employee to discipline, up to and including removal, pursuant to Section 13 of this Manual.



Section 4:
**EQUAL EMPLOYMENT
OPPORTUNITY**

4.01 Diversity Statement

The County recognizes the value of diversity and all the benefits of fostering an inclusive work environment. All County employees should strive to create and support a work environment representative of the citizens we serve and reflective of the demographics of Cuyahoga County.

Diversity represents those human qualities that are different from our own and outside the groups to which we personally belong. Diversity incorporates the primary characteristics of age, ethnicity, gender, physical abilities and challenges, race and sexual orientation. Diversity dimensions also include educational background, geographic location, parental status, military experience, religious beliefs, and social, economic and political affiliation.

4.02 Affirmative Action Policy

Through affirmative action, the County seeks to enhance its equal employment opportunity goal and achieve equitable and sufficient representation of protected class members who have traditionally been underrepresented at all levels of employment and specifically where under-utilization exists.

The County shall make good faith efforts to recruit, train, hire, and promote members of these groups at sufficient levels. This includes preventing discrimination in hiring and promoting, providing access to varieties of jobs at all levels of pay and enhancing opportunities for these groups.



4.03 **Equal Employment Opportunity Policy**

The County is committed to maintaining a professional work environment in which all individuals are treated with respect and dignity. Each employee has the right to work in an atmosphere which promotes equal opportunities and prohibits discriminatory practices, including harassment. It is the policy of the County to assure equal employment opportunities to all persons. The County strictly prohibits discrimination against any person in the recruitment, training, examination, appointment, retention, discipline or any other aspect of personnel administration based on any of the following characteristics (“protected characteristics”):

- Age
- Ancestry
- Disability
- Genetic Information
- Military Status
- National Origin
- Race
- Religion
- Sex / Gender
- Sexual Orientation
- Veteran Status

The County will not condone nor tolerate acts of discrimination and/or harassment, including sexual harassment, by any supervisor or employee under any circumstances. Appropriate corrective action will be taken if any employee is in violation of this policy.

Employees who feel that they have been discriminated against in violation of this Policy should immediately report their complaint in accordance with the County Equal Employment Opportunity Complaint Procedure (Section 4.05).

4.04 **Workplace Harassment Policy**

In furtherance of its Equal Employment Opportunity Policy, the County strictly prohibits any form of “workplace harassment”. “Workplace harassment” is defined as:

- Conduct, whether verbal, non-verbal or physical;
- That is based on a person’s protected characteristic (*see above*); and
- Creates an intimidating, hostile or offensive work environment that unreasonably interferes with work or negatively affects an individual’s employment opportunities.

Workplace harassment can occur between co-workers, an employee and a supervisor/manager, or an employee and a non-employee who conducts business with the County.



Sexual Harassment

The County's prohibition against "workplace harassment" includes a zero tolerance policy prohibiting sexual harassment. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal, or physical conduct of a sexual nature that takes place under either of the following conditions:

- Submission to or rejection of this conduct by an individual is used explicitly or implicitly as a factor in decisions affecting hiring, evaluation, promotion, pay increases, termination or other aspects of employment; or
- This conduct substantially interferes with an individual's employment or creates an intimidating, hostile, or offensive work environment.

Examples of sexual harassment include, but are not limited to:

- Unwanted sexual advances;
- Demands for sexual favors in exchange for favorable treatment or continued employment;
- Repeated sexual jokes, flirtations, advances or propositions;
- Verbal abuse of a sexual nature - graphic, verbal commentary about an individuals' body, sexual prowess or sexual nature;
- Leering;
- Whistling;
- Touching or pinching;
- Assault;
- Coerced sexual acts;
- Suggestive insulting, obscene comments or gestures; and
- Display in the workplace of sexually suggestive objects, pictures or written material.

All forms of workplace harassment are unacceptable in the workplace itself and by any employee, in any setting involving business and outside the workplace, including but not limited to, other work-related settings such as business trips, holiday parties, office picnics and County approved events which employees attend.

Employees who feel that they have been subjected to harassment in violation of this Policy should immediately report their complaint in accordance with the County Equal Employment Opportunity Complaint Procedure (Section 4.05).

4.05 Equal Employment Opportunity Complaint Procedure

Employees who feel that they have been subject to discrimination or harassment in violation of the policies set forth in this Manual should immediately report their complaint in accordance with the procedure in this section. An employee or applicant wishing to file a discrimination, harassment, and/or retaliation complaint should contact Human Resources, Employment Relations Division, at (216) 443-7190 or TTY (216) 443-7002. Employees may also contact their immediate supervisor, their Department Director or Human Resources if they so choose. The supervisor, Director or Human Resources will then refer the matter to the Employment Relations Division.

If, after initial review of the complaint, it is determined that the complaint involves equal employment opportunity issues, the Employment Relations Division will initiate a thorough investigation into the complaint to determine whether there has been a violation of the Equal Employment Opportunity Policy, Workplace Harassment Policy, and/or Anti-Retaliation Policy. The investigation by the Employment Relations Division may include:

- Interviews of the complainant, the charged party and any other relevant witnesses;
- Requests for written statements by the complainant, the charged party and any other relevant witnesses; and
- Review of relevant documentation and personnel files.

Efforts will be made to complete the investigation in a prompt manner. The length of the investigation will vary based on the circumstances surrounding the investigation.

Information obtained in the course of investigations will remain confidential to the extent required by law. Information will be kept confidential unless disclosure is required to further the investigation or unless the County is required to release such information as a result of judicial, administrative or grievance proceedings or under the Ohio Public Records Law.

After obtaining and reviewing all necessary information, the Employment Relations Division will issue a determination as to whether there is probable cause to believe that the charged party has violated any of the County's equal employment opportunity policies. The complainant and the charged party will be informed in writing of the determination.

If the Employment Relations Division finds that there is probable cause, Human Resources in consultation with Department management, will determine the appropriate corrective action to remedy the violation. Corrective action for violations of County Equal Employment Opportunity, Workplace Harassment, and Retaliation Policies, includes, but is not limited to:

- Discipline, up to and including removal, of the charged party pursuant to the County Discipline Policy ([Section 13](#));
- Mediation referral ([Section 7.08](#));
- Training ([Section 13.10](#)); and/or
- Administrative transfers of employees to separate certain individuals.



Please contact Human Resources, Employment Relations Division, at (216) 443-7190 or TTY (216) 443-7002 with any questions regarding the Equal Employment Opportunity Complaint Procedure.

4.06 Anti-Retaliation Policy

The County strictly prohibits retaliatory action against an individual who opposes discrimination and/or harassment.

“Opposing discrimination and/or harassment” may include, but is not necessarily limited to:

- Filing a charge of discrimination or harassment;
- Cooperating with an internal or external investigation of alleged discrimination or harassment;
- Complaining to anyone about alleged discrimination against oneself or others;
- Threatening to file a charge of discrimination or harassment;
- Refusing to obey an order reasonably believed to be discriminatory;
- Picketing in opposition to discrimination; or
- Requesting a reasonable accommodation based on religion or disability.

“Retaliatory action” may include, but is not necessarily limited to:

- Employment actions, such as termination, refusal to hire and denial of promotions;
- Other actions affecting employment such as threats, unjustified negative evaluations, unjustified negative references or increased surveillance; or
- Any other action such as an assault or unfounded civil or criminal charges that is likely to deter reasonable people from pursuing their rights.

Any action that is perceived to be retaliatory against an individual should be immediately reported in accordance with the County Equal Employment Opportunity Complaint Procedure (Section 4.05).



4.07 The Americans With Disabilities Act (“ADA”)

The County, in accordance with the Rehabilitation Act of 1973, Section 504, and the Americans with Disabilities Act of 1990 (“ADA”), seeks to assure its employees that no individual will be discriminated against in a county workplace due to a disability. Under the ADA, the term disability means: "(a) A physical or mental impairment that substantially limits one or more major life activities of an individual; (b) a record of such an impairment; or (c) being regarded as having such an impairment." Simply having a disability does not ensure ADA coverage.

An “ADA Reasonable Accommodation” may be provided to qualified employees. What constitutes a reasonable accommodation will vary from case to case depending on the needs of the position and of the qualified employee. There is no guarantee that a reasonable accommodation will exist for every situation.

The County seeks to ensure that individuals with a disability are hired and retained, and have reasonable access to County owned and leased facilities, as well as facilities occupied by providers under contract with the County to provide services.

ADA Reasonable Accommodation Request Procedure

The County’s ADA Reasonable Accommodation Request Procedure serves to verify the existence of a disability and the need for an accommodation in testing, program accessibility, or employment.

To request an ADA accommodation, the employee is required to either contact Human Resources or the Employment Relations Division (216-443-7190) to request a copy of the required forms. The forms need to be returned to the Employment Relations Division, who will then contact the medical provider for verification of disability information provided by the employee.

Upon receipt of the required medical information, the Employment Relations Division will engage the employee in an interactive process to:

- Ascertain the individual's precise job-related limitations and how they can be overcome with reasonable accommodation; and
- To identify potential accommodations and assess the effectiveness of each.

The Employment Relations Division, with input from the employee, department management and other necessary professionals, will determine whether or not a reasonable accommodation may be fashioned, and whenever possible, will recommend an appropriate accommodation. The appropriate accommodation need not be the one desired by the employee.

The Employment Relations Division will forward a copy of their recommendation(s) to the Department Director. Once the Director approves the recommendation, the Employment Relations Division will then inform the employee. The Employment Relations Division will monitor the situation to ensure that the agreed upon accommodation is achieved and maintained as long as required.



4.08 Religious Accommodation

In accordance with federal and state laws and County policy, the County prohibits discrimination on the basis of religion. The County provides reasonable accommodations for sincerely held religious beliefs and/or practices unless doing so would impose an undue hardship on the County. A reasonable religious accommodation is an adjustment to the work environment that will allow an employee to comply with his or her religious beliefs. An employee seeking a reasonable religious accommodation should initially approach their immediate supervisor to discuss their request. If the employee is not satisfied with their supervisor's response, the employee can forward their request to Human Resources for review. Human Resources will respond to the employee's request within a reasonable time.



Section 5:

EMPLOYMENT WITH THE COUNTY

5.01 **Application**

All persons applying for original appointment to a position under the County shall complete and file with Human Resources an “Employment Application Form”.

No applicant shall be required to disclose their religious or political affiliation or racial or ethnic origin, except as necessary to gather equal employment opportunity or other statistics that, when collected, will not identify any specific individual.

5.02 **Examinations**

Appointments and promotions for positions in the classified service are made according to merit and fitness, which are evaluated through competitive examinations and/or other appropriate mechanisms as determined by the Director of Human Resources. An examination may include an evaluation of such factors as education, training, capacity, knowledge, manual dexterity, and physical or psychological fitness. An examination may involve structured interviews, assessment centers, work simulations, examination of knowledge, skills and abilities, and any other acceptable testing methods.

5.03 **Employment Eligibility Verification**

In accordance with the Immigration Reform and Control Act of 1986, the County is committed to employ only United States citizens and aliens lawfully authorized to work in the United States.

Employees hired after June 1, 1987, are required to complete Section 1 of Form I-9 Employment Eligibility Verification and present documentation within three working days to Human Resources to verify identity and employment eligibility.

Human Resources shall examine the documentation and, if satisfied, shall complete Section 2 of Form I-9 to record information. The completed Form I-9 shall be retained for three years or for one year past the employment of the individual, whichever is longer.



5.04 Applicant Drug Testing

All final applicants tentatively offered a position under the County will be required to submit to urinalysis to test for illegal drug use prior to final appointment. An applicant with a positive test may not be offered employment for a period of one (1) year from the date of the positive test. Applicants shall have an opportunity to submit medical documentation of legally prescribed medications which may explain a positive test result.

NOTE: See Section 7.04 for more information on County drug/alcohol testing policies and procedures.

5.05 Criminal Background Check

All outside applicants for employment may be required to submit to fingerprinting for a criminal background check. A criminal background check may also be required for current employees who are applying for certain types of positions under the County (e.g., positions working with children or seniors). The County in its discretion may also periodically conduct criminal background checks of current employees.

In addition to the performance of a criminal background check, all applicants for employment are required to disclose whether they have been convicted of any of the following crimes:

- Felonies (or under arrest for crime punishable as a felony);
- Crimes involving dishonesty, fraud, or theft (e.g., forgery, burglary, robbery, credit card fraud, perjury, bribery, tax evasion);
- Crimes of moral turpitude (e.g., sex offenses, pandering, prostitution, importuning, public indecency);

NOTE: Current employees are required to disclose if they are arrested for certain crimes. See Section 13.07.

Conviction of a crime or a history of criminal convictions may prevent an applicant from being offered employment. Determination of such action will be based on an analysis of the responsibilities of the position and the nature and time frame of the conviction. Current employees may also be subject to discipline, up to and including removal, pursuant to Section 13 of this Manual, if a background check reveals a criminal conviction.

5.06 **New Hire Orientation / ID Badges**

All newly appointed employees are required to attend a general County employee orientation. Newly appointed employees may also be required to attend additional employee orientations as required by their respective department.

New employees will receive an identification badge from the County at no cost. Employees are required to wear their identification badges at all times while on County property or County business. It is the responsibility of the employee to contact their supervisor immediately if an identification badge is lost, stolen or damaged. Employees are required to request a new badge within five (5) working days. Employees will be charged a replacement fee to obtain a new badge. Non-compliance with this Section could subject the employee to disciplinary action under Section 13 of this Manual.

5.07 **New-Hire Probationary Period**

All newly appointed employees to a non-bargaining, full or part-time classified position shall be required to successfully complete a probationary period of no less than one hundred eighty (180) calendar days, with its effective date beginning the date of appointment. No appointment is final until the employee has satisfactorily served the probationary period. A probationary employee may be removed or reduced at any time during the probationary period when, in the sole judgment of the County, the employee's fitness and/or quality of work are not such as to merit continuation in the position. A probationary employee has no right to appeal the removal or reduction under the Revised Code.

NOTE: The length of a probationary period for a part-time employee shall be determined in accordance with Ohio Administrative Code Section 123:1-19-04.

A longer probationary period, not in excess of one (1) year, may be established for specific job classifications. The Director of Human Resources may extend an employee's probationary period to allow additional time to review the employee's performance. No extension may be granted, however, if the extension would cause the total probationary period to exceed one (1) year.

Probationary employees will be evaluated with respect to performance efficiency twice during their probationary period. The first performance evaluation will be completed within thirty (30) days of the conclusion of the first half of the probationary period. The second evaluation will be completed within thirty days of completion of the probationary period, unless the employee is given a probationary removal or reduction, in which case the final evaluation will be made at the time of the removal or reduction. The final probationary evaluation shall state whether the employee is to be retained, removed or reduced.

The following time shall not be counted as part of the probationary period:

- Days spent on any unpaid leave of absence; or
- Days spent on a paid leave of absence for more than five (5) consecutive working days.

The employee's probationary period shall be extended by a number of days equal to the number of days that are not counted as part of the probationary period. For example, an employee who misses 10 consecutive working days on paid sick leave will have their probationary period automatically extended for 10 working days.

NOTE: Probationary periods and probationary evaluation requirements for bargaining unit employees are set forth in each applicable collective bargaining agreement.

5.08 **Performance Evaluation**

Performance evaluations are an opportunity for management to assess work performance of employees and to provide them with instructive feedback. Classified employees will be evaluated with respect to performance efficiency on a schedule determined by the Director of Human resources. Each evaluation shall measure the employee's performance for the year immediately preceding the evaluation date.

Each employee will be evaluated by their immediate supervisor. Upon completion of their evaluation, the evaluator shall prepare a Performance Evaluation Form and review it with the employee. The employee shall sign the evaluation to indicate that he or she has received a copy of the completed form. The employee's signature on the form does not indicate agreement with its contents; it merely acknowledges receipt of the form. Refusal of the employee to sign the form shall constitute waiver of the employee's appeal rights outlined below.

Employees who disagree with their performance evaluation are entitled to prepare a rebuttal statement that will be attached to their evaluation prior to placement in the employee's personnel file.

NOTE: Bargaining unit employees should refer to their collective bargaining agreement for information on performance evaluations.



5.09 Non-Bargaining Position Audits

Non-probationary, non-bargaining, classified employees who believe that their duties have changed significantly and feel that their classification is no longer appropriate may request a position audit.

An employee wishing to initiate a position audit shall submit their request in writing to the Director of Human Resources. Upon receipt of the employee's request, Human Resources shall forward a Comprehensive Position Questionnaire (CPQ) to the employee for completion. The CPQ will be accompanied by a cover letter and instructions for completing the CPQ. The cover letter will also be sent to the employee's Department Director.

The employee shall return the completed CPQ forms to Human Resources within thirty (30) days of receipt. The employee may request in writing to the Director of Human Resources a **onetime** extension of time in which to complete the CPQ. The deadline, however, may not be extended beyond thirty (30) days after the original due date.

Human Resources will review all submitted information and will make a determination as to the appropriate classification. To meet the classification criteria, an employee must perform the mandatory duties stated in the classification function at least 20% of the time. Prior to rendering a decision on the position audit request, Human Resources reserves the right to conduct an on-site audit. Upon completion of their review, Human Resources will send results of the position audit to the employee by certified mail to the address listed on the employee's Request for Position Audit Form with a copy to the Department Director. The employee has the right to appeal the decision rendered by Human Resources. This must be done in writing to the Cuyahoga County Human Resources Commission (HRC) within thirty (30) days of receipt of the letter of notification from Human Resources.

NOTE: Employees may lose their appeal rights if their own negligence caused them to fail to receive the position audit decision from Human Resources (i.e., failure to list correct mailing address on Request for Position Audit Form or failure to sign for the certified letter).

If the position audit results in the employee being reassigned to a classification in a higher pay range, the employee's rate of pay shall be adjusted to either the minimum of the new pay range or to the lowest step in the range which will reflect an increase of at least 5%, whichever is the greater increase.

If the position audit results in the employee being reassigned to a classification in a lower pay range, the employee's rate of pay will not be reduced. If the compensation of the reassigned employee exceeds the maximum step of the new pay range, however, the employee will be placed in step X and will not receive an increase in compensation until the maximum rate of pay for the new classification exceeds the employee's rate of pay.



If the position audit results in no change in the employee's classification, but a change in the pay range assignment of the classification, the employee will be adjusted to the same step in the new pay range.

If the position audit results in the employee being reassigned to a classification in a higher pay range, any salary adjustment will be computed retroactive to the beginning of the first pay period following the date that the written request for the position audit was received by Human Resources. If the position audit results in the creation of a new classification and/or pay range, any salary adjustment will be effective the first pay period following approval of the new classification and/or pay range by the County (i.e., not retroactive).

If, after conducting a position audit on an employee, Human Resources becomes aware of similarly situated employees, it will reassign the other employees, effective the beginning of the first pay period following the date that the decision was rendered on behalf of the employee that had requested the audit. Similarly situated employees will not be entitled to retroactive pay increases.

An employee may withdraw the request for a position audit at any time prior to a decision being rendered. An employee may not request a position audit more than once in a twelve-month (12) rolling period unless documentation acceptable to the Director of Human Resources is provided at the time of the second request that the job has substantially changed since the date of the completion of the previous audit.

An employee who has received a classification change pursuant to this Section is not required to serve a new probationary period.

NOTE: Bargaining unit employees should refer to their collective bargaining agreement for information on position audits.

5.10 Promotion

Promotions for positions in the classified service shall be made according to merit and fitness. Competitive examinations or other appropriate mechanisms to determine merit and fitness shall be utilized unless deemed impracticable by the Director of Human Resources.

Whenever a current employee is selected to fill a position which is in a higher pay range, the employee will be adjusted to the minimum of the new pay range, or be placed on a step in the higher pay range that reflects at least a five percent (5%) increase in his or her salary, whichever is greater. At no time will an employee be eligible for promotion while serving a probationary period.



5.11 Promotional Probationary Period

All newly promoted classified employees shall be required to successfully complete a probationary period of one hundred eighty (180) days. The promotional probationary period follows the same procedures as the New Employee Probationary Period (Section 5.07) with regard to extension of the period, applicability of time spent on unpaid leave of absence and evaluation. No promotion is final until the employee has served the probationary period.

If an employee accepts a promotion and is found to be unsatisfactory in the advanced position, the employee shall be returned to the position from which the employee was promoted or to a similar position. Upon such return, the employee's salary shall be the same that the employee was receiving prior to promotion, except for changes in pay range that may have occurred or any step increase to which the employee would have been entitled in the lower classification.

Any employee failing a promotional probationary period shall have the right to appeal through the Employee Complaint Procedure (Section 17.03) within five days following issuance of notice of failure of probationary period. A probationary employee, however, has no right to appeal the removal or reduction under the Revised Code.

5.12 Temporary Working Level (TWL)

A TWL pay adjustment may be granted when an employee is temporarily assigned a significant amount of the duties of a position with a higher pay range for a minimum of a two (2) week period, but not to exceed one (1) year.

The employee must meet the minimum requirements for the position in the higher pay range to be granted a TWL pay adjustment. An employee that is granted a TWL pay adjustment will be placed on a step that reflects at least a 5% increase in his or her salary, or the lowest step in the higher pay range, whichever is greater.

5.13 Lateral Class Change

A lateral classification change involves the movement of an employee, with the employee's consent, from one classification to another classification that is assigned to the same pay range or to a pay range in which the step one rate is the same as the step one rate as the classification from which the employee moves. An employee who accepts a lateral classification change will not have their pay adjusted and will not be subject to a probationary period.

NOTE: The filing of a Request for Position Audit (Section 5.10) constitutes the employee's consent to a lateral classification change should that be the ultimate decision at the end of the position audit process.



5.14 Demotion

A demotion is a reduction in rank or position to a classification which carries a lower salary range than that previously held. A demotion shall only be made for one or more of the offenses set forth in Section 13.08 of this Manual, except when the employee voluntarily agrees to a demotion in writing.

An employee who is demoted will be placed on a step in the lower pay range which reflects at least a 5% decrease in salary or be adjusted to the maximum of the pay range of the new position, whichever is the greater reduction in salary.

5.15 Reduction

“Reduction” means a change of the classification held by an employee to one having a lower base pay range, a change to lower step within a salary range with an accompanying diminution in compensation, or any decrease in compensation for an employee. A reduction shall only be made for one or more of the offenses set forth in the Section 13.08 of this Manual, except when the employee voluntarily agrees to a reduction in writing.

5.16 Resignation - Voluntary Termination of Employment

An employee may resign his or her employment with the County by submitting sufficient notice to the Department or Human Resources. Upon receipt of an employee’s notice of Resignation, the Director of Human Resources will confirm acceptance of the employee’s resignation to the employee in writing. A resignation notice may not be rescinded by an employee after acceptance by the Director, unless, in their sole discretion, the County accepts the employee’s request to rescind.

Employees are requested, where possible, to provide fourteen (14) days advance written notice of their intended resignation.

5.17 Removal – Involuntary Termination of Employment

Removal is an involuntary termination of County employment. A removal shall only be made for one or more of the offenses set forth in Section 13.08 of this Manual. Employees who are removed may appeal the removal to the HRC or in accordance with the terms of their collective bargaining agreement (See Section 13.12 of this Manual for more information regarding an employee’s right to appeal a removal action.)

5.18 Layoffs

County employees in the classified service may be laid off whenever a reduction in force is necessary due one or more of the following reasons:

- Lack of funds;
- Lack of work; or
- The abolishment of positions as a result of reorganization for the efficient operation of the County, for reasons of economy, or for lack of work.

Whenever it becomes necessary for the County to reduce its workforce, the County shall lay off employees or abolish their positions in accordance with the Revised Code and the administrative rules promulgated thereunder. Employees should refer to the applicable Ohio Revised Code and Ohio Administrative Code sections for detailed information regarding retention points, order of layoff, displacement rights and reinstatement rights.

NOTE: Bargaining employees should refer to their respective collective bargaining agreement for information regarding to layoffs.

5.19 Disability Separation

An employee who is unable to perform the essential job duties of his or her position due to a disabling illness, injury or condition may be disability separated. A disability separation may be voluntary or involuntary.

Eligibility

An employee is eligible for disability separation if both of the following conditions are met:

1. The employee is unable to perform the essential job duties of his or her position due to a disabling illness injury or condition; and
2. The employee has exhausted all of his or her paid sick leave and applicable unpaid leave.

When the employee does not dispute his or her inability to perform the essential job duties of his or her position due to a disabling illness, injury or condition, the disability separation process is considered “**voluntary**” and the following conditions apply:

- The County may grant the employee’s request for voluntary disability separation or may require the employee to submit to a medical or psychological fitness for duty examination with a physician chosen by the County. If the examination supports the employee’s request, the County shall grant the employee’s request. If the medical examination does not support the employee’s request, the County will not approve the request.
- An employee who is granted a voluntary disability separation waives his or her right to a pre-separation hearing and to any appeal of the decision to approve his or her request.



- An employee who is granted a voluntary disability separation shall retain the right to be reinstated to his or her position for two (2) years from the date that the employee is no longer in active work status due to a disabling illness, injury or condition. An employee may submit a written request for reinstatement from a voluntary disability in accordance with the procedure established below.

When there is a dispute between the County and the employee as to the employee's ability to perform the essential job duties of his or her position, the disability separation process is considered "**involuntary**" and the following conditions apply:

- The County must have substantial credible medical evidence of an employee's disabling illness, injury or condition (e.g., a fitness for duty examination finding the employee unfit for duty).
- The County must determine that the employee is unable to perform any of his or her essential job duties.
- The County will institute a hearing prior to involuntarily disability separating an employee. The employee shall be provided written notice at least seventy two (72) hours in advance of the hearing. If the employee does not waive his or her right to the hearing in writing, the hearing shall go forward and the employee has the right to examine the County's evidence of disability, to rebut that evidence, and to present testimony and evidence on his or her own behalf.
- If the County determines, after weighing the testimony presented and evidence admitted at the pre-separation hearing, that the employee is unable to perform his or her essential job duties, then the County shall issue an involuntary disability separation order.
- An involuntarily disability separated employee shall have the right to appeal in writing to HRC within ten (10) days following the date the order is served.
- An employee shall have the right to request reinstatement to his or her position for two (2) years from the date of separation.

Reinstatement

An employee on disability separation may make a written request to the County for reinstatement from the separation. An employee may not make a first request for reinstatement until three (3) months from the date the employee was no longer in active work status. The County shall notify the employee of its decision to approve or deny the reinstatement request no later than sixty (60) days after it receives the employee's written request. The employee shall not make subsequent requests for reinstatement more than once every three (3) months from the date the employee is notified of a reinstatement denial.

An employee is not eligible for reinstatement if the request occurs later than two (2) years from the date that the employee was no longer in active work status due to the disabling illness, injury or condition.



NOTE: For purposes of reinstatement under this Section, the date of separation is the date in which the employee was no longer performing active work status due to the disabling illness, injury or condition. If an employee attempts to return to work but fails to perform the essential job duties for six (6) consecutive months, the employee's effective date of separation does not change.

An employee's request for reinstatement shall be accompanied by substantial, credible medical evidence that the employee is once again capable of performing the employee's essential job duties. Upon receipt of this evidence, the County shall either reinstate the employee or require the employee to submit to a medical or psychological fitness for duty examination. If the County determines that the employee is unable to perform his or her essential job duties, the County will institute a pre-reinstatement hearing.

An employee shall be provided written notice at least seventy two (72) hours in advance of the pre-reinstatement hearing. If the employee does not waive the right to the hearing, then at the hearing the employee has a right to examine the County's evidence of continuing disability, to rebut that evidence, and to present testimony and evidence on his or her own behalf.

If the County finds the employee incapable of performing essential duties, the County will not reinstate the employee. The employee will be notified of this decision in writing and shall have the right to appeal in writing to HRC within thirty (30) days of receiving the decision.

If the County determines that the employee is to be reinstated, the employee has a right to be assigned to a position in the classification the employee held at the time of disability separation. If the classification the employee held at the time of disability separation no longer exists or is no longer utilized by the County, the employee shall be placed in a similar classification. If no similar classification exists, or if the employee no longer meets the minimum qualifications, the employee may be laid off in accordance with the Ohio Revised Code or in accordance with an applicable collective bargaining agreement.

County employees who are unable to perform the essential job duties of his or her position on a permanent basis due to a disabling illness, injury or medical condition, may be eligible for disability retirement through OPERS. Employees must contact OPERS to initiate the disability retirement process. If the employee has been granted disability benefits by OPERS, the reinstatement requirements of this Section may apply for up to five years.

NOTE: If the employee has been granted disability benefits by OPERS, the reinstatement requirements of this Section may apply for up to five years. See Section 5.20 of this Manual for more details.



5.20 Disability Retirement

County employees who are unable to perform the essential job duties of his or her position on a permanent basis due to a disabling illness, injury or medical condition, may be eligible for disability retirement through OPERS. Employees must contact OPERS to initiate the disability retirement process. Contact information for OPERS can be found in Section 11.06 of this Manual.



Section 6: **WORKWEEK AND HOURS / PAYROLL**

6.01 Compliance with the Fair Labor Standards Act (FLSA)

The FLSA is a federal law which requires that certain employees be paid at least the federal minimum wage for all hours worked and overtime for all hours worked over forty (40) hours in a workweek. It is County policy to comply with all requirements of the FLSA. In accordance with this policy, all positions with the County are categorized as either “non-exempt” or “exempt” based on the nature of the positions:

- **Non-Exempt Employees** – Non-exempt employees receive compensatory time or overtime for time worked beyond forty (40) hours in a workweek.
- **Exempt Employees** – Exempt employees do not receive compensatory time or overtime for time worked beyond forty (40) hours in a workweek. Subject to the provisions of 6.08 of this Manual, however, exempt employees may be eligible to receive exchange time for time worked beyond (40) hours.

An employee who believes that he or she has been improperly categorized as exempt or his or her paycheck has been improperly docked may file a complaint in accordance with the County FLSA Complaint Process ([Section 17.02](#)). If the County determines that the employee has been improperly categorized or docked, the employee will be re-categorized and/or reimbursed.

6.02 Attendance Records

Human Resources utilizes two methods for capturing time worked by employees: (1) timesheets – including paper and electronic forms; and (2) automated time recording system. The following attendance records policies and procedures are established pursuant to principles of public accountability. Attendance records are public records.

Each employee is generally required to record or clock his or her time at the moment of arriving to commence work and departing for the workday. Supervisors will arrange for a sign in/out procedure to be in place for all employees who are required to report directly to a worksite away from the location where the normal sign in/out procedure takes place. The employee, however, is solely responsible for accurately completing and signing his or her own timesheet.

Falsification of a timesheet is grounds for discipline, up to and including removal.

Employees who do not report to work on time are in violation of the Attendance Control Policy (Section 14.03). When an employee is tardy without approved leave (i.e., sick/vacation/FMLA), the time taken will be without pay and will be cumulative toward the employee AWOL hours (see Section 14.02).

6.03 Timesheet Recordkeeping

Timesheets (paper or electronic) are to be used to record reasons for absences and additional hours worked which qualify for overtime, compensatory time and/or exchange time. Timesheets will include the following codes for all the various possibilities for absences:

Reason for Absence	Timesheet Code	Policy Manual Section
Abbreviated Work Day	AWD	<u>1.06</u>
Absent w/out Official Leave	AWOL	<u>14.02</u>
Compensatory Time Leave	CT	<u>9.04</u>
Court/Jury Duty/HRC Leave	CL	<u>9.07</u>
Exchange Time Leave	ET	<u>9.05</u>
Extended Unpaid Sick/Medical Leave	LOA	<u>9.09</u>
FMLA Leave	FMLA	<u>8</u>
Holiday	H	<u>6.09</u>
Holiday w/out Pay	HX	N/A
Leave Donation	SLD	<u>9.08</u>
New-Hire Administrative Leave	ALX	<u>9.09</u>
Paid Administrative Leave	AL	<u>13.09</u>
Paid Military Leave	ML	<u>10.01</u>
Personal Day	PD	N/A
Personal Leave of Absence	LOA	<u>9.09</u>
Sick Leave	S	<u>9.03/9.06</u>
Suspension w/out Pay	SUSX	<u>13.09</u>
Suspension w/Pay	SUS	<u>13.09</u>
Unpaid Military Leave	MLX	<u>10.02</u>
Vacation Leave	V	<u>9.02</u>
Voluntary Work Reduction	VWR	<u>6.06</u>
Worker's Compensation Leave w/out Pay	WCX	<u>12.04</u>

Each employee is responsible for ensuring that the employee has adequate available leave time when requesting/claiming leave time on his or her timesheet. Employees who claim leave time that they do not have will be considered AWOL for the claimed period of time (See Section 14.02).



Employees shall adhere to the following procedure for accurately completing their timesheet:

- Accurately record the time they **began work and the time that they ended working** for each regular working day;
- Determine the number of hours and minutes worked each day (only if utilizing paper timesheet);
- Convert the time worked or time off to a decimal (only if utilizing paper timesheet);
- If time worked is less than the scheduled workday, note the hours off and indicate the reason for the absence (only if utilizing paper timesheet);
- Add the weekly regular, overtime, compensatory and exchange hours for each week to reflect in the breakdown of hours worked on the timesheet (only if utilizing paper timesheet); and
- Sign or electronically submit the timesheet to indicate their confirmation of the times noted as the arrival and departure for each day.

The sum of work time, authorized leave and time without pay shall not exceed the amount of time an employee would have been regularly scheduled to work in any day, unless overtime/compensatory time/exchange time was required and authorized by the supervisor/department head.

Upon the validation of the timesheet by the employee, the supervisor shall review the timesheet to certify that the employee rendered the time indicated on the timesheet. Supervisors are accountable for their employees' whereabouts at all times. If the supervisor is satisfied that the employee's timesheet accurately reflects the employee's attendance for the week, the supervisor shall sign or electronically submit the timesheet to reflect the authorization of hours to be paid.

Upon the completion and validation of timesheets, the supervisor (or designee) must ensure that signatures by each employee and the supervisor are included. All completed timesheets must be forwarded on a weekly basis to the appropriate payroll administrator for record keeping and processing.

Falsification of a timesheet by an employee or a supervisor is a violation of the County's Discipline Policy (Section 13), which may result in disciplinary action, up to and including removal from County employment.

6.04 Automated Time Recordkeeping

The second method for time recording utilized by the County is by automated time recording mechanism (e.g., Timelink). The automated payroll system is a precise measure of time and attendance which is based upon keypunches and/or card swipes. No grace period exists for employees who utilize the automated time recording mechanism. Therefore, should an employee key or swipe in after their scheduled time to work or before their scheduled shift ends, the system will note the late arrival or early departure and accordingly dock the earnings of the employee.

Employees who utilize the automated time recording mechanism must do so at their assigned worksite. It is the responsibility of each employee to punch in at the start of the shift and out at the conclusion of the shift. Early arrivals and late departures will not be counted as overtime unless previously approved by a supervisor.

Under no circumstances may an employee swipe/key another employee in at the beginning of a shift or out for the end of a shift. Violation of this provision may result in disciplinary action, up to and including removal.

6.05 Standard Workweek and Hours

The normal workweek for full-time County employees is five (5) days per week, usually Monday through Friday. The normal workday is from 8:30 a.m. to 4:30 p.m., with a paid lunch period of uniform duration established by the Department head to meet the operating needs of the Department. The normal workweek and standard hours of work may vary based on operation needs, and/or in cases of 7-day/24-hour-a-day operations or in situations covered by a collective bargaining agreement.

NOTE: A non-exempt employee may not work beyond the standard hours of work so as to exceed the normal forty-hour workweek without prior authorization by the employee's supervisor.

In the case of unexcused absences or absence without approved leave, the time missed will be without pay and will be recorded as AWOL pursuant to Section 14.02.

6.06 Flextime / Reduced Work Hours

Department Directors, in their sole discretion, may authorize employees to participate in flextime. Those authorized to participate in flextime are required to comply with all other policies and procedures, including, but not limited to, the requirements of this Section and the Attendance Control Policy (Section 14). Participation in flextime does not eliminate any of the work rule requirements mandated in this Manual. Department Directors, in their sole discretion, may revoke the offer of flextime at any time.

NOTE: No flextime options permit employees to work before 7:00 a.m. or beyond 6:00 p.m. unless absolutely necessary for County operations.

Flextime Options

OPTION A – Core Hours

- Permits employees to choose, on a day to day basis, a work schedule beginning as early as 7:00 a.m. and as late as 10:00 a.m.
- An employee's workday will end eight (8) hours from the time they arrive.
- All employees are required to be present during the "core hours" of 10:00 a.m. to 3:00 p.m.

OPTION B – Four (4) Day Work Week

- Permits employees to work four (4) ten (10) hour days.
- Directors and Division Managers are excluded from participation in this Option.
- Department heads may select from three different plans for reallocating the number of workdays from five (5) to four (4) days:
 - **Plan 1** – Department as a whole operates four days. All employees are scheduled to work the same days (i.e., Monday through Thursday; Tuesday through Friday or Thursday through Sunday).
 - **Plan 2** – Department operates five (5) days a week with each employee working only four days – days off are staggered among teams of employees.
 - **Plan 3** – Department operates seven days a week, each employee working four days – schedule alternates as necessary.
- Holiday Scheduling – Employees on the four (4) day work week will revert to a five (5) day, eight (8) hour schedule during each week in which a holiday occurs

OPTION C – Selected Daily Work Hours

- Employee may select a different number of work hours each day.
- Total selected hours must equal forty (40) hours each workweek.
- No less than five (5) hours or more than ten (10) hours may be worked in one day.
- This plan may include Saturday as a workday.
- Holiday Scheduling – Employees who are on selected daily work hours will revert to a five (5) day, eight (8) hour schedule during each week in which a holiday occurs.



Voluntary Work Reduction

Timesheet Code: VWR

Department Directors, in their sole discretion, may authorize employees to participate in a voluntary work reduction program. A voluntary work reduction involves a decrease in an employee's amount of hours worked. Those authorized to participate in a voluntary work reduction program are required to comply with all other policies and procedures, including, but not limited to, the requirements of this Section and the Attendance Control Policy (Section 14). Participation in a voluntary work reduction program does not eliminate any of the work rule requirements mandated in this Manual. The Department Director, in their sole discretion, may revoke the offer of a voluntary work reduction program at any time.

NOTE: Exempt employees who participate in a voluntary work reduction program shall not be eligible to accumulate exchange time.

Cost Savings Days

In their sole discretion, the County may establish mandatory or voluntary cost savings programs in accordance with the authority granted by the Revised Code. A cost savings program involves the taking of unpaid cost savings days ("furlough days") by County employees.

6.07 Lunch / Breaks

Unless otherwise specified in a collective bargaining agreement, County employees will receive a one-hour paid lunch period. In addition, County employees may receive two paid rest breaks of fifteen (15) minutes in duration. All rest breaks and lunch periods are to be scheduled by the employee's immediate supervisor based on the operational needs of their unit and in accordance with the following provisions:

- One rest break shall be taken in the first half of the work day and one shall be taken in the second half of the work day;
- Rest breaks shall not abut the end or beginning of the lunch period;
- Rest breaks and lunch periods cannot be used to make-up tardiness or quitting early. For example, an employee who is scheduled to end his or her day at 4:30 may not leave for the day at 3:30 p.m. and take his or her lunch from 3:30 to 4:30 p.m.; and
- An employee must return to work after a lunch period for that period to be considered a lunch period. For example, an employee may not take his or her lunch period from 12 p.m. to 1 p.m. and then take sick leave from 1 p.m. until the end of the day. The employee will be required to use his or her own leave time to cover the period from 12 p.m. to 1 p.m. If, however, the employee only used sick leave from 1 p.m. until 2 p.m. and returned to work for the remainder of the day, the 12 p.m. to 1 p.m. period would be considered a proper lunch period.



6.08 Overtime, Compensatory Time and Exchange Time (Accrual)

The accrual and use (*See Sections 9.04 and 9.05*) of all overtime/compensatory time/exchange time must be prior approved by an employee's supervisor.

Employees are not permitted to accrue or use compensatory time or exchange time without prior approval by the employee's supervisor

Compensatory Time / Overtime

In accordance with Section 6.01 of this Manual, employees in non-exempt positions who **are required to or are granted prior authorization** to work beyond forty (40) hours in a work week shall accrue compensatory time at a rate of one and one-half (1 ½) hours for every hour worked beyond forty (40) hours. **It is incumbent upon management (including front-line supervisors) to direct their unit operations and/or employee workload so that non-exempt employees do not perform unscheduled work that results in overtime or compensatory time liability.** It is the duty of unit management to exercise control so that work is not performed by non-exempt employees outside of their normal scheduled work hours unless the additional work time has been authorized.

To avoid overtime or compensatory time liability, a supervisor may direct a "temporary schedule change" within the same workweek so that a non-exempt employee's hours in a paid status within the workweek do not exceed forty hours. For example: Employee (a non-exempt employee) has a typical M-F, 8:30 - 4:30 schedule. The supervisor asks Employee to stay 2 hours late on Wednesday to finish a critical project. If Employee works the remainder of the standard work schedule through the end of the week, Employee will have worked 42 hours, and shall be entitled to overtime or compensatory time for the additional 2 hours. To avoid the overtime or compensatory time liability, the supervisor may direct Employee to work two fewer hours on Thursday or Friday of the same week to maintain the employee's work week at the standard forty hours. **The extra time worked and the reduced work hours must be within the same week (Sunday to Saturday) in order for a temporary schedule change to be effective to avoid unnecessary overtime or compensatory time liability.**

NOTE: A "temporary schedule change" is a separate and distinct concept from a flexible work schedule (Section 6.06). A temporary schedule change must be pre-approved by an employee's supervisor and does not constitute a permanent change to an employee's regular work schedule. Non-exempt employee's who work beyond their regular work schedule without prior authorization may be subject to disciplinary action, up to and including termination of employment. A supervisor shall only approve a "temporary schedule change" as a means to avoid overtime or compensatory time liability in extraordinary situations in which a non-exempt employee is required to work additional hours on a particular day during a workweek.

Supervisors must ensure that the employees for whom they sign timesheets understand and comply with the policy on non-exempt overtime/compensatory time. Employees who do not comply with the policy and proceed to work unauthorized overtime should be counseled, the discussion should be documented, and progressive discipline should be initiated with Human Resources for further violations. Supervisors who do not regulate their employees' work hours may also be subject to disciplinary action.

The maximum amount of compensatory time a non-exempt employee may accrue is two hundred forty (240) hours, unless the employee works in a public safety, emergency response position, in which case the maximum is four hundred eighty (480) hours. Employees who have accrued unused compensatory time up to these limits will be paid overtime on a time and one-half basis for all additional overtime worked.

Accrued compensatory time may be used in accordance with Section 9.04 of this Manual. At the sole discretion of the County, non-exempt employees may be paid overtime on a time and one-half basis in lieu of accrual of compensatory time.

Exchange Time

Employees in overtime-exempt positions may receive exchange time on an hour-for-hour basis for time worked beyond forty (40) hours in a work week, provided the following:

- There is a compelling, extraordinary reason for the exempt employee to be required to stay beyond normal working hours – staying to finish up normal assignments does not qualify;
- There is a “meeting of the minds” between the exempt employee and the supervisor - the employee must either be required to work the overtime or be granted **prior** authorization by their supervisor to work the additional hours; and
- The required or authorized increment of additional time is greater than one-half hour per day of required additional time.

After the initial half-hour period is accrued, exchange time is accrued in increments of one-minute. The maximum balance of exchange time an exempt employee may maintain is forty (40) hours.

Accrued exchange time may be used in accordance with Section 9.05 of this Manual.

6.09

Holidays

Timesheet Code: H

All County employees are entitled to eight (8) hours of holiday pay for:

New Year's Day	Columbus Day
Martin Luther King Day	Veterans Day
President's Day	Thanksgiving Day
Memorial Day	Day after Thanksgiving
Independence Day	Christmas Day
Labor Day	

In the event that any of the aforementioned holidays falls on Saturday, the Friday immediately preceding shall be observed as the holiday. In the event that any of the aforementioned holidays fall on Sunday, the Monday immediately following shall be observed as the holiday.

NOTE: Bargaining unit employees should refer to their respective collective bargaining agreement for applicable provisions on holidays and holiday pay.

If the employee's work schedule is other than Monday through Friday, he or she is entitled to holiday pay for holidays observed on the employee's day off regardless of the day of the week on which they are observed.

An employee in a non-exempt position who is required to work on a day designated as holiday by this Section shall be entitled to pay for such time worked at overtime rates in addition to his or her regular pay. An employee in an exempt position who is required to work on a day designated as a holiday shall be entitled to exchange time on an hour-for-hour basis for all hours worked in addition to their regular pay.

Temporary employees are not entitled to holiday pay. Part-time/permanent employees are entitled to holiday pay for a portion of the holiday based on the number of hours that they are regularly scheduled to work on the day that the holiday falls.

Employees who are in an unpaid status on the regular work day immediately preceding or following the holiday are not eligible for holiday pay.

6.10 Payroll System

The County's compensation schedule is based on a two-week or eighty-hour (80) pay period, which begins on Sunday morning and ends on Saturday night. Paychecks are distributed on Friday's of pay weeks.



6.11 Payroll Deductions

There are two types of payroll deductions that the County shall be authorized to make from employee wages:

Mandatory

- Federal, state and local withholding taxes
- Ohio Public Employees Retirement System (OPERS)
- Garnishments
- Court ordered child or spousal support
- Medicare portion of Social Security for employees hired after April 1, 1986
- Union dues / Fair Share Fees

Voluntary: Employees may authorize deductions from wages for (these options are subject to change periodically at management's discretion):

- Benefit selections
- Charity Choice contributions
- RTA bus passes and vehicle parking, subsidized monthly
- Purchase of prior Ohio service time (contact OPERS @ 614-466-2085)
- Deferred compensation contributions
 - County Commissioners Association of Ohio Deferred Compensation Program (800-423-3699)
 - Ohio Public Employees Deferred Compensation Program (877-644-6457)
 - Financial Network of America (800-837-9190)
- Credit union deductions
 - Cleveland Postal Employees Credit Union (located in basement of County Administration Building – 443-7290)
 - United Telephone Credit Union (440-333-6366)

Employees interested in taking advantage of any of these voluntary deductions should contact the Payroll Division at (216) 443-7380 for more information.

6.12 Direct Deposit Program

In lieu of paper paychecks, the County can electronically transfer net pay into an employee's checking or savings account at the financial institution of the employee's choice. Employees interested in participating in the Direct Deposit Program should contact the Payroll Division at (216) 443-7380 for more information or complete a Direct Deposit Authorization Form on the MyHR website and submit it to the Payroll Division.

6.13 Savings Programs

Employees of the County may be eligible to participate in various savings programs through payroll deduction, including:

- Deferred compensation investment; and
- Credit union savings accounts.

Employees interested in any of these programs should contact the Payroll Division at (216) 443-7380 or refer to the County intranet for more information.

6.14 Payment Upon Separation from Employment with County

Compensation for accrued vacation leave and compensatory time will be included in the last paycheck.

No employee shall be paid for any unused sick leave upon termination of employment, except that, upon retirement, an employee with ten (10) or more years of service may receive cash payment for one-fourth (1/4) the value of the accrued, but unused sick leave credit, not to exceed 240 hours (30 days).

Section 7: **WORKPLACE WELLNESS**

7.01 Drug-Free Workplace

The County is committed to maintaining a drug-free workplace. All County employees are required to abide by the County Drug Free Workplace Policy. Employees who abuse alcohol and other controlled substances or who use illegal drugs violate this policy and undermine the County's goal of providing responsible and professional service to the public. Employees who violate the County's Drug Free Workplace Policy are subject to discipline up to and including removal.

All individuals who have received a job offer with the County are required to submit to a test for alcohol and/or illegal drugs pursuant to Section 5.04 of this Manual. Current employees may be tested pursuant to the County Fitness for Duty Program (Section 7.04) when there is a reasonable suspicion of impairment or post-accident.

Employees whose jobs require them to possess a commercial driver's license (CDL) and who drive vehicles for which testing is required under Federal regulations are also subject to alcohol and drug testing pursuant to Federal law.

In addition, since early identification and treatment are safeguards to job investment for both the County and its employees, employees who have a substance abuse problem are encouraged to voluntarily seek treatment.

7.02 Smoke-free Workplace

The County passed a resolution approving a smoke-free workplace policy effective August 1, 1994. It provides (in relevant part) that:

“...Be it further resolved that smoking will be strictly prohibited within all areas of County owned or leased buildings including: offices, hallways, entrance ways, lobbies and waiting areas, reception areas, rest rooms, cafeterias, snack bars, elevators, stairwells, meeting and conference rooms, kitchen areas, parking garages and **areas immediately adjacent to any entrances...**”

Furthermore, the Revised Code prohibits smoking in any “public place” or “place of employment”, including **any place adjacent to locations of ingress or egress to the public place or place of employment.**

NOTE: Smoking is also prohibited in all County vehicles (*See Section 16.03*).

An employee wishing to report a violation of this Section should:

- If the violation is occurring on County-owned property or is being committed by a County Employee – contact Protective Services at (216) 443-2141 or 1-888-81-HELPU (43578).
- If the violation is occurring on non-County-owned property by a non-County employee (i.e., County-leased property) – contact the Ohio Department of Health Smoking Ban Hotline at 1-866-559-OHIO (6446).

In addition to the penalties proscribed by the Revised Code, employees of the County who violate this section may be subjected to discipline, up to and including removal.

7.03 Employee Assistance Program (EAP)

Employee Assistance Program (EAP) services assist County employees with resolving personal and family related problems which adversely affect work, relationships, and quality of life. EAP services also help identify and alleviate obstacles to maintaining good mental and personal health.

Participation in the program is voluntary and available to all employees, their family members and County retirees. The County pays all costs related to EAP enrollment. EAP services include:

- Assessment of problem areas;
- Counseling, if necessary; and
- Referral to additional support services for more comprehensive treatment.

If extended treatment or counseling is required, an employee's health plan may cover most costs.

All communications with the EAP are confidential and employees who participate are assured that their job, future, and reputation will neither be jeopardized nor benefited by utilizing the EAP program. It is the responsibility of the employee to follow through with referrals for assessment of a problem and to follow recommendations of the diagnostician or counseling agent.

Employees interested in using the EAP services or who have questions regarding the program should contact Human Resources or the County's EAP provider:

Ease@Work
(216) 241-EASE (3273) or (800) 521-3273
www.easeatwork.com/EASEy
Username: COUNTY
Password: EASE



7.04 Fitness for Duty – Drug and Alcohol Testing

In accordance with its Drug Free Workplace Policy, the County has established the following Fitness for Duty/Drug and Alcohol Testing Program.

NOTE: Bargaining unit employees should refer to their collective bargaining agreement for information regarding drug and alcohol testing.

Reasonable Suspicion

If a supervisor or Department manager/Director has a reasonable suspicion that an employee may be under the influence of drugs and/or alcohol, the supervisor shall immediately:

- If during regular business hours (8:30 a.m. – 4:30 p.m.), contact the Fitness for Duty Coordinator at 216-443-7630.
- If before or after regular business hours, contact the Protective Services Division at (216) 443-2141

The Fitness for Duty Coordinator will come to the worksite and perform an evaluation of the employee. If the Fitness for Duty Coordinator, in consultation with Department management, determines that a drug and/or alcohol test is appropriate, the employee's immediate supervisor and another member of Department management will be required to sign a Reasonable Suspicion Form.

The employee will then be asked whether he or she is willing to submit to a drug and/or alcohol test. If the employee refuses, the employee will be treated as having tested positive and will be referred to and disciplined in accordance with the Fitness for Duty Program (*see below*).

If the employee agrees to the drug and/or alcohol test, he or she will be escorted by either the Fitness for Duty Coordinator or a Protective Services representative to an approved testing site. If the employee leaves the testing site at any point prior to being tested, the employee will be treated as having tested positive and will be referred to and disciplined in accordance with the Fitness for Duty Program (*see below*). Upon conclusion of the test, the Fitness for Duty Coordinator will determine whether the employee will be taken back to their worksite or to their residence. The leave status of the employee during this period of time will be determined by the County in light of the particular circumstances of each case.

If the employee's test results are positive, the employee will be referred to and disciplined in accordance with the Fitness for Duty Program (*see below*). If the employee's test results are negative, the investigation will be closed by the Fitness for Duty Coordinator.

Post-Accident

Employees involved in a vehicle accident as defined under Section 16.04 of this Manual, must follow the reporting procedures outlined in that Section. Upon being notified of a vehicle accident by the employer's supervisor and/or Protective Services, the Fitness for Duty Coordinator will consult with the appropriate parties and determine whether a drug and/or alcohol test is appropriate.

If the Fitness for Duty Coordinator determines that a drug and/or alcohol test is appropriate, the Fitness for Duty Coordinator or a representative from Protective Services will meet the employee at the accident site and take him or her directly to an approved testing facility. If the employee needs to seek immediate medical attention, the Fitness for Duty Coordinator will attempt to contact the medical facility where the employee seeks treatment in order to arrange for a drug and/or alcohol test of the employee.

If the employee refuses to submit to the test or leaves the testing site at any point prior to being tested, the employee will be treated as having tested positive and will be referred to and disciplined in accordance with the Fitness for Duty Program (*see below*). Upon conclusion of the test, the Fitness for Duty Coordinator will determine whether the employee will be taken back to his or her worksite or residence. The leave status of the employee during this period of time will be determined by the County in light of the particular circumstances of each case.

If the employee's test results are positive, the employee will be referred to and disciplined in accordance with the Fitness for Duty Program (*see below*). If the employee's test results are negative, the investigation will be closed by the Fitness for Duty Coordinator.

Employees involved in a non-vehicle related accident on work time may be required to submit to a drug and/or alcohol test pursuant to the County's Workers' Compensation Procedures (Section 12.02). The results of the drug and/or alcohol test, or the employee's refusal to submit to the test may affect the employee's eligibility for compensation and benefits pursuant to Revised Code Section 4123.54 and Chapter 4121 of the Revised Code and will subject the employee to the provisions of the County's Fitness for Duty Program (*see below*).

Commercial Driver License

In accordance with rules issued by the U.S. Department of Transportation (49 C.F.R. 382), the Ohio Department of Transportation (Section 4506 of the Ohio Revised Code) and the County's Drug-Free Workplace Program, employees who are required by the County to have a Commercial Driver License (CDL) are subject to drug and alcohol testing.



Fitness for Duty Program

New-hire probationary employees are not eligible to participate in the Fitness for Duty Program. If a new-hire probationary employee tests positive for drugs or alcohol under any of the above-cited testing procedures, he or she will be immediately removed from employment with the County.

All non-new-hire probationary employees who test positive for drugs and/or alcohol pursuant to a “reasonable suspicion” or “post-accident” test will be offered a chance to enroll in the Fitness for Duty Program. If the employee declines to enroll in the Program, he or she will be removed from their employment with the County based on the positive test. If the employee enrolls in the program, they will be required to sign a “last chance agreement”.

Employees enrolled in the Fitness for Duty Program will be required to submit to intensive outpatient treatment through the County’s EAP. Employees who refuse or neglect to seek treatment will be in violation of the terms of their Fitness for Duty Agreement and will be removed from employment with the County. The employee will also be subject to random drug/alcohol tests for the duration of the two-year (2) program. If the employee tests positive for drugs and/or alcohol at any time during that two-year (2) period or refuses to submit to a random test, the employee will be considered in violation of his or her last chance agreement and will be removed from employment with the County. If the employee complies with all requirements of the program and does not test positive during the two-year (2) period, he or she will return to regular status.

An employee who is concerned about a substance abuse problem may voluntarily enroll in the Fitness for Duty Program at any time. Employees who voluntarily enroll, however, will not be required to sign a “last chance agreement” unless they test positive for drugs or alcohol while in the program.

An employee whose performance is below standard or who has violated a work rule cannot avoid discipline by enrolling in a treatment program or by enrolling in the Fitness for Duty Program.

7.05 Fitness for Duty – Physical and Mental Health

The County may require that an employee submit to medical or psychological examinations for purposes of determination of the employee’s fitness for duty.

If a Department Director, in consultation with Human Resources, determines that an employee’s behavior and/or condition warrants a Fitness for Duty Examination, the Department Director shall complete a Medical Examination Request Form and submit it to Human Resources. Upon receipt of the Examination Request Form, the employee will be scheduled for an examination with an appropriate licensed practitioner. The employee will be notified of the date and time of



their examination. At the sole discretion of the Director of Human Resources, the employee may be placed on paid administrative leave pending the results of the examination. The employee will be required to adhere to all requirements of employees on paid-administrative leave (*see Note Box on p. 101*).

An employee's refusal to submit to an examination or the unexcused failure to appear for an examination amounts to insubordination, which may result in discipline, up to and including removal. An employee will be responsible for the costs associated with an unexcused failure to appear at a scheduled examination.

Upon completion of the examination, the County will receive a report outlining the physician's opinion regarding the employee's fitness for duty. The employee will also receive a copy of the physician's report unless the physician determines that the disclosure of the information is likely to have an adverse effect on the employee, in which case the information shall be released to a physician, psychiatrist, or psychologist who is designated by the person or by the person's legal guardian.

If the physician determines that the employee is fit for duty, the employee shall return to work on the day immediately following the day they are notified of the physician's findings or as soon as practicable. Failure to return to work will subject the employee to discipline pursuant to the Attendance Control Policy (*see Section 14.03*).

If the physician determines that the employee is not fit for duty, the employee will not be returned to work and will be taken off paid administrative leave and will be required to use their accrued paid leave (sick, vacation, exchange time, and/or compensatory time) or go on an unpaid leave in accordance with Section 9.09 of this Manual. The employee will remain off work while the medical conditions identified by the physician remain unresolved. The employee should submit medical documentation from their treating physician to the Fitness for Duty physician. The Fitness for Duty physician will determine whether the treatment provided renders the employee fit for duty and able to return to work in their job classification.

Once the employee exhausts all of their paid and unpaid leave, the County will move forward with disability separation proceedings pursuant to Section 5.19 of this Manual.

NOTE: An employee that is determined to be not fit for duty may be eligible for disability retirement through OPERS. Please refer to Section 5.20 for more information on disability retirement through OPERS.

7.06 Safety Policy

All County employees are charged with the responsibility of promoting the safety and security of fellow employees and the general public who come in contact with the County services and facilities.

All employees and contractors of the County are expected to conduct their duties in a safe manner, aimed at preventing or minimizing injuries and property damage throughout all County operations. Each employee must operate safely, use equipment, tools and materials properly and be totally familiar with work rules and procedures for his or her areas of responsibility. Each employee shall take an active part in the identification and reporting of hazards. Supervisors shall actively participate in the assessment and resolution of hazards and shall fully cooperate with Central Services and Protective Services to eliminate or control hazards in all areas of County facilities.

7.07 Workplace Violence

Threats, threatening behavior, or acts of violence against employees, clients, or guests by anyone on County property will not be tolerated. In addition to applicable criminal penalties, employees who violate this section may be subject to discipline, up to and including removal. The County reserves the right to remove anyone who engages in violent or threatening behavior from the premises and may require that they remain off the premises pending the outcome of an investigation and/or as long as they are still considered a threat.

Employees should immediately contact Protective Services at (216) 443-2141 or 1-888-81-HELPU (43578), and/or the appropriate law enforcement authority (911) if an employee (or guest/client) is creating or communicating a threat of violence. Employees that fail to report such threats will be subject to disciplinary action, up to and including termination of employment.

Employees with a criminal or civil protective or restraining order which lists company locations as being protected areas are responsible for providing a copy of such documents to Protective Services and Human Resources. Human Resources may meet with the employee and offer EAP or other services that might assist the employee.



7.08 Mediation Program

Mediation is a voluntary process in which a neutral third person (“the mediator”) assists individuals in resolving their conflicts. The mediator assists the parties in clarifying, discussing, and resolving the issues that created the conflict. The mediator, however, will not judge the parties or make decisions for them. The County has established a mediation program to prevent the progression and escalation of inter-personal conflicts and to help employees respond to conflict in an effective and positive manner. It is the desire of the County that employees make use of the mediation service before conflict affects the quality of work relationships or results in workplace violence.

The County mediation program is available to all County employees at all levels and can be requested by either party at any time. County management may also refer employees to the mediation program when appropriate. Mediation communication is confidential to the extent allowed by law. Communication that is never confidential, however, includes signed agreements between the parties, threats of bodily injury, plans to commit a crime and complaints of mediator misconduct. Participation in the County Mediation Program does not exempt employees from following County policies and procedures and will not delay any pending discipline. The County reserves the right to take disciplinary measures where standard rules of conduct are violated or where behavior deteriorates to unacceptable levels.

Employees interested in participating in or learning more about the County Mediation Program should contact Human Resources, Employment Relations Division, at (216) 443-7190 or TTY (216) 443-7002.

7.09 Wellness Programs

The County is committed to their employees maintaining good health. To that end, at the sole discretion of the County, wellness opportunities may be periodically offered to employees, including:

- Lunch and learn programs;
- Fitness classes (e.g., aerobics or body sculpting);
- Flu shots at discounted prices;
- Discounted fitness club memberships;
- Health screenings (e.g., mammograms, cholesterol, hypertension);
- Annual wellness fair;
- Health risk assessment;
- Certain preventative care covered at 100% through benefits; and/or
- Discounts on medications for asthma, cholesterol, diabetes and hypertension;

Employees will be notified of these offers as they become available.



7.10 Sustainable Cuyahoga County

The County is committed to sustainability and sustainable development as defined in the Brundtland Commission Report, *Our Common Future*, 1987:

"Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs."

Critical to this is the financial balance of the "triple bottom line" - measuring success through economic, environmental, and social equity.

Office Practice

The County encourages all employees to seek opportunities to incorporate sustainable principles in work and home life. Some examples include:

- Conserve energy by turning off lights, adjusting thermostats, and turning off equipment when not in use;
- Reduce, Reuse and Recycle products to reduce waste and conserve natural resources;
- Buy local;
- Use public transportation, reduce vehicle idling, and use fuel efficient vehicles; and
- Increase personal wellness.

Information regarding county sustainability programs such as recycling may be found on the County intranet, Sustainability Office website links, as well as by direct notifications.

Climate Change and the "Carbon Footprint"

On November 15, 2007, the County adopted a resolution making a Climate Stabilization Declaration to:

"Work closely with local, state, and federal governments and other leaders to reduce county geographical greenhouse gas (GHG) emissions to 80 percent below current levels by 2050..."

As a result of this declaration, a mid-term goal was set to achieve 20 percent reduction in emissions by June 22, 2019. This achievement will commemorate the fiftieth anniversary of the June 22, 1969 Cuyahoga River fire which contributed to the formation of the US Environmental Protection Agency.

In furtherance of this declaration, the County is reducing its annual "carbon footprint" or ecological footprint through reduction in use of fossil fuels such as coal, oil & gas that produce greenhouse gas emissions. The sum total direct use of fuels and indirect use through procurement of products and services equal ones "carbon footprint".



Section 8: FAMILY MEDICAL LEAVE ACT (FMLA)

Timesheet Code: FMLA

8.01 Definitions

- Active Duty*** Duty under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code.
- Adoption*** Legally and permanently assuming the responsibility of raising a child as one's own. The source of an adopted child is not a factor in determining eligibility for FMLA leave.
- Chronic Serious Health Condition*** A health condition that meets the following criteria:
- Requires periodic visits (at least twice a year) for ***treatment*** by a ***health care provider***, or by a nurse under the direct supervision of a ***health care provider***;
 - Continues over an extended period of time (including recurring episodes of a single underlying condition); and
 - May cause episodic rather than a continuing period of ***incapacity*** (e.g., asthma, diabetes, epilepsy, etc.).
- Conditions Requiring Multiple Treatments*** Any period of absence to receive multiple ***treatments*** (including any period of recovery therefrom) by a ***health care provider*** or by a provider of health care services under orders of, or on referral by, a ***health care provider***, for either:
- Restorative surgery after an accident or other injury; or
 - A condition that would likely result in a period of ***incapacity*** of more than 3 consecutive days in the absence of medical intervention or ***treatment***, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), or kidney disease (dialysis).
- Contingency Operation*** Same meaning as definition provided in section 101(a)(13) of title 10, United States Code.



Covered Servicemember Current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical *treatment*, recuperation, or therapy, is otherwise in *outpatient status* or is otherwise on the temporary disability retired list, for a *serious injury or illness* incurred in the line of duty on active duty.

Daughter For purposes of FMLA leave taken for birth or *adoption*, or to care for a family member with a *serious health condition*, son means a biological, *adopted*, or *foster child*, a stepchild, a legal ward, or a child of a person standing *in loco parentis*, who is either under age 18, or age 18 or older and “*incapable of self-care* because of a *mental or physical disability*” at the time that FMLA leave is to commence.

Forward Rolling Twelve (12) Month Period The twelve month period measured forward from the date an employee’s first FMLA leave begins.

Foster Care 24-hour care for children in substitution for, and away from, their parents or guardian. Such placement is made by or with the agreement of the State as a result of a voluntary agreement between the parent or guardian that the child be removed from the home, or pursuant to a judicial determination of the necessity for foster care, and involves agreement between the State and foster family that the foster family will take care of the child.

Health Care Provider A health care provider for purposes of the FMLA includes:

- A doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the State in which the doctor practices.
- Podiatrists, dentists, clinical psychologists, chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist), and optometrists.
- Nurse practitioners, nurse-midwives, clinical social workers, and physician assistants.
- Christian Science Practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts.
- A health care provider listed above who practices in a country other than the United States, who is authorized to practice in accordance with the law of that country, and who is performing within the scope of his or her practice as defined under such law.

Inpatient Care An overnight stay in a hospital, hospice, or residential medical care facility, including any period of *incapacity*.



Incapable of Self-Care

Where the individual requires active assistance or supervision to provide daily self-care in three or more of the “activities of daily living” (ADL’s) or “instrumental activities of daily living” (IADL’s). ADL’s include adaptive activities such as scaring appropriately for one’s grooming and hygiene, bathing, dressing and eating. IADL’s include cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, etc.

Incapacity and Treatment

A period of ***incapacity*** of more than 3 consecutive, full calendar days, and any subsequent ***treatment*** or period of ***incapacity*** relating to the same condition, that also involves one of the following:

- ***Treatment*** 2 or more times, within 30 days of the first day of ***incapacity***, by a ***health care provider***.
 - Both ***treatments*** must involve an in-person visit to a ***health care provider***.
 - The first in-person visit must take place within 7 days of the first day of ***incapacity***.
 - Whether the second ***treatment*** visit is necessary must be determined by the ***health care provider*** (i.e., the doctor must request that the employee follow-up).
- ***Treatment*** by a ***health care provider*** on at least one occasion, which results in a ***regimen of continuing treatment*** under the supervision of the ***health care provider***.
 - The initial ***treatment*** requires an in-person visit to a ***health care provider***.
 - The initial in-person visit must take place within 7 days of the first day of ***incapacity***.
 - Whether the ***regimen of continuing treatment*** is necessary must be determined by the ***health care provider*** (i.e., doctor must prescribe the regimen).

Incapacity

Inability to work, attend school or perform other regular daily activities due to the ***serious health condition, treatment*** therefore, or recovery therefrom.

In Loco Parentis

Those with day-to-day responsibilities to care for and financially support a child, or, in the case of an employee, who had such responsibilities for the employee when the employee was a child. A biological or legal relationship is not necessary.

Intermittent Leave

Leave taken in separate blocks of time due to a single illness or injury rather than for one continuous period of time.



<i>Next of Kin of a Covered Servicemember</i>	The nearest blood relative other than the <i>covered servicemember's spouse, parent, son, or daughter</i> .
<i>Outpatient Status</i>	With respect to a <i>covered servicemember</i> , the status of a member of the Armed Forces assigned to either a military medical treatment facility as an outpatient; or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.
<i>Parent</i>	A biological, <i>adoptive</i> , step or <i>foster father or mother</i> , or any other individual who stood <i>in loco parentis</i> to the employee when the employee was a <i>son or daughter</i> as defined in this section. In-law family members are not covered.
<i>Parent of a Covered Servicemember</i>	A <i>covered servicemember's</i> biological, <i>adoptive</i> , step or <i>foster father or mother</i> , or any other individual who stood <i>in loco parentis</i> to the covered servicemember. This term does not include parents "in law".
<i>Permanent or Long-Term Conditions</i>	A period of <i>incapacity</i> which is permanent or long-term due to a condition for which <i>treatment</i> may not be effective (e.g., Alzheimer's, a severe stroke, or the terminal stages of a disease). The individual must be under the continuing supervision of, but need not be receiving active <i>treatment</i> by a <i>health care provider</i> .
<i>Physical or Mental Disability</i>	A physical or mental impairment that substantially limits one or more of the major life activities of an individual.
<i>Qualifying Exigency</i>	The following types of military-related events may qualify as a "qualifying exigency" for purposes of eligibility for purposes of military-related FMLA leave under this Section: <ul style="list-style-type: none"> • <i>Short-Notice Deployment</i> • <i>Military Events and Related Activities</i> • <i>Childcare and School Activities</i> • <i>Financial and Legal Arrangements</i> • <i>Counseling</i> • <i>Rest and Recuperation</i> • <i>Post-Deployment Activities</i> • <i>Additional Activities</i>
<i>Reduced Leave Schedule</i>	Leave schedule that reduces an employee's usual number of working hours per week or hours per day for a period of time.



Regimen of Continuing Treatment

Includes a course of prescription medication (e.g., antibiotic) or therapy requiring special equipment to resolve or alleviate the health condition (e.g., oxygen). A regimen of continuing treatment that includes the taking of over-the-counter medications such as aspirin, antihistamines, or salves, or bed-rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider, is not, by itself, sufficient to constitute a regimen of continuing treatment for FMLA purposes.

Serious Health Condition

An illness, injury, impairment or physical or mental condition that involves at least one of the following:

- **Inpatient Care;**
- **“Incapacity and Treatment”;**
- **Pregnancy or Prenatal Care;**
- **Chronic Serious Health Condition;**
- **Permanent or Long-Term Conditions;** or
- **Conditions Requiring Multiple Treatments.**

Serious Illness or Injury

An injury or illness incurred by a **covered servicemember** in the line of duty on active duty that may render the servicemember medically unfit to perform the duties of his or her office, grade, rank or rating.

Son

For purposes of FMLA leave taken for birth or **adoption**, or to care for a family member with a **serious health condition**, son means a biological, **adopted**, or **foster child**, a stepchild, a legal ward, or a child of a person standing **in loco parentis**, who is either under age 18, or age 18 or older and **“incapable of self-care because of a mental or physical disability”** at the time that leave is to commence.

Son or Daughter of a Covered Servicemember

The **covered servicemember’s** biological, **adopted**, or **foster child**, stepchild, legal ward, or a child for whom the servicemember stood **in loco parentis**, and who is of any age.

Son or Daughter on Active Duty or Call to Active Duty

The employee’s biological, **adopted**, or **foster child**, stepchild, legal ward, or a child for whom the employee stood **in loco parentis**, who is on active duty or a call to active duty status, and who is of any age.

Spouse

A husband or wife as defined or recognized under Ohio law for purposes of marriage in Ohio.

Treatment

Includes, but is not limited to, examinations to determine if a **serious health condition** exists and evaluations of the condition. Treatment does not include routine physical examinations, eye examinations, or dental examinations.

8.02 Eligibility Requirements

Prior to making an application for FMLA under this Section, an employee must meet both of the following conditions to be considered eligible:

- The employee must have completed twelve (12) months of employment with the County. These twelve (12) months do not need to be consecutive; and
- The employee must have worked a minimum of one-thousand two-hundred-fifty (1,250) hours over the twelve (12) month period immediately preceding the commencement of the leave.

An employee returning from National Guard or Reserve military service will be credited with the hours of service that would have been worked, but for the period of military service, towards his or her one-thousand two-hundred-fifty (1,250) hour requirement.

8.03 Qualifying Conditions

Eligible employees shall be entitled to a certain amount of FMLA leave (*see* Section 8.04) under any of the following six circumstances:

- Birth of a *son* or *daughter*, and to care for the newborn child.
- Placement with the employee of a *son* or *daughter* for *adoption* or *foster care*.

NOTE: Eligibility for leave for birth or placement for *adoption* or *foster care* expires at the end of the twelve (12) month period beginning on the date of birth or placement.

- Because of a *serious health condition* that makes the employee unable to perform the functions of the employee's job.
- To care for the employee's *spouse, son, daughter, or parent* with a *serious health condition*.
- Because of any *qualifying exigency* arising out of the fact that the employee's *spouse, son, daughter, or parent* is on *active duty* (or has been notified of an impending call or order to *active duty*) in the Armed Forces in support of a *contingency operation*.
- To care for a *covered servicemember* with a *serious injury or illness* if the employee is the *spouse, son, daughter, parent or next of kin* of the *covered servicemember*. The leave described in this paragraph shall only be available during a single twelve (12) month period.

8.04 Amount of Leave

Except in the case of leave to care for a *covered servicemember* with a *serious injury or illness*, an eligible employee is limited to a total of twelve (12) workweeks of FMLA leave during any *forward rolling twelve (12) month period*.

An eligible employee who is the *spouse, son, daughter, parent, or next of kin* of a *covered servicemember* shall be entitled to a total of twenty six (26) workweeks of leave during a single twelve (12) month period to care for the *covered servicemember*. If an employee uses *covered servicemember* family leave in combination with another form of FMLA leave (e.g., pregnancy leave), the maximum amount of combined FMLA leave that an employee can take in a single twelve (12) month period is twenty six (26) workweeks. In this scenario, though, the other form of FMLA leave can only account for a maximum of twelve (12) workweeks of the combined twenty six (26) workweeks of leave.

NOTE: When both spouses are employed by the County, FMLA leave is limited to a combined twelve (12) work weeks during any rolling twelve (12) month period if leave is taken for birth, *adoption*, or placement in *foster care*. This limitation does not apply to leave taken by either spouse to care for the other or for a child if the spouse or child has a *serious health condition*.

In addition, the aggregate number of leave to which both spouses are entitled to is limited to twenty six (26) workweeks during a single twelve (12) month period for *covered servicemember* leave, if the leave is leave for the *covered servicemember* or a combination of leave for the *covered servicemember* and the other forms of FMLA leave.

8.05 Coordination With Other Leaves of Absence

FMLA leave may be a paid or unpaid leave. Employees are not required to exhaust their own sick and vacation leave before qualifying for FMLA leave. Employees, however, may use paid leave concurrently during the time that they are on FMLA leave. Employees who choose to use paid leave concurrently during the time that they are on FMLA leave, however, must adhere to the policies and procedures associated with the usage of each type of paid leave:

TYPE OF PAID LEAVE	ASSOCIATED POLICY MANUAL SECTION
Vacation	<u>9.02</u>
Sick	<u>9.03</u>
Compensatory Time	<u>9.04</u>
Exchange Time	<u>9.05</u>



FMLA will automatically be applied to all employees who meet the FMLA qualifying criteria and utilize the following types of leave:

- Unpaid medical leaves of absence provided to employees by County policy or by any of the collective bargaining agreements;
- Leaves of absence using sick leave that is provided through the Leave Donation Program (Section 9.08); or
- Workers' Compensation leave of absence.

NOTE: As is the case with all unpaid leaves, an employee is not entitled to accrue sick or vacation benefits during any unpaid portion of FMLA leave.

8.06 **FMLA Application Procedure**

An employee that would like to request the use of FMLA leave should contact Human Resources.

At least thirty (30) days advance notice must be provided before FMLA leave is to begin if the need for leave is foreseeable. In case of emergency, notice must be given as soon as practicable. If an employee fails to give thirty (30) days notice for foreseeable leave with no reasonable excuse for the delay, the County may delay the taking of FMLA leave until thirty (30) days after the date that the employee actually provided notice of the need for FMLA leave.

Completion of an FMLA Medical Certification Form is required whenever an employee requests FMLA leave due to the *serious health condition* of the employee or their *spouse, son, daughter, or parent*. Employees must return the FMLA Medical Certification Form to Human Resources within fifteen (15) calendar days of the employee's receipt of the form. If the certification is incomplete or insufficient, the employee may be required to provide additional information within seven (7) calendar days. Failure to cure the deficiencies identified by the County may result in a denial of FMLA leave. After the FMLA Medical Certification Form has been returned to Human Resources, employees will be notified in writing whether their FMLA request is approved or denied.

For *adoption* or *foster care* placement, legal documentation should be submitted from a court or social service agency.

In any case in which the necessity for leave under the *qualifying exigency* condition is foreseeable, whether because the *spouse, or a son, daughter, or parent* of the employee is on *active duty*, or because of notification of an impending call or order to *active duty* in support of a *contingency operation*, the employee shall provide such notice to the employer as is reasonable and practicable. In addition the request for leave under the *qualifying exigency* condition must be supported by certification deemed sufficient by the Department of Labor.



The County reserves the right to require employees to recertify their conditions periodically upon request. Failure to submit a certification of health care provider form for the re-certification within fifteen (15) calendar days will result in delay or discontinuation of approved FMLA leave until the completed form is submitted.

If an employee needs an extension of FMLA leave, the employee must provide Human Resources notice as soon as practicable of the changed circumstances. Employees shall not be granted an extension beyond the applicable maximum amount of FMLA entitlement.

NOTE: Only persons who are authorized by the County may contact the health care provider of an employee to clarify the information in a FMLA Medical Certification Form or to verify its authenticity. Supervisors and other management representatives may not contact an employee's health care provider.

8.07 Continuation of Benefits

The County will continue to pay its portion of medical and supplemental benefits (vision & dental) when an employee is on FMLA leave. **Employees on FMLA leave are still responsible to pay the employee's contribution for these benefits.** Employees who take paid leave will continue to have their usual payroll deduction for health insurance benefits. **Employees on unpaid FMLA leave will be billed for their usual contribution for medical and supplemental benefits.** The amount billed will be the monthly amount that the employee would normally have paid for health insurance benefits through payroll deduction. Any new or additional coverage or changes in health benefits will be made available to employees on FMLA leave.

Employees on unpaid FMLA leave will also be billed for their life insurance deductions. If a death occurs and life insurance deductions have not been paid while on unpaid leave, death benefits will not be payable to the beneficiary.



8.08 Intermittent Leave and Reduced Leave Schedules

Intermittent leave or a *reduced leave schedule* may only be granted if:

- There is a medical necessity that can be accommodated by such leave; or
- Because of any *qualifying exigency* arising out of the fact that the *spouse, son, daughter, or parent* of the employee is on *active duty* (or has been notified of an impending call or order to *active duty*) in the Armed Forces in support of a *contingency operation*.

Eligible employees are required to make every reasonable effort to schedule leave so as not to disrupt the operations of their Department. Accordingly, the County may temporarily assign an employee to an alternate position with equivalent pay and benefits if the employee is qualified and the County determines that the alternative position will better accommodate the employee's intermittent leave or reduced leave schedule.

The actual amount of leave taken under an *intermittent* or *reduced leave schedule* shall be counted towards the twelve (12) weeks of FMLA entitlement. For example, a full-time employee who reduces from an eight (8) hour work day to a four (4) hour work day will use (20) hours of FMLA leave each week.

Employees on *intermittent* FMLA leave may be required to periodically provide an updated medical certification form.

8.09 Return to Work

Upon return from FMLA leave, an employee is entitled to be returned to the same position held when leave commenced, or to an equivalent position with equivalent pay, benefits and other terms and conditions of employment. Failure to return to work upon the expiration of the approved leave, without reasonable explanation, may subject the employee to discipline, up to and including removal, under Sections 13 and/or 14 of this Manual.

An employee who has been on FMLA leave because of his or her own *serious health condition* may be required to present medical documentation of his or her ability to return to work. The County may require that an employee obtain a second medical opinion from a physician selected by the County and at the County's expense. If the second medical opinion disagrees with the employee's health care provider, the County's health care provider and the employee's health care provider will select a third health care provider whose opinion shall be final. The County shall pay the cost of the third opinion.

Benefit deductions through payroll resume the first pay period of the month after an employee returns from leave. Benefits requires documentation of the return through use of either a Personnel Action Form (PAN) or Benefits Office Change Form (BOC).



Section 9: **EMPLOYEE LEAVE** **(General)**

9.01 General

All leaves described in this section are subject to prior approval, unless otherwise noted. Depending on the practice of an employee's respective Department, the employee may be required to complete an Employee Request for Leave Form.

Every request for leave will be given fair consideration in accordance with the following policies and procedures and the staffing needs of the departmental unit. Any leave approved upon a false statement is invalid and any approved leave shall terminate if the reason for granting the leave is no longer applicable. Moreover, employees providing false statements or documentation are subject to discipline, up to and including removal, under Section 13 of this Manual.

Employees are solely responsible to ensure that they have adequate vacation leave, sick leave and/or compensatory/exchange time when taking paid leave.

NOTE: Bargaining unit employees should refer to their collective bargaining agreement for information on paid leave.

9.02 Vacation Leave

Timesheet Code: V

Each full-time permanent employee, after service of one (1) year with the county or any political subdivision of the State of Ohio, is eligible for vacation leave. Employees accrue vacation leave based on years of service. Vacation accrual for eligible employees is pro-rated based on the number of hours paid in a pay period. One year of service shall be computed on the basis of twenty six (26) bi-weekly pay periods. Overtime hours are not included in the accrual of vacation leave.

Vacation leave is earned during the time the employee is in active pay status. Time spent on unpaid leaves of absence count toward service credit, but employees in unpaid status do not accrue vacation leave.



Employees may carry their vacation leave from year to year, up to a maximum of three years. Once an employee accumulates the maximum allowable vacation balance for the employee's current accrual rate, the employee has a period of one (1) year from the date on which the maximum balance was attained to use the accrued time in excess of the maximum allowable balance. Upon the end of the year period, any time over the maximum amount will be forfeited.

Vacation accrual is computed as follows:

Length of Ohio Public Service Completed	Accrual Rate (hours earned per 80 hours in active status)	Annual Amount (hours earned per 2080 hours in active pay status)	Maximum Accrual Balance (total hours)
Less than 1 year	3.1	80 hours (not awarded until completion of one year of Ohio public service)	N/A
1 year – less than 5 years	3.1	80	240
5 years – less than 15 years	4.6	120	360
15 years – less than 25 years	6.2	160	480
25 years or more	7.7	200	600

NOTE: An individual who is appointed by the County as a non-bargaining employee and provides proper documentation of prior service (*See Section 2.04*) is entitled, immediately upon submission of the appropriate documentation, to begin accruing vacation benefits at the rate set forth in this Manual that reflects their prior service level. The employee is also entitled to use such vacation leave at any time during the year in which it is accrued, upon approval from their supervisor.

However, an employee who has retired in accordance with the provisions of any retirement plan offered by the State of Ohio and who is employed by the County on or after June 24, 1987, shall not have prior service for the purpose of computing vacation leave. All employees currently receiving credit for service time prior to June 24, 1987, though, shall continue to receive service credit for such time.

Upon separation from County service, an employee is entitled to compensation for any earned and unused vacation leave to his or her credit at the time of separation.



9.03 Sick Leave

Timesheet Code: S

Sick leave may only be used for the purposes set forth in this Section. The use of sick leave is not an entitlement. Sick leave is not another form of vacation or personal leave. Supervisors and management should ensure that sick leave is properly used.

All County full-time, part-time, permanent and temporary employees accrue paid sick leave at the rate of .0575 hours for each hour of service in active pay status. For purposes of this Section, "active pay status" includes vacation, sick, overtime, compensatory time, and holidays. Employees in an unpaid leave status do not accrue sick leave.

NOTE: An individual who is appointed by the County as a non-bargaining employee who has a balance of sick leave earned while employed by a political subdivision of the State of Ohio within the past ten years may have the unused sick leave balance credited to their current sick leave balance. See [Section 2.04](#) for more information on the proper procedure for submitting documentation of prior service.

Sick leave is charged in minimum units of one minute. Sick leave payment shall not exceed the normal, scheduled workday earnings, or a maximum of forty (40) hours per week. Employees may not use sick leave that was accrued in the same pay period. In addition, sick leave may not be used to cover absences that occurred prior to the accrual of the leave.

Permissible Uses

Sick leave shall be granted for absences due to the following reasons and must be approved by management:

- Illness, injury, or pregnancy-related condition of the employee;
- Exposure of an employee to a contagious disease which could be communicated to and jeopardize the health of other employees;
- Death of a member of the employee's immediate family* (*see* [Section 9.06](#));
- Examination of the employee, including medical, psychological, dental or optical examination by an appropriate practitioner;
- Illness, injury or pregnancy-related condition of a member of the employee's immediate family*; or
- Examination including medical, psychological, dental, or optical examination for a member of the employee's immediate family* by an appropriate practitioner where the employee's presence is reasonably necessary.

[* For purposes of this Section, [Section 3.01](#) and [Section 9.06](#), immediate family includes spouse, domestic partner, mother, father, sister, brother, son, daughter, grandmother, grandfather, grandson, granddaughter, mother-in-law, father-in-law, brother-in-law, sister-in-law, a legal guardian or other person who has an "in loco parentis" relationship with the employee, or any other relative residing with the employee.]



Procedure

An employee who is ill and unable to report to work shall notify their supervisor or designee on the first day of absence and each day thereafter, unless emergency conditions prevent such notification or unless the employee submits medical evidence of a planned extended medical-related absence. An employee working in a seven day continuous operation must report their absence two hours prior to their scheduled starting time except when emergency conditions prevent such notification. Other employees must give notice within one half-hour **before** the time the employee is scheduled to report for work unless emergency conditions prevent such notification.

NOTE: Upon being put on notice that an employee has been out on sick leave for three or more consecutive days, the employee's supervisor should immediately contact Human Resources so that they may send out FMLA information to the employee's home address. Employees should refer to Section 8 for more information on FMLA leave.

Upon return to work, the employee shall follow their Department's guidelines with regard to completion of the Employee Request for Leave Form. If the need for leave is foreseeable, sick leave should be requested in writing prior to the date or dates that an employee will be scheduled off from work. The County reserves the right to require documentation to support the employee's sick leave request (i.e., a doctor's statement) for all absences of three (3) or more days.

An employee's sick leave balance is provided bi-weekly. The employee is solely responsible for knowing his or her balance. Taking time off without sufficient leave to cover the absence may lead to the accrual of AWOL time (*See Attendance Control Policy, Section 14*).

Prohibited Use

The use of sick leave for any purpose other than its intended purposes is considered abuse of sick leave. Examples of abuse of sick leave include, but are not limited to the following:

- Calling in sick when one of the above cited reasons for using sick leave does not exist;
- Reporting illness in the immediate family when such illness does not exist;
- Reporting off sick to participate in some other activity or to take care of personal business;
- Establishing a pattern of reporting off sick, reporting tardy, or leaving early on certain days of the week, on days following regular days off (e.g., weekends), or on the day before or after a holiday or previously scheduled vacation; or
- Failure to follow the rules and regulations regarding the use of sick leave and reporting procedures.



If a supervisor or management official has a reasonable suspicion that sick time is being abused, either on an individual case or by virtue of a demonstrated pattern, he or she should immediately consult with Human Resources. Human Resources may then require an employee to provide a physician's statement or other appropriate documentation to support the use of sick leave. If it is determined that the employee abused his or her sick leave, Human Resources may charge the employee with AWOL and may pursue disciplinary action against the employee, up to and including removal.

Unused Sick Leave

Employees will not be paid for unused sick leave upon termination of employment with the exception that upon retirement, an employee with ten (10) or more years of service will receive cash payment for one-fourth (1/4) of the accrued, unused sick leave balance up to a maximum of two-hundred forty (240) hours.

9.04 Compensatory Time

Timesheet Code: CT

NOTE: See Section 6.08 for information regarding accrual of compensatory time.

As stated in Section 6.08, compensatory time is granted to non-exempt (i.e., overtime eligible) employees. An employee who has requested the use of compensatory time from their direct supervisor shall be permitted to use it within a reasonable time after the request, so long as it does not unduly disrupt the operations of the agency.

Compensatory time not used within one hundred eighty (180) days after it is earned shall be paid to the employee. Upon termination all unused compensatory time is paid out to the employee.

Employees moving from a non-exempt position to an exempt position will receive payment for their accrued compensatory time at the time of the move.

9.05 Exchange Time

Timesheet Code: ET

NOTE: See Section 6.08 for information regarding accrual of exchange time.

As stated in Section 6.08, exchange time is granted to exempt (i.e., not overtime eligible) employees. Use of accrued exchange time may be granted to the employee by the employee's immediate supervisor at a time mutually convenient to the operation of the County and the employee. Exchange time may not be used in the same pay period in which it was earned.

Exchange time not used within six (6) months of accrual shall expire. At no time shall exchange time be paid out to the employee.



9.06

Funeral/Bereavement Leave

Timesheet Codes: S/V/CT/ET/ALX

Sick leave shall be granted for absences due to the death of a member of an employee's immediate family*. In the event of the death of a member of his or her immediate family*, an employee shall be granted time off with pay, to be charged against his or her accumulated and unused sick leave, not to exceed five (5) days.

NOTE: In the event the employee has no sick time available, the employee may use vacation, compensatory or exchange time. If the employee has no vacation, compensatory or exchange time, the employee may request an unpaid Personal Leave of Absence.

In the event of the death of a relative other than a member of their immediate family*, an employee shall be granted a leave of absence with pay, to be charged against their accumulated and unused sick leave, for one (1) day to attend the funeral if within the State of Ohio or two (2) days when the funeral is outside the State of Ohio. Any additional time off requested by the employee is subject to the approval of his or her supervisor, manager and/or Department Director.

To be eligible for the above described funeral leave, an employee must attend the funeral, or other obligations related to the death and/or estate, etc. The failure to do so, or a misrepresentation of facts related to funeral leave shall be proper cause for disciplinary action, up to and including removal, as well as forfeiture of pay for the time away from work. The County reserves the right to request documentation of the family member's death and/or documentation establishing the familial relationship between the employee and the deceased family member.

[* See Section 9.03 for definition of "immediate family".]

9.07

Court Leave/HRC Hearings/Jury Duty

Timesheet Code: CL

General Provisions

- Any compensation or reimbursement for jury duty or for court attendance compelled by subpoena, when such duty is performed during an employee's normal working hours, shall be remitted by the employee to their Department Director or supervisor for transmittal to the County Treasurer.
- In order to be approved for court leave under this Section, the employee shall furnish a copy of the court/HRC notification or jury summons to their supervisor prior to their appearance date(s).
- Unless there will be less than one (1) hour left in the employee's regularly scheduled work day upon reporting to work, an employee out on approved court leave is required to immediately report to work after the court appearance is completed. (e.g., an employee on an 8:30 – 4:30 schedule who is released from jury duty at 1 p.m. is required to immediately report to work.)



Court Leave

An employee may be granted court leave with full pay if all of the following conditions are met:

- The legal matter is work related;
- The employee is not a party to the legal matter; **and**
- The employee is requested by the County to appear or is subpoenaed to appear before any court, commission, board or other legally constituted body authorized by law to compel the attendance of witnesses.

If any of these conditions are not met, the employee is not entitled to court leave. An employee not entitled to court leave, however, may use vacation leave, compensatory/exchange leave for purposes of appearing before a court or other legally constituted body in a matter in which he or she is a party or witness. Such instances would include, but not be limited to, criminal or civil cases, traffic court, divorce proceedings, custody, or appearing as directed as parent or guardian of juveniles.

HRC Hearings

An employee who is the appellant or is requested to appear in any action before the HRC and is in active pay status at the time of the scheduled hearing before the Commission, shall be granted court leave with full pay for purposes of attending the hearing. The employee, however, shall not be granted any mileage, travel or other related expenses for the hearing.

Jury Duty

Court leave with full pay shall be granted to any employee who is summoned for jury duty by a court of competent jurisdiction.

NOTE: For information regarding appearance at Industrial Commission (i.e., workers' compensation) hearings, please see [Section 12.02](#).



9.08 Leave Donation Program

Timesheet Code: SLD

County employees may donate accrued sick or vacation leave to a fellow County employee who has a serious health condition as defined under the FMLA and are in critical need of time off due to the condition. FMLA leave will run concurrently with the donated leave time.

An employee may receive donated leave provided that:

- The employee is first approved for FMLA leave that removes them from the workplace for fifteen (15) consecutive work days for their *own* serious health condition. Employees on intermittent FMLA leave do not qualify to participate in the program;
- Has exhausted all sick leave, vacation leave and compensatory/exchange time; and
- Has not had any discipline for attendance within the previous year.

An employee may donate accrued sick or vacation leave provided the donating employee:

- Voluntarily elects to donate leave to a designated recipient, who has qualified for the donation program, and does so with the understanding that donated leave which is used by the designated recipient will not be returned;
- Retains a sick balance of at least one hundred twenty (120) hours after their donation; and
- Is in active pay status at the time their sick time is to be used;

Employees interested in receiving donated time should contact Human Resources. Employees who qualify may receive leave through the Leave Donation Program for up to twelve (12) weeks. An employee's supervisor or representative may, with the written permission of the employee who is in need of leave or a member of the employee's immediate family, inform an employee's co-workers of such need for leave. When an employee has exhausted all donated time they will be placed on an unpaid extended sick/medical leave or may be separated in accordance with this Manual or their collective bargaining agreement.

Donation of leave time is strictly voluntary. Any employee who feels that they are being pressured to donate leave time should file a General Employee Complaint (See Section 17.03).

NOTE: Employees that are denied participation in the Leave Donation Program may file an appeal in writing to the Director of Human Resources.



9.09 Unpaid Leaves of Absence

The County offers employees three types of unpaid leave: (1) New-Hire Administrative Leave of Absence; (2) Personal Leave of Absence; and (3) Extended Unpaid Sick/Medical Leave. Depending on the practice of an employee's respective Department, the employee may be required to complete an Employee Request for Leave Form to request an unpaid leave of absence.

Any leave approved upon a false statement is invalid and any approved leave shall terminate if the reason for granting the leave is no longer applicable. Moreover, employees providing false statements or documentation are subject to discipline, up to and including removal, under Section 13 of this Manual.

An employee on an unpaid leave of absence does not accrue sick or vacation leave. In addition, time spent on an unpaid leave of absence does not count towards an employee's new hire or promotional probationary period. However, the time spent on an unpaid leave of absence is counted in determining length of service for purposes of vacation eligibility, annual step increases and layoff purposes, provided the employee is properly returned to service and is not serving a probationary period.

NOTE: With the exception of Extended Unpaid Sick/Medical Leave taken concurrently with FMLA leave, an employee in an unpaid status on the first day of a month will not receive health care coverage and related benefits unless he or she elect to pay the entire expense. The employee may be required to pay up to one-hundred and two percent (102%) of the entire health insurance and related benefits premium costs to retain his or her benefits status.

The total amount of time for all leaves under this section shall not exceed six (6) months in any forward rolling twelve month period. Employees are responsible to ensure that they have received proper approval when taking unpaid leave.

Failure to return to work upon the expiration of the approved leave, without reasonable explanation, may subject the employee to discipline, up to and including removal.

NOTE: An employee who fails to return to service from an unpaid leave of absence and who is subsequently removed or voluntarily resigns from service shall not receive service credit for the time spent on such leave and is deemed to have a termination date corresponding to the starting date of the unpaid leave of absence.

An employee may be permitted to return to work prior to the originally scheduled expiration of the leave if such earlier return is agreed to by both the employee and Human Resources. Upon completion of an unpaid leave of absence, the employee shall be returned to the same or similar position within the employee's former classification. If the employee's former classification no longer exists, the employee shall be placed in a classification similar to that formerly occupied.



New-Hire Administrative Leave of Absence

Timesheet Code: **ALX**

An administrative leave may be granted to a newly-appointed employee if they need to take time off from the job due to extenuating circumstances, subject to the following limitations:

- New-hire administrative leave is unpaid;
- New-hire administrative leave may only be granted during a newly-appointed employee's first year of employment with the County;
- Prior approval must be received from the newly-appointed employee's Department Director;
- New-hire administrative leave may only be granted when all appropriate accumulated paid leave time (e.g., sick leave, vacation, and compensatory/exchange time) leave has been exhausted; and
- An employee is limited to a total of 80 hours of new-hire administrative leave.

Personal Leave of Absence

Timesheet Code: **LOA**

A personal leave of absence involves a temporary separation from active pay status, authorized by the County. Such leave must be for a minimum of ten (10) working days, but may not exceed a maximum period of six (6) months, with no extension or renewal allowed.

A personal leave of absence may only be granted when all appropriate accumulated leave (vacation leave and compensatory/exchange time leave) has been exhausted.

A personal leave of absence must be requested by the employee in writing and must be approved by the employee's Department Director. The request shall state reasons for taking the leave and the dates for which such leave is being requested and shall be accompanied by any necessary supporting documentation. Every request for leave will be given fair consideration in accordance with the following policies and procedures and the staffing needs of the departmental unit.

Extended Unpaid Sick/Medical Leave

Timesheet Code: **LOA**

An employee who is unable to perform any of the essential functions of his or her position due to disabling illness, injury or condition, and the disability continues after the employee has exhausted his or her accumulated sick leave benefits, may be granted a leave of absence without pay for a period of up to six (6) months upon presentation of evidence as to the probable date for return to active work status.

The following additional criteria must be met in order to be granted leave under this section:

- The employee's absence will be at least five (5) consecutive workdays;
- The employee must demonstrate that the probable length of absence will not exceed six (6) months; and
- The employee must present to Human Resources, at the time the request is made, a licensed physician's report stating diagnosis, prognosis, and probable period for which the employee will be unable to perform the essential job duties of their position.



FMLA leave for eligible employees shall run concurrently with leave taken under this Section if the reason for leave qualifies under the FMLA.

If the employee is unable to return to work after expiration of the six-month period, the employee may be given a disability separation in accordance with Section 5.19 of this Manual or may apply for OPERS disability retirement, if qualified (See Section 11.06 for contact information for OPERS).

Section 10: **MILITARY LEAVE**

NOTE: County Employees who are related to members of the Armed Forces, including members of the National Guard or Reserves, should be aware that they may be eligible for military-related FMLA leave. Please see Section 8. for more information regarding military-related FMLA leave.

10.01 Military Leave With Pay (Military Reserve Leave)

Timesheet Code: ML

Permanent County employees who are members of the Ohio National Guard, the Ohio defense corps, the Ohio naval militia, or any other reserve component of the United States armed forces, are entitled to a leave of absence from their duties without loss of pay for a period or periods not to exceed twenty-two (22) working days (176 hours) in any one calendar year, provided they are called for field training or active duty. This service does not need to be in one continuous period. The maximum number of hours for which payment under this provision will be made in any calendar year is one-hundred seventy-six (176).

Any military pay received for this twenty-two (22) or less day period of military service shall have no effect on pay from the County. This twenty-two (22) day period of military leave will not affect accrual of sick leave or vacation credits. The employee will continue to accrue sick leave and vacation credits at the normal rate.

An employee who is entitled to leave provided under this Section, and who is called or ordered to the uniformed services for longer than a month, for each calendar year in which the employee performed service in the uniformed services, because of an executive order issued by the governor pursuant to the Revised Code is entitled, during the period designated in the order or act, to a leave of absence and to be paid, during each monthly pay period of that leave of absence, the lesser of the following:

- The difference between the employee's regular gross monthly wage or salary and the sum of the employee's gross uniformed pay and allowances received that month; or
- Five hundred dollars (\$500).

No employee, however, shall receive payments pursuant to the above paragraph if the sum of the employee's gross uniformed pay and allowances received in a pay period exceeds the employee's regular gross wage or salary.



In order to obtain any paid leave under this Section, the employee must submit to Human Resources a copy of military orders or other statement in writing from the appropriate military authority as evidence of a call to training or duty.

10.02 Unpaid Military Leave

Timesheet Code: MLX

Pursuant to the Uniformed Services Employment and Reemployment Rights Act (USERRA), an eligible County employee shall be granted, upon giving notice to his or her Department and Human Resources, a leave of absence to serve in the uniformed service, as defined in the Revised Code. This leave shall be without pay and shall be considered as a leave of absence from service with reinstatement rights. No single leave of absence or combination of uniformed service leaves of absence may exceed five (5) years or a single, longer period required to complete an initial period of obligated service.

Employees on military leave without pay for up to thirty (30) days must be given the option of making direct payments of the employee's share of the health insurance premium. Employees with longer periods of service will be given the option of continuing health care coverage and related benefits for up to twenty-four (24) months. Such continuation shall be at the employee's expense.

NOTE: the employee may be required to pay up to one-hundred and two percent (102%) of the entire health insurance and related benefits premium costs.

Employees on military leave who are reinstated to employment with the County pursuant to this Section are entitled to immediate reinstatement of health insurance for the employee and any other individual who is covered by such plan by reason of the reinstatement of the coverage for the employee, with no waiting period and no exclusion of preexisting conditions, except for service-connected illness or injury. Even if the employee does not elect to continue health coverage during his or her military service, he or she will have the same right to immediate reinstatement of health insurance.

Employees returning from military service will be reinstated in the job that they would have attained had they not been absent for military service and with the same seniority, job status and pay, as well as other rights and benefits determined by seniority. The County will make all reasonable efforts to enable returning employees to refresh or upgrade their skills to enable them to qualify for reemployment. If refresher training is not successful, the County will reinstate the employee in a position that most nearly approximates that position originally held.

An employee returning from military leave must apply for reinstatement to their Department or Human Resources within the following time frames:

- Leave of less than thirty (30) days – the employee must report back to work at the next regularly scheduled shift on the day following release from the military, safe travel home, and eight (8) hours of rest.



- Leave of thirty-one (31) to one hundred eighty (180) days – the employee must apply for reinstatement within fourteen (14) days following release.
- Leave of one hundred eighty-one (181) days or more – the employee must apply for reinstatement within ninety (90) days after release.

Failure to return to work or apply for reinstatement in accordance with these time limits does not necessarily forfeit the employee's reinstatement rights, however, the employee will be subject to the County Attendance Control Policy (Section 14).

Following a period of service of thirty-one (31) days or more, employees will be required to provide documentation to the County which establishes the following:

- The timeliness of the employee's application for reinstatement;
- That the employee has not exceeded their cumulative 5-year limit of military leave; and
- That the character of their discharge or separation from uniformed service does not meet one of the types set forth in 20 CFR 1002.135.

If the documentation is not readily available, or does not exist, the County will not deny reinstatement, however, if the documentation later becomes available and it shows that the employee did not qualify for reinstatement, the employee will be immediately removed from employment.

For employees who were disabled while on military duty, or if a pre-existing disability is aggravated by military service, the County will make reasonable efforts to accommodate the disability (*See Section 4.07* for more information on disability accommodations.)

If the employee's service was one-hundred eighty-one (181) days or more, they are protected from discharge, except for cause, for one (1) year. If the employee's service was for thirty-one (31) to one-hundred eighty (180) days, the period of protection from discharge, except for cause, is one-hundred eighty (180) days.

Employees may elect to use any vacation leave they have accrued for a period of unpaid military leave. Use of vacation is strictly optional. Employees on unpaid military leave do not accrue sick or vacation leave.

Section 11: **BENEFITS**

11.01 Health Care Benefits

The County's comprehensive benefits program, consists of group medical, prescription, dental, vision, life insurance and flexible spending accounts.

NOTE: Part-time employees hired on or after January 1, 2008 are not eligible for County provided health care benefits. Part-time employees who were receiving County health care benefits prior to January 1, 2008 will continue to remain eligible to receive health care benefits.

New employees have thirty (30) days from their hire date to make their benefit elections and to submit documentation regarding dependents. Under most circumstances, if an employee fails to make benefit elections within that time period, the employee will have to wait until open enrollment to elect benefits.

After an initial waiting period of one hundred twenty (120) days of continuous employment, the costs of the employee's selected benefits plans are shared between the employee and the County. The County will make their first contribution on the first day of the first month following the waiting period. Employees, at their own expense, can elect to begin medical, dental, vision and flexible spending account coverage on the first day of the first month following their date of hire. Employees who choose this option are responsible for 100% of the cost of their benefits.

Employees who take a leave of absence during the benefits waiting period may incur a delay in the effective date of County paid benefits. The new effective date will be calculated from the day the waiting period is completed.

The County's health benefits may cover an employee's spouse and dependent children. To be covered, children must be under age twenty-three (23), unmarried, and legal dependents of the employee. Health benefits may also cover certain other dependent children if the employee has legal guardianship, as outlined in each of the County's group insurance carrier contracts. No dependent can be covered by more than one County sponsored benefit plan. Documentation is required before dependents can be added.

NOTE: Effective January 1, 2011, employees may be able to add dependents whose age is greater than 23 to their benefits coverage. Federal rules will allow employees to add dependents who will be covered through the month of their 26th birthday (with proper documentation). The State of Ohio allows dependents to be added following the month of their 26th birthday through the month of their 28th birthday if they meet all the State of Ohio criteria.



If an employee is covered by medical coverage elsewhere, the employee may be entitled to waive County coverage and receive a taxable wage incentive for maintaining non-County coverage. Employees should contact the County Benefits Department at (216) 443-3539 or benefits@cuyahogacounty.us for more information on this incentive.

Employee contributions for health benefits are paid through a pre-tax payroll deduction, both during and after the waiting period.

Fraud Warning: Any person who, with intent to defraud or knowing that he or she is facilitating a fraud, submits an application or files a claim containing a false or deceptive statement may be guilty of insurance fraud. Any employee found making false or deceptive statements may be subject to disciplinary action, up to and including removal.

By enrolling in a County benefit plan, an employee agrees to comply with eligibility rules for themselves and for all of their dependents in these plans. The enrolling of ineligible dependents may be considered fraud. An employee may be subject to an eligibility audit during the benefit year. An employee selected for an eligibility audit may be required to submit copies of documentation such as certified birth certificate(s), marriage certificate(s), income tax return(s) and/or other related documentation including affidavits.

11.02 **Open Enrollment**

Open enrollment generally occurs between October and December. Employees must go on line annually to make their elections. Employees who do not make elections on line by the open enrollment deadline will default to the medical plan that the County designates. Once an employee is defaulted to this designated plan, he or she cannot appeal or change this plan unless a qualifying event occurs. Employees are also bound by the deadlines to submit documentation during open enrollment for addition and/or deletion of dependents.

11.03 **Benefits During Unpaid Leaves of Absence**

If an employee is on an unpaid leave of absence, benefits may be maintained. To continue benefits, employees must make required monthly contribution payments which may be greater than those paid by employees in active pay status. Employees should contact the County Benefits Department at (216) 443-3539 or benefits@cuyahogacounty.us for more information on continuation of benefits during a leave of absence.

11.04 Changes in Medical Benefits Coverage

Under most circumstances, employees can only make changes to benefit elections during the annual open enrollment period. After enrollment, revision to an employee's elections is only permitted due to an eligible change in status. Employees must notify Human Resources and complete a Benefits Office Change Form, including attachment of required documentation, within thirty (30) days of an eligible change of status.

Examples of changes of status include:

- Marriage;
- Divorce, legal separation, or annulment;
- Birth, adoption, placement for adoption, or legal guardianship;
- Change of status in child custody;
- Death of dependent;
- A child who is no longer a legal dependent or a dependent reaching age twenty- three (23) (please see note box on page 79 regarding changes to this requirement on or after January 1, 2011);
- Loss of alternate coverage; and/or
- Certain reductions/increases in work hours and or work status (i.e., from part-time to full-time).

NOTE: Employees are responsible for notifying the Benefits Division if their legal guardianship ends or if their dependent children get married, leave home with their own job and/or are no longer shown by the employee as a dependent on their income tax returns.

Changes in status can affect the employee's single/family coverage entitlement for medical, prescription drugs, dental and vision, as well as impacting flexible spending accounts and life insurance. In the case of divorce, legal separation and annulment, employees must adjust their covered dependents by removing former spouses within thirty (30) days of divorce, legal separation or annulment. Copies of the first and last pages of the court document must be included. Failure to adhere to this requirement may subject the employee to discipline, up to and including removal.

NOTE: Divorced employees who are required by court order to pay benefits for their ex-spouse cannot cover the ex-spouse under County benefits. A separate policy must be purchased outside of County benefits. It is illegal to cover an ex-spouse under County benefits.



11.05 Continuation of Coverage

In compliance with Federal COBRA laws, all new employees receive a comprehensive letter concerning their rights with respect to continuing group health care benefits. Generally, a former employee can continue benefits for up to eighteen (18) months, providing that they pay the monthly group rate in addition to a small administrative fee. Some unique situations, as defined by law, may warrant a longer period of up to twenty-nine (29) months. Upon severing employment with the County, eligible employees will receive notification of their COBRA entitlement, duration and payment instruction.

In addition, Federal HIPAA laws require that the County (or its designated agent) provide eligible employees a certificate of group health care coverage. This document may be used as evidence of their insurability to another employer or organization whose group health carrier may otherwise impose an exclusion for certain pre-existing conditions. Employees needing a copy of their certificate of group health care coverage should contact the County Benefits Department at (216) 443-3539 or benefits@cuyahogacounty.us.

The County's group term life insurance has two features allowing employees to take a portion or all of their life insurance with them under an individual arrangement with the County's insurance carrier:

- The "conversion provision" allows an employee to convert the basic insured amount, if applicable to their group, and the supplemental coverage into a whole life policy.
- The "portability provision" allows an employee to take the insured amount that is in excess of the basic coverage and create an individual term life policy at the same prevailing group premium. Changes in premium still occur at the same five-year (5) age intervals as when employed.

NOTE: The "conversion" and "portability" provisions both involve direct payment to the insurance carrier.

There are deadlines associated with both the "conversion" and "portability" provisions of the County's sponsored life insurance program. The County routinely sends an informative notification concerning preservation of life insurance when employment ends. However, employees should contact the County Benefits Department at (216) 443-3539 or benefits@cuyahogacounty.us prior to separation from employment with the County.



11.06 Retirement – Ohio Public Employee Retirement System (OPERS)

All County employees are required by state law to participate in OPERS through payroll deduction.

Information regarding OPERS is available by contacting Human Resources or by directly contacting OPERS:

Ohio Public Employee Retirement System
277 East Town Street
Columbus, Ohio 43215-4642
1-800-222-PERS (7377)
www.opers.org

11.07 Death Benefit

Employees who elect life insurance coverage must complete a Beneficiary Form. Upon the death of an employee or their covered dependents, death benefits will be payable. Contact the County Benefits Department at (216) 443-3539 or benefits@cuyahogacounty.us for more information regarding death benefits.

11.08 Optional Additional Employee Benefits

At the sole discretion of the County, certain additional optional employee benefits may be offered to County employees, including:

- Voluntary benefits, such as accident insurance, whole life insurance with long term care rider, and/or short term disability;
- Discounted RTA bus/transit passes and parking;
- Health and wellness programs; and
- Tuition reimbursement.

County employees will be notified of these offers as they become available.



11.09 Flexible Spending Accounts (FSAs)

Flexible Spending Accounts are offered by the County as an additional benefit. The County offers two types of FSAs: (1) Medical Payment Accounts; and (2) Dependent Care Payment Accounts. More information on both of these plans can be found in the open enrollment material distributed by the Benefits Division or by contacting the Benefits Division at (216) 443-3539 or benefits@cuyahogacounty.us.

Medical Payment Account (MPA)

The MPA allows employees to use pretax deductions to pay medical, prescription drug and dental expenses that are not covered by the employee's medical plan (e.g., co-pays, deductibles, orthodontia, etc.). Employees deposit these payroll deductions in a separate account with the County's third party provider. To draw on the account, employees must submit receipts for eligible expenses to the third party provider through use of reimbursement form. The employee will then be reimbursed by the third party provider.

Dependent Care Payment Account (DCPA)

The DCPA allows employees to use pretax deductions to pay childcare expenses. The DCPA works in the same manner as the MPA with regard to submission of receipts and reimbursement form. Childcare services can be provided in or out of the employee's home as long as the sitter is not a dependent that you claim on your income tax. The DCPA covers childcare for children less than thirteen (13) years of age, but also may be used to pay for an incapacitated adult who is dependent on the employee for 50% of their support and who needs care while the employee is at work.

NOTE: Employees should be aware that there are strict deadlines associated with the submittal of claims for withdrawal of funds from flexible spending accounts. Employees that fail to submit claims prior to the deadline will forfeit any remaining balances in their flexible spending accounts. More information regarding specific deadlines can be obtained by contacting Human Resources.

Section 12:

WORKERS' COMPENSATION

12.01 Workers' Compensation Policy

The State of Ohio Workers' Compensation Laws cover County employees. A County employee who sustains a job-related injury or occupational disease may be eligible to receive benefits from the Bureau of Workers' Compensation (BWC).

12.02 Employee Procedure

A County employee who is involved in a work-related accident/injury or is diagnosed with an occupational disease must adhere to the following procedure:

1. The employee must immediately notify their supervisor of the work-related accident/injury or occupational disease diagnosis. If the employee is incapacitated, the employee must notify their supervisor as soon as practicable.
2. The employee must complete a Cuyahoga County Accident Investigation Report within 24 hours of the occurrence, unless confined to the hospital. If confined to the hospital, the employee must complete the accident report within 24 hours of release from the hospital.
3. The employee may seek treatment at the medical provider of their choice so long as the provider is BWC certified. If medical care is needed, the employee should obtain a Managed Care Organization (MCO) card from Human Resources for submittal to their provider. If immediate medical care is needed, the employee does not need to obtain a MCO card. Rather, the employee should inform their provider that they have a work-related injury and refer them to the County's MCO, **1-888-OHIOCOMP**.

NOTE: An employee who is involved in a work-related accident/injury may be required to submit to a drug and/or alcohol test pursuant to Revised Code [Section 4123.54](#). The results of the drug and/or alcohol test, or the employee's refusal to submit to the test may affect the employee's eligibility for compensation and benefits pursuant to Revised Code [Section 4123.54](#) and [Chapter 4121](#) of the Revised Code and will subject the employee to the provisions of the County's Fitness for Duty Program ([Section 7.04](#)).



Employees who are off work due to a work-related accident/injury or occupational disease are responsible to keep their supervisors notified of their work status and to provide appropriate documentation from their physician. Appropriate documentation includes certification of total disability (BWC Form - C-84) and physician's reports of work ability (BWC Form - Medco-14).

If the employee is released to light or full duty, the employee must provide appropriate documentation from their physician to Human Resources and the County Workers' Compensation Office.

If an employee is required to attend an Industrial Commission hearing, he or she will be given up to two (2) hours of paid leave. The employee must present the Hearing Notice from the Industrial Commission to their supervisor prior to the hearing date in order to be granted the paid leave.

If an employee is required to attend a County or BWC mandated medical examination, he or she will be given up to four (4) hours of paid leave time to attend. The employee must present their supervisor with the written letter from the BWC, MCO or TPA in order to be granted the paid leave.

NOTE: Time off for attendance at any medical appointment not mandated by the County or BWC must be covered by the employee's own leave time.

12.03 Supervisor Procedure

Immediately upon receipt of notification from an employee of a job-related accident/injury or occupational disease diagnosis, the supervisor shall:

1. Provide the employee with a "Workers' Compensation Injury Reporting Packet." Reporting packets can be obtained from Human Resources. The reporting packets contain the Accident Investigation Report that must be filled out by the employee; and
2. Contact Human Resources to notify them of the incident.

NOTE: If the incident in question involves a vehicle accident, the supervisor is also required to contact Fitness for Duty and Protective Services in accordance with Section 16.04 of this Manual.

Upon receipt of the completed Accident Report from the employee, the supervisor shall immediately give the form to Human Resources.



12.04 Relationship to Leave Time

Employees who are off work for more than seven (7) calendar days due to a job-related accident/injury or occupational disease may be entitled to disability benefits through the BWC. It may be several weeks, however, before the BWC determines eligibility and issues the first disability check to an injured employee. County employees who are off work due to a job-related accident/injury or occupational disease have the following options while waiting for the BWC to determine eligibility and issue disability payments:

- **Sick Leave** – An employee may elect to use their accrued sick leave. The employee will continue to receive their full wages and benefits while using sick leave. The BWC, however, will not reimburse an employee for the usage of their sick time (i.e., the BWC will not issue retroactive payment of disability payments to cover the period of time where sick leave was used). In addition, the County will not reimburse or re-credit the employee for the sick time used.
- **Vacation/Compensatory/Exchange/Personal Leave** – An employee may elect to use their accrued vacation, compensatory, exchange or personal leave. The employee will continue to receive their full wages and benefits while using vacation, compensatory, exchange or personal leave. Should the BWC determine that the employee is eligible for disability payments, the BWC will issue retroactive disability payments to cover eligible periods where vacation, compensatory, exchange or personal leave were used. The County, however, will not reimburse or re-credit the employee for the vacation, compensatory, exchange or personal leave time used.
- **Unpaid Workers' Compensation Leave** Timesheet Code: WCX - Injured employees also have the option of not receiving a paycheck from the county and waiting on BWC wage benefits. However, the decision to go into a no-pay status may affect health care benefits. Should the BWC determine that the employee is eligible for disability payments, the BWC will issue retroactive disability payments to cover eligible periods where unpaid workers' compensation leave was used. Should the BWC determine that the employee is ineligible to receive disability, the employee will not receive any retroactive payment or reimbursement from the BWC or the County.

In addition, in the event that an FMLA eligible employee suffers lost time of three (3) days or more, the employee will be required to use their available FMLA time to cover up to the first twelve (12) weeks of lost time.



12.05 Alternative Work Program

Policy

On July 1, 2003, the County passed a Resolution adopting the Cuyahoga County Alternative Work Policy. The passage of this Resolution indicates that the County fully supports the provision of alternative work opportunities for employees who have been injured at work and are eligible for Workers' Compensation Benefits. Employees who have been injured may be able to work for a specific period of time in a modified form of their present job or at a different job assignment.

This policy only pertains to employees with County work related injuries who have been released by their physician for alternative work/light duty. The policy may also be limited based on individual departmental work needs at a particular time.

Procedure

- When an employee is injured, the County's MCO, 1-888-OHIOCOMP, will review the employee's medical records and discuss restrictions with the employee's physician (or review Medco-14 form from physician). The MCO will also make available Functional Job Analyses for certain positions for review by the physician. The MCO will then make recommendations on appropriate candidates. A Department may also make recommendations for appropriate candidates. Appropriate candidates will likely miss more than 7 calendar days of work.
- The employee must file a workers' compensation claim with the BWC and complete the County's accident report before being considered for alternative work. However, the County's initial allowance order does not have to be issued prior to participation in the program.
- The County Workers' Compensation Office will work in conjunction with Department management to determine whether there is an appropriate alternative position within the employee's department.
- The Department may object to the assignment if there are already two employees from the Department participating in this program.
- If a bargaining employee is involved, the union will be notified of the assignment. The employee will be notified of their right to union representation regarding the assignment.
- The employee will maintain their current rate of pay and their bargaining status will remain in force. Where possible, all efforts will be made to assign the employee to their regular shift.



- The County Workers' Compensation Office will inform the employee by certified mail in writing of the new assignment, reporting time and work hours. A copy of this letter will be sent to the union (if applicable), Human Resources, Department Director(s) and supervisor(s).
- An employee will be eligible for alternative work for up to sixty (60) calendar days. This initial sixty-day period may be extended by agreement between the Department and employee (or union if a bargaining employee). At no time may an alternative work assignment exceed one hundred twenty (120) days.
- For an employee to be allowed to return to their prior position, the employee must provide a full release from their physician, indicating that the employee can perform the essential functions of the position, with or without accommodation, or have been granted a reasonable accommodation under the ADA. (*See Section 4.07* of this Manual for more information on making a request for an ADA Accommodation.)

12.06 Wage Continuation Program

The County Wage Continuation Program is an optional program available for employees who are injured at work and meet specific eligibility requirements. Under the Program, the employee will continue to receive their regular County wages as opposed to receiving workers' compensation disability benefits for up to sixty (60) calendar days while they are recovering from their injuries. The employee will also continue to receive their applicable benefits, including accrual of sick, vacation and retirement credit.

The program is entirely voluntary and the employee may opt out of the program at any time. The employee must meet all eligibility requirements and follow all mandated procedures to participate in the program. **The County reserves the right to make determinations on eligibility on a case by case basis.**

Eligibility

- Injury or occupational disease must be compensable under Workers' Compensation Laws of the State of Ohio;
- Employee must miss more than seven (7) calendar days of work;
- Employee must fill out a county accident report in accordance with Section 12.02 of this Manual;
- Employee must use a medical provider from either MetroHealth or OccuCenters facilities.
- Employee must fill out a Wage Continuation Form (available from Human Resources), and return it to the County Workers' Compensation Office within 72 hours of the injury/diagnosis. If employee is hospitalized, the employee must return the form within 72 hours of their discharge from the hospital. There will be no retroactive application to this program;



- Employee must submit FMLA paperwork to Human Resources and are required to use their FMLA leave. Employees who are not eligible for FMLA leave are not eligible to participate in this program; **and**
- Employee must agree to participate in alternative work if eligible. The employee's participation in the alternative work program shall be governed by the rules set forth in Section 12.05 of this Manual.

Procedure

- Upon receipt of the required forms, the Workers' Compensation Office will consult with the employee's supervisor and make a decision to either certify or reject the injury/occupational disease claim.
 - **Rejected** - the employee will not be eligible to participate in the program.
 - **Certified** - the Workers' Compensation Office will enroll the employee in the program.
 - **Certified, but later disallowed by the BWC** - the employee's participation in the program will be suspended until a final decision is issued on the claim. The employee will be required to use accumulated paid leave or FMLA leave during this period of time if the employee has not been released by their doctor. If the employee does not have sufficient leave time to cover the absence, the employee may be placed on an extended unpaid sick/medical leave.
 - If, after the appeals are exhausted, the claim is allowed, leave time used will be refunded.
- The employee's physician will be required to submit both a C-84 and Medco-14 along with an estimated return to work date to the Workers' Compensation Office. The Workers' Compensation Office will use these forms to determine the appropriateness of an alternative work assignment.
- Wage continuation may continue for a maximum of **sixty (60) calendar days** or until the employee's physician releases the employee to either full duty or alternative work, whichever is earlier.
 - The sixty-day limit applies to each injury (i.e., if an employee returns to work after forty-five (45) days of wage continuation, but later needs to be off work again for the same injury – the employee will only be authorized for fifteen (15) additional days of wage continuation. After a total of sixty (60) calendar days of wage continuation, the employee will not be eligible to participate in wage continuation for the same injury for the duration of the participant's service with the County.)
- If the employee is unable to return to work at the end of the sixty-day time period, he or she will be directed to seek benefits from the BWC. The employee will be required to continue on FMLA leave until exhausted.
- An employee may discontinue the program at any time. If the employee decides to opt out of the program, the employee may use his or her accumulated leave time and apply to use the standard Workers' Compensation Program. An employee who has opted out of the program may not opt back in at a later date.



Medical Treatment

- Employees in the program must use a medical provider from either MetroHealth or OccuCenters facilities. It is recommended that employees with less serious injuries use OccuCenter, and employees with more serious injuries use MetroHealth.
- Any employee who fails to fully comply with his or her treating physicians recommendations, including treatment, medication, therapy, vocational rehabilitation, and/or alternative/transitional work assignment, will be immediately removed from the program and will forfeit any future claim to program benefits. Missing appointments will be considered non-cooperation.
- Employees in the program who are working in an alternative work position will be granted paid leave time for medical or physical therapy appointments with their approved physician. The employee will be required to submit documentation of the appointment to their supervisor, including the time he or she arrived and left the appointment. Failure to submit appropriate documentation will result in the employee being charged with sick leave for the time away from work
- Employees in the wage continuation program who have returned to full duty will be granted up to two (2) hours of leave time per day for medical appointments related to their work-related injury for up to one (1) year following their date of injury. The appointment must be with their approved physician under this program and the employee will be required to submit documentation in the manner described in the prior paragraph.

Prohibitions

- An employee is not eligible to use leave donation while participating in this program.
- Employees in the program shall only be paid for their regularly scheduled hours during the period of disability.
- Employees may not maintain any other employment while collecting wage continuation.
- In the event that the County finds that an employee who has received wage continuation has filed a fraudulent claim, the County reserves the right to discipline the employee pursuant to Section 13 of this Manual, up to and including removal, and to recoup the full worth of all wage and benefit payments rendered to the employee.

NOTE: The County reserves the right to modify the wage continuation program at any time.



Section 13:

EMPLOYEE CONDUCT POLICY

13.01 Guidelines for Appropriate Conduct

All County Employees are responsible for performing their jobs in a competent, professional manner and for conducting themselves, at all times, in a way that advances the goals of the County and increases public confidence in Cuyahoga County government. This requires County employees to exercise due care and regard for the safety and security of persons and property, and to refrain from behavior which might be harmful to the county's interests, or which violates or conflicts with the county policies and procedures.

13.02 Employee Dress/Appearance

County employees are required to dress in a manner appropriate for their position. Unless otherwise required by their position, employees are generally required to dress in a manner that is "business appropriate."

Although it is not possible to compile a complete list of acceptable and unacceptable attire, employees should always strive to dress in a way that maintains a business appearance and promotes a positive image and level of professionalism.

Employees should be aware that their respective Departments may have additional rules and regulations or more specific guidelines regarding employee dress/appearance. In determining the appropriate dress standards for individual units, Department management should consider the following factors:

- The nature of the work performed by the unit;
- The likelihood of interaction with the public; and
- Consistency amongst similarly situated units.

Department management has the right to take corrective action when an employee is improperly dressed. An employee who is dressed inappropriately may be sent home to change his or her clothes and may be subject to further discipline under this Section. An employee who is sent home shall be required to use his or her own accumulated vacation, compensatory or exchange leave to cover the time that he or she is away from the worksite to change clothes. In the event the employee has no vacation, compensatory or exchange time, the employee will be placed in AWOL status for the time that he or she is away from the worksite.



Nothing in this policy is intended to abridge an employee's rights relating to non-discrimination or to hinder the advancement of diversity at the County. The County will reasonably accommodate those employees whose bona fide religious belief or disability requires special attire (*see Section 4.08* for information regarding requests for religious accommodation; *see Section 4.07* for information regarding disability accommodation requests).

13.03 Employee Responsibility for County Property

Employees shall not abuse, neglect, waste or misappropriate County property. All employees are responsible for the proper care of any tools, materials, equipment or vehicles assigned for the performance of their jobs. No County tools, equipment, materials or vehicles shall be used for any purpose other than authorized work-related activities. No County tools, equipment or materials shall be taken from the worksite for any purpose unless specifically authorized by the employee's supervisor and/or management. Any violation of these requirements may subject an employee to discipline, up to and including removal.

Upon separation from County employment, employees must return to their Department Management all County-issued cell phones, pagers, computers, keys, uniforms, and other such equipment. In addition, employees must return their ID badges to Human Resources.

13.04 Recording of Conversations

The County has established the following guidelines for the recording of telephone conversations, office meetings and office conversations concerning County business. Any violation of this Section could result in disciplinary action, up to and including removal.

Telephone Conversations

County employees shall not record any telephone conversation involving the discussion of County business unless at least one of the following applies:

1. All parties first consent either verbally or in writing;
2. The party intending to record the conversation notified the other party – both at the beginning and at the end of the conversation – that the call is being recorded;
3. The Law Director or designee authorizes in writing an employee to record a telephone conversation without the other party's consent (e.g., in furtherance of a sexual harassment investigation); or
4. County management authorizes the recording of a telephone conversation as a standard course of business (e.g, all telephone calls to the 696-KIDS hotline are recorded).



Office Meetings and Conversations

County employees shall not record any internal office meetings, conversations, and/or any oral communication involving the discussion of matters pertaining to County business unless at least one of the following applies:

1. All parties first consent either verbally or in writing; or
2. The Law Director or designee authorizes in writing an employee to record a meeting/conversation without the other party's consent (e.g., in furtherance of a sexual harassment investigation).

An internal office meeting is defined as an assembly of two or more County employees for the purpose of discussing matters relating to the conduct of County business.

NOTE: This policy shall not apply to public meetings or any other meeting or forum involving the discussion of County business that is open to members of the general public, including, but not limited to, public hearings.

13.05 Workplace Search/Privacy Policy

NOTE: See Section 15.02 for information regarding the County's electronic equipment/e-mail privacy policies.

County management may question employees and/or inspect any personal property or any area from which the County conducts business, including any spaces, facilities and/or vehicles leased by the county, when there are **reasonable grounds** for suspecting that the search will reveal evidence of work-related misconduct, including, but not limited to:

- When management has a reasonable suspicion that a search/questioning is necessary to safeguard another employee's safety or property;
- When management has a reasonable suspicion that a search/questioning is necessary to safeguard a County customer or their property;
- To protect County property from destruction and/or theft;
- To investigate possible violations of County policy; or
- In furtherance of an internal workplace harassment/discrimination investigation.

County management will obtain authorization from either Human Resources or the Protective Services Division prior to conducting a workplace search.

NOTE: Employees who are without their County issued ID Badge may be required to submit to a search through the use of a metal detector. In addition, all County employees may periodically be required to submit to a search through the use of a metal detector.



13.06 Professional Licenses

Any County employee who is required as a condition of his or her employment to possess and maintain in good standing, a professional license (e.g., social worker license, license to practice law, etc.), shall immediately report any change in his or her licensure status to their Department Management (i.e., license revoked due to bad behavior or failure to renew). An employee who fails to promptly report any change in their licensure status may be subject to disciplinary action, up to and including removal.

13.07 Criminal Conviction

Pursuant to Section 5.05 of this Manual, all applicants for appointment to positions under the County are required to declare whether they have been previously convicted of certain crimes. Any employee that fails to disclose a previous criminal conviction or current arrest for one of the listed crimes on their application is subject to disciplinary action, up to and including removal for falsification of their application.

Any current County employee that is arrested for one of the following crimes must immediately report said arrest to Human Resources:

- Felonies (or under arrest for crime punishable as a felony);
- A crime involving dishonesty, fraud, or theft (e.g., forgery, burglary, robbery, credit card fraud, perjury, bribery, tax evasion);
- Crimes of moral turpitude (e.g., sex offenses, pandering, prostitution, importuning, public indecency);
- Crimes involving physical violence (e.g., assault, patient abuse or neglect); and
- Drug-related crimes (e.g., trafficking offenses, drug possession).

Any employee who fails to disclose the fact that he or she has been arrested for one of the above-described crimes is subject to disciplinary action, up to and including removal.

Conviction of a crime or a history of criminal convictions may constitute cause for disciplinary action. Determination of such action will be based on an analysis of the responsibilities of the position and the nature and time frame of the conviction.



13.08 Inappropriate Conduct / Grounds for Discipline

Inappropriate Conduct

In accordance with Ohio civil service laws, the County considers the following conduct to be inappropriate and grounds for disciplinary action:

Incompetency	Violation of County Policy and/or Procedure
Inefficiency	Violation of any Ohio Civil Service Law
Dishonesty	Failure of Good Behavior
Drunkenness / Substance Abuse	Misfeasance
Immoral Conduct	Malfeasance
Insubordination	Nonfeasance
Discourteous Treatment of the Public	Felony Conviction
Neglect of Duty	

Examples of Inappropriate Conduct

The following examples of inappropriate conduct are provided to assist County management with administration of the Progressive Discipline Program. **The examples, however, are provided solely for illustration, and are NOT intended to be exhaustive or exclusive.**

MINOR INFRACTIONS:

The following is a non-exclusive list of examples of minor infractions:

Type of Conduct	Examples:
<i>Neglect of Duty / Inefficiency / Incompetency</i>	<ul style="list-style-type: none"> • Failing to follow call-in procedures for a single day of absence without approved leave. • Taking unauthorized or extended lunch or other breaks. • Being away from the worksite without permission or leaving work prior to the end of the shift without authorization. • Loafing, loitering, or failing to perform work in a prompt and efficient manner. • Reading material during regular work hours that is not job-related or authorized by management. • Conducting non-work related business while on County time.
<i>Violation of County Policy and/or Procedure</i>	<ul style="list-style-type: none"> • Abuse of County telephones for personal, local calls. • Using County equipment or property for other than its intended purpose (including, but not limited to, e-mail and Internet). • Failing to sign time sheets, properly register time or to punch time card. • Smoking on County owned or leased properties.
<i>Insubordination</i>	<ul style="list-style-type: none"> • Failing to follow supervisor's instructions or Departmental procedures.



MAJOR INFRACTIONS:

The following is a non-exclusive list of examples of major infractions:

Type of Conduct	Examples:
<i>Neglect of Duty / Inefficiency / Incompetency</i>	<ul style="list-style-type: none"> • Sleeping while on duty. • Leaving a post of continuous operation without authorization prior to the end of the shift or prior to proper relief. • Failing to follow call-in procedures for two consecutive days of absence without approved leave. • Failing to report for overtime after being scheduled to work overtime or refusing to work mandated (mandatory) overtime when assigned. • Failure to complete a legitimate job assignment.
<i>Violation of County Policy and/or Procedure</i>	<ul style="list-style-type: none"> • Abuse of County telephone for personal long distance calls.
<i>Discourteous Treatment of the Public</i>	<ul style="list-style-type: none"> • Failure to provide prompt, courteous service to the public.
<i>Failure of Good Behavior</i>	<ul style="list-style-type: none"> • Verbal abuse or profanity directed at a co-worker, supervisor, or the public. • Unauthorized sharing of confidential information about clients and/or employees. • Using another employee's confidential computer identification code without authorization or giving another's code to anyone to use.
<i>Insubordination</i>	<ul style="list-style-type: none"> • Refusing a legitimate job assignment or failing to perform a directive from a supervisor or management representative.

REMOVABLE INFRACTIONS:

The following is a non-exclusive list of examples of removable infractions:

Type of Conduct	Examples:
<i>Neglect of Duty / Inefficiency / Incompetency</i>	<ul style="list-style-type: none"> • Egregious, flagrant or willful neglect in the performance of assigned duties. • Disregarding safety or security regulations that results or would likely in serious physical harm or major property loss or damage. • Failing to follow call-in procedures for three consecutive days of absence without approved leave.
<i>Violation of County Policy and/or Procedure</i>	<ul style="list-style-type: none"> • Intentionally destroying County property or records without prior authorization.
<i>Dishonesty</i>	<ul style="list-style-type: none"> • Falsification of employment records or other County records in manual or automated systems, including falsification of stated reason for use of leave (e.g., abuse of sick leave or using sick leave for unauthorized purposes.)



	<ul style="list-style-type: none"> • Unauthorized punching, signing or altering other employee's time cards or timesheets • Unauthorized altering of one's own time card or sheet. • Making false claims or providing false information in investigations of workplace misconduct or accidents. • Making false claims or misrepresentations in an attempt to obtain any County benefit (e.g., health benefits, promotion, paid leave of absence, etc.).
<i>Felony Conviction</i>	<ul style="list-style-type: none"> • Conviction of a felony.
<i>Failure of Good Behavior</i>	<ul style="list-style-type: none"> • Soliciting or accepting a gratuity or bribe from anyone conducting business with the County or seeking to do business with the County. • Using obscene, abusive, or threatening language or gestures, or performing an act with intent to cause injury to another. • Striking or physically assaulting another person. • Fighting, except for self-defense. • Theft of property from co-workers, the County or others. • Unauthorized possession of a firearm, explosives, or other dangerous weapons on County property or while engaged in County business. • Performing an act which constitutes a felony under the laws of the United States, the State of Ohio or the jurisdiction in which the act was committed. • Making an unwelcome, uninvited sexual advance or request for a sexual favor, especially of a subordinate, a vendor or a customer, and/or touching someone else if it is unwelcome and uninvited. • Engaging in a pattern of behavior which creates a hostile, intimidating, or offensive work environment based on a protected characteristic.
<i>Drunkenness / Substance Abuse</i>	<ul style="list-style-type: none"> • Using alcoholic beverages on County property, or using alcoholic beverages while engaged in County business. • Possessing an open container of alcohol on County property or while engaged in County business. • Manufacturing, using, selling, or distributing alcohol or illicit drugs on County time or County property. • Refusal or failure to submit to a drug test as required. • Failing an alcohol or drug test in violation of the County's Fitness for Duty Policy.



Evaluation of Inappropriate Conduct

All inappropriate conduct shall be evaluated on a case by case basis, considering the following factors:

- 1) Level of disruption to County business.
- 2) Level of harm to the County's interests.
- 3) Level of damage to the public's trust and confidence in Cuyahoga County government.
- 4) The employee's position and the degree of responsibility inherent in that position (i.e., supervisory vs. non-supervisory positions). **Employees who occupy a supervisory or management position are held to a higher standard of conduct commensurate with the level of leadership required of them.**
- 5) Whether the employee's conduct is part of a continuing problem.
- 6) Whether the employee's conduct put a co-worker, vendor or customer's safety and/or security at risk.
- 7) Whether the employee's honesty and veracity is brought into question because of his or her.
- 8) Whether there are extenuating or mitigating circumstances.
- 9) Whether the inappropriate factor involves a violation of the County's Code of Ethics (See Section 3.).

13.09 Progressive Discipline Program

Purpose

The County subscribes to a policy of progressive discipline. Progressive discipline is not intended to be punitive. Rather, the goal of this policy is to help the employee recognize and correct certain unacceptable behavior before it becomes serious enough, or frequent enough, to warrant termination of employment.

Application

The Progressive Discipline Program applies to:

- Regular full-time and part-time employees (bargaining and non-bargaining); and
- Promotion or transfer probationary employees.

The Progressive Discipline Program may not apply to:

- New-hire probationary employees;
- Interns; and
- Temporary or seasonal employees
- Any employee who commits an offense deemed to be "removable" pursuant to Section 13.08.

In the event of a conflict, Federal, State and Local laws, rules, and regulations take precedence over Progressive Discipline policies and procedures. In addition, in the event of a conflict, collective bargaining agreements take precedence over Progressive Discipline policies and procedures.



Relationship to Attendance Control Program

All attendance related discipline shall be administered in accordance with the Attendance Control Program (Section 14). Attendance related discipline, however, may be relevant under this Section as evidence of a continuing performance problem. In addition, failure to follow call in procedures is considered a Progressive Discipline offense and may be addressed separately from the related attendance control issue.

Procedure

When a management representative determines that an employee has conducted himself or herself in a manner that is deemed “inappropriate” under Section 13.08 of the Policies and Procedures Manual, the management representative shall consult with Human Resources to determine the appropriate action to take. If an investigation is necessary, Human Resources will work with the management representative to gather the necessary information regarding the inappropriate conduct.

If Human Resources determines that the facts of the case may justify the imposition of a suspension, demotion, or removal, Human Resources will have the management representative complete a request for Pre-Disciplinary Conference in accordance with Section 13.11 of this Manual.

Depending on the nature of the discipline that is ultimately issued, the employee will either be notified of the discipline by his or her supervisor or Human Resources.

NOTE: All finalized disciplinary actions are permanently placed in the employee’s personnel file. **The disciplinary action, however, will only remain active for two (2) years for purposes of progressive discipline.** The two-year period shall be measured backward from the date of the subsequent offense to the date the prior discipline was imposed.

Types of Disciplinary Action

- **Written Reprimand** – The purpose of a written reprimand is to give an employee formal written notice that his or her conduct has been deemed to be inappropriate and of any action that may be necessary to correct said conduct. The written reprimand should also specify consequences if the employee does not correct his or her inappropriate conduct. If Human Resources determines that a written reprimand is appropriate pursuant to the Progressive Discipline Program, the supervisor or management representative shall prepare the written reprimand and submit it to Human Resources for review. Once approved by Human Resources, the supervisor or management representative will give the written reprimand to the employee. The written reprimand shall be signed by the supervisor or management representative, the employee and any third-party who witnessed the issuance of the written reprimand. The employee’s signature is an acknowledgement of receipt of the form, not agreement with its contents. The original written reprimand shall be sent to Human Resources to be placed in the employee’s personnel file, with copies to the employee and the employee’s direct supervisor.



- **Suspension** - A suspension is a forced unpaid leave of absence from employment with the County. The County may require an employee who is suspended to report to work to serve the suspension. An employee serving a suspension in this manner shall continue to be compensated at the employee's regular rate of pay for hours worked. The disciplinary action shall be recorded in the employee's personnel file and has the same effect as a suspension without pay for the purpose of recording disciplinary actions.
- **Reduction** - See Section 5.15.
- **Demotion** - See Section 5.14.
- **Removal** - See Section 5.17.

NOTE: At the sole discretion of the Director of Human Resources or designee, an employee may be temporarily placed on paid administrative leave when the employee's inappropriate behavior is so serious that immediate removal from the workplace is necessary. This may be necessary because the employee's actions indicate that remaining on the job or returning to the job may be detrimental to the employee, co-workers, customers or the County. The employee will be required to leave County property pending an investigation into the employee's behavior. Examples of behavior that may require a placement on paid administrative leave include, but are not limited to, the "Removable Offenses" set forth in Section 13.08 of this Manual. Employees who are placed on paid administrative leave shall be prepared to return to work each day on leave and are required to call Human Resources prior to their regular starting time each day to determine whether they should return to work that day.

13.10 Conduct/Performance Improvement Measures

The utilization of the measures described below can oftentimes help an employee improve his or her performance or conduct without having to initiate formal disciplinary procedures. Their purpose is to establish an understanding of the issues, exchange information, and establish job expectations. If the employee's performance or conduct does not improve, however, the supervisor shall initiate disciplinary proceedings in accordance with Section 13.09 of this Manual.

Management is strongly encouraged to consult with Human Resources prior to making use of the following measures:



NOTE: The following measures are NOT considered disciplinary action for purposes of the Progressive Discipline Program. These measures, however, may be mandated in conjunction with disciplinary action under the Progressive Discipline Program. An employee's failure to fulfill a mandate pursuant to this section constitutes insubordination and may subject the employee to disciplinary action. For example, an employee that is being suspended for inappropriate conduct may also receive a mandatory referral to the Employee Assistance Program as part of the disciplinary order. The employee's failure to fulfill the mandated referral would subject them to further disciplinary action for insubordination.

Verbal Counseling

Verbal counseling involves a private meeting between supervisor and employee, whereby the employee is informed in detail of his or her conduct that the supervisor has deemed inappropriate and of any action that may be necessary to correct said conduct. The supervisor shall create a document detailing the reasons for and outcomes of the counseling. The supervisor and the employee shall sign the document. The supervisor shall retain the original and the employee shall receive a copy of the document. The employee's signature is an acknowledgement of receipt of the form, not agreement with its contents.

NOTE: "Verbal counseling" may also be referred to as "oral counseling" or "coaching".

Performance Improvement Plan ("PIP")

A performance improvement plan is a formal process used by supervisors to help employees improve performance or modify behavior. The performance improvement plan, or PIP, as it is often called, identifies performance and/or behavioral issues that need to be corrected and creates a written plan of action to guide the improvement and/or corrective action. A PIP may be used in conjunction with a verbal counseling, a disciplinary action or a poor performance review.

Fundamentally, a PIP is a structured communication tool designed to facilitate constructive discussion between the employee and the supervisor. An effective PIP will:

- Consider the employee's input;
- Specifically identify the performance to be improved or behavior to be corrected;
- Provide **reasonable and clear expectations** about the work to be performed or behavior that must change;
- Identify the support and resources available to help the employee make the required improvements;
- Establish a plan for reviewing the employee's progress and providing feedback to the employee for the duration of the PIP; and
- Specify consequences if performance standards as identified in the PIP are not met.

NOTE: A "performance improvement plan" may also be referred to as a "corrective action plan" or "CAP".



Training

In an effort to further the professional development of its employees, the County will frequently offer a wide variety of training opportunities for its employees. Examples of the types of training that may be offered includes:

- Computer skills;
- Management/leadership training;
- Professionalism and business etiquette;
- Conflict management/resolution;
- Problem solving;
- Effective communication; and
- Project management.

Attendance at training sessions can be mandated by County management. An employee that fails to attend a mandated training session will be subject to disciplinary action, up to and including termination of employment.

Please contact Human Resources or refer to the County Intranet for more information regarding training opportunities.

Management Referral to Employee Assistance Program

Under certain circumstances, the County may deem it necessary to request that an employee seek assistance through the County's Employee Assistance Program (EAP) (*See Section 7.03*). An employee who receives a management EAP referral will be treated in the same manner as an employee who voluntarily seeks assistance through the EAP except that the employee's attendance, motivation level, and willingness to follow recommendations will be reported back to County management by the EAP administrator.



13.11 Pre-Disciplinary Conference (PDC)

If Human Resources determines that the severity of the employee's conduct may justify imposition of a suspension, demotion or removal, Human Resources will prepare a Notice of Pre-Disciplinary Conference for issuance to the employee.

At any point prior to the PDC, the employee may choose to waive his or her opportunity to have a PDC. Attendance at the PDC is mandatory unless waived. Upon written request, the presiding Human Resources' official may grant the employee a reasonable continuance, if necessary.

The following rules of procedure shall apply to the PDC:

- a) The employee may present oral and/or written statements, testimony, documents etc., in response to each allegation of inappropriate conduct.
- b) The employee may choose to have one additional person (other than a subordinate employee) accompany them to the PDC as an observer. The observer shall not be permitted to speak on the employee's behalf. It is the employee's responsibility to notify their chosen observer that their attendance is desired.
- c) If the employee is a member of a union, he or she may be accompanied by a union representative in accordance with the applicable collective bargaining agreement. It is the employee's responsibility to notify the union representative that their attendance is desired.
- d) The County reserves the right to record the PDC. The employee has no right to record the PDC, unless otherwise authorized in their collective bargaining agreement.

13.12 Appeals

The Ohio Revised Code provides non-bargaining employees an appeals process for certain disciplinary action through the HRC. Revised Code Section 124.34 sets forth the specific types of discipline that may be appealed and outlines the procedures for filing an appeal with the HRC.

NOTE: Certain progressive discipline decisions may be appealed in accordance with the complaint process set forth in Section 17.03.



Section 14:

ATTENDANCE CONTROL PLAN

14.01 Purpose

Absenteeism and tardiness represent two of the most serious problems in county government. Absenteeism and tardiness disrupt work schedules, cause unnecessary overtime, and place an unfair burden on responsible employees and supervisors. The purpose of the Attendance Control Plan is to increase productivity and employee morale through the systematic reduction of employee absenteeism and tardiness.

14.02 AWOL (Absent Without Official Leave)

AWOL occurs when an employee is away from his or her scheduled place of work or is tardy for reasons other than authorized leave. AWOL and tardiness are work rule violations.

The mere procurement of a physician's statement will not prevent the accumulation of AWOL hours, unless the absence is covered by approved leave.

14.03 Attendance Control Plan

Attendance control is administered separately from the Progressive Discipline Program in **Section 13.09**. **Failure to follow departmental call-in procedures, however, is considered a separate offense which may be addressed under the Progressive Discipline Program in Section 13.09.**

NOTE: An employee may receive separate disciplinary action for a failure to follow call-in procedures and for AWOL arising out of the same incident. For example, if an employee fails to follow call in procedures for a single day of absence without approved leave, the employee would be subject to discipline for a "minor infraction" under **Section 13.08** and would also receive eight (8) hours of AWOL time pursuant to the Attendance Control Plan.

The Attendance Control Plan shall be administered as follows:

Stage 1

If the employee accumulates ten (10) or more hours of AWOL in a two-year period, the employee shall receive an **AWOL Written Reprimand**. The supervisor and employee shall sign the AWOL Written Reprimand and the original shall be sent to Human Resources to be placed in the employee's personnel file, with a copy to the employee.

Stage 2

If the employee accumulates ten (10) or more hours of AWOL in the two-year period after the date of the issuance of their Stage 1 AWOL Written Reprimand, the employee shall be subject to a **three-day suspension**.

Stage 3

If the employee accumulates sixteen (16) or more hours of AWOL in the two-year period after the third day of their Stage 2 three-day suspension, the employee shall be subject to **removal**.

Attendance Control Plan Summary Chart

	AWOL ACCUMULATION	DISCIPLINE
STAGE 1	10 hours in a 2-year period	Written Reprimand
STAGE 2	10 additional hours in the two-year period after the date of the issuance of their Stage 1 AWOL Written Reprimand	3-day Suspension
STAGE 3	16 additional hours in the two-year period after the third day of their Stage 2 three-day suspension	Removal

14.04 Appeals

The Ohio Revised Code provides non-bargaining employees an appeals process for certain disciplinary action through the State Personnel Board of Review. Revised Code Section 124.34 sets forth the specific types of discipline that may be appealed and outlines the procedures for filing an appeal with the HRC.

NOTE: Certain progressive discipline decisions may be appealed in accordance with the complaint process set forth in Section 17.03.

Section 15:

ELECTRONIC EQUIPMENT AND COMMUNICATIONS

15.01 Electronic Equipment and Communications Policy

Internet/Intranet/Extranet-related systems, including but not limited to computer equipment, software, operating systems, storage media, network accounts providing electronic mail, World Wide Web browsing, FTP, cellular telephones, and “smart phones” are the property of Cuyahoga County. These systems are to be used for business purposes in serving the interests of the County, the public and agency customers in the course of normal operations. Access and use of County provided communication equipment and services are provided at the discretion of the County and may be revoked at will.

Effective security is a team effort involving the participation and support of every Cuyahoga County employee and affiliate who deals with information and/or information systems. It is the responsibility of every computer user to know these guidelines, and to conduct their activities accordingly.

The purpose of this policy is to outline the acceptable use of electronic equipment at Cuyahoga County. These rules are in place to protect the employee and Cuyahoga County. Inappropriate use exposes Cuyahoga County to risks including virus attacks, compromise of network systems, data, services, and legal liability issues.

This policy applies to employees, contractors, consultants, temporaries, and other workers at Cuyahoga County, including all personnel affiliated with third parties. This policy applies to all equipment that is owned or leased by Cuyahoga County.

15.02 Privacy Expectations

County employees do not have a right, nor should they have an expectation, of privacy while using any County electronic equipment at any time, including accessing the Internet and/or using County owned/provided e-mail. By using County electronic equipment, County employees make express agreement to consent to disclose the contents of any type of information maintained on or passed through County electronic equipment. **In addition, any record created by an employee when using County electronic equipment (e.g., e-mail record, internet usage history), is generally considered a public record subject to disclosure upon request.**



By using County electronic equipment, consent to monitoring and recording is implied with or without cause, including, but not limited to, accessing the Internet and using County owned/provided e-mail. Any use of County communication resources is made with the understanding that such use is generally not secure, is not private, and is not anonymous.

All County provided electronic equipment, and its contents, may be monitored and inspected at any time without prior notice. Electronic communications may be disclosed within a Department to those who have a need to know in the performance of their duties. Department Directors, system managers, and supervisors may access any electronic communications at any time.

15.03 Security and Proprietary Information

The following guidelines are designed to protect County employees, partners and the public from illegal or damaging actions by individuals, either knowingly or unknowingly:

1. Keep passwords secure and do not share accounts. Authorized users are responsible for the security of their passwords and accounts. System level passwords should be changed quarterly, user level passwords should be changed every six months.
2. All PCs, laptops and workstations should be secured with a password-protected screensaver with the automatic activation feature set at 10 minutes or less, or by logging-off (control-alt-delete for Win2K users) when the host will be unattended.
3. Use encryption of information in compliance with Information Services Center's Acceptable Encryption Use policy. This policy may be found at: http://10.4.1.23/ccisc/pdf/policies/ISCSecurityPolicyProcedures_0309.pdf
4. Because information contained on portable computers is especially vulnerable, special care should be exercised. Protect laptops in accordance with good judgment and best practices in protecting county owned equipment.
5. Postings by employees from a Cuyahoga County email address to newsgroups should contain a disclaimer stating that the opinions expressed are strictly their own and not necessarily those of Cuyahoga County, unless posting is in the course of business duties.
6. All hosts used by the employee that are connected to the Cuyahoga County Internet/Intranet/Extranet, whether owned by the employee or Cuyahoga County, shall be continually executing approved virus-scanning software with a current virus database unless overridden by departmental or group policy.
7. Employees must use extreme caution when opening e-mail attachments received from unknown senders, which may contain viruses, e-mail bombs, or Trojan horse code.



15.04 Prohibited Uses of Electronic Equipment and Communications

Prohibited use of County equipment and/or electronic communications may subject the violator to disciplinary action, up to and including removal. Prohibited usage may also expose the violator to criminal prosecution. Examples of prohibited uses of electronic equipment and communication are:

NOTE: Employees may be exempted from these restrictions during the course of their legitimate job responsibilities (e.g., systems administration staff may have a need to disable the network access of a host if that host is disrupting production services.)

System and Network Activities

The following activities are strictly prohibited, with no exceptions:

1. Violations of the rights of any person or company protected by copyright, trade secret, patent or other intellectual property, or similar laws or regulations, including, but not limited to, the installation or distribution of "pirated" or other software products that are not appropriately licensed for use by Cuyahoga County.
2. Unauthorized copying of copyrighted material including, but not limited to, digitization and distribution of photographs from magazines, books or other copyrighted sources, copyrighted music, and the installation of any copyrighted software for which Cuyahoga County or the end user does not have an active license is strictly prohibited.
3. Exporting software, technical information, encryption software or technology, in violation of international or regional export control laws, is illegal. The appropriate management should be consulted prior to export of any material that is in question.
4. Introduction of malicious programs into the network or server (e.g., viruses, worms, Trojan horses, e-mail bombs, etc.).
5. Sharing or revealing your account password to others or allowing use of your account by others. This includes friends, family and other household members when work is being done at home.
6. Using a Cuyahoga County computing asset to actively engage in procuring or transmitting material that is in violation of sexual harassment or hostile workplace laws in the user's local jurisdiction.
7. Making fraudulent offers of products, items, or services originating from any Cuyahoga County account.
8. Making statements about warranty, expressly or implied, unless it is a part of normal job duties.
9. Effecting security breaches or disruptions of network communication. Security breaches include, but are not limited to, accessing data of which the employee is not an intended recipient or logging into a server or account that the employee is not expressly authorized to access, unless these duties are within the scope of regular duties. For purposes of this section, "disruption" includes, but is not limited to, network sniffing, pinged floods, packet spoofing, denial of service, and forged routing information for malicious purposes.



10. Port scanning or security scanning is expressly prohibited unless prior notification to the Research and Security Department is completed.
11. Executing any form of network monitoring which will intercept data not intended for the employee's host, unless this activity is a part of the employee's normal job/duty.
12. Circumventing user authentication or security of any host, network or account.
13. Interfering with or denying service to any user other than the employee's host (for example, denial of service attack).
14. Using any program/script/command, or sending messages of any kind, with the intent to interfere with, or disable, a user's terminal session, via any means, locally or via the Internet/Intranet/Extranet.
15. Providing information about, or lists of, Cuyahoga County employees to parties outside Cuyahoga County.
16. Accessing inappropriate websites (e.g., pornography, gambling, etc.).

Email and Communications Activities

1. Sending unsolicited email messages, including the sending of "junk mail" or other advertising material to individuals who did not specifically request such material (email spam).
2. Any form of harassment via email, telephone or paging, whether through language, frequency, or size of messages.
3. Unauthorized use, or forging, of email header information.
4. Solicitation of email for any other email address, other than that of the poster's account, with the intent to harass or to collect replies.
5. Creating or forwarding "chain letters", "Ponzi" or other "pyramid" schemes of any type.
6. Use of unsolicited email originating from within Cuyahoga County's networks of other Internet/Intranet/Extranet service providers on behalf of, or to advertise, any service hosted by Cuyahoga County or connected via Cuyahoga County's network.
7. Posting the same or similar non-business-related messages to large numbers of Usenet newsgroups (newsgroup spam).

Weblogs ("Blogging")

1. Blogging by employees using Cuyahoga County's equipment or systems is subject to the terms and restrictions set forth in this Policy. Use of Cuyahoga County's systems to engage in blogging is acceptable, provided that it is done in a professional and responsible manner, does not otherwise violate Cuyahoga County's policy, is not detrimental to Cuyahoga County's best interests, and does not interfere with an employee's regular work duties. Blogging from Cuyahoga County's systems is subject to monitoring.
2. Cuyahoga County's Information Sensitivity policy also applies to blogging. As such, employees are prohibited from revealing any Cuyahoga County confidential or proprietary information, trade secrets or any other material covered by Cuyahoga County's Information Sensitivity policy when engaged in blogging.
3. Employees are prohibited from making any discriminatory, disparaging, defamatory or harassing comments when blogging or otherwise engaging in any conduct prohibited by Cuyahoga County's Non-Discrimination and Anti-Harassment policy.



4. Employees may also not attribute personal statements, opinions or beliefs to Cuyahoga County when engaged in blogging from Cuyahoga County systems. If an employee is expressing his or her beliefs and/or opinions in blogs, the employee may not, expressly or implicitly, represent themselves as an employee or representative of Cuyahoga County. Employees assume any and all risk associated with blogging, to include legal liability. Employees may blog freely from their home personal computers or other access outlets assuming legal liability at their own risk.
5. Apart from following all laws pertaining to the handling and disclosure of copyrighted or export controlled materials, Cuyahoga County's trademarks, logos and any other Cuyahoga County intellectual property may not be used in connection with any blogging activity



Section 16: **TRAVEL / DRIVING ON COUNTY BUSINESS**

16.01 Traveling on County Business

Employees may be required to travel on County business in conjunction with their normal job assignments or in order to fulfill a special departmental need. Any decision to travel must be made in accordance with the policies and procedures set forth in the Cuyahoga County Travel Policy. An employee may be denied reimbursement for their travel expenses and may be subject to discipline, up to and including removal, if they fail to follow the policies and procedures set forth in the Cuyahoga County Travel Policy. **A copy of the Cuyahoga County Travel Policy is available on the County intranet. A copy may also be obtained by contacting Human Resources.**

County employees who are required to travel are responsible for conducting themselves, at all times, in a manner that advances the goals of the County and increases public confidence in County government. This requires County employees to refrain from behavior that might be harmful to the County's interests, or which violates or conflicts with County policies, practices and/or procedures. County employees shall exercise good judgment while traveling on County business and shall observe all of the County's rules while traveling, including, but not limited to rules regarding:

- Personal appearance ([Section 13.02](#));
- Alcohol and drug use ([Section 7.01](#)); and
- Sexual or other workplace harassment ([Section 4.03](#)).

Any failure to adhere to these requirements constitutes an infraction of the County Discipline Policy ([Section 13](#)), which may result in disciplinary action, up to and including removal from County employment.

16.02 Safety Belt Usage

The County recognizes that safety belts are an important item of personal protective equipment and that safety belts save lives and reduce the severity of injuries to those who wear them. It is the County's commitment to do everything reasonable to prevent injuries to employees and damage to property and to protect the County, its employees and the general public from the results of vehicle accidents.



This policy applies to all County employees and to all occupants of vehicles driven by employees on County business. Occupants shall use safety belts in all vehicles driven on County business (whether County owned or privately owned vehicles). It is especially important that all employees demonstrate their commitment to and support of this policy by their strict adherence to it.

Any employee who is cited by a law enforcement agency for not wearing a safety belt will be responsible for any fines or other actions that may result as part of the citation. Employees who violate this policy may be subject to disciplinary action, up to and including removal.

16.03 Driving on County Business / Use of County Fleet Vehicles

Every employee who drives or operates a County fleet vehicle at any time, or who operates any motor vehicle (i.e., employee's personal vehicle, rental vehicle) on, or in the course of County business must strictly adhere to the following requirements:

- The employee must have and maintain at all times, without interruption, a **valid driver's license** and the minimum **automobile insurance coverage** required by Ohio law. Employees are solely responsible to make sure that their licenses and automobile insurance are properly renewed/maintained.
- Employees are responsible to make sure that the **Ohio Bureau of Motor Vehicles (BMV) has the employee's correct mailing address**. Employees can notify the BMV of an address change by visiting the BMV website (<http://www.ohiobmv.com/>). If the BMV sends notification of a license suspension or other mailing to the address in its records, the employee is deemed to be properly notified and held responsible for having knowledge of the suspension or other matter.
- If the employee's **driver's license and/or insurance is expired, suspended, revoked, or otherwise invalid**, the employee shall **immediately report** this fact to their immediate supervisor, and **immediately stop driving** on, or in the course of County business. The employee's Department Director, with the concurrence of the Director of Human Resources, may allow the employee to resume driving on, or in the course of County business upon the employee providing acceptable proof of insurance coverage and driver's license (or appropriate occupational driving privileges granted by a court of competent jurisdiction). Other conditions may be imposed as appropriate in light of the circumstances of each individual case.



NOTE: Driving records are public information. County management has the authority and does conduct **routine inspections** of the driving records of its employees. Employees who are required to drive on, or in the course of County business are encouraged to periodically visit the Ohio BMV website (<http://www.ohiobmv.com>) to monitor the status of their license.

- All occupants (including non-employees) of any motor vehicle being used on, or in the course of County business are required to wear a **safety belt** at all times.
- Employees who are required to transport children on, or in the course of County business must follow all applicable Ohio laws regarding the use of **car seats** or other restraints.
- Employees must follow all **traffic laws and parking regulations**. Employees are solely responsible for the cost of any driving/moving infraction/violation, parking tickets, impound charges, towing charges, and/or storage charges incurred while driving a County fleet vehicle or any vehicle on, or in the course of County business.
- The use of **alcohol** and/or other **controlled substances** – including a prescription or over the counter medication, which may temporarily render an employee unable to operate a vehicle safely – is strictly prohibited.
- An employee involved in a **motor vehicle accident** must strictly adhere to the vehicle accident reporting requirements set forth in **Section 16.04** of this Manual.

NOTE: It is strongly recommended that an employee operating a vehicle pull to a safe location and park the vehicle **before** using a cell phone. It should also be noted that several municipalities strictly prohibit the use of a cell phone while driving.

Use of County Fleet Vehicle

Immediately upon becoming aware of the need for the use of a County fleet vehicle, a County employee should contact the Fleet Services Department at (216) 443-8952 to determine if a vehicle is available on their travel date. If a vehicle is available, the employee should submit a Vehicle Request Form to the Fleet Services Garage via facsimile at (216) 443-7806.

A County employee that operates a County fleet vehicle must adhere to the following **additional** requirements:

- **Personal use** of a fleet/pool vehicle is strictly prohibited.
- Fleet/pool vehicles may only be used during the **employee's regular working hours** or as approved by the employee's department management.
- Fleet/pool vehicles shall only be **operated by County employees**.
- **Non-County employees** shall not travel in a fleet/pool vehicle unless specifically authorized by the employee's department management.



- **Smoking** is strictly prohibited inside a fleet/pool vehicle.
- Employees must comply with the Cuyahoga County **Vehicle Idling** Policy. A copy of the Idling Policy can be obtained by contacting the Fleet Services Department or by logging onto the County intranet.
- Fleet/pool vehicles may not be driven **out-of-state** without prior approval by the County.
- Fleet/pool vehicles may never be driven **out of the country**.
- Fleet/pool vehicles and keys must be **returned** by the specific date and time given and in the condition that they were received.

Use of Personal Vehicle

A County employee who is required to drive or operate their personal vehicle on, or in the course of County business must adhere to the following additional requirements:

- The employee's personal vehicle's **automobile registration** must be current. If the employee's personal vehicle's automobile registration expires or is otherwise invalid, the employee must immediately notify his or her supervisor and immediately stop driving in the course of County business. The employee's Department Director, with the concurrence of the Director of Human Resources, may allow the employee to resume driving their personal vehicle on, or in the course of County business upon the employee providing acceptable proof of valid automobile registration.
- An employee on, or in the course of County business **may not be transported by a non-County employee unless approved by the employee's supervisor**.
- Every employee who submits a **Travel Expense Report** for operating a personal vehicle on, or in the course of County business, certifies that he or she has a valid driver's license, vehicle registration, financial responsibility (insurance), and personally operated the vehicle for which the travel expense is claimed.
- The employee must maintain the vehicle in a **good and safe operating condition**.

Employees who are required to drive their personal vehicle on, or in the course of County business should refer to the policies and procedures set forth in the Cuyahoga County Travel Policy for information regarding mileage and parking reimbursement. A copy of the Cuyahoga County Travel Policy is available on the County intranet. A copy may also be obtained by contacting Human Resources. **Any failure to conform to the requirement set forth in this Section constitutes an infraction of the County Discipline Policy (Section 13), which may result in disciplinary action, up to and including removal from County employment.**



16.04 Vehicle Accident Reporting Procedure

For purposes of this Section, a “vehicle accident” is an accident that results in property damage and/or physical injuries to any parties involved in the accident.

Employee Duties

An employee involved in a vehicle accident either, (1) occurring in the course of County business in a private/rental vehicle, or (2) occurring in a County vehicle at any time, **must** follow the following steps:

- 1) **Remain at the accident site unless it is necessary to immediately go to hospital.**
- 2) **Contact the appropriate authorities (i.e., dial 911).**
- 3) **Contact County Protective Services at 216-443-2141 or 1-888-814-3578.**
- 4) **Contact their immediate supervisor.**

After such accidents, the County employee may be required to submit to an alcohol and drug test depending on the circumstances. (See Section 7.04 for more information on County drug/alcohol testing policies and procedures.) Therefore, the employee shall remain at the accident site until they receive further instruction from either their supervisor, Protective Services or the Fitness for Duty Coordinator.

NOTE: An employee who is incapacitated and/or transported by EMS to the hospital as a result of a vehicle accident shall contact their immediate supervisor as soon as practicable.

Supervisor Duties

Upon receipt of notification of a vehicle accident involving a County employee, the supervisor shall immediately notify County Protective Services (216-443-2141).

Any failure to conform to the requirement set forth in this Section constitutes an infraction of the County Discipline Policy (Section 13), which may result in disciplinary action, up to and including removal from County employment.



Section 17: EMPLOYEE COMPLAINT PROCEDURES

17.01 **Equal Employment Opportunity Complaints**

See Section 4.05 for information regarding the Equal Employment Opportunity Complaint procedure.

17.02 **Fair Labor Standards Act (FLSA) Complaints**

Non-bargaining employees shall use the following complaint procedure for disputes regarding alleged violations of the FLSA (*see* Section 6.01). Employees covered by a collective bargaining agreement shall use the grievance procedure outlined in their agreement.

An employee who has been designated by the County as being exempt from receiving overtime and/or compensatory time may file a written complaint if he or she believe that:

- He or she has been improperly designated as an exempt employee; **or**
- His or her paycheck has been improperly docked.

The written complaint should outline why the employee should not be considered exempt or the specific dates, amounts and circumstance regarding when the alleged improper docking occurred. This written complaint should be submitted to the County Human Resources Director for review.

Upon receipt of the complaint, the Human Resources Director or designee will investigate the allegation. After review, if the employee has been improperly designated or docked, the County will re-designate, reimburse and/or correct the wages of the employee. The decision issued pursuant to this section will be the final decision of the County.



17.03 General Complaints

Policy

For all complaints not involving equal employment or FLSA issues, County employees are encouraged to make every reasonable effort to resolve such complaints with his or her immediate supervisor. If the complaint cannot be resolved informally, employees may file a County General Complaint pursuant to the procedure outlined in this Section.

Limitations

Certain issues are not subject to the County General Complaint Procedure. Examples include, but are not limited to:

- Administration of disciplinary action that entitles the employee to a right of appeal to the HRC;
- Removals, reductions or demotions during the new-hire probationary period;
- Collective bargaining issues (bargaining unit employees should refer to the grievance process set forth in their collective bargaining agreement);
- Position audit results;
- Temporary transfers of thirty (30) days or less;
- Layoffs;
- Disability separation decisions
- Performance evaluations; and
- Decisions based on fitness for duty examinations.

Procedure

STEP 1: WRITTEN COMPLAINT TO DIRECTOR

- Employees wishing to file a complaint under this Section shall document his or her complaint in writing and submit it to his or her Department Director within ten (10) working days of the event upon which the complaint is based. **The complaint must specifically state the remedy the employee is seeking.**
- The Department Director and/or designee will investigate the complaint and/or discuss the issue with the employee.
- The Department Director will issue a written response within a reasonable period of time, generally not to exceed thirty (30) calendar days.

STEP 2: APPEAL TO DIRECTOR OF HUMAN RESOURCES

- If the employee is not satisfied with his or her Department Director's response, the employee may request review by the Director of Human Resources.
- The employee shall send his or her original complaint and the Department Director's response to the Director of Human Resources within ten (10) working days of receipt of the Department Director's response.
- The Director of Human Resources and/or designee will investigate the complaint and/or discuss the issue with the employee.



- The Director of Human Resources and/or designee will issue a written response to the complaint within a reasonable period of time, generally not to exceed thirty (30) calendar days.

STEP 3: APPEAL TO THE COUNTY EXECUTIVE/DESIGNEE

- If the employee is not satisfied with the response submitted by the Director of Human Resources, the employee may request review by the County Executive/Designee.
- The employee shall send their original complaint and both prior responses to the County Administrator within ten (10) working days of receipt of the Director of Human Resources' response.
- The County Executive and/or designee will investigate the complaint and/or discuss the issue with the employee.
- The County Executive or designee will render a final decision on the appeal within a reasonable period of time, generally not to exceed forty-five (45) calendar days.



Section 18:

RECORDS MANAGEMENT

18.01 **Confidential Information**

The County prohibits the release of confidential information. “Confidential information” means any information concerning the County that:

- Is legally required to be kept confidential;
- Is specifically exempt from public inspection and copying; or
- Does not document the organization, functions, policies, decisions, procedures, operations, or other activities of the County.

An employee who violates this section may be subject to disciplinary action, up to and including removal.

18.02 **Compliance with Records Retention Schedule**

Each Department has established a policy to ensure that all County records are retained in compliance with all known local, state, and federal laws and regulations, all Ohio Historical Society requirements, and the internal operating needs of the County. Before disposing of any County records, employees must determine whether the disposal is in accordance with the applicable Records Retention Policy adopted by the employee’s Department.

An employee should contact his or her Department Director’s office or Human Resources with any questions regarding records retention.



18.03 Personnel Records

A personnel file on each employee is kept in the Human Resources office. It contains information regarding training, experience, and employment as well as the work history of the employee with the County. An employee shall have the right to inspect his or her personnel file provided reasonable notification is given to Human Resources.

It is the responsibility of the employee to immediately notify Human Resources of any changes in address, telephone number, emergency information, name change and marital status. Employees are required to have a current permanent residence address and contact number on file at all times with Human Resources. P.O. boxes are not sufficient for this purpose. Name and marital status changes require legal documentation (e.g., marriage certificate, divorce decree, etc.), which will also be provided to the Personnel and Benefits Divisions.

18.04 Electronic Mail Records

Employees using electronic mail in the normal course of the County's business are responsible for adhering to the rules established for electronic mail (*see Section 15*). Electronic mail is to be used judiciously as such for conducting the business of the County. The use of e-mail for improper purposes, such as intimidation, harassment, non-County business, etc., may subject the employee to disciplinary action, up to and including removal.

There is no expectation of privacy for County owned/provided e-mail accounts. The County, without notice to employees, reserves the right to routinely and randomly monitor and/or access any employee's County owned/provided e-mail account. In addition, any record created or received by an employee when using County owned/provided e-mail accounts is generally considered a public record subject to disclosure upon request.

NOTE: See Section 15 for more information on the County's Electronic Equipment and Communications Policy.

All e-mail sent or received through County owned/provided e-mail accounts is the property of Cuyahoga County.

The County has established a policy that electronic mail messages are records of the County and that they are subject to all established rules concerning records retention and management. The deletion of e-mail messages shall be done in accordance with the applicable Records Retention Policy adopted by the County.



18.05 Complying with Requests to Inspect and Copy County Records

All requests to inspect and/or copy County records should be referred to the applicable Department Director for handling.

18.06 Disposition of Records – Separation From Employment

It is the hope of the County that all employees enjoy continuous and uninterrupted employment during their tenure as County employees. However, at the time of separation from employment, whether voluntary, retirement, or as a result of a disciplinary action or reduction in workforce, the employee is not permitted to remove any County records that were created in conjunction with their employment without the expressed written consent of their Department Director. This includes working copies, drafts, manuals, computer disks and software.

The County may review records prior to allowing the employee to remove them from the premises.

The electronic records on the computer hard drive may be reviewed by the Department Director or designee before the computer is provided to another employee or returned to Information Systems. These records include, but are not limited to, e-mail, word processing documents, databases, spreadsheets and other software applications. Records may be printed and retained in paper format in order to comply with the applicable retention period.

