



AGENDA
CUYAHOGA COUNTY COUNCIL REGULAR MEETING
TUESDAY, AUGUST 26, 2014
CUYAHOGA COUNTY ADMINISTRATIVE HEADQUARTERS
COUNCIL CHAMBERS – 4TH FLOOR
5:00 PM

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PLEDGE OF ALLEGIANCE**
- 4. SILENT MEDITATION**
- 5. PUBLIC COMMENT RELATED TO AGENDA**
- 6. APPROVAL OF MINUTES**
 - a) August 12, 2014 Committee of the Whole Meeting (See Page 17)
 - b) August 12, 2014 Regular Meeting (See Page 19)
- 7. ANNOUNCEMENTS FROM THE COUNCIL PRESIDENT**
 - a) Presentation: Students of Promise/Closing the Achievement Gap Initiative - Bob Ivory, Program Director
- 8. MESSAGES FROM THE COUNTY EXECUTIVE**
- 9. LEGISLATION INTRODUCED BY COUNCIL**
 - a) **CONSIDERATION OF A RESOLUTION OF COUNCIL FOR FIRST READING AND REFERRAL TO COMMITTEE**

- 1) R2014-0204: A Resolution authorizing payments to Cuyahoga Community College and Cleveland State University, each in the amount of \$30,233.40, for scholarships for veterans residing in Cuyahoga County; authorizing the County Executive to negotiate and execute any necessary contract or other documents for same; and declaring the necessity that this Resolution become immediately effective. (See Page 39)

Sponsor: Councilmember Greenspan

b) COMMITTEE REPORT AND CONSIDERATION OF A RESOLUTION OF COUNCIL FOR SECOND READING ADOPTION UNDER SUSPENSION OF RULES

- 1) R2014-0184: A Resolution confirming the County Executive's appointment of Cassi Handler to serve on the Alcohol, Drug Addiction and Mental Health Services Board of Cuyahoga County for an unexpired term ending 6/30/2016, and declaring the necessity that this Resolution become immediately effective. (See Page 42)

Sponsors: Councilmembers Connally and Conwell

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

c) CONSIDERATION OF RESOLUTIONS OF COUNCIL FOR FOURTH READING ADOPTION

- 1) R2014-0160: A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to Article II, Section 2.01 and Article III, Section 3.03 of the Charter of Cuyahoga County modifying the residency requirements for the offices of County Executive and County Council; and declaring the necessity that this Resolution become immediately effective. (See Page 44)

Sponsors: Councilmembers Miller, Conwell, Germana and Gallagher

- 2) R2014-0166: A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to Article II, Section 2.04 of the Charter of Cuyahoga County to provide for the holding of special elections to fill vacancies in the

office of the County Executive; and declaring the necessity that this Resolution become immediately effective. (See Page 50)

Sponsor: Councilmember Schron

d) COMMITTEE REPORT AND CONSIDERATION OF AN ORDINANCE OF COUNCIL FOR SECOND READING

- 1) O2014-0024: An Ordinance setting the fee structure for Cuyahoga County Animal Shelter Dog Adoptions, and declaring the necessity that this Ordinance become immediately effective. (See Page 53)

Sponsors: Councilmembers Simon and Connally

Committee Assignment and Chair: Education, Environment & Sustainability – Simon

10. LEGISLATION INTRODUCED BY EXECUTIVE

a) CONSIDERATION OF A RESOLUTION FOR FIRST READING ADOPTION UNDER SUSPENSION OF RULES

- 1) R2014-0205: A Resolution amending the 2014/2015 Biennial Operating Budget for 2014 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. (See Page 56)

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

b) CONSIDERATION OF RESOLUTIONS FOR FIRST READING AND REFERRAL TO COMMITTEE

- 1) R2014-0206: A Resolution amending Resolution No. R2014-0052 dated 2/25/2014, which expressed support for the Cleveland 2016 Host Committee, Inc.'s efforts to secure a National Presidential Convention in Cleveland in 2016, to allow the use of certain County facilities on a rent-free basis as set forth in a County Service Agreement with Cleveland 2016

Host Committee, Inc. and SMG; and declaring the necessity that this Resolution become immediately effective. (See Page 69)

Sponsor: County Executive FitzGerald

- 2) R2014-0207: A Resolution amending Resolution No. R2014-0040 dated 4/22/2014, which authorized a Purchase and Sale Agreement with Playhouse Square Foundation for the sale of the Loew's Building, to clarify that the County is transferring all County-owned properties associated with the Loew's Building; authorizing the County Executive to execute all documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective. (See Page 73)

Sponsor: County Executive FitzGerald/Department of Public Works

- 3) R2014-0208: A Resolution making an award on RQ30449 to Cleveland Clinic Foundation in the amount of \$125,000.00 for the sale of County-owned property commonly known as the Former MetroHealth Clement Center, located at 2500 East 79th Street, Cleveland; authorizing the County Executive to execute the Purchase and Sale Agreement and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective. (See Page 76)

Sponsor: County Executive FitzGerald/Department of Public Works

- 4) R2014-0209: A Resolution authorizing an amendment to Contract No. CE1100590-01, 02, 03 with Reserve Apartments, LTD for lease of office space located at 1701 East 12th Street, Cleveland, for use by various County divisions and a department for the period 10/1/2011 - 9/30/2014 to extend the time period to 9/30/2015, to change the scope of services, effective 7/31/2014 and 10/1/2014, and for additional funds in the amount not-to-exceed \$257,100.72; authorizing the County Executive to execute the amendment and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective. (See Page 79)

Sponsors: County Executive FitzGerald/Department of Public Works

- 5) R2014-0210: A Resolution making an award on RQ31337 to Parsons Brinckerhoff, Inc. in the amount not-to-exceed \$2,808,412.00 for architectural/engineering design services for the Pedestrian and Bicycle Bridge from the Malls to the Lakefront Project for the period 9/9/2014 - 12/31/2016; authorizing the County Executive to execute the contract and all other documents consistent with said award and this Resolution; and declaring the necessity that this Resolution become immediately effective. (See Page 84)

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

- 6) R2014-0211: A Resolution making an award on RQ27440 to MCPc, Inc. in the amount not-to-exceed \$337,951.20 for wireless infrastructure analysis, hardware and installation services for the period 6/1/2014 - 12/31/2016; authorizing the County Executive to execute the contract and all other documents consistent with said award and this Resolution; and declaring the necessity that this Resolution become immediately effective. (See Page 93)

Sponsor: County Executive FitzGerald/Department of Information Technology

- 7) R2014-0212: A Resolution authorizing an agreement with City of Cleveland in the amount not-to-exceed \$3,000,000.00 for cellular 9-1-1 Public Safety Answering Point services originating in the City of Cleveland for the period 8/18/2014 - 8/17/2019; authorizing the County Executive to execute the agreement and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective. (See Page 110)

Sponsor: County Executive FitzGerald/ Department of Public Safety and Justice Services/Office of Emergency Management/ Cuyahoga Emergency Communications System

- 8) R2014-0213: A Resolution authorizing amendments to contracts with various providers for operation of OhioMeansJobs|Cleveland-Cuyahoga County Service Centers for the period 7/1/2013 - 6/30/2014 to extend the time period to 6/30/2015 and for additional funds; authorizing the County Executive to execute the amendments and all other

documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective: (See Page 114)

- i) No. CE1300365-01 with Mature Services, Incorporated in the amount not-to-exceed \$321,450.00.
- ii) No. CE1300366-01 with United Labor Agency, Inc. in the amount not-to-exceed \$2,415,500.00.

Sponsors: County Executive FitzGerald/Department of Workforce Development, in partnership with City of Cleveland, as designated Local Workforce Investment Area No. 3

- 9) R2014-0214: A Resolution authorizing an amendment to Contract No. CE1300368-01 with United Labor Agency, Inc. for employer services for the period 7/1/2013 - 6/30/2014 to extend the time period to 6/30/2015 and for additional funds in the amount not-to-exceed \$1,400,000.00; authorizing the County Executive to execute the amendment and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective. (See Page 124)

Sponsors: County Executive FitzGerald/Department of Workforce Development, in partnership with City of Cleveland, as designated Local Workforce Investment Area No. 3

- 10) R2014-0215: A Resolution authorizing an amendment to Contract No. CE1300411-01 with ResCare Workforce Services for a Work Experience Program for Ohio Works First cash recipients for the period 10/1/2013 - 9/30/2014 to extend the time period to 9/30/2015 and for additional funds in the amount not-to-exceed \$1,449,279.00; authorizing the County Executive to execute the amendment and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective. (See Page 131)

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

- 11) R2014-0216: A Resolution authorizing a contract with Starting Point in the amount not-to-exceed \$859,541.00 for administration of various initiatives of the Universal Pre-

Kindergarten Program for the Invest in Children Program for the period 8/1/2014 - 7/31/2015; authorizing the County Executive to execute the contract and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective. (See Page 137)

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

c) COMMITTEE REPORTS AND CONSIDERATION OF RESOLUTIONS FOR SECOND READING

- 1) R2014-0199: A Resolution amending Resolution No. R2013-0201 dated 9/24/2013, which authorized an award to Woods Cove III, LLC, as purchaser, and Lien Servicing, LLC, as servicer, for the sale of tax lien certificates by removing the amount not-to-exceed \$25,000,000.00; authorizing the County Executive to execute all documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective. (See Page 144)

Sponsor: County Executive FitzGerald/Fiscal Officer/County Treasurer

Committee Assignment and Chair: Finance & Budgeting – Miller

- 2) R2014-0200: A Resolution establishing a list of certified providers for occupational skills training services for the Individual Training Account System for the period 7/1/2014 - 6/30/2016; authorizing the County Executive to execute the agreements and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective: (See Page 147)

- i) Academy of Court Reporting, Inc.
- ii) Ace Tutors
- iii) Allstate Hairstyling and Barber College
- iv) American Red Cross, Greater Cleveland Chapter
- v) Ashari's Healthcare, LLC
- vi) Ashland University
- vii) Associated Builders & Contractors, Inc., Northern Ohio Chapter
- viii) ATS Institute of Technology

- ix) Auburn Career Center
- x) Baldwin Wallace University
- xi) Blossom 24 Hour We Care Center, Inc.
- xii) Brentley Insititute Inc., The
- xiii) Brown Aveda Institute
- xiv) Brown Mackie College – Akron
- xv) Bryant & Stratton College
- xvi) Case Western Reserve University
- xvii) Catholic Charities Community Services Corporation
- xviii) Chancellor University
- xix) Cleveland Industrial Training Center, Inc.
- xx) Cleveland Institute of Dental - Medical Assistants, Inc.
- xxi) Cleveland State University
- xxii) Compassions Training and Awareness Center Inc.
- xxiii) Cuyahoga Community College District
- xxiv) Cuyahoga Valley Career Center
- xxv) Great Lakes Truck Driving School, Inc.
- xxvi) Hamrick School
- xxvii) Hondros College
- xxviii) Inner State Beauty School
- xxix) Kent State University
- xxx) Lake County Community College District
- xxxi) Lakewood College
- xxxii) Lorain County Community College District
- xxxiii) Lorain County Joint Vocational School
- xxxiv) Med-Cert, Inc.
- xxxv) Miami-Jacobs Career College
- xxxvi) National College
- xxxvii) New Bridge Cleveland Center for Arts & Technology
- xxxviii) New Horizons Computer Learning Centers
- xxxix) Notre Dame College, The
- xl) OhioGuidestone
- xli) Ohio Technical College, Inc.
- xl ii) Phoenix Healthcare Institute, LLC
- xl iii) Polaris Career Center
- xl iv) Remington College
- xl v) Root-InfoTech dba American Logistics Group, Inc.
- xl vi) South University of Ohio LLC
- xl vii) University of Akron, The
- xl viii) Ursuline College

- xlix) Vatterott Educational Centers, Inc. dba
Vatterott College
- l) Vocational Guidance Services
- li) Willoughby-Eastlake School of Practical Nursing

Sponsors: County Executive FitzGerald/Department of Workforce Development, in partnership with City of Cleveland, as designated Local Workforce Investment Area No. 3

Committee Assignment and Chair: Education, Environment & Sustainability – Simon

d) COMMITTEE REPORTS AND CONSIDERATION OF RESOLUTIONS FOR SECOND READING ADOPTION UNDER SUSPENSION OF RULES

- 1) R2014-0191: A Resolution making an award on RQ30137 to Bray Whaler International in the amount not-to-exceed \$308,000.00 to arrange for the purchase, delivery and installation of certain furnishings, fixtures, operating supplies and equipment (“FF&E”) for use in the operation of the Hotel; authorizing Bray Whaler International to act as the County’s agent to purchase FF&E in the amount not-to-exceed \$25,000,000.00 for use in the operation of the Hotel; authorizing the County Executive to take all necessary actions and to execute all documents necessary to consummate the contemplated transactions; authorizing the Director of Public Works to administer the project; and declaring the necessity that this Resolution become immediately effective. [Pending Committee Recommendation] (See Page 152)

Sponsor: County Executive FitzGerald/Department of Public Works

Committee Assignment and Chair: Committee of the Whole – Connally

- 2) R2014-0192: A Resolution amending the boundaries of County Sewer District No. 17 to add the remaining municipal boundaries of the City of Cleveland Heights, in accordance with Ohio Revised Code Sections 6117.01 and 6117.03; and declaring the necessity that this Resolution become immediately effective. (See Page 155)

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

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

- 3) R2014-0193: A Resolution fixing the 2015 water, storm and sanitary sewer maintenance and/or sewerage treatment rates for County Sewer District Nos. 1, 1A, 2, 3, 5, 8, 9, 13, 14, 18, 20, 21, 22 and 24, in accordance with Ohio Revised Code Section 6117.02; and declaring the necessity that this Resolution become immediately effective. (See Page 157)

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

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

- 4) R2014-0194: A Resolution approving and confirming the 2015 water, storm and sanitary sewer maintenance and/or sewerage treatment assessments for County Sewer District Nos. 1, 1A, 2, 3, 5, 8, 9, 13, 14, 18, 20, 21, 22 and 24, in accordance with Ohio Revised Code Section 6117.02; and declaring the necessity that this Resolution become immediately effective. (See Page 162)

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

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

- 5) R2014-0195: A Resolution declaring that public convenience and welfare requires replacement of Lewis Road Culvert No. 13 in Olmsted Township; total estimated project cost \$582,000.00; finding that special assessments will neither be levied nor collected to pay for any part of the County's costs of said improvement; and declaring the necessity that this Resolution become immediately effective. (See Page 165)

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

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

- 6) R2014-0196: A Resolution authorizing the appropriation of real property in connection with right-of-way plans as set forth in Plat No. M-5012 for the grade separation of Stearns Road at the Norfolk Southern Railroad in Olmsted Township; directing the County Executive to proceed with the acquisition of real property required for public highway purposes; authorizing the Fiscal Officer to issue the monetary warrant to be deposited with the Probate Court of Cuyahoga County in an amount that is equal to the fair market value of the property; and declaring the necessity that this Resolution become immediately effective: (See Page 168)
- i) Parcel No(s): 2-WD
Owner(s): HPCP I, LLC, an Ohio limited liability company
Approved Appraisal (Fair Market Value Estimate): \$850,500.00
 - ii) Parcel No(s): 9-WD & T
Owner(s): G. & D. Moyse
Approved Appraisal (Fair Market Value Estimate): \$3,500.00
 - iii) Parcel No(s): 12-S & T
Owner(s): Pearl Road Mini Storage, Inc. aka Pearl Plaza Mini Storage, Inc., an Ohio Corporation
Approved Appraisal (Fair Market Value Estimate): \$5,500.00
 - iv) Parcel No(s): 22-T
Owner(s): R.T. Gilchrist
Approved Appraisal (Fair Market Value Estimate): \$350.00
 - v) Parcel No(s): 23-T
Owner(s): T.J.A. & J.Q. Cooley
Approved Appraisal (Fair Market Value Estimate): \$450.00

- vi) Parcel No(s): 26-WD, S & T
Owner(s): G.E., D. & G. Moyses
Approved Appraisal (Fair Market Value Estimate):
\$2,350.00
- vii) Parcel No(s): 29-S & T
Owner(s): G.J. Moyses
Approved Appraisal (Fair Market Value Estimate):
\$700.00
- viii) Parcel No(s): 31-S, S1 & T
Owner(s): TC Pinnacle Properties, Ltd., an Ohio
limited liability company
Approved Appraisal (Fair Market Value Estimate):
\$1,450.00
- ix) Parcel No(s): 41-WD, S & T
Owner(s): P.W. Oberc
Approved Appraisal (Fair Market Value Estimate):
\$400.00
- x) Parcel No(s): 54-S & T
Owner(s): E.C. & R.L. Siwek
Approved Appraisal (Fair Market Value Estimate):
\$450.00

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

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

- 7) R2014-0197: A Resolution authorizing an amendment to Contract No. CE0800631-01 with Michael Baker Jr., Inc. for consultant engineering services for construction of Stage 3 of the Towpath Trail Extension from Steelyard Commons to Tremont Trailhead for additional funds in the amount not-to-exceed \$2,044,567.00; authorizing the County Executive to execute the amendment and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective. (See Page 172)

Sponsors: County Executive FitzGerald/Department of Public Works/Division of County Engineer and Councilmembers Germana, Conwell and Jones

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

- 8) R2014-0198: A Resolution authorizing an amendment to Contract No. CE1100721-01 with American Bridge Company for rehabilitation of Columbus Road Lift Bridge over the Cuyahoga River in the City of Cleveland for additional funds in the amount not-to-exceed \$714,577.66; authorizing the County Executive to execute the amendment and all other documents consistent with this Resolution; authorizing the County Engineer, on behalf of the County Executive to make an application for allocation from County Motor Vehicle \$5.00 License Tax Funds in the amount of \$71,457.77 to fund said amendment; and declaring the necessity that this Resolution become immediately effective. (See Page 175)

Sponsors: County Executive FitzGerald/Department of Public Works/Division of County Engineer and Councilmember Conwell

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

- 9) R2014-0201: A Resolution authorizing amendments to various agreements with Cleveland Municipal School District for Universal Pre-Kindergarten services for the Invest in Children Program for the period 8/22/2012 - 7/31/2014 to extend the time period to 7/31/2015, to change the terms, effective 8/1/2014, and for additional funds; authorizing the County Executive to execute the amendments and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective: (See Page 178)
- i) No. AG1200340-01 with Marion-Sterling Elementary School in the amount not-to-exceed \$48,365.32.
 - ii) No. AG1200341-01 with Tremont Montessori School in the amount not-to-exceed \$91,211.33.

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

Committee Assignment and Chair: Education, Environment & Sustainability – Simon

- 10) R2014-0202: A Resolution authorizing an agreement with Cleveland Municipal School District – Franklin D. Roosevelt Elementary School in the amount not-to-exceed \$35,884.80 for Universal Pre-Kindergarten services for the Invest in Children Program for the period 8/1/2014 - 7/31/2015; authorizing the County Executive to execute the agreement and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective. (See Page 181)

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

Committee Assignment and Chair: Education, Environment & Sustainability – Simon

- 11) R2014-0203: A Resolution authorizing an amendment to Master Contract No. CE1300268-01 for residential treatment services for the period 2/1/2013 - 1/31/2015 to change the total amount not-to-exceed from \$3,850,000.00 to \$6,950,000.00, to authorize funding decreases and/or increases with various previously approved providers and to terminate Contract No. CE1300268-05 with Catholic Charities Corporation dba Parmadale, effective 3/1/2014; authorizing the County Executive to execute the amendment and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective. (See Page 183)

Sponsors: County Executive FitzGerald on behalf of Cuyahoga County Court of Common Pleas/Juvenile Division

Committee Assignment and Chair: Public Safety & Justice Affairs– Gallagher

e) COMMITTEE REPORT AND CONSIDERATION OF A RESOLUTION FOR SECOND READING AND REFERRAL TO COMMITTEE

- 1) R2014-0073: A Resolution authorizing a revenue generating Underlying Agreement with City of Cleveland in the minimum amount of \$2,365,658.95 per annum for operation of jail services for City Prisoners, effective 6/1/2014; authorizing a

Lease in connection with said agreement in the amount not-to-exceed \$1.00 per annum for use of the City's Central Prison Unit located at 1300 Ontario Street, 6th Floor, Cleveland; authorizing the County Executive to execute the agreement and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective. (See Page 188)

Sponsors: County Executive FitzGerald/County Sheriff and Councilmember Hairston

Committee Assignment and Chair: Public Safety & Justice Affairs – Gallagher

f) CONSIDERATION OF ORDINANCES FOR FIRST READING AND REFERRAL TO COMMITTEE

- 1) O2014-0026: An Ordinance enacting Title 13, Chapter 1301 of the Cuyahoga County Code to establish the Cuyahoga County Consumer Protection Code, and declaring the necessity that this Ordinance become immediately effective. (See Page 191)

Sponsors: County Executive FitzGerald/Fiscal Officer/ Department of Consumer Affairs

- 2) O2014-0027: An Ordinance enacting Title 13, Chapter 1302 of the Cuyahoga County Code to establish the Cuyahoga County Weights and Measures Code, and declaring the necessity that this Ordinance become immediately effective. (See Page 223)

Sponsors: County Executive FitzGerald/Fiscal Officer/ Department of Consumer Affairs

g) COMMITTEE REPORT AND CONSIDERATION OF AN ORDINANCE FOR SECOND READING ADOPTION UNDER SUSPENSION OF RULES

- 1) O2014-0025: An Ordinance enacting Chapter 718 of the Cuyahoga County Code to enact the Cuyahoga County Financial Transaction Modernization Act governing the use of financial transaction devices by County entities for payment of County expenses, and declaring the necessity that this Ordinance become immediately effective. (See Page 236)

Sponsors: County Executive FitzGerald/Department of Law

Committee Assignment and Chair: Finance & Budgeting –
Miller

11. MISCELLANEOUS COMMITTEE REPORTS
12. MISCELLANEOUS BUSINESS
13. PUBLIC COMMENT UNRELATED TO AGENDA
14. ADJOURNMENT

NEXT MEETINGS

COMMITTEE OF THE WHOLE MEETING: TUESDAY, SEPTEMBER 9, 2014
3:00 PM / COUNCIL CHAMBERS
[Pending]

REGULAR MEETING: TUESDAY, SEPTEMBER 9, 2014
5:00 PM / COUNCIL CHAMBERS

**Complimentary parking for the public is available in the attached garage at 900 Prospect. A skywalk extends from the garage to provide additional entry to the Council Chambers from the 5th floor parking level of the garage. Please see the Clerk to obtain a complimentary parking pass.*



MINUTES

CUYAHOGA COUNTY COMMITTEE OF THE WHOLE MEETING
TUESDAY, AUGUST 12, 2014
CUYAHOGA COUNTY ADMINISTRATIVE HEADQUARTERS
COMMITTEE ROOM A – 4TH FLOOR
4:00 PM

1. CALL TO ORDER

The meeting was called to order by Council President Connally at 4:00 p.m.

2. ROLL CALL

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

3. PUBLIC COMMENT RELATED TO AGENDA

There was no public comment given related to the agenda.

4. DISCUSSION/EXECUTIVE SESSION

- a) Pending or imminent litigation.
- b) Collective Bargaining Agreement between Cuyahoga County and American Federation of State, County and Municipal Employees, Ohio Council 8, Local 1746, AFL-CIO, representing approximately 1,158 employees in various classifications in the Departments of Health and Human Services and Public Works for the period 7/1/2014 - 6/30/2017.

A motion was made by Mr. Gallagher, seconded by Mr. Germana and approved by unanimous roll-call vote to move to Executive Session for the purposes of discussing

pending or imminent litigation and collective bargaining matters and for no other purpose whatsoever. Executive Session was then called to order by Council President Connally at 4:01 p.m. The following Councilmembers were present: Miller, Brady, Germana, Gallagher, Conwell, Jones, Simon, Greenspan and Connally. The following additional attendees were present during discussions regarding pending or imminent litigation: Deputy Director of Law Nora Hurley; Civil Division Litigation Manager Charles Hannan; Assistant Prosecuting Attorney Steven Ritz; Assistant Law Director Robin Wilson; Chief of Staff Joseph Nanni; Special Counsel Michael King and Assistant Law Director Todd Ellsworth. The following additional attendees were present during discussions regarding collective bargaining: Assistant Law Director Todd Ellsworth; Deputy Director of Law Nora Hurley; Chief of Staff Joseph Nanni and Special Counsel Michael King. At 4:29 p.m., Executive Session was adjourned, without objection, and Council President Connally then reconvened the regular meeting.

5. MISCELLANEOUS BUSINESS

There was no miscellaneous business discussed.

6. PUBLIC COMMENT UNRELATED TO AGENDA

There was no public comment given unrelated to the agenda.

7. ADJOURNMENT

With no further business to discuss and on a motion by Mr. Gallagher with a second by Mr. Germana, the meeting was adjourned at 4:30 p.m., without objection.



MINUTES

**CUYAHOGA COUNTY COUNCIL REGULAR MEETING
TUESDAY, AUGUST 12, 2014
CUYAHOGA COUNTY ADMINISTRATIVE HEADQUARTERS
COUNCIL CHAMBERS – 4TH FLOOR
5:00 PM**

1. CALL TO ORDER

The meeting was called to order by Council President Connally at 5:04 p.m.

2. ROLL CALL

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

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

4. SILENT MEDITATION

Council President Connally requested a moment of silent meditation be dedicated to the memory of actor Robin Williams and to those who suffer from depression and substance abuse.

5. PUBLIC COMMENT RELATED TO AGENDA

Ms. Maryann Barnes, President of the League of Women Voters of Greater Cleveland, addressed Council regarding issues of concern to her organization relating to Resolution No. R2014-0141, a Resolution providing for the submission to the electors to amend the Charter to provide that the right to vote is fundamental and to authorize the County to take action to protect and promote the right to vote, and

Resolution No. R2014-0163, a Resolution providing for the submission to the electors to amend the Charter to establish the Agency of Inspector General.

Mr. Tony Sharaba, representing Cuyahoga Job and Family Services, addressed Council regarding Resolution No. R2014-0189, a Resolution proclaiming the month of August 2014 as Child Support Awareness Month in Cuyahoga County: "Support is Key".

6. APPROVAL OF MINUTES

- a) July 17, 2014 Committee of the Whole Meeting
- b) July 17, 2014 Special Meeting
- c) July 21, 2014 Committee of the Whole Meeting
- d) July 22, 2014 Committee of the Whole Meeting
- e) July 22, 2014 Regular Meeting

A motion was made by Mr. Schron, seconded by Mr. Greenspan and approved by unanimous vote to approve the minutes of the July 17, 2014 Committee of the Whole, July 17 2014 Special, July 21, 2014 Committee of the Whole, July 22, 2014 Committee of the Whole and the July 22, 2014 Regular meetings.

7. ANNOUNCEMENTS FROM THE COUNCIL PRESIDENT

Council President Connally congratulated Trevor McAleer, Council's Legislative Budget Advisor, and his wife, Sarah, on the birth of their daughter, Emma.

Council President Connally then announced that Council hosted coffee and donuts for employees on the morning of August 11th to welcome them to the new County Administrative Headquarters.

8. MESSAGES FROM THE COUNTY EXECUTIVE

County Executive Fitzgerald announced that on August 11th he convened a summit with key policymakers and stakeholders from Northeast Ohio to discuss a strategic approach for addressing emergency situations and emergency response strategies for Lake Erie. The summit followed a Toledo drinking water ban that affected roughly 500,000 residents due to a harmful algae bloom on Lake Erie. He also stated that on August 19th a tabletop exercise will be conducted.

9. LEGISLATION INTRODUCED BY COUNCIL

- a) CONSIDERATION OF RESOLUTIONS OF COUNCIL FOR THIRD READING ADOPTION

- 1) R2014-0160: A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to Article II, Section 2.01 and Article III, Section 3.03 of the Charter of Cuyahoga County modifying the residency requirements for the offices of County Executive and County Council; and declaring the necessity that this Resolution become immediately effective.

Sponsors: Councilmembers Miller, Conwell, Germana and Gallagher

**Mr. Schron introduced a proposed substitute to Resolution No. R2014-0160.
Discussion ensued.**

This item will move to the August 26, 2014 Council meeting agenda for consideration for fourth reading adoption.

- 2) R2014-0161: A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to Article V, Section 5.01 Appointment and Confirmation of Officers and Section 5.08 Sheriff: Powers, Duties, and Qualifications establishing the term of appointment and process for removal of the Sheriff; and declaring the necessity that this Resolution become immediately effective.

Sponsors: Councilmembers Greenspan and Simon

A motion was made by Mr. Greenspan and seconded by Ms. Conwell to adopt Resolution No. R2014-0161. The motion failed by a roll-call vote of 3 yeas and 8 nays with Councilmembers Germana, Schron and Greenspan voting in the affirmative and Councilmembers Brady, Gallagher, Conwell, Jones, Hairston, Simon, Miller and Connally casting dissenting votes.

- 3) R2014-0162: A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to Article XII, Section 12.09 of the Charter of Cuyahoga County accelerating the timeline for the appointment process and commencement of the term of the Charter Review Commission for the year in which the appointment is made; and declaring the necessity that this Resolution become immediately effective.

Sponsors: Councilmembers Miller, Conwell, Germana and Connally

On a motion by Mr. Miller with a second by Mr. Germana, Resolution No. R2014-0162 was considered and adopted by majority roll-call vote with Councilmember Brady casting the only dissenting vote.

- 4) R2014-0163: A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment enacting Article __ of the Charter of Cuyahoga County establishing the Agency of Inspector General in the Charter; and declaring the necessity that this Resolution become immediately effective.

Sponsors: Councilmembers Greenspan, Miller and Germana

Mr. Greenspan introduced a proposed substitute to Resolution No. R2014-0163. Discussion ensued.

A motion was made by Mr. Greenspan, seconded by Mr. Schron and approved by unanimous vote to substitute Resolution No. R2014-0163.

A motion was made by Mr. Greenspan and seconded by Mr. Miller to adopt Resolution No. R2014-0163. The motion failed by a roll-call vote of 6 yeas and 5 nays with Councilmembers Brady, Germana, Schron, Simon, Greenspan and Miller voting in the affirmative and Councilmembers Gallagher, Conwell, Jones, Hairston and Connally casting dissenting votes.

- 5) R2014-0165: A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to Article XI, Section 11.01 of the Charter of Cuyahoga County changing the composition of the County Audit Committee to ensure independence of judgment of all members; and declaring the necessity that this Resolution become immediately effective.

Sponsors: Councilmembers Greenspan, Connally and Miller

On a motion by Mr. Greenspan with a second by Ms. Conwell, Resolution No. R2014-0165 was considered and adopted by majority roll-call vote with Councilmember Germana casting the only dissenting vote.

- 6) R2014-0166: A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to Article II, Section 2.04 of the Charter of Cuyahoga County to provide for the holding of special elections to fill vacancies in the office of the County Executive; and declaring the necessity that this Resolution become immediately effective.

Sponsor: Councilmember Schron

A motion was made by Mr. Schron, seconded by Ms. Conwell and subsequently withdrawn to adopt Resolution No. R2014-0166. Discussion ensued.

This item will move to the August 26, 2014 Council meeting agenda for consideration for fourth reading adoption.

b) **CONSIDERATION OF ORDINANCES OF COUNCIL FOR FIRST READING AND REFERRAL TO COMMITTEE**

- 1) O2014-0022: An Ordinance enacting the County Executive Transition Act, and declaring the necessity that this Ordinance become immediately effective.

Sponsor: Councilmember Brady

Council President Connally referred Ordinance No. O2014-0022 to the Council Operations & Intergovernmental Relations Committee.

- 2) O2014-0023: An Ordinance amending Chapter 202 of the Cuyahoga County Code by adding Section 202.18 to establish a Department of Sustainability and to provide for the powers and duties of the Director of Sustainability.

Sponsors: Councilmember Simon and Miller

Council President Connally referred Ordinance No. O2014-0023 to the Education, Environment & Sustainability Committee.

- 3) O2014-0024: An Ordinance setting the fee structure for Cuyahoga County Animal Shelter Dog Adoptions, and declaring the necessity that this Ordinance become immediately effective.

Sponsor: Councilmember Simon

Council President Connally referred Ordinance No. O2014-0024 to the Education, Environment & Sustainability Committee.

10. **LEGISLATION INTRODUCED BY EXECUTIVE**

- a) **CONSIDERATION OF RESOLUTIONS FOR FIRST READING ADOPTION UNDER SUSPENSION OF RULES**

A motion was made by Mr. Gallagher, seconded by Mr. Germana and approved by unanimous vote to suspend Rules 9D and 12A and to place on final passage Resolution Nos. R2014-0187, R2014-0188, R2014-0189 and R2014-0190.

- 1) R2014-0187: A Resolution approving a proposed settlement and Consent Judgment in connection with *Lympany, et al. v. Cuyahoga County et al.*, U.S.D.C. Case No. 1:12cv2318; authorizing the Law Director and/or his designee to execute any supporting documentation; authorizing the appropriation of funds for payment of settlement amounts set forth herein; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald

On a motion by Ms. Conwell with a second by Mr. Germana, Resolution No. R2014-0187 was considered and adopted by unanimous vote.

- 2) R2014-0188: A Resolution amending the 2014/2015 Biennial Operating Budget for 2014 by providing for additional fiscal appropriations from the General Fund and other funding sources, for appropriation transfers between budget accounts, and for cash transfers between budgetary funds, in order to meet the budgetary needs of various County departments, offices, and agencies; and declaring the necessity that this Resolution become immediately effective.

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

On a motion by Mr. Miller with a second by Ms. Conwell, Resolution No. R2014-0188 was considered and adopted by unanimous vote.

- 3) R2014-0189: A Resolution proclaiming the month of August 2014 as Child Support Awareness Month in Cuyahoga County: "Support is Key", and declaring the necessity that this Resolution become immediately effective.

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

On a motion by Mr. Schron with a second by Mr. Germana, Resolution No. R2014-0189 was considered and adopted by unanimous vote.

- 4) R2014-0190: A Resolution approving a Collective Bargaining Agreement between Cuyahoga County and American Federation of State, County and Municipal Employees, Ohio Council 8, Local 1746, AFL-CIO, representing approximately 1,158 employees in various classifications in the Departments of Health and Human Services and Public Works for the period 7/1/2014 - 6/30/2017; directing that funds necessary to implement the Collective Bargaining Agreement be budgeted and appropriated; authorizing the County Executive to execute the agreement and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Departments of Law, Health and Human Services and Public Works

On a motion by Mr. Schron with a second by Ms. Conwell, Resolution No. R2014-0190 was considered and adopted by unanimous vote.

b) CONSIDERATION OF RESOLUTIONS FOR FIRST READING AND REFERRAL TO COMMITTEE

- 1) R2014-0191: A Resolution making an award on RQ30137 to Bray Whaler International in the amount not-to-exceed \$308,000.00 to arrange for the purchase, delivery and installation of certain furnishings, fixtures, operating supplies and equipment (“FF&E”) for use in the operation of the Hotel; authorizing Bray Whaler International to act as the County’s agent to purchase FF&E in the amount not-to-exceed \$25,000,000.00 for use in the operation of the Hotel; authorizing the County Executive to take all necessary actions and to execute all documents necessary to consummate the contemplated transactions; authorizing the Director of Public Works to administer the project; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works

Council President Connally referred Resolution No. R2014-0191 to the Committee of the Whole.

- 2) R2014-0192: A Resolution amending the boundaries of County Sewer District No. 17 to add the remaining municipal boundaries of the City of Cleveland Heights, in accordance

with Ohio Revised Code Sections 6117.01 and 6117.03; and declaring the necessity that this Resolution become immediately effective.

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

Council President Connally referred Resolution No. R2014-0192 to the Public Works, Procurement & Contracting Committee.

- 3) R2014-0193: A Resolution fixing the 2015 sewer maintenance and/or sewerage treatment rates for County Sewer District Nos. 1, 1A, 2, 3, 5, 8, 9, 13, 14, 18, 20, 21, 22 and 24, in accordance with Ohio Revised Code Section 6117.02; and declaring the necessity that this Resolution become immediately effective.

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

Council President Connally referred Resolution No. R2014-0193 to the Public Works, Procurement & Contracting Committee.

- 4) R2014-0194: A Resolution approving and confirming the 2015 sewer maintenance and/or sewerage treatment assessments for County Sewer District Nos. 1, 1A, 2, 3, 5, 8, 9, 13, 14, 18, 20, 21, 22 and 24, in accordance with Ohio Revised Code Section 6117.02; and declaring the necessity that this Resolution become immediately effective.

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

Council President Connally referred Resolution No. R2014-0194 to the Public Works, Procurement & Contracting Committee.

- 5) R2014-0195: A Resolution declaring that public convenience and welfare requires replacement of Lewis Road Culvert No. 13 in Olmsted Township; total estimated project cost \$582,000.00; finding that special assessments will neither be levied nor collected to pay for any part of the County's costs of said improvement; and declaring the necessity that this Resolution become immediately effective.

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

Council President Connally referred Resolution No. R2014-0195 to the Public Works, Procurement & Contracting Committee.

- 6) R2014-0196: A Resolution authorizing the appropriation of real property in connection with right-of-way plans as set forth in Plat No. M-5012 for the grade separation of Stearns Road at the Norfolk Southern Railroad in Olmsted Township; directing the County Executive to proceed with the acquisition of real property required for public highway purposes; authorizing the Fiscal Officer to issue the monetary warrant to be deposited with the Probate Court of Cuyahoga County in an amount that is equal to the fair market value of the property; and declaring the necessity that this Resolution become immediately effective:
- i) Parcel No(s): 2-WD
Owner(s): HPCP I, LLC, an Ohio limited liability company
Approved Appraisal (Fair Market Value Estimate): \$850,500.00
 - ii) Parcel No(s): 9-WD & T
Owner(s): G. & D. Moyse
Approved Appraisal (Fair Market Value Estimate): \$3,500.00
 - iii) Parcel No(s): 12-S & T
Owner(s): Pearl Road Mini Storage, Inc. aka Pearl Plaza Mini Storage, Inc., an Ohio Corporation
Approved Appraisal (Fair Market Value Estimate): \$5,500.00
 - iv) Parcel No(s): 22-T
Owner(s): R.T. Gilchrist
Approved Appraisal (Fair Market Value Estimate): \$350.00
 - v) Parcel No(s): 23-T
Owner(s): T.J.A. & J.Q. Cooley
Approved Appraisal (Fair Market Value Estimate): \$450.00

- vi) Parcel No(s): 26-WD, S & T
Owner(s): G.E., D. & G. Moyse
Approved Appraisal (Fair Market Value Estimate):
\$2,350.00
- vii) Parcel No(s): 29-S & T
Owner(s): G.J. Moyse
Approved Appraisal (Fair Market Value Estimate):
\$700.00
- viii) Parcel No(s): 31-S, S1 & T
Owner(s): TC Pinnacle Properties, Ltd., an Ohio
limited liability company
Approved Appraisal (Fair Market Value Estimate):
\$1,450.00
- ix) Parcel No(s): 32-S & T
Owner(s): Generations Property Management,
Ltd., an Ohio limited liability company
Approved Appraisal (Fair Market Value Estimate):
\$750.00
- x) Parcel No(s): 41-WD, S & T
Owner(s): P.W. Oberc
Approved Appraisal (Fair Market Value Estimate):
\$400.00
- xi) Parcel No(s): 54-S & T
Owner(s): E.C. & R.L. Siwek
Approved Appraisal (Fair Market Value Estimate):
\$450.00

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

Council President Connally referred Resolution No. R2014-0196 to the Public Works, Procurement & Contracting Committee.

- 7) R2014-0197: A Resolution authorizing an amendment to Contract No. CE0800631-01 with Michael Baker Jr., Inc. for consultant engineering services for construction of Stage 3 of the Towpath Trail Extension from Steelyard Commons to Tremont Trailhead for additional funds in the amount not-to-exceed \$2,044,567.00; authorizing the County Executive to execute the amendment and all other documents consistent

with this Resolution; and declaring the necessity that this Resolution become immediately effective.

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

Council President Connally referred Resolution No. R2014-0197 to the Public Works, Procurement & Contracting Committee.

- 8) R2014-0198: A Resolution authorizing an amendment to Contract No. CE1100721-01 with American Bridge Company for rehabilitation of Columbus Road Lift Bridge over the Cuyahoga River in the City of Cleveland for additional funds in the amount not-to-exceed \$714,577.66; authorizing the County Executive to execute the amendment and all other documents consistent with this Resolution; authorizing the County Engineer, on behalf of the County Executive to make an application for allocation from County Motor Vehicle \$5.00 License Tax Funds in the amount of \$71,457.77 to fund said amendment; and declaring the necessity that this Resolution become immediately effective.

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

Council President Connally referred Resolution No. R2014-0198 to the Public Works, Procurement & Contracting Committee.

- 9) R2014-0199: A Resolution amending Resolution No. R2013-0201 dated 9/24/2013, which authorized an award to Woods Cove III, LLC, as purchaser, and Lien Servicing, LLC, as servicer, for the sale of tax lien certificates by removing the amount not-to-exceed \$25,000,000.00; authorizing the County Executive to execute all documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Fiscal Officer/County Treasurer

Council President Connally referred Resolution No. R2014-0199 to the Finance & Budgeting Committee.

- 10) R2014-0200: A Resolution establishing a list of certified providers for occupational skills training services for the

Individual Training Account System for the period 7/1/2014 - 6/30/2016; authorizing the County Executive to execute the agreements and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective:

- i) Academy of Court Reporting, Inc.
- ii) Ace Tutors
- iii) Allstate Hairstyling and Barber College
- iv) American Red Cross, Greater Cleveland Chapter
- v) Ashari's Healthcare, LLC
- vi) Ashland University
- vii) Associated Builders & Contractors, Inc.,
Northern Ohio Chapter
- viii) ATS Institute of Technology
- ix) Auburn Career Center
- x) Baldwin Wallace University
- xi) Blossom 24 Hour We Care Center, Inc.
- xii) Brentley Insititute Inc., The
- xiii) Brown Aveda Institute
- xiv) Brown Mackie College – Akron
- xv) Bryant & Stratton College
- xvi) Case Western Reserve University
- xvii) Catholic Charities Community Services
Corporation
- xviii) Chancellor University
- xix) Cleveland Industrial Training Center, Inc.
- xx) Cleveland Institute of Dental - Medical
Assistants, Inc.
- xxi) Cleveland State University
- xxii) Compassions Training and Awareness Center
Inc.
- xxiii) Cuyahoga Community College District
- xxiv) Cuyahoga Valley Career Center
- xxv) Great Lakes Truck Driving School, Inc.
- xxvi) Hamrick School
- xxvii) Hondros College
- xxviii) Inner State Beauty School
- xxix) Kent State University
- xxx) Lake County Community College District
- xxxi) Lakewood College
- xxxii) Lorain County Community College District
- xxxiii) Lorain County Joint Vocational School
- xxxiv) Med-Cert, Inc.
- xxxv) Miami-Jacobs Career College

- xxxvi) National College
- xxxvii) New Bridge Cleveland Center for Arts & Technology
- xxxviii) New Horizons Computer Learning Centers
- xxxix) Notre Dame College, The
- xl) OhioGuidestone
- xli) Ohio Technical College, Inc.
- xl ii) Phoenix Healthcare Institute, LLC
- xl iii) Polaris Career Center
- xl iv) Remington College
- xl v) Root-InfoTech dba American Logistics Group, Inc.
- xl vi) South University of Ohio LLC
- xl vii) University of Akron, The
- xl viii) Ursuline College
- xl ix) Vatterott Educational Centers, Inc. dba Vatterott College
- l) Vocational Guidance Services
- li) Willoughby-Eastlake School of Practical Nursing

Sponsors: County Executive FitzGerald/Department of Workforce Development, in partnership with City of Cleveland, as designated Local Workforce Investment Area No. 3

Council President Connally referred Resolution No. R2014-0200 to the Education, Environment & Sustainability Committee.

- 11) R2014-0201: A Resolution authorizing amendments to various agreements with Cleveland Municipal School District for Universal Pre-Kindergarten services for the Invest in Children Program for the period 8/22/2012 - 7/31/2014 to extend the time period to 7/31/2015, to change the terms, effective 8/1/2014, and for additional funds; authorizing the County Executive to execute the amendments and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective:
 - i) No. AG1200340-01 with Marion-Sterling Elementary School in the amount not-to-exceed \$48,365.32.
 - ii) No. AG1200341-01 with Tremont Montessori School in the amount not-to-exceed \$91,211.33.

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

Council President Connally referred Resolution No. R2014-0201 to the Education, Environment & Sustainability Committee.

- 12) R2014-0202: A Resolution authorizing an agreement with Cleveland Municipal School District – Franklin D. Roosevelt Elementary School in the amount not-to-exceed \$35,884.80 for Universal Pre-Kindergarten services for the Invest in Children Program for the period 8/1/2014 - 7/31/2015; authorizing the County Executive to execute the agreement and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.

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

Council President Connally referred Resolution No. R2014-0202 to the Education, Environment & Sustainability Committee.

- 13) R2014-0203: A Resolution authorizing an amendment to Master Contract No. CE1300268-01 for residential treatment services for the period 2/1/2013 - 1/31/2015 to change the total amount not-to-exceed from \$3,850,000.00 to \$6,950,000.00, to authorize funding decreases and/or increases with various previously approved providers and to terminate Contract No. CE1300268-05 with Catholic Charities Corporation dba Parmadale, effective 3/1/2014; authorizing the County Executive to execute the amendment and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsors: County Executive FitzGerald on behalf of Cuyahoga County Court of Common Pleas/Juvenile Division

Council President Connally referred Resolution No. R2014-0203 to the Public Safety & Justice Affairs Committee.

- c) COMMITTEE REPORTS AND CONSIDERATION OF RESOLUTIONS FOR SECOND READING ADOPTION UNDER SUSPENSION OF RULES

A motion was made by Mr. Gallagher, seconded by Mr. Germana and approved by unanimous vote to suspend Rule 9D and to place on final passage Resolution Nos. R2014-0176, R2014-0177 and R2014-0178.

- 1) R2014-0176: A Resolution making an award on RQ27440 to AT&T Corp. in the amount not-to-exceed \$4,300,000.00 for Voice over Internet Protocol provider services for the period 7/1/2014 - 12/31/2018; authorizing the County Executive to execute the contract and all other documents consistent with said award and this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Information Technology

Committee Assignment and Chair: Finance & Budgeting – Miller

On a motion by Mr. Miller with a second by Mr. Schron, Resolution No. R2014-0176 was considered and adopted by unanimous vote.

- 2) R2014-0177: A Resolution authorizing a revenue generating agreement with City of Cleveland in the amount not-to-exceed \$875,000.00 for operation of the Family Justice Center for the period 6/1/2014 - 5/31/2019 in connection with a lease for space located at 75 Erieview Plaza, Cleveland; authorizing the County Executive to execute the agreement and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsors: County Executive FitzGerald/Department of Public Safety and Justice Services/Division of Witness/Victim and Councilmembers Miller, **Conwell, Connally, Germana, Jones, Hairston and Simon**

Committee Assignment and Chair: Public Safety & Justice Affairs – Gallagher

On a motion by Mr. Gallagher with a second by Mr. Germana, Resolution No. R2014-0177 was considered and adopted by unanimous vote.

- 3) R2014-0178: A Resolution authorizing amendments to contracts with various providers for various services and time periods to extend the time periods to 6/30/2015 and for additional funds; authorizing the County Executive to execute

the amendments and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective:

- i) No. CE1000723-01 with Applewood Centers Inc. for Multi-Systemic Therapy and Multi-Systemic Therapy/Problem Sexual Behavior Programs for the period 7/1/2010 - 6/30/2014 in the amount not-to-exceed \$432,984.31.
- ii) No. CE1100151-02 with OhioGuidestone for Community-based Treatment Center Management Services for the period 1/1/2011 - 6/30/2014 in the amount not-to-exceed \$1,153,828.80.

Sponsors: County Executive FitzGerald on behalf of Court of Common Pleas/Juvenile Division and Councilmember Germana

Committee Assignment and Chair: Public Safety & Justice Affairs – Gallagher

On a motion by Mr. Gallagher with a second by Mr. Germana, Resolution No. R2014-0178 was considered and adopted by unanimous vote.

d) CONSIDERATION OF RESOLUTIONS FOR THIRD READING ADOPTION

- 1) R2014-0141: A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to add Article __ to the Cuyahoga County Charter to provide that the right to vote is a fundamental right in the County and authorize the County to take action to protect and promote the right to vote, and declaring the necessity that this Resolution become immediately effective.

Sponsors: County Executive FitzGerald and Councilmembers Simon and Hairston

On a motion by Ms. Simon with a second by Mr. Hairston, Resolution No. R2014-0141 was considered and adopted by a majority roll-call vote of 8 yeas and 3 nays with Councilmembers Brady, Germana, Conwell, Jones, Hairston, Simon, Miller and Connally voting in the affirmative and Councilmembers Gallagher, Schron and Greenspan casting dissenting votes.

- 2) R2014-0175: A Resolution making an award on RQ28400 to Pro-Tech Systems Group, Inc. in the amount not-to-exceed \$1,000,000.00 for maintenance, upgrades and support services for the Supervisory Control and Data Acquisition System for the period 8/1/2014 - 7/31/2019; authorizing the County Executive to execute the contract and all other documents consistent with said award and this Resolution; and declaring the necessity that this Resolution become immediately effective.

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

On a motion by Mr. Schron with a second by Ms. Conwell, Resolution No. R2014-0175 was considered and adopted by unanimous vote.

e) COMMITTEE REPORT AND CONSIDERATION OF A RESOLUTION FOR THIRD READING ADOPTION

- 1) R2013-0170: A Resolution making an award on RQ24534 to Halle Industrial Park, LLC in the amount of \$10,069,265.64 for lease of space for the period anticipated to be 6/1/2014 - 6/30/2024; authorizing the County Executive to take all necessary actions and to execute all documents necessary to consummate the contemplated transactions, and authorizing the Director of Public Works to administer the project; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works

Committee Assignment and Chair: Committee of the Whole – Connally

Mr. Joseph Boatwright, Assistant Law Director, and Ms. Bonnie Teeuwen, Director of Public Works addressed Council regarding Resolution No. R2013-0170. Discussion ensued.

Councilmembers asked questions of Mr. Boatwright and Ms. Teeuwen, pertaining to the item, which he answered accordingly. Discussion ensued.

Mr. Schron introduced a proposed substitute to Resolution No. R2013-0170. Discussion ensued.

A motion was then made by Mr. Schron, seconded by Mr. Germana and approved by unanimous vote to substitute Resolution No. R2013-0170.

On a motion by Mr. Schron with a second by Ms. Conwell, Resolution No. R2013-0170 was considered and adopted by unanimous vote, as substituted.

f) CONSIDERATION OF AN ORDINANCE FOR FIRST READING AND REFERRAL TO COMMITTEE

- 1) O2014-0025: An Ordinance enacting Chapter 718 of the Cuyahoga County Code to enact the Cuyahoga County Financial Transaction Modernization Act governing the use of financial transaction devices by County entities for payment of County expenses, and declaring the necessity that this Ordinance become immediately effective.

Sponsors: County Executive FitzGerald/Department of Law

Council President Connally referred Ordinance No. O2014-0025 to the Finance & Budgeting Committee.

g) CONSIDERATION OF ORDINANCES FOR THIRD READING ADOPTION

- 1) O2014-0019: An Ordinance enacting Chapter 716 of the Cuyahoga County Code to establish procedures for setting the fee structure for Sheriff's Department background check services, and declaring the necessity that this Ordinance become immediately effective.

Sponsors: County Executive FitzGerald/County Sheriff and Councilmember Germana

On a motion by Mr. Germana with a second by Mr. Gallagher, Ordinance No. O2014-0019 was considered and adopted by unanimous vote.

- 2) O2014-0020: An Ordinance enacting Chapter 717 of the Cuyahoga County Code to authorize extension of the Capital Improvement Bed Tax and to authorize the use of said proceeds in accordance with agreement with the Mayor of the City of Cleveland and Positively Cleveland as approved by a majority of local mayors, and declaring the necessity that this Ordinance become immediately effective.

Sponsors: County Executive FitzGerald/Fiscal Officer and Councilmember Brady

Mr. Boatwright addressed Council regarding Ordinance No. O2014-0020. Discussion ensued.

Councilmembers asked questions of Mr. Boatwright pertaining to the item, which he answered accordingly.

Mr. Schron introduced a proposed substitute to Ordinance No. O2014-0020. Discussion ensued.

A motion was then made by Mr. Schron, seconded by Mr. Miller and approved by unanimous vote to substitute Ordinance No. O2014-0020.

On a motion by Mr. Jones with a second by Mr. Germana, Ordinance No. O2014-0020 was considered and adopted by unanimous vote, as substituted.

11. MISCELLANEOUS COMMITTEE REPORTS

Mr. Greenspan reported that the Council Operations & Intergovernmental Relations Committee will meet on Monday, August 25, 2014 at 9:00 a.m.

Mr. Miller reported that the Finance & Budgeting Committee will meet on Monday, August 18, 2014 at 1:00 p.m.

Ms. Conwell reported that the Human Resources, Appointments & Equity Committee will meet on Tuesday, August 19, 2014 at 10:00 a.m.

Mr. Jones reported that the Public Works, Procurement & Contracting Committee will meet on Thursday, August 14, 2014 at 11:00 a.m.

Ms. Simon reported that the Education, Environment & Sustainability Committee will meet on Wednesday, August 20, 2014 at a time to be determined.

12. MISCELLANEOUS BUSINESS

Mr. Miller discussed the 2014 Gay Games 9 and thanked the LGBT Community and the Federation of Gay Games for selecting Cleveland.

Mr. Brady thanked the administration and the AFSCME union for their negotiations of the current collective bargaining agreement and praised Council's record on working with the labor unions.

13. PUBLIC COMMENT UNRELATED TO AGENDA

Ms. Mary Ostendorf, representing the Paige Avenue Street Club, addressed Council regarding issues of concern to her relating the demolition of a building located at 1818 Paige Avenue in the City of East Cleveland.

14. ADJOURNMENT

With no further business to discuss and on a motion by Mr. Hairston with a second by Mr. Jones, Council President Connally adjourned the meeting at 6:51 p.m., without objection.

County Council of Cuyahoga County, Ohio

Resolution No. R2014-0204

Sponsored by: Councilmember Greenspan	A Resolution authorizing payments to Cuyahoga Community College and Cleveland State University, each in the amount of \$30,233.40, for scholarships for veterans residing in Cuyahoga County; authorizing the County Executive to negotiate and execute any necessary contract or other documents for same; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, Chapter 711 of the Cuyahoga County Code establishes the Veterans Services Fund, whereby the amounts appropriated and unspent by the Veterans Service Commission of Cuyahoga County are to be placed in a Veterans Service Fund and used to benefit veterans of the county; and

WHEREAS, \$282,334.00 has been deposited in the Veterans Services Fund from the 2013 appropriation for the Veterans Service Commission; and

WHEREAS, due to administrative issues, \$20,000.00 of the 2013 Veterans Services Fund originally dedicated to the Louis Stokes Veterans Affairs Medical Center Community Resource and Referral Center remains unused and has been returned to the Veterans Services Fund; and

WHEREAS, Section 711.03 of the Cuyahoga County Code provides that 20% of the funds available each fiscal year shall be used for a workforce development program, established by Council, to assist veterans with the costs of post-secondary education; and

WHEREAS, pursuant to Resolution No. R2013-0086, Cleveland State University, Veterans Benefit Office and Cuyahoga Community College, Veterans Services & Program Office were each awarded \$73,330.00 of 2012 Veterans Services Funds for scholarships for veterans residing in Cuyahoga County; and

WHEREAS, those scholarships provided by Cleveland State University and Cuyahoga Community College have assisted over 320 veterans to afford their post-secondary education; 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 Cuyahoga County Council hereby authorizes the Fiscal Officer to make a one-time expenditure of available 2013 Veterans Services Funds in the total amount not-to-exceed \$60,466.80 for the following services or programs in the 2014 calendar year:

- 1) Cuyahoga Community College, Veterans Services & Program Office for scholarships for veterans residing in Cuyahoga County in the amount of \$30,233.40.
- 2) Cleveland State University, Veterans Benefit Office, for scholarships for veterans residing in Cuyahoga County in the amount of \$30,233.40.

SECTION 2. The County Executive is hereby authorized to negotiate and execute any necessary contract or other documents to effectuate the release of funds under the terms specified in this Resolution.

SECTION 3. Each of the recipients of Veterans Services Funds awarded pursuant to Section 1 of this resolution shall provide written reports to Council by January 30, 2015 and July 30, 2015, each summarizing the uses, amounts, and impacts of the distributed funds. Council may request additional information in the form of oral or written reports.

SECTION 4. It is necessary that this Resolution become immediately effective for the usual daily operation of the County; the preservation of public peace, health, or safety in the County; and any additional reasons set forth in the preamble. Provided that this Resolution receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (1) its approval by the County Executive through signature, (2) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Cuyahoga County Charter, or (3) its passage by at least eight members of Council after disapproval pursuant to Section 3.10(7) of the Cuyahoga County Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

SECTION 5. It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

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

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

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

Journal _____
_____, 2014

County Council of Cuyahoga County, Ohio

Resolution No. R2014-0184

Sponsored by: Councilmembers Connally and Conwell	A Resolution confirming the County Executive's appointment of Cassi Handler to serve on the Alcohol, Drug Addiction and Mental Health Services Board of Cuyahoga County for an unexpired term ending 6/30/2016, and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the Cuyahoga County Charter Section 6.04, entitled Special Boards and Commissions, states that “[w]hen general law or any agreement with another public agency or court order provides for appointment of members of a special board or commission or other agency by the board of county commissioners, such appointment shall be made by the County Executive, subject to confirmation by the Council;” and

WHEREAS, pursuant to the Ohio Revised Code Section 340.02, the Alcohol, Drug Addiction and Mental Health Services Board of Cuyahoga County shall consist of eighteen (18) appointed members; and

WHEREAS, the Alcohol, Drug Addiction and Mental Health Services Board of Cuyahoga County is responsible for the planning, funding and monitoring of public mental health and alcohol and other drug addiction services delivered to the residents of Cuyahoga County; and

WHEREAS, members of the Alcohol, Drug Addiction and Mental Health Services Board of Cuyahoga County shall be appointed to serve a four year term; and

WHEREAS, County Executive Ed FitzGerald has appointed Cassi Handler to fill a vacancy in an unexpired term ending 6/30/2016 on the Alcohol, Drug Addiction and Mental Health Services Board of Cuyahoga County; 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 Board.

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

County Council of Cuyahoga County, Ohio

Resolution No. R2014-0160

Sponsored by: Councilmembers Miller, Conwell, Germana and Gallagher	A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to Article II, Section 2.01 and Article III, Section 3.03 of the Charter of Cuyahoga County modifying the residency requirements for the offices of County Executive and County Council; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, Article XII, Section 12.10 of the Charter of Cuyahoga County provides that “Proposed amendments to this Charter shall be submitted to the electors of the County in the manner provided for by the Ohio Constitution”; and

WHEREAS, Article X, Section 4 of the Ohio Constitution provides that the “legislative authority... of any county may by a two-thirds vote of its members” submit by resolution charter amendments to the electors of the county “to be voted upon at the first general election occurring not sooner than sixty days after their submission”; and

WHEREAS, this Council believes it is in the best interest of the citizens of the County of Cuyahoga to amend the County Charter to require the County Executive to have been an elector of the County for at least two years prior to filing a declaration of candidacy, and to prevent a Council member from being disqualified due to redistricting from serving the full term to which the member was elected.

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

SECTION 1. Pursuant to Article X, Section 4 of the Ohio Constitution and Article XII, Section 12.10 of the Charter of the County of Cuyahoga, this Council hereby authorizes and directs that there shall be submitted to a vote of qualified electors of the County of Cuyahoga, at the general election to be held on Tuesday, the 4th day of November, 2014, the question of amending Article II, Section 2.01 and Article III, Section 3.03 of the Charter of the County of Cuyahoga, the respective text to be as set forth herein, with boldfaced text being added and crossed out text being deleted as follows:

SECTION 2.01 COUNTY EXECUTIVE

The County Executive shall be the chief executive officer of the County. The County Executive shall first be elected at the 2010 general election and shall hold office for a term of four years commencing on the first day of January 2011. Any candidate for election as County Executive shall be **have been** an elector of the County **for** at **least two**

years immediately prior to the time of filing the declaration of candidacy, shall be nominated and elected in the manner provided for county officers by general law and this Charter and during the entire term of office shall remain an elector of the County. The County Executive shall not, except as authorized by the Council, hold or accept other employment or public office.

SECTION 3.03 RESIDENCY REQUIREMENT

A Council candidate shall have been an elector of the County for at least two years immediately prior to filing of a declaration of candidacy or appointment to fill a vacancy and shall also have been a resident of the district he or she wishes to serve for at least thirty days immediately prior to filing of candidacy or appointment to fill a vacancy. Once elected or appointed, Council members shall reside within their respective districts during the tenure of their terms; however, a Council member shall not be disqualified from serving the full term to which the member has been elected due to redistricting. ~~the County, and members elected from districts shall reside within their respective districts, during the tenure of their terms.~~

SECTION 2. Pursuant to Article X, Section 4 of the Ohio Constitution, and Article XII, Section 12.10 of the Charter of the County of Cuyahoga, this Council hereby directs that the proposed amendment amending Article II, Section 2.01 and Article III, Section 3.03 shall be submitted to the Board of Elections of Cuyahoga County, and the question to be submitted on the ballot shall be as follows:

PROPOSED AMENDMENT TO COUNTY CHARTER

Shall Article II, Section 2.01 and Article III, Section 3.03 the Charter of the County of Cuyahoga be amended to modify the residency requirements for the offices of County Executive and County Council, requiring the County Executive to have been an elector of the County for at least two years prior to filing a declaration of candidacy, and preventing a Council member from being disqualified due to redistricting from serving the full term to which the member was elected?

SECTION 3. If the foregoing proposal receives the affirmative vote of a majority of the electors voting thereon, the existing provisions of Article II, Section 2.01 and Article III, Section 3.03 to the extent that they are inconsistent herewith, shall be and the same are hereby repealed effective as of the date on which such amendment becomes effective.

SECTION 4. The Clerk of this Council is directed to certify a copy of this Resolution to the Board of Elections no earlier than one hundred twenty (120) days and not later than sixty (60) days before the November 4, 2014 election. The Clerk is further directed to take all other actions required by law relative to the submission of said amendment for said election, including, if required by law, mailing or otherwise distributing a copy of said proposed amendment to each of the electors of the County as far as may be reasonably possible prior to thirty (30) days before said election.

SECTION 5. It is necessary that this Resolution become immediately effective to enable the Clerk of Council to perform her duties in time for the amendment to be properly placed on the November 4, 2014 election. Provided that this Resolution receives the affirmative vote of eight (8) members of Council, it shall become immediately effective.

SECTION 6. 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 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

Clerk of Council

Date

First Reading/Referred to Committee: June 24, 2014

Committee(s) Assigned: Committee of the Whole

Committee Report/Second Reading: July 22, 2014

Third Reading: August 12, 2014

Journal _____
_____, 2014

**[PROPOSED SUBSTITUTE SPONSORED BY
COUNCILMEMBER SCHRON]**

County Council of Cuyahoga County, Ohio

Resolution No. R2014-0160

Sponsored by: Councilmembers Miller, Conwell, Germana and Gallagher	A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to Article II, Section 2.01 and Article III, Section 3.03 of the Charter of Cuyahoga County modifying the residency requirements for the offices of County Executive and County Council; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, Article XII, Section 12.10 of the Charter of Cuyahoga County provides that “Proposed amendments to this Charter shall be submitted to the electors of the County in the manner provided for by the Ohio Constitution”; and

WHEREAS, Article X, Section 4 of the Ohio Constitution provides that the “legislative authority... of any county may by a two-thirds vote of its members” submit by resolution charter amendments to the electors of the county “to be voted upon at the first general election occurring not sooner than sixty days after their submission”; and

WHEREAS, this Council believes it is in the best interest of the citizens of the County of Cuyahoga to amend the County Charter to require the County Executive to have been an elector of the County for at least two years prior to filing a declaration of candidacy, and to prevent a Council member from being disqualified due to redistricting from serving the full term to which the member was elected.

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

SECTION 1. Pursuant to Article X, Section 4 of the Ohio Constitution and Article XII, Section 12.10 of the Charter of the County of Cuyahoga, this Council hereby authorizes and directs that there shall be submitted to a vote of qualified electors of the County of Cuyahoga, at the general election to be held on Tuesday, the 4th day of November, 2014, the question of amending Article II, Section 2.01 and Article III, Section 3.03 of the Charter of the County of Cuyahoga, the respective text to be as set forth herein, with boldfaced text being added and crossed out text being deleted as follows:

SECTION 2.01 COUNTY EXECUTIVE

The County Executive shall be the chief executive officer of the County. The County Executive shall first be elected at the 2010 general election and shall hold office for a term of four years commencing on the first day of January 2011. Any candidate for election as County Executive shall ~~be~~ **have been** an elector of the County **for at least two years immediately prior to assuming office** ~~the time of filing the declaration of candidacy,~~ shall be nominated and elected in the manner provided for county officers by general law and this Charter and during the entire term of office shall remain an elector of the County. The County Executive shall not, except as authorized by the Council, hold or accept other employment or public office.

SECTION 3.03 RESIDENCY REQUIREMENT

A Council candidate shall have been an elector of the County for at least two years immediately prior to **assuming office** ~~filing of a declaration of candidacy or appointment to fill a vacancy~~ and shall also have been a resident of the district he or she wishes to serve for at least thirty days immediately prior to filing of candidacy or appointment to fill a vacancy. Once elected or appointed, Council members shall reside within **their respective districts during the tenure of their terms; however, a Council member shall not be disqualified from serving the full term to which the member has been elected due to redistricting.** ~~the County, and members elected from districts shall reside within their respective districts, during the tenure of their terms.~~

SECTION 2. Pursuant to Article X, Section 4 of the Ohio Constitution, and Article XII, Section 12.10 of the Charter of the County of Cuyahoga, this Council hereby directs that the proposed amendment amending Article II, Section 2.01 and Article III, Section 3.03 shall be submitted to the Board of Elections of Cuyahoga County, and the question to be submitted on the ballot shall be as follows:

PROPOSED AMENDMENT TO COUNTY CHARTER

Shall Article II, Section 2.01 and Article III, Section 3.03 the Charter of the County of Cuyahoga be amended to modify the residency requirements for the offices of County Executive and County Council, requiring the County Executive to have been an elector of the County for at least two years prior to filing a declaration of candidacy, and preventing a Council member from being disqualified due to redistricting from serving the full term to which the member was elected?

SECTION 3. If the foregoing proposal receives the affirmative vote of a majority of the electors voting thereon, the existing provisions of Article II, Section 2.01 and Article III, Section 3.03 to the extent that they are inconsistent herewith, shall be and the same are hereby repealed effective as of the date on which such amendment becomes effective.

SECTION 4. The Clerk of this Council is directed to certify a copy of this Resolution to the Board of Elections no earlier than one hundred twenty (120) days and

County Council of Cuyahoga County, Ohio

Resolution No. R2014-0166

Sponsored by: Councilmember Schron	A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to Article II, Section 2.04 of the Charter of Cuyahoga County to provide for the holding of special elections to fill vacancies in the office of the County Executive; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, Article XII, Section 12.10 of the Charter of Cuyahoga County provides that “Proposed amendments to this Charter shall be submitted to the electors of the County in the manner provided for by the Ohio Constitution”; and

WHEREAS, Article X, Section 4 of the Ohio Constitution provides that the “legislative authority... of any county may by a two-thirds vote of its members” submit by resolution charter amendments to the electors of the county “to be voted upon at the first general election occurring not sooner than sixty days after their submission”; and

WHEREAS, this Council believes it is in the best interest of the citizens of the County of Cuyahoga to amend the County Charter to provide for the holding of special elections to fill vacancies in the office of the County Executive.

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

SECTION 1. Pursuant to Article X, Section 4 of the Ohio Constitution and Article XII, Section 12.10 of the Charter of the County of Cuyahoga, this Council hereby authorizes and directs that there shall be submitted to a vote of qualified electors of the County of Cuyahoga, at the general election to be held on Tuesday, the 4th day of November, 2014, the question of amending Article II, Section 2.04 of the Charter of Cuyahoga County, the respective text to be as set forth herein, with boldfaced text being added and crossed out text being deleted as follows:

SECTION 2.04 VACANCY

In the event the office of the County Executive becomes vacant by reason of death, resignation, removal from office, failure to remain an elector of the County or for any other reason, the President of Council shall succeed to the office of County Executive on an interim basis. ~~If a vacancy occurs in the first or second year of a four year term, the interim succession shall be for a period until the next countywide general election, at which time the position shall be filled for the remainder of the principal term. If a vacancy occurs in the third or fourth year of a four year term, the interim succession shall~~

~~extend until the next countywide general election, at which time the position shall be filled for the next four year term. The interim succession of the President of Council to the office of County Executive as provided herein shall create a vacancy in the membership of County Council and in the position of President of Council. Upon the occurrence of a vacancy in the position of President of Council, the Vice President of Council shall assume the position of President, and the Council shall elect a member to serve as vice president. The Council seat vacated by the former Council president shall be filled in the manner described herein.~~ **The Council President shall hold the office of County Executive until a successor is elected at a special election to be held not more than 100 days from the date of the vacancy. The procedures for holding the special election shall be established by ordinance. The person so elected shall assume office immediately upon election and qualification, and shall hold office for the unexpired term of the original vacating member.**

The interim succession of the President of Council to the office of County Executive as provided herein shall create a vacancy in the membership of County Council and in the position of President of Council. Upon the occurrence of a vacancy in the position of President of Council, the Vice-President of Council shall temporarily assume the duties of President, and the Council shall elect a member to serve as Vice-President pro tem. The vacancy on Council created by the President of Council's interim succession shall not be filled in accordance with Article III of this Charter, but shall remain vacant until either a successor County Executive is duly elected and qualified, or until the President of Council's term on Council expires. Once a successor County Executive has been duly elected and qualified, the President of Council may return to Council to fill the existing vacancy for the remainder of his or her original term.

SECTION 2. Pursuant to Article X, Section 4 of the Ohio Constitution, and Article XII, Section 12.10 of the Charter of the County of Cuyahoga, this Council hereby directs that the proposed amendment to Article II, Section 2.04 shall be submitted to the Board of Elections of Cuyahoga County, and the question to be submitted on the ballot shall be as follows:

PROPOSED AMENDMENT TO COUNTY CHARTER

Shall Article II, Section 2.04 of the Charter of Cuyahoga County be amended to provide for the holding of special elections to fill vacancies in the office of the County Executive?

SECTION 3. If the foregoing proposal receives the affirmative vote of a majority of the electors voting thereon, the existing provisions of Article II, Section 2.04, to the extent that they are inconsistent herewith, shall be and the same are hereby repealed effective as of the date on which such amendment becomes effective.

SECTION 4. The Clerk of this Council is directed to certify a copy of this Resolution to the Board of Elections no earlier than one hundred twenty (120) days and not later than sixty (60) days before the November 4, 2014 election. The Clerk is further directed to take all other actions required by law relative to the submission of said amendment for said election, including, if required by law, mailing or otherwise

County Council of Cuyahoga County, Ohio

Ordinance No. O2014-0024

Sponsored by: Councilmember Simon	An Ordinance setting the fee structure for Cuyahoga County Animal Shelter Dog Adoptions, and declaring the necessity that this Ordinance become immediately effective.
Co-sponsored by: Councilmember Connally	

WHEREAS, Ohio Revised Code Chapter 955 authorizes charging a fee in connection with the adoption of a dog.

WHEREAS, the Department of Public Works expends personnel hours and other administrative costs to provide dog adoptions; and

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

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

SECTION 1. Section 713.02 of the Cuyahoga County Code is hereby enacted to read as follows:

Section 713.02 Dog Adoption Fees

Cuyahoga County shall charge an adoption fee for each dog that is adopted from the Cuyahoga County Animal Shelter. The adoption fee shall be set at a rate determined by the Cuyahoga County Director of Public Works. The Cuyahoga County Director of Public Works is hereby given the flexibility to change the adoption fee from time-to-time as the circumstances dictate based upon the following factors:

- (A) Costs incurred by the County in providing this service, including but not limited to personnel and other administrative costs; and
- (B) Special adoption and promotional events;
- (C) Whether the dogs are a bonded pair;
- (D) Overcrowding conditions, availability of space and population at the animal shelter;

- (E) The health and medical condition of the dogs;
- (F) The length of time the dogs have been at the animal shelter;
- (G) Whether the dogs will be euthanized if not adopted.

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

SECTION 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

Additional Sponsorship Requested: August 20, 2014

First Reading/Referred to Committee: August 12, 2014

Committee(s) Assigned: Education, Environment & Sustainability

Committee Report/Second Reading: August 26, 2014

Journal _____
_____, 20__

County Council of Cuyahoga County, Ohio

Resolution No. R2014-0205

Sponsored by: County Executive FitzGerald/Fiscal Officer/Office of Budget & Management	A Resolution amending the 2014/2015 Biennial Operating Budget for 2014 by providing for additional fiscal appropriations from the General Fund and other funding sources, for appropriation transfers between budget accounts, and for cash transfers between budgetary funds, in order to meet the budgetary needs of various County departments, offices, and agencies; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, on December 10, 2013, the Cuyahoga County Council adopted the Biennial Operating Budget and Capital Improvements Program for 2014/2015 (Resolution No. R2013-0229) establishing the 2014/2015 biennial budget for all County departments, offices and agencies; and

WHEREAS, it is necessary to adjust the Biennial Operating Budget for 2014 to reflect budgetary funding increases, funding reductions, to transfer budget appropriations, and to transfer cash between budgetary funds, in order to accommodate the operational needs of certain County departments, offices, and agencies; and

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

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

SECTION 1. That the 2014/2015 Biennial Operating Budget for 2014 be amended to provide for the following additional appropriation increases and decreases:

<u>Fund Nos./Budget Accounts</u>	<u>Journal Nos.</u>
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A1.	01A001 – General Fund	BA1400727
	DR391052 – Domestic Relations	
	Personal Services	\$ 128,400.00
	Other Expenses	\$ 10,000.00
	Capital Outlay	\$ 4,000.00

A2.	01A001 – General Fund	
	DR495515 – Domestic Relations Child Support	
	Personal Services	\$ 120,600.00

Funding Source: Funding is from the General Fund.

B.	20A377 – Probation Supervision Fees	BA1400730
	CO507228 – Probation Supervision Fees	
	Other Expenses	\$ 150,000.00

Funding Source: Revenue comes from probation fees paid by offenders.

C.	20A334 – Juv. Court – Alternative Dispute Resolution	BA1400731
	JC510925 - Juv. Ct. - Alternative Dispute Resolution	
	Other Expenses	\$ 7,700.00

Funding Source: Funding comes from a fee assessed on the filing of each case pursuant to O.R.C. sections 2303.20.1(E)(1), 1907.26.2, and 1907.24(B)(1).

D.	20A585 – Legal Computerization	BA1400732
	JC514919 – Legal Computerization	
	Other Expenses	\$ 4,000.00

Funding Source: The revenues derive from filing fees pursuant to O.R.C. sections 2151.54 and 2303.20.

E.	20A601 – Computerized Legal Research	BA1400733
	JC495051 – Juvenile Court Legal Research	
	Other Expenses	\$ 1,100.00

Funding Source: The revenues derive from filing fees of up to \$3 each pursuant to O.R.C. section 2303.20 under paragraph (A), (Q), or (U).

F.	01A001 – General Fund	BA1400728
	CO380121 – Common Pleas – Judicial/General	
	Other Expenses	\$ (263,000.00)

Funding Source: Funding is from the General Fund.

G. 54P571 – Echo Hills Pump Station Storm and Driveway **BA1400651**
 ST541250 – Echo Hills Pump Station Storm and Driveway
 Capital Outlays \$ 450,000.00

Funding Source: Funding through sewer district assessments within the city of Brecksville.

H. 40A069 – Capital Projects Future Debt Issuance **BA1400355**
 CC768523 – Pedestrian and Bicycle Bridge
 Personal Services \$ 925,000.00
 Other Expenses \$ 4,500,000.00
 Capital Outlays \$ 19,575,000.00

Funding Source: The County funding for the pedestrian and bicycle bridge will come from Hotel bond proceeds. In addition, the County will receive \$10 million from the City of Cleveland and \$5 million from a State grant. Temporary use of reserves.

I. 20A823 – JC – HHS – Youth & Family Comm. **BA1400722**
 Partnership
 JC108092 – Youth & Family Comm. Partnership (RPL)
 Other Expenses \$ (600,000.00)

Funding Source: Funding is from the Health and Human Services Levy covering the period January 1, 2014 through December 31, 2014.

J. 20A811 – JC Detention & Probation Services **BA1400723**
 JC107516 – JC Probation Services
 Other Expenses \$ 600,000.00

Funding Source: Funding is from the Health and Human Services Levy covering the period January 1, 2014 through December 31, 2014.

SECTION 2. That the 2014/2015 Biennial Operating Budget for 2014 be amended to provide for the following appropriation transfers:

<u>Fund Nos./Budget Accounts</u>	<u>Journal Nos.</u>
A. FROM: 20A635 – Title IV-E Juvenile Court	BA1400724
JC517326 – Title IV-E Administration – Juvenile Court	
Other Expenses \$	86,250.00
TO: 20A635 – Title IV-E Juvenile Court	
JC517326 – Title IV-E Administration – Juvenile Court	
Personal Services \$	86,250.00

Funding Source: Funds are provided through the U.S. Department of Health and Human Services passed through the Ohio Department of Jobs and Family Services.

B. FROM: 61A607 – Centralized Custodial Fund **BA1400653**
CT577411 – Buildings and Grounds – Other Services
Other Expenses \$ 320,000.00

TO: 61A607 – Centralized Custodial Fund
CT577395 – Buildings and Grounds – Trades Services
Other Expenses \$ 280,000.00
Capital Outlays \$ 30,000.00

TO: 61A607 – Centralized Custodial Fund
CT577379 – Buildings and Grounds – Custodial Services
Capital Outlays \$ 10,000.00

Funding Source: The source of fund for the Centralized Custodial Fund is charges to user agencies for space maintenance.

C. FROM: 52A100 – County Airport **BA1400680**
AP520890 – County Airport
Personal Services \$ 25,000.00

TO: 52A100 – County Airport
AP520890 – County Airport
Capital Outlays \$ 25,000.00

Funding Source: Funding comes from leases, landing fees, and other fees generated by the airport.

D. FROM: 21A500 – Urban Area Security Initiative **BA1400700**
JA741520 –Urban Area Security Initiative
Personal Services \$ 72,068.32

TO: 21A500–Urban Area Security Initiative (UASI)
JA741520 –Urban Area Security Initiative
Capital Outlays \$ 72,068.32

Funding Source: Funding is from the United States Department of Homeland Security passed through The Ohio Emergency Management Agency covering the period August 1, 2008 through August 31, 2014.

E. FROM: 20A811 – JC Detention & Probation Services **BA1400721**
JC107532 – JC Legal Services
Other Expenses \$ 1,100,000.00

TO: 20A811 – JC Detention & Probation Services
 JC107516 – JC Probation Services
 Other Expenses \$ 1,100,000.00

Funding Source: Funding is from the Health and Human Services Levy covering the period January 1, 2014 through December 31, 2014.

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

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

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

Yeas:

Nays:

_____	_____
County Council President	Date
_____	_____
County Executive	Date
_____	_____
Clerk of Council	Date

Journal CC015
 August 26, 2014



EDWARD FITZGERALD
Cuyahoga County Executive

CUYAHOGA COUNTY
FISCAL OFFICER



August 19, 2014

Clerk of County Council

Dear Ms. Schmotzer:

A brief summary of the fiscal items that will be submitted for consideration for adoption on first reading at the regular County Council meeting scheduled for August 26, 2014, are presented below.

Additional Appropriation Summary – Additional appropriations are needed when there is a new or increased revenue source, or a revision to the original appropriation level that is required to cover expenditures that exceed the original estimate. A budget review document is provided for General Fund and Health & Human Services Levy Fund impact items.

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

* Impact of fiscal item is included in the current projection and ending fund balance.

Temporary/Permanent Use of Reserves	Amount
Capital Projects/Pedestrian and Bicycle Bridge – Additional appropriation to cover the construction of a pedestrian and bicycle bridge from the malls in downtown Cleveland to the Science Center. Funding is from the Hotel bond proceeds. This is a temporary use of reserves.	\$25,000,000.00
TOTAL	\$25,000,000.00

General Fund/Health & Human Services	Amount
Domestic Relations – Additional appropriations for Domestic Relations (\$142,400) to cover raises provided late in 2013 and other initiatives. Also, an increase in appropriations for Domestic Relations Child Support (\$120,600) to cover raises provided late in 2013, which may be eligible to receive 66% reimbursement for most expenses. Funding is from the General Fund.	\$263,000.00
Common Pleas Court/Judicial General – Reducing surplus appropriations based on second quarter projections to make it available for other uses. Funding is from the General Fund.	-\$263,000.00
Juvenile Court – Reducing appropriation in Youth & Family Community Partnership (\$600,000) with a corresponding increase to Probation Services to cover an amendment to a contract. Funding is from the Health & Human Services Levy Fund.	\$0.00
TOTAL	\$0.00

Other Operating Funds	Amount
Common Pleas Court – Additional appropriations to allow the Court to encumber funds for the Automated Notification System for random urinalysis testing. Funding is from probation supervision fees paid by offenders.	\$150,000.00
Juvenile Court – Additional appropriations for Alternative Dispute Resolution (\$7,700), Legal Computerization (\$4,000), Computerized Legal Research (\$1,100) to comply with court ordered refunds of costs and fees. Funding is from fees assessed on the filing of each case.	\$12,800.00
TOTAL	\$162,800.00

Grants/Projects	Amount
Sanitary Engineering – Additional appropriations to establish the Echo Hills Pump Station Storm and Driveway project that will be funded through sewer district assessments within the city of Brecksville.	\$450,000.00
TOTAL	\$450,000.00

Total Additional Appropriations - All Funds	\$612,800.00
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The following represents the overall changes made to the Annual Appropriation Measure for 2014 since its adoption on December 10, 2013 Resolution R2013-0229. The changes reflect the Additional Appropriations, Appropriation Transfers and Cash Transfers to the original adopted appropriation resolution.

APPROPRIATION STATUS SUMMARY:

	<u>08/26/14 Agenda</u>	<u>R2013-0229*</u>	<u>Adjusted Annual Appropriation</u>
General Fund Impact	\$ 0.00	\$ 377,204,012.00	\$ 381,041,979.69
HHS Levy Impact	\$ 0.00	\$ 235,311,170.00	\$ 236,004,537.61
Other Fund Impact	\$ <u>612,800.00</u>	\$ <u>693,095,162.00</u>	\$ <u>956,434,220.19</u>
Total Impact	\$ 612,800.00	\$1,305,610,344.00	\$ 1,573,480,737.49

* 2014-2015 appropriation levels adopted by resolution R2013-0229 on December 10, 2014.

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

General Fund/Health & Human Services	Amount
Juvenile Court – Realigning appropriation from Legal Services to Probation Services to cover an amendment to a contract due to increased demand for Board & Care residential services. Funding is from the Health & Human Services Levy Fund.	\$1,100,000.00
TOTAL	\$1,100,000.00

Other Operating Funds	Amount
Public Works/Centralized Custodial Funds – Realigning appropriation to cover the purchase of a new tow motor, walk-behind scrubber, and a zero-turn lawnmower. Funding is charges to user agencies.	\$320,000.00
County Airport – Realigning appropriation to cover the purchase of lawn mowers. Funding is from leases, landing fees, and other fees generated by the airport.	\$25,000.00
TOTAL	\$345,000.00

Grants/Projects	Amount
Juvenile Court – Realigning appropriation from other expenses to cover personal services. Funding for Title IV-E is provided through U.S. Department of Health and Human Services.	\$86,250.00
Justice Services – Realigning Appropriation for pending capital purchases for the Urban Area Security Initiative. Funding is from the U.S. Department of Homeland Security.	\$72,068.32
TOTAL	\$158,318.32
Total Appropriation Transfers - All Funds	\$1,603,318.32

Thank you for your consideration regarding this matter.

Sincerely,



W. Christopher Murray, II
 Interim Director, Office of Budget & Management
cmurray@cuyahogacounty.us
 (216) 443-7175
 Fax: (216) 443-8193



EDWARD FITZGERALD
Cuyahoga County Executive

CUYAHOGA COUNTY
FISCAL OFFICER



MEMORANDUM

TO: Jeanne Schmotzer, Clerk of Council

FROM: W. Christopher Murray, II, Interim Director, Office of Budget & Management

DATE: August 19, 2014

RE: Fiscal Resolution Items

The Office of Budget & Management is requesting that the following fiscal items be presented to the members of County Council for their consideration for approval on first reading at the meeting of August 26, 2014. The requested fiscal items including additional appropriations, appropriation transfers, and cash transfers meet agency budgetary needs.

Resolution: Additional Appropriations

A1.	01A001 – General Fund	BA1400727
	DR391052 – Domestic Relations	
	Personal Services	\$ 128,400.00
	Other Expenses	\$ 10,000.00
	Capital Outlay	\$ 4,000.00
A2.	01A001 – General Fund	
	DR495515 – Domestic Relations Child Support	
	Personal Services	\$ 120,600.00

The Domestic Relations Court has a projected deficit due to raises provided in late 2013 and for planned endeavors. This request would provide the appropriation to cover the 2014 deficits. A commensurate decrease in appropriation is requested (see BA1400728). A similar increase would be required in the 2015 budget. Funding for both DR391052 and DR495515 comes from the General Fund, however DR495515 Domestic Relations Child Support is eligible to receive 66% reimbursement for most expenses. The anticipated reimbursements would reduce the General Fund impact of these increases by \$76,412.

B.	20A377 – Probation Supervision Fees	BA1400730
	CO507228 – Probation Supervision Fees	
	Other Expenses	\$ 150,000.00

The Common Pleas Court intends to enter into a contract for Automated Notification System for random urinalysis testing of offenders under supervision by the Court of Common Pleas Adult Probation Department (RFP CO-14-31420). The appropriation increase would allow the Court to encumber funds for the contract before the end of 2014 for a contract that commences on January 1, 2015. Revenue

Fiscal Office
Office of Budget & Management
2079 E. 9th Street, Cleveland, OH 44115, (216) 443-7220, FAX (216) 443-8193
Ohio Relay Service (TTY) 711

comes from probation fees paid by offenders. There is a sufficient balance in this fund for the appropriation request.

C.	20A334 – Juv. Court – Alternative Dispute Resolution	BA1400731
	JC510925 - Juv. Ct. - Alternative Dispute Resolution	
	Other Expenses	\$ 7,700.00

The Juvenile Court requests appropriation to be able to comply with court ordered refunds of costs and fees. There are sufficient funds for this request. Funding comes from a fee assessed on the filing of each case pursuant to O.R.C. sections 2303.20.1(E)(1), 1907.26.2, and 1907.24(B)(1).

D.	20A585 – Legal Computerization	BA1400732
	JC514919 – Legal Computerization	
	Other Expenses	\$ 4,000.00

The Juvenile Court requests appropriation of its Legal Computerization fund to comply with court ordered refunds of costs and fees. There are sufficient funds available for this request. The revenues derive from filing fees pursuant to O.R.C. sections 2151.54 and 2303.20.

E.	20A601 – Computerized Legal Research	BA1400733
	JC495051 – Juvenile Court Legal Research	
	Other Expenses	\$ 1,100.00

The Juvenile Court requests appropriation of its Computerized Legal Research fund to comply with court ordered refunds of costs and fees. There are sufficient funds available for this request. The revenues derive from filing fees of up to \$3 each pursuant to O.R.C. section 2303.20 under paragraph (A), (Q), or (U).

F.	01A001 – General Fund	BA1400728
	CO380121 – Common Pleas – Judicial/General	
	Other Expenses	\$ (263,000.00)

The Common Pleas Court has a projected General Fund surplus in Contracts and Professional Services of \$1.2 million due to Assigned Counsel rate increases which are just beginning to have a full impact on the budget. This request would reduce some of the surplus appropriation to make it available for other uses. A commensurate increase in appropriation is requested (see BA1400727). Funding for this request comes from the General Fund.

G.	54P571 – Echo Hills Pump Station Storm and Driveway	BA1400651
	ST541250 – Echo Hills Pump Station Storm and Driveway	
	Capital Outlays	\$ 450,000.00

Appropriation is requested to establish this project that will be funded through sewer district assessments within the city of Brecksville.

H.	40A069 – Capital Projects Future Debt Issuance		BA1400355
	CC768523 – Pedestrian and Bicycle Bridge		
	Personal Services	\$	925,000.00
	Other Expenses	\$	4,500,000.00
	Capital Outlays	\$	19,575,000.00

Appropriation is requested for the construction of a pedestrian and bicycle bridge from the mall in downtown Cleveland to the science center. The County funding for the pedestrian and bicycle bridge will come from Hotel bond proceeds. In addition, the County will receive \$10 million from the City of Cleveland and \$5 million from a State grant. Temporary use of reserves.

I.	20A823 – JC – HHS – Youth & Family comm. Partnership		BA1400722
	JC108092 – Youth & Family comm. Partnership (RPL)		
	Other Expenses	\$	(600,000.00)

The Juvenile Court has seen a shift in usage of its contractual services from Youth & Family Community Partnership (YFCP) to its traditional Board & Care expenses. The Court amended its YFCP contracts to decrease them \$600,000, which reduces the obligation to the Health and Human Services Levy by this amount. Item BA1400723 requests to increase appropriation in a separate Health and Human services Levy subfund by the same amount to meet the increasing demand for Board & Care services. This reduction is contributing to the Court’s funding realignment specifically for the amendment to master contract number CE1300268 provided for under Resolution Number R2014-0203. Funding is from the Health and Human Services Levy covering the period January 1, 2014 through December 31, 2014.

J.	20A811 – JC Detention & Probation Services		BA1400723
	JC107516 – JC Probation Services		
	Other Expenses	\$	600,000.00

The Juvenile Court has seen an increase in the need for traditional Board & Care services resulting from population changes and the effects of SB 337. There has been a reduction in the need for YFCP services, which also use the Health and Human Services Levy. This request to increase appropriation corresponds to a request to decrease appropriation for YFCP (BA1400722), which would allow the Court to increase its contracts for Board & Care services to the demand for residential services. This increase is contributing to the Court’s funding realignment specifically for the amendment to master contract number CE1300268 provided for under Resolution Number R2014-0203. Funding is from the Health and Human Services Levy covering the period January 1, 2014 through December 31, 2014.

Resolution: Appropriation Transfers:

A.	FROM:	20A635 – Title IV-E Juvenile Court		BA1400724
		JC517326 – Title IV-E Administration – Juvenile Court		
		Other Expenses	\$	86,250.00
	TO:	20A635 – Title IV-E Juvenile Court		
		JC517326 – Title IV-E Administration – Juvenile Court		
		Personal Services	\$	86,250.00

The Juvenile Court requests a transfer between its Contracts line and its personnel line to absorb expenses for the RECLAIM Ohio program. Title IV-E funds are provided through the U.S. Department of Health and Human Services passed through the Ohio Department of Jobs and Family Services.

B.	FROM:	61A607 – Centralized Custodial Fund		BA1400653
		CT577411 – Buildings and Grounds – Other Services		
		Other Expenses	\$	320,000.00
	TO:	61A607 – Centralized Custodial Fund		
		CT577395 – Buildings and Grounds – Trades Services		
		Other Expenses	\$	280,000.00
		Capital Outlays	\$	30,000.00
	TO:	61A607 – Centralized Custodial Fund		
		CT577379 – Buildings and Grounds – Custodial Services		
		Capital Outlays	\$	10,000.00

The Department of Public Works requests a transfer to provide for the purchase of a new tow motor, walk-behind scrubber, and a zero-turn lawnmower. The source of fund for the Centralized Custodial Fund is charges to user agencies for space maintenance.

C.	FROM:	52A100 – County Airport		BA1400680
		AP520890 – County Airport		
		Personal Services	\$	25,000.00
	TO:	52A100 – County Airport		
		AP520890 – County Airport		
		Capital Outlays	\$	25,000.00

A transfer is requested to purchase lawn mowers for the airport. Funding comes from leases, landing fees, and other fees generated by the airport.

D.	FROM:	21A500 – Urban Area Security Initiative (UASI) JA741520 –Urban Area Security Initiative Personal Services	\$ 72,068.32	BA1400700
	TO:	21A500–Urban Area Security Initiative (UASI) JA741520 –Urban Area Security Initiative Capital Outlays	\$ 72,068.32	

Transfer appropriations within the Urban Area Security Initiative (UASI) for pending capital purchases.. Funding is from the United States Department of Homeland Security passed through The Ohio Emergency Management Agency covering the period August 1, 2008 through August 31, 2014.

E.	FROM:	20A811 – JC Detention & Probation Services JC107532 – JC Legal Services Other Expenses	\$ 1,100,000.00	BA1400721
	TO:	20A811 – JC Detention & Probation Services JC107516 – JC Probation Services Other Expenses	\$ 1,100,000.00	

The Juvenile Court has seen an increase in demand for its traditional Board & Care residential services which has necessitated an increase in its contracts for this service partially due to the effects of SB 337. There are projected surpluses based on second quarter projections which could be realigned to meet this increase. This transfer is contributing to the Court’s funding realignment specifically for the amendment to the master contract number CE1300268 provided for under Resolution Number R2014-0203. Funding is from the Health and Human Services Levy covering the period January 1, 2014 through December 31, 2014.

County Council of Cuyahoga County, Ohio

Resolution No. R2014-0206

Sponsored by: County Executive FitzGerald	A Resolution amending Resolution No. R2014-0052 dated 2/25/2014, which expressed support for the Cleveland 2016 Host Committee, Inc.'s efforts to secure a National Presidential Convention in Cleveland in 2016, to allow the use of certain County facilities on a rent-free basis as set forth in a County Service Agreement with Cleveland 2016 Host Committee, Inc. and SMG; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, in Resolution No. R2014-0052 dated 2/25/2014, County Council previously authorized the County Executive to negotiate and enter into contracts in support of bringing a National Presidential Convention to Cleveland in 2016 (“Convention”) in the amount of \$2,500,000 to support the bid for the Convention and a contract to contribute up to \$2,500,000 in in-kind law enforcement services and resources, by and through the Cuyahoga County Sheriff, in connection with providing security for the Convention;

WHEREAS, now that a National Presidential Convention will be coming to Cleveland in 2016, the Cuyahoga Council would like to amend Resolution No. R2014-0052 dated 2/25/2014 to additionally allow the Cleveland 2016 Host Committee, Inc. to use certain County facilities on a rent free basis as set forth in County Service Agreement with the Cleveland 2016 Host Committee, Inc. and SMG;

WHEREAS, Cleveland 2016 Host Committee, Inc. will not be considered a political committee under any state or federal laws or regulations;

WHEREAS, Cleveland 2016 Host Committee, Inc.’s primary function will be to (i) advise and support the host city, its partners and the local community in efforts to promote the local economy, encourage commerce and economic development, assist with the projection of a favorable image of Cleveland and Cuyahoga County; (ii) create and implement a program designed to promote Cuyahoga County area businesses as well as to attract and permanently retain business opportunities from outside of the State of Ohio; and (iii) fulfill all bid obligations to facilitate the needs of hosting a National Convention;

WHEREAS, the Convention will feature Cuyahoga County as a major convention and tourist destination;

WHEREAS, the Convention will have a positive economic impact, benefiting significantly our regional economy;

WHEREAS, it is estimated that the Convention will attract 35,000 visitors to Cuyahoga County, create new jobs, and have a \$150,000,000 to \$200,000,000 net positive economic impact on our region;

WHEREAS, travel and tourism rank among the Cuyahoga County's largest industries and the positive impact of hosting a National Convention in the Cuyahoga County would be significant for our community; and

WHEREAS, hosting the National Convention will not only bring immediate economic gains, but would place the entire metropolitan region in the national spotlight for years to come.

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

SECTION 1. That County Council hereby amends R2014-0052 dated 2/25/2014 to expressly authorize the County to enter into a Service Agreement with the Cleveland 2016 Host Committee, Inc. and further authorize it to use the facilities as set forth in the County Service Agreement on a rent free basis, including, but not limited to:

- (a) Cleveland Convention Center and Global Center for Health Innovation up to 6 weeks, including the dates of the Convention;
- (b) Convention Center Hotel's Junior Ballroom, Grand Ballroom and Meeting Rooms A-L for 3 weeks, including the dates of the Convention;
- (c) Whitlach Building (or other comparable space), from the effective date of this Resolution through the Convention, space for three people; for up to sixteen months, an additional 3,000 square feet of office space; for up to twelve months, an additional 12,000 square feet of office space; for up to nine months, an additional 10,000 square feet of office space, and for up to six months an additional 15,000 square feet of office space. For clarity, a total of up to 40,000 square feet of office space could be used at various times for an estimated 300 employees and volunteers of the Cleveland 2016 Host Committee, Inc.;
- (d) County Courthouse Rotunda for one or more Official Convention Events or Special Events during non-business hours at mutually agreeable times during the Convention;

- (e) Huntington Park Garage's available surplus parking spaces not reserved for County use; and
- (f) Reasonable amount of space for a volunteer and bus staging area at the County Airport during the Convention.

SECTION 2. The use of the County Facilities is subject to Usage Agreements and News Media User Agreements that will be negotiated in good faith by various parties in the future and the Rent Recovery provision as set forth in the County Service Agreement, which will help off-set costs related to the use of the County Facilities.

SECTION 3. That all other provisions of Resolution No. R2014-0052 dated 2/25/2014 shall remain unchanged.

SECTION 4. Any and all exemptions from competitive bidding, authorizations to engage in an alternative procurement process, and/or exemptions from state and/or federal law for anything contemplated in this Resolution or the County Service Agreement are hereby granted.

SECTION 5. That the County Executive or his authorized designee is authorized to take all actions, and to execute, acknowledge, and deliver (a) all documents and instruments necessary or desirable to facilitate and/or consummate the transactions contemplated hereby, including, but not limited to, the County Service Agreement and any potential Agreements referenced therein, including the contemplated Usage Agreements and News Media User Agreements, and all documents to be executed by the County pursuant to the Resolution, (b) all other and further documents, instruments, certificates, agreements, amendments, assignments, consents, affidavits, certifications, payments, disbursements, and notices, and (c) amendments, modifications and supplements to any of the foregoing, that the County Executive may deem necessary or advisable in connection with the consummation of the transactions contemplated herein, in all cases containing such terms and conditions as may be approved by the County's Director of Law or his designee.

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

County Council of Cuyahoga County, Ohio

Resolution No. R2014-0207

Sponsored by: County Executive FitzGerald/Department of Public Works	A Resolution amending Resolution No. R2014-0040 dated 4/22/2014, which authorized a Purchase and Sale Agreement with Playhouse Square Foundation for the sale of the Loew's Building, to clarify that the County is transferring all County-owned properties associated with the Loew's Building; authorizing the County Executive to execute all documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the County Executive/ Department of Public Works has submitted a request to amend Resolution No. R2014-0040 dated April 22, 2014, which approved a Purchase and Sale Agreement with the Playhouse Square Foundation for the sale of County-owned property commonly known as the Loew's Building, located at 1501 Euclid Avenue, and authorized the County Executive to terminate the Indenture of Lease (the "Lease"), as amended, and execute the said Purchase and Sale Agreement; and

WHEREAS, it has been the intent of the County to transfer to the Playhouse Square Foundation, in addition to the Loew's Building, all County-owned properties associated with the Loew's Building, and to enter into all necessary Purchase and Sale Agreements to effectuate such intent; and

WHEREAS, it is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue without interruption, and to provide for the usual, daily operation of a county development.

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

SECTION 1. That Resolution No. R2014-0040, dated April 22, 2014, is hereby amended as follows:

A. The fifth "WHEREAS" clause is hereby deleted in its entirety and replaced with the following:

WHEREAS, because the purpose of the County's original purchase in 1977 has been achieved, the County and the Playhouse Square Foundation have agreed to terminate the Lease, as amended, and transfer the title of the

property known as the Loew's Building and associated County-owned properties described as Permanent Parcel Nos. 103-01-013, 103-01-014 and 103-01-015 to the Playhouse Square Foundation; and,

- B. The sixth "WHEREAS" clause is hereby deleted in its entirety and replaced with the following:

WHEREAS, the sale of the property known as the Loew's Building and associated County-owned properties to the Playhouse Square Foundation would result in significant savings in operating costs to the County; and,

- C. Section 1 is hereby deleted in its entirety and replaced with the following:

That the Cuyahoga County Council authorizes the County Executive to terminate the Lease, as amended, and enter into Purchase and Sale Agreements with the Playhouse Square Foundation for the sale of the property commonly known as the Loew's Building and the associated County-owned properties for the amount of \$1.00.

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

SECTION 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 _____
_____, 20__

County Council of Cuyahoga County, Ohio

Resolution No. R2014-0208

Sponsored by: County Executive FitzGerald/Department of Public Works	A Resolution making an award on RQ30449 to Cleveland Clinic Foundation in the amount of \$125,000.00 for the sale of County-owned property commonly known as the Former MetroHealth Clement Center, located at 2500 East 79 th Street, Cleveland; authorizing the County Executive to execute the Purchase and Sale Agreement and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the County engaged the services of CBRE, Inc. (“CBRE”), a commercial real estate services firm, to serve as the real estate portfolio program manager, provide brokerage services, and represent the County in connection with the real estate portfolio program; and,

WHEREAS, CBRE worked with the County to prepare and issue a request for proposal, RFP # 30449 (the “RFP”), for the real property consolidation project in accordance with the County’s Contracting and Purchasing Procedures Ordinance; and,

WHEREAS, the County received a proposal from Cleveland Clinic Foundation to purchase the land and all buildings and improvements commonly known as the Former MetroHealth Clement Center (collectively “Property”) located at 2500 East 79th Street, Cleveland, Ohio; and,

WHEREAS, the proposal is to sell the Property for \$125,000; and,

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

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

SECTION 1. That the Cuyahoga County Council hereby awards the sale of the Property to Cleveland Clinic Foundation and authorizes the County Executive to

enter into a Purchase and Sale Agreement with Cleveland Clinic Foundation (or one of its affiliated entities) for same.

SECTION 2. That the County Executive or his authorized designee is authorized to (a) take all actions, and to execute, acknowledge, deliver and/or file for record (as and where appropriate) (i) all documents and instruments necessary or desirable to facilitate and/or consummate the transactions contemplated hereby, including, but not limited to, a Purchase and Sale Agreement, and all documents to be executed by the County thereunder, and all financing-related documents (including but not limited to subordination, non-disturbance and attornment agreements, pledges, and security agreements), (ii) all other and further documents, instruments, certificates, agreements, amendments, assignments, subleases, consents, affidavits, certifications, disbursement authorizations, settlement statements, closing statements, proration statements, escrow agreements, escrow instructions, and notices, and (iii) amendments, modifications and supplements to any of the foregoing, that the County Executive may deem necessary or advisable in connection with the consummation of the transactions contemplated hereby, in all cases containing such terms and conditions as may be approved by the County's Director of Law, (b) agree to such payments, prorations, credits, deposits, holdbacks, escrows and other arrangements as may be necessary or advisable in connection therewith to facilitate and/or consummate such transactions, and (c) prosecute and/or defend any actions or proceedings that may be necessary or advisable relative to any of the foregoing matters.

SECTION 3. That all documents to be executed in connection with the transactions contemplated herein be subject to the Law Director or his designee's approval as to legal form and correctness.

SECTION 4. It is necessary that this Resolution become immediately effective for the usual daily operation of the County, the preservation of public peace, health, or safety in the County, and any additional reasons set forth in the preamble. Provided that this Ordinance receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (1) its approval by the County Executive through signature, (2) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Cuyahoga County Charter, or (3) its passage by at least eight members of Council after disapproval pursuant to Section 3.10(7) of the Cuyahoga County Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

SECTION 5. It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

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

Yeas:

Nays:

County Council President Date

County Executive Date

Clerk of Council Date

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

Journal _____
_____, 20__

County Council of Cuyahoga County, Ohio

Resolution No. R2014-0209

Sponsored by: County Executive FitzGerald/Department of Public Works	A Resolution authorizing an amendment to Contract No. CE1100590-01, 02, 03 with Reserve Apartments, LTD for lease of office space located at 1701 East 12 th Street, Cleveland, for use by various County divisions and a department for the period 10/1/2011 - 9/30/2014 to extend the time period to 9/30/2015, to change the scope of services, effective 7/31/2014 and 10/1/2014, and for additional funds in the amount not-to-exceed \$257,100.72; authorizing the County Executive to execute the amendment and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the County Executive/Department of Public Works has authorized an amendment to Contract No. CE1100590-01, 02, 03 with Reserve Apartments, LTD for lease of office space located at 1701 East 12th Street, Cleveland, for use by various County divisions and a department for the period 10/1/2011 - 9/30/2014 to extend the time period to 9/30/2015, to change the scope of services, effective 7/31/2014 and 10/1/2014, and for additional funds in the amount not-to-exceed \$257,100.72; and

WHEREAS, the primary goal is to extend the term of the Lease for an additional twelve (12) months at a decreased rent of \$10.25 per square foot for a County Department occupying the office space for the additional twelve (12) month period; and

WHEREAS, this project is funded 100% by the General Fund; and

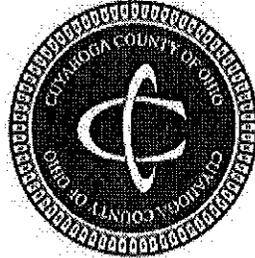
WHEREAS, it is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue and to provide for the usual, daily operation of a County entity.

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

SECTION 1. That the Cuyahoga County Council hereby authorizes an amendment to Contract No. CE1100590-01, 02, 03 with Reserve Apartments, LTD

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

Journal _____
_____, 20__



2

Item Details:

Agency/Dept. Name:	County Engineer	Agency/Dept. Head Name:	Jamal H. Husani, P.E.
Type of Request:	Contract/Amendment		
Request Prepared by:	John Myers	Telephone No.	216-698-2517

SUMMARY OF REQUESTED ACTION:

Summary of Requested Action:

A. Department of Public Works, 2014, Requesting to Extend Amendment to Lease CE1100590 Agreement with Reserve Square Apartments LTD. On behalf of the ~~Department of Workforce Development~~, **Department of Development** to extend the term for an additional Twelve (12) months (10/01/2014 to 09/30/2015) for the use of office space in the amount of \$257,100.72.

This one year lease amendment will total \$257,100.72 or \$21,425.06 per month at a decreased rent of \$10.25 per square footage totals 25,083. The most recent lease was for three (3) years and totaled \$2,400,205.56 and included Department of Development and the Fiscal Officer temp space.

Both DOD and Fiscal Officer are leaving the Reserve Square Building shortly to move to the new County HQ. Workforce Development will remain one more year. These funds are a combination of Federal, State and HHS Levy funds (local).

Term:

Lease Term Twelve (12) Months (10/01/2014 to (09/30/2015).

B. Procurement:

The original lease procurement method was by RFQ.

C. Contractor & Project Information:

Reserve Apartment LTD. Office Building located 1701 East 12th Street, Cleveland, Ohio 44114.

D. Project Status and Planning:

This lease will be in place for Twelve (12) months.

E. Funding:

General Fund

Purpose/Outcomes - Principal Owner(s):

County Council of Cuyahoga County, Ohio

Resolution No. R2014-0210

<p>Sponsored by: County Executive FitzGerald/Department of Public Works/Division of County Engineer</p>	<p>A Resolution making an award on RQ31337 to Parsons Brinckerhoff, Inc. in the amount not-to-exceed \$2,808,412.00 for architectural/engineering design services for the Pedestrian and Bicycle Bridge from the Malls to the Lakefront Project for the period 9/9/2014 - 12/31/2016; authorizing the County Executive to execute the contract and all other documents consistent with said award and this Resolution; and declaring the necessity that this Resolution become immediately effective.</p>
----------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

WHEREAS, the County Executive/Department of Public Works/Division of County Engineer recommends an award on RQ31337 to Parsons Brinckerhoff, Inc. in the amount not-to-exceed \$2,808,412.00 for architectural/engineering design services for the Pedestrian and Bicycle Bridge from the Malls to the Lakefront Project for the period 9/9/2014 - 12/31/2016; and

WHEREAS, the purpose of this project is for architectural/engineering design services for the Pedestrian and Bicycle Bridge from the Malls to the Lakefront Project and to properly maintain the County's infrastructure; and

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

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

SECTION 1. That the Cuyahoga County Council hereby makes an award on RQ31337 to Parsons Brinckerhoff, Inc. in the amount not-to-exceed \$2,808,412.00 for architectural/engineering design services for the Pedestrian and Bicycle Bridge from the Malls to the Lakefront Project for the period 9/9/2014 - 12/31/2016.

SECTION 2. That the County Executive is authorized to execute the contract and all other documents consistent with this Resolution.

SECTION 3. That the County Executive or his authorized designee is authorized to take all actions, and to execute, acknowledge, and deliver (a) all documents and instruments necessary or desirable to facilitate and/or consummate

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

Journal _____
_____, 20__



Proposal Evaluation Form

Project Name	<u>Preliminary Arch-Eng Design Services for the Ped and Bicycle Bridge Project</u>	Committee	<u>Bonita Teeuwen</u>	<u>Matt Spronz</u>
Project Type	<u>Criteria Design</u>	Members	<u>Matt Carroll</u>	<u>Freddy Collier</u>
Submission Date	<u>August 1, 2014</u>		<u>David Marquard</u>	<u>Ann Zoller</u>
Selection Meeting Date	<u>August 6, 2014</u>		<u>Brendan Finn</u>	<u>Chris Ronayne</u>
Facilitator	<u>Lori Birschbach-Tober</u>		<u>Jamal Husani</u>	
			<u>Jeff Appelbaum</u>	

EVALUATION CRITERIA	Max Points	Michael Baker Jr., Inc Jeff Broadwater	DLZ Matthew Lawler	Parsons Brinckerhoff Brian Reynolds	Sasaki Associates Jason Hellendrung	Thornton Tomasetti, Inc. Joseph Burns	URS Todd Bergstrom										
Section 1 - Minimum Qualifications																	
Prequalifications Met	Yes/No	Y	Y	Y	Y	Y	Y										
SBE Goal Met	Yes/No	Y	Y	Y	Y	Y	Y										
Vendor Compliance	Yes/No	Y	Y	Y	Y	Y	Y										
Section 2 - Firm's Experience	25	18	a. 17	e. 22	i. 15	m. 16	q. 17	u.									
Section 3 - Available Staff's Experience																	
Project Manager	20	15	b. 14	f. 14	j. 12	n. 9	r. 11	v.									
Support Staff	20	15	c. 13	g. 16	k. 11	o. 11	s. 13	w.									
Section 4 - Project Methodology	25	21	d. 19	h. 21	l. 15	p. 15	t. 17	x.									
Previous Work	10	1	1	4	10	10	1										
TOTAL	100	70	64	77	63	61	59										

**** With reference to Project Manager: we prefer them knowledgeable on this specific task and good communicator.**

- Michael Baker, Jr.**
- a. Fulton Rd. Bridge - good job with public relations, good work on roadway bridges can they also be creative for iconic pedestrian bridge
 - b. PM has good bridge experience and bringing all aspects together. PM is a good and easy to work with.
 - c. Public involvement good. Strong experience team. Architect very good.
 - d. Great methodology. Straight forward. Understood some of our concerns and addressed them.
- DLZ**
- e. No examples to compare to projects of this size. Architect has good portfolio. More R/R experience would have been better
 - f. PM is a good and easy to work with.
 - g. Architect very good. Team meet expectations.
 - h. Met our expectations. Hit on environmental issues. Had pick up some good background information. Liked some of their concepts.
- Parsons Brinckerhoff**
- i. Extensive Pedestrian Bridge experience. Excellent schedule and address all work tasks. Experience with iconic bridges and projects similar to this one. Excellent R/R experience.
 - j. Good references on PM for pedestrian bridges and experience with this type of project.
 - k. R/R person experience a big plus. Large support staff.
 - l. Most project specific and detailed. Mention of scheduling challenges. Good mention of R/R experience.
- Sasaki Associates**
- m. Light on Bridge Projects more with walkway projects. Cost per foot for past experience very high for pedestrian bridges.
 - n. Excellent PM references, but not on this type of project. A landscape architect.
 - o. Good engineering staff, architectural adequate. Good sub support staff.
 - p. Was not project or site specific. More of a planning approach.
- Thornton Tomasetti**
- q. Architect had good pedestrian bridge experience. Project references were old then 5 years and not similar to this project. No reference in dealing with R/R
 - r. Good PM references. Out of state. Organization chart did not demonstrate and accountability.
 - s. Strong Architect. Light on support, especially sub for R/R and environmental.

t. Was not project or site specific. The urgency of the project was not demonstrated.

URS

u. Good touch down for bridge experience. Significate bridge experience not necessarily pedestrian.

v. PM good, but concern about availability.

w. Met expectations. Strong architect. Large local office support staff. No R/R support staff mentioned.

x. Did not demonstrate that they comprehended that work would need to be done in a short time frame. Appeared that they wanted County to lead the project and dictate what will be required of them to complete the project on time.



CUYAHOGA COUNTY

TABULATION OF QUALIFICATIONS RECEIVED

DEPARTMENT NAME: Public Works

QUALIFICATIONS DUE August 1, 2014

RFQ TITLE: Design Serv for Pedestrian & Bicycle Bridge

RFQ #: RQ31337

SBE: 30%

TO BE COMPLETED BY OPD	TO BE COMPLETED BY SBE CONTRACT COMPLIANCE OFFICER						USER DEPT.
VENDOR NAME & ADDRESS	IG / ETHICS REGISTRATION COMPLETE	SBE SUBCONTRACTOR NAME AMOUNT & PERCENTAGE	SBE PRIME %	TOTAL SBE %	COMPLY Y/N	COMMENTS & INITIALS	AWARD Y/N
DLZ 1000 Rockefeller Building 614 West Superior Avenue Cleveland Ohio 44113	IG # 12-1125 VC- WF IC- MA AS D:	W.F. Stephens, Inc 10% Lawhon + Assoc. 8% Resource, Inc 15%	N	33%	any N	missing SBE 1 must submit SBE-1 and any 8/4/14	N
Michael Baker Jr., Inc The Halle Building 1228 Euclid Avenue Suite 1050 Cleveland Ohio 44115	IG # 12-1898 VC- OK IC- MA D:	AS Barr + Prevost 15% WF Van Anken Atkins 4% WF Lawhon + Assoc 5.25% WTM McKnight Assoc. 5%	N	30%	any Y	 any 8/4/14	N

JAMAL HUSANI
 Department Director Name

Jamal Husani / any / 8/18/14
 Department Director Signature of Approval Date

Date sent to Dept: 8-4-14
 Date Received from Dept: _____
 (OPD Use Only)



CUYAHOGA COUNTY
TABULATION OF QUALIFICATIONS RECEIVED

DEPARTMENT NAME: Public Works **QUALIFICATIONS DUE** August 1, 2014
RFQ TITLE: Design Serv for Pedestrian & Bicycle Bridge **RFQ #:** RQ31337 **SBE:** 30%

TO BE COMPLETED BY OPD	TO BE COMPLETED BY SBE CONTRACT COMPLIANCE OFFICER						USER DEPT.
VENDOR NAME & ADDRESS	IG / ETHICS REGISTRATION COMPLETE	SBE SUBCONTRACTOR NAME AMOUNT & PERCENTAGE	SBE PRIME %	TOTAL SBE %	COMPLY Y/N	COMMENTS & INITIALS	AWARD Y/N
Parsons Brinckerhoff Inc 1662 West Second Street Cleveland Ohio 44113	IG # 12-0139 VC-OK IC-MA <input checked="" type="checkbox"/> D:	Resource Int'l 10% McGuiness Unlimited 2% Enthetics, Inc 14% ASC Group, Inc. 4%		30%	Y	and and 8/4/14	Y
Sasaki Associates 64 Pleasant Street Watertown MA 02472	IG-NER VC-OK IC-MA <input checked="" type="checkbox"/> D:	Osborn Eng 30% BE Werner 8%		38%	N	Missing SBE 1 must submit SBE-1. and 8/4/14	N

JAMAL HUSAIN
 Department Director Name

Jamal Husain 8/18/14
 Department Director Signature of Approval Date



CUYAHOGA COUNTY

TABULATION OF QUALIFICATIONS RECEIVED

DEPARTMENT NAME: Public Works

QUALIFICATIONS DUE August 1, 2014

RFQ TITLE: Design Serv for Pedestrian & Bicycle Bridge

RFQ #: RQ31337

SBE: 30%

TO BE COMPLETED BY OPD	TO BE COMPLETED BY SBE CONTRACT COMPLIANCE OFFICER						USER DEPT.
VENDOR NAME & ADDRESS	IG / ETHICS REGISTRATION COMPLETE	SBE SUBCONTRACTOR NAME AMOUNT & PERCENTAGE	SBE PRIME %	TOTAL SBE %	COMPLY Y/N	COMMENTS & INITIALS	AWARD Y/N
Thornton Tomasetti Inc 330 N Wabash Avenue Suite 1500 Chicago IL 60611	IG-NER ✓ VC-OK IC-N/A (AP) 8-4-14 D:	✓ F Van Auken Akin 30%	N	30%	AMB Y	AMB 8/4/14	N
URS 1375 Euclid Avenue Suite 600 Cleveland Ohio 44115	IG 12-2875 VC-OK IC-N/A (AP) D:	✓ F Resource Int'l 20% ✓ F Lewhon + Assoc 10% ✓ F CP Brainer 1%	N	31%	AMB Y	AMB 8/4/14	N

JAMAL HUSANI

Department Director Name

Jamal Husani 8/18/14
 Department Director Signature of Approval Date

County Council of Cuyahoga County, Ohio

Resolution No. R2014-0211

Sponsored by: County Executive FitzGerald/Department of Information Technology	A Resolution making an award on RQ27440 to MCPc, Inc. in the amount not-to-exceed \$337,951.20 for wireless infrastructure analysis, hardware and installation services for the period 6/1/2014 - 12/31/2016; authorizing the County Executive to execute the contract and all other documents consistent with said award and this Resolution; and declaring the necessity that this Resolution become immediately effective.
---------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

WHEREAS, the County Executive/Department of Information Technology has recommended an award on RQ27440 to MCPc, Inc. in the amount not-to-exceed \$337,951.20 for wireless infrastructure analysis, hardware and installation services for the period 6/1/2014 - 12/31/2016; and

WHEREAS, County Council has determined that awarding RQ27440 to MCPc, Inc. is in the best interest of the County; and

WHEREAS, the purpose of this project is to perform professional Wireless Service for Cuyahoga County; and

WHEREAS, this project is funded 100% from Capital Campaign Fund under WAN & Telecom; and

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

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

SECTION 1. That the Cuyahoga County Council hereby makes an award on RQ27440 to MCPc, Inc. in the amount not-to-exceed \$337,951.20 for wireless infrastructure analysis, hardware and installation services for the period 6/1/2014 - 12/31/2016.

SECTION 2. That the County Executive is authorized to execute a contract in connection with said award and all documents consistent with this Resolution.

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

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

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

Yeas:

Nays:

County Council President

Date

County Executive

Date

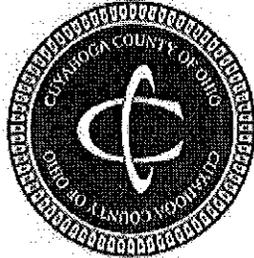
Clerk of Council

Date

First Reading/Referred to Committee:

Committee(s) Assigned:

Journal _____
_____, 20__



Item Details:

Agency/Dept. Name:	Information Services Center	Agency/Dept. Head Name:	Jeff Mowry
Type of Request:	Contract/Amendment		
Request Prepared by:	Stan Kozlowski	Telephone No.	443-8111
SUMMARY OF REQUESTED ACTION:			
Submitting a contract with MCPc, Inc. in the amount not-to-exceed \$337,951.20 for WAN & TELECOM RFP 27440 Category S - Wireless Hardware & Setup for the period June 1, 2014 through December 31, 2016 (Resolution No. DC-2013-156 - authority to seek proposals.) DoIT will appropriate funding by Project.			
A. Scope: Perform professional Wireless Service for Cuyahoga County.			
B. Procurement method through RFP 27440 WAN & Telecom			
C. Contractor: MCPc, Inc. 1801 Superior Ave Ste. 300 Cleveland, Ohio 44114 Contact: Robert A. Young, Treasurer (800) 777-7178			
D: Project Status: Project is new to the county			
E. Funding: 100% Capital Campaign Fund under WAN & Telecom			
PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):			
Provide CAT-S Wireless hardware & setup for Cuyahoga County.			
Explanation for late submittal:			
Late paperwork coming from vendor due to legal negotiations			

Contract/Agreement Information:

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

eval / Scoring Sheets

Completed By: Mickael Douglas MP Taraba, Candy Gibbons, Joe Zysek
 CATEGORY S: Wireless Services

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MP

Handwritten initials

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
1	REQUEST 27440 - Vendor Evaluation Form														
2	Weight Factor / Max Weighted Pts														
3															
4	RFP Sections	Max Pts. Awarded	Total Points	(II) Project Understand	(III) Project Methodology	(IV) Project Management	(V) Qualifications & Experience	(VI) Pricing	Max Weighted Score	Total Points Weighted Score					
5		100	94	20.00	4.00	5.00	30.00	35.00	100.00	94.00					
6		Criteria Weight		0.20	0.05	0.05	0.35	0.35	100%	94.00					
7															
8	Section II. Project Understanding	20	20	4.00											
9	Proposed Solution to Scope of Services	Evaluate vendors proposal as to the extent it addresses the minimum scope of services identified.													
10															
11	Purpose and Scope of Project	3	3												
12	Pertinent Issues and Potential Problems	5	5												
13	Proposed Solution to Scope of Services	6	6												
14	Deliverables	6	6												
15															
16	Section III Methodology	5	4												
17	Description of Methodology	1	1	VENDOR'S WEIGHTED SCORE											
18	Detail Task Description	1	1												
19	Description of Positions and Relationships	1	0												
20	Role of County	1	1												
21	Assessment Plan	1	1												

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
22																
23	Section IV Project Management	5	5						0.25							
24	Project Organization Structure, Control and Reporting	2	2													
25	Project Interface with the County	1	1													
26	Risk Management	2	2													
27																
28	Section V Qualifications & Experience	35	30								10.50					
29	Vendors Qualifications	15	10													
30	Prior Experience (This includes Project Personnel, Customer References, Contract Performance, Subcontractors, Conflict of Interest)	20	20													
31																
32	Section VI Pricing	35	35												12.25	
33	Cost and Proposed Payment Schedule and Projections	35	35													

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VENDOR: ATT
 CATEGORY S: Wireless Services

Completed By: Michael Young Paul Taraba
 Joe Zysek Candy Gibbons

Final

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	
1	REQUEST 27440 - Vendor Evaluation Form																
2	Weight Factor / Max Weighted Pts																
3																	
4	RFP Sections	Max Pts. Awarded	89	(II) Project Understand	17.00	(III) Project Methodology	5.00	(IV) Project Management	5.00	(V) Qualifications & Experience	32.00	(VI) Pricing	30.00	Max Weighted Score	100.00	Total Points Weighted Score	89.00
5		100	Criteria Weight	0.20	0.05	0.05	0.35	0.35	100%	89.00							
6																	
7																	
8	Section II- Project Understanding	20	17	3.40	VENDOR'S WEIGHTED SCORE												
9	Proposed Solution to Scope of Services																
10	<i>Evaluate vendors proposal as to the extent it addresses the minimum scope of services identified.</i>																
11	Purpose and Scope of Project	3	3														
12	Pertinent Issues and Potential Problems	5	4														
13	Proposed Solution to Scope of Services	6	4														
14	Deliverables	6	6														
15																	
16	Section III Methodology	5	5														
17	Description of Methodology	1	1														
18	Detail Task Description	1	1														
19	Description of Positions and Relationships	1	1														
20	Role of County	1	1														
21	Assessment Plan	1	1														

VENDOR: ATT
 CATEGORY S: Wireless Services

Completed By: Michael Young Paul Taraba
 Joe Zysek Candy Gibbons

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
22																
23	Section IV Project Management	5	5						0.25							
24	Project Organization Structure, Control and Reporting	2	2													
25	Project Interface with the County	1	1													
26	Risk Management	2	2													
27																
28	Section V Qualifications & Experience	35	32								11.20					
29	Vendor Qualifications	15	12													
30	Prior Experience (This includes Project Personnel, Customer References, Contract Performance, Subcontractors, Conflict of Interest)	20	20													
31																
32	Section VI Pricing	35	30										10.50			
33	Cost and Proposed Payment Schedule and Projections	35	30													

VENDOR: Black Box
 CATEGORY S: Wireless Services

Completed By: Michael Young Paul Taraba
 Candy Gibbons Joe Zysek

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
22																
23	Section IV Project Management	5	5						0.25							
24	Project Organization Structure, Control and Reporting	2	2													
25	Project Interface with the County	1	1													
26	Risk Management	2	2													
27																
28	Section V Qualifications & Experience	35	35								12.25					
29	Vendor Qualifications	15	15													
30	Prior Experience (This includes Project Personnel, Customer References, Contract Performance, Subcontractors, Conflict of Interest)	20	20													
31																
32	Section VI Pricing	35	29										10.15			
33	Cost and Proposed Payment Schedule and Projections	35	29													

VENDOR: IntelliNet
 CATEGORY S: Wireless Services

Completed By: Michael Young Paul Taraba
 Joe Zysek Candy Gibbons

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
22																
23	Section IV Project Management	5	2						0.10							
24	Project Organization Structure, Control and Reporting	2	1													
25	Project Interface with the County	1	0													
26	Risk Management	2	1													
27																
28	Section V Qualifications & Experience	35	31								10.85					
29	Vendor Qualifications	15	15													
30	Prior Experience (This includes Project Personnel, Customer References, Contract Performance, Subcontractors, Conflict of Interest)	20	16													
31																
32	Section VI Pricing	35	12										4.20			
33	Cost and Proposed Payment Schedule and Projections	35	12													

Date sent to Dept: 9/15/13
 Date Received from Dept: [Signature]
 (OPD Use Only)



**CUYAHOGA COUNTY
 TABULATION OF PROPOSALS RECEIVED**

DEPARTMENT NAME: Information Services PROPOSAL DUE DATE: August 30, 2013
 RFP TITLE: WAN & Telecom Services RFP #: IS - 13 - 27440 SBE: 10%

TO BE COMPLETED BY OPD		TO BE COMPLETED BY SBE CONTRACT COMPLIANCE OFFICER					USER DEPT.
VENDOR NAME & ADDRESS	IG/ETHICS REGISTRATION COMPLETE	SBE SUBCONTRACTOR NAME AMOUNT & PERCENTAGE	SBE PRIME %	TOTAL SBE %	COMPLY Y/N	COMMENTS & INITIALS	AWARD Y/N
AT&T 45 Erieview Plaza Cleveland, Ohio 44115 <u>OK</u> <u>9/13/13</u>	IG# 12-0551 NCA <input checked="" type="checkbox"/> NCF <input checked="" type="checkbox"/> Coop <input checked="" type="checkbox"/> (Yes)	Interconnect Cabling Cat 6 38% \$20,000 TEC Communications Cat KT, Q, V, W 20.34%	N	3.8% 20.34%	<input checked="" type="checkbox"/>	*Cooperative Purchasing Vendor form submitted with noted reservations they offer different prices for they different categories Date 9/13/13 AW 9/14/13	<u>A, B, C, E, F, H, I, J, K, L</u>
Bullseye Telecom 25925 Telegraph Road, Suite 210 Southfield, MI 48033 <u>NO</u> <u>9/13/13</u>	IG# N/A NCA <input checked="" type="checkbox"/> VCF <input checked="" type="checkbox"/> Coop <input checked="" type="checkbox"/>		N	0%	N	AW 9/14/13 Date 9/13/13	N
CenturyLink Communications 4650 Lakeshore Court Dublin, Ohio 43016 <u>NO</u> <u>9/13/13</u> <u>NOT on Vendor List</u>	IG# N/A NCA <input checked="" type="checkbox"/> VCF <input checked="" type="checkbox"/> Coop <input checked="" type="checkbox"/>		N	0%	N	AW 9/14/13 Date 9/13/13	N
Dell Marketing, L.P. One Dell Way, RR8-06 Round Rock, Texas 78682 <u>OK</u> <u>9/13/13</u>	IG# 12-0525 NCA <input checked="" type="checkbox"/> VCF <input checked="" type="checkbox"/> Coop <input checked="" type="checkbox"/> (No)		N	0%	N	*Non-Collusion Affidavit, Vendor Compliance Form and Cooperative Purchasing Vendor Form submitted with noted reservations Date 9/13/13 AW 9/13/13 A filed SBE. No SBE contractors are not proposed Date 9/13/13	N

[Signature]
 Department Director Signature of Approval
 Date: 9/16/13

Date sent to Dept: 9/5/13
 Date Received from Dept: 8/20
 (OPD Use Only)



CUYAHOGA COUNTY
TABULATION OF PROPOSALS RECEIVED

DEPARTMENT NAME: Information Services PROPOSAL DUE DATE: August 30, 2013

RFP TITLE: WAN & Telecom Services RFP #: IS-13-27440 SBE: 10%

TO BE COMPLETED BY OPD		TO BE COMPLETED BY SBE CONTRACT COMPLIANCE OFFICER					USER DEPT.
VENDOR NAME & ADDRESS	IG/ETHICS REGISTRATION COMPLETE	SBE SUBCONTRACTOR NAME AMOUNT & PERCENTAGE	SBE PRIME %	TOTAL SBE %	COMPLY Y/N	COMMENTS & INITIALS	AWARD Y/N
Infrastructure Services Careworks Technologies, Ltd. 5555 Glendon Court Dublin, Ohio 43016	IG# 12-0741 NCA ✓ NCF ✓ Coop ✓ (Yes)	DF DeVore Technologies \$ 23,246.67 10%	N	10%	Y	DM 9/3/13 SBE 1 signed by LR Solutions SBE 1 needs to be signed by HO PRIME DM 9/4/13	CAT-T CAT-R CAT-R (CC)
IntelliNet Corporation 1255 Euclid Avenue Cleveland, Ohio 44115	IG# 13-0288 NCA ✓ VCF ✓ Coop ✓ (No)	DF LR Solutions, LLC \$ 214,857.00 10%	N	10%	Y	DM 9/3/13 SBE 2 did not fill in the top part DM 9/4/13 SEE ATTACHED REV. 10/29/13 (SBE)	CAT-R (CC)
LOGOS Communications Systems, Inc. P.O. Box 1801 26100 First Street Westlake, Ohio 44145	IG# N/A NCA ✓ VCF ✓ Coop ✓ (Yes)	DF Texcel, Inc.	N	0%	N	DM 9/3/13 Did not submit SBE 1 + on SBE 2 did not fill in the top part DM 9/4/13 SEE ATTACHED REV. 10/29/13 (SBE)	Y See attached
MCPc 1801 Superior Ave., #300 Cleveland, OH 44114	IG# 12-1858 NCA ✓ VCF ✓ Coop ✓ (Yes)	DF TEC Communications \$ 456,685.00 16.81% category K.u.w	N	16.81%	Y	DM 9/4/13	CAT-S

[Signature]
 Department Director Signature of Approval
 Date: 9/16/13

Date sent to Dept: 9/5/13
 Date Received from Dept: _____
 (OPD Use Only)



**CUYAHOGA COUNTY
 TABULATION OF PROPOSALS RECEIVED**

DEPARTMENT NAME: Information Services PROPOSAL DUE DATE: August 30, 2013
 RFP TITLE: WAN & Telecom Services RFP #: IS - 13 - 27440 SBE: 10%

TO BE COMPLETED BY OPD		TO BE COMPLETED BY SBE CONTRACT COMPLIANCE OFFICER				USER DEPT.	
VENDOR NAME & ADDRESS	IG/ETHICS REGISTRATION COMPLETE	SBE SUBCONTRACTOR NAME AMOUNT & PERCENTAGE	SBE PRIME %	TOTAL SBE %	COMPLY Y/N	COMMENTS & INITIALS	AWARD Y/N
One Community ✓ 800 West St. Clair Avenue 2nd Floor Cleveland, Ohio 44113 <i>OK 9/5/13</i>	IC# 12-2108 NCA ✓ VCF ✓ Coop ✓ (Yes)		N	0%	Y	Requested a full waiver due to Non Profit. <i>MM 9/13/13</i>	Y <i>(SBE)</i>
Sprint Solutions ✓ 6001 E. Royalton Rd., #1 Broadview Hts., OH 44147 <i>OK 9/5/13</i>	IC# 12-2381 NCA ✓ VCF ✓ Coop ✓ (No)	SureSite Consulting Group, LLC Not Certified Yet.	N	0%	N	Vendor Compliance Form submitted with noted reservations <i>9/13/13</i> <i>MM 9/13/13</i>	N <i>(SBE)</i>
TEC Communications ✓ 20234 Detroit Road Rocky River, Ohio 44116 <i>OK 9/5/13</i>	IC# 12-2676 NCA ✓ VCF ✓ Coop ✓ (Yes)	STEC Communications #158,536.00 20%	Y	20%	Y	<i>MM 9/13/13</i>	Y <i>(SBE)</i>
Time Warner Cable Business Class 2 Summit Parkway Suite 515 Independence, Ohio 44131 <i>OK 9/5/13</i>	IC# 12-2786 NCA ✓ VCF ✓ Coop ✓ (Yes)		N	0%	N	Requesting Waiver for stating that due to 2 past contracts being in good stand they will continue to do so but do not choose any SBE's <i>9/13/13</i> <i>MM 9/13/13</i>	Y <i>(SBE)</i>

J. Murray
 Department Director Signature of Approval
 Date: 9/16/13

Department Director Name
 RfpTab - Updated 11/10/2012

Date sent to Dept: 9/5/13
 Date Received from Dept: _____
 (OPD Use Only)

* All vendors Submitting proposals
 were on OPD official vendors list,
 except CenturyLine Communications &
 @ 9/5/13



**CUYAHOGA COUNTY
 TABULATION OF PROPOSALS RECEIVED**

DEPARTMENT NAME: Information Services PROPOSAL DUE DATE: August 30, 2013
 RFP TITLE: WAN & Telecom Services RFP #: IS-13-27440 SBE: 10%

TO BE COMPLETED BY OPD		TO BE COMPLETED BY SBE CONTRACT COMPLIANCE OFFICER				USER DEPT.	
VENDOR NAME & ADDRESS	IG/ETHICS REGISTRATION COMPLETE	SBE SUBCONTRACTOR NAME AMOUNT & PERCENTAGE	SBE PRIME %	TOTAL SBE %	COMPLY Y/N	COMMENTS & INITIALS	AWARD Y/N
T Mobile ✓ 312 Elm Street Cincinnati, Ohio 45201 9/13/13	IG# N/A NCA ✓ VCF ✓ * Coop ✓ (Yes)		N	0%	N	*Vendor Compliance Form submitted with noted reservations @ 9/13/13. Did not use our SBE list. State they intend to use Texcel. mw 9/13/13 <i>AW</i> 9/14/13	
Verizon Wireless ✓ National Government Operations 7600 Montpelier Road Laurel, Maryland 20723 9/13/13	IG# N/A NCA ✓ VCF ✓ * Coop ✓ (No)		N	0%	N	*Vendor Compliance Form submitted with noted reservations @ 9/13/13. Requested subcontract but w/ it they don't subcontract but w/ it they do so. mw 9/13/13 <i>AW</i> 9/14/13	

Department Director Name: _____
 Department Director Signature of Approval: *J. [Signature]* Date of Approval: 9/11/13
 Date of Prob - Updated: _____

(Revised)
 Date sent to Dept: 10/29/13
 Date Received from Dept: _____
 (OPD Use Only)

Revised
10/29/13



**CUYAHOGA COUNTY
 TABULATION OF PROPOSALS RECEIVED**

DEPARTMENT NAME: Information Services PROPOSAL DUE DATE: August 30, 2013
 RFP TITLE: WAN & Telecom Services RFP #: IS - 13 - 27440 SBE: 10%

TO BE COMPLETED BY OPD	TO BE COMPLETED BY SBE CONTRACT COMPLIANCE OFFICER				USER DEPT.		
	IG / ETHICS REGISTRATION COMPLETE	SBE SUBCONTRACTOR NAME AMOUNT & PERCENTAGE	SBE PRIME %	TOTAL SBE %		COMPLY Y/N	COMMENTS & INITIALS
Vendor Name & Address Infrastructure Services Careworks Technologies, Ltd. 5555 Glendon Court Dublin, Ohio 43016							
Vendor Name & Address IntelNet Corporation 1255 Euclid Avenue Cleveland, Ohio 44115							
Vendor Name & Address LOGOS Communications Systems, Inc. dba Black Box Network Services 26100 First Street Westlake, Ohio 44145		Texcel, Inc.	N	11.5%	Y	and 10/29/13 MM 10/29/13	Y CAT-G MM 10/29/13
Vendor Name & Address MCPc 1801 Superior Ave., #300 Cleveland, OH 44114							

D. Wang 10/29/13
 Department Director Signature for Approval Date

Department Director Name
 Rptab - Updated 11/10/2012

County Council of Cuyahoga County, Ohio

Resolution No. R2014-0212

<p>Sponsored by: County Executive FitzGerald/Department of Public Safety and Justice Services/Office of Emergency Management/Cuyahoga Emergency Communications System</p>	<p>A Resolution authorizing an agreement with City of Cleveland in the amount not-to-exceed \$3,000,000.00 for cellular 9-1-1 Public Safety Answering Point services originating in the City of Cleveland for the period 8/18/2014 - 8/17/2019; authorizing the County Executive to execute the agreement and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

WHEREAS, the County Executive/Department of Public Safety and Justice Services/Office of Emergency Management/Cuyahoga Emergency Communications System has submitted an agreement with the City of Cleveland in the amount not-to-exceed \$3,000,000.00 for cellular 9-1-1 Public Safety Answering Point services originating in the City of Cleveland for the period 8/18/2014 - 8/17/2019; and

WHEREAS, the primary goal of this project is for the City of Cleveland to take responsibility for answering 9-1-1 cellular calls originating from the Cuyahoga Emergency Communications System (CECOMS); and

WHEREAS, the County will support the City of Cleveland's increased responsibility with funding made available through the 9-1-1 Wireless Government Assistance Fund; 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 the County.

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

SECTION 1. That the Cuyahoga County Council authorizes an agreement with the City of Cleveland in the amount not-to-exceed \$3,000,000.00 for cellular 9-1-1 Public Safety Answering Point services originating in the City of Cleveland for the period 8/18/2014 - 8/17/2019.

SECTION 2. That the County Executive is authorized to execute the agreement and all documents consistent with this Resolution.

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

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

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

Yeas:

Nays:

County Council President

Date

County Executive

Date

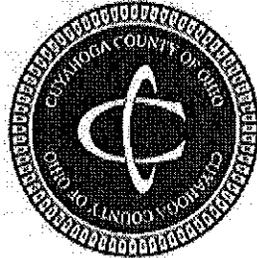
Clerk of Council

Date

First Reading/Referred to Committee:

Committee(s) Assigned:

Journal _____
_____, 20__



9

Item Details:

Agency/Dept. Name: Department of Justice Affairs/Emergency Services Division
Agency/Dept. Head Name: Ken Mills

Type of Request: Agreement/Amendment

Request Prepared by: Michelle Norton
Telephone No.: 443-7722

SUMMARY OF REQUESTED ACTION:

Novus Summary Title: (Public Safety & Justice Services, Cuyahoga Emergency Communications System (CECOMS) (2014) (City of Cleveland) (Agreement) (Transfer of Responsibility for Answering Cellular 9-1-1 Calls Originating in the City of Cleveland from CECOMS to the City of Cleveland Public Safety Answering Point (PSAP)).

A. Scope of Work Summary

1. (Public Safety & Justice Services, Cuyahoga Emergency Communications System (CECOMS)) requesting approval of a (agreement,) with (The City of Cleveland Public Safety Answering Point (PSAP)) for the anticipated cost (not-to-exceed \$3,000,000.00). The anticipated start-completion dates are (08/15/2014 – 08/15/2019) with the option to renew for an additional five years at the end of the agreement.

2. The primary goals of the project are (list 2 to 3 goals).

I.The City of Cleveland will take responsibility for answering 9-1-1 cellular calls originating from the Cuyahoga Emergency Communications System (CECOMS).

II.The County will support the City of Cleveland's increased responsibility with funding made available through the 9-1-1 Wireless Government Assistance Fund.

B. Procurement

1. The proposed (agreement) received an (9-1-1 Public Utility / Government Purchase Inter-Agency Agreement exemption on (7/23/2014). The approval letter is attached for review.

C. Contractor and Project Information

1. The address or location of the project is:
 (The City of Cleveland – Public Safety Answering Point (PSAP))(Cleveland, Ohio 44114)

D. Project Status and Planning

1. The project is new to the County.

2.The Agreement needs a signature in ink by August 18, 2018.

E. Funding

- 1. The project is funded (100% by the 9-1-1 Government Wireless Assistance Fund).
- 2. The schedule of payments is (quarterly).

PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):

The City of Cleveland will take responsibility for answering 9-1-1 cellular calls originating from the Cuyahoga Emergency Communications System (CECOMS). The County will support the City of Cleveland's increased responsibility with funding made available through the 9-1-1 Wireless Government Assistance Fund.

Explanation for late submittal:

Contract/Agreement Information:

Procurement Method:

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

Financial Information:

Funding source:	Explanation:
Other	911 Wireless Assistance Fund

Total Amount Requested:
\$3,000,000.00

ATTACHMENTS:

Click to download

- [City of Cleveland W-9](#)
- [City of Cleveland - Auditors Findings](#)
- [Agreement City of Cleveland Transfer 9-1-1 Cellular Calls - TAB * WET SIGNATURE NEEDED](#)
- [RQ 31557](#)
- [911 Planning Committee Resolution 06.11.2014](#)
- [OPD Justification Approval 7.23.2014](#)

History

Time	Who	Approval
8/11/2014 2:06 PM	Department of Law Office of Procurement & Diversity	Yes



County Council of Cuyahoga County, Ohio

Resolution No. R2014-0213

<p>Sponsored by: County Executive FitzGerald/Department of Workforce Development, in partnership with City of Cleveland, as designated Local Workforce Investment Area No. 3</p>	<p>A Resolution authorizing amendments to contracts with various providers for operation of OhioMeansJobs Cleveland-Cuyahoga County Service Centers for the period 7/1/2014 - 6/30/2014 to extend the time period to 6/30/2015 and for additional funds; authorizing the County Executive to execute the amendments and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective</p>
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WHEREAS, the County Executive/Department of Workforce Development, in partnership with City of Cleveland, as designated Local Workforce Investment Area No. 3, has recommended amendments to contracts with various providers for operation of OhioMeansJobs|Cleveland-Cuyahoga County Service Centers for the period 7/1/2014 - 6/30/2014 to extend the time period to 6/30/2015 and for additional funds as follows:

- a) No. CE1300365-01 with Mature Services Incorporated in the amount not-to-exceed \$321,450.00.
- b) No. CE1300366-01 with United Labor Agency, Inc. in the amount not-to-exceed \$2,415,500.00; and

WHEREAS, the primary goal of the project is to provide operational support of the OhioMeansJobs|Cleveland-Cuyahoga County Service Centers, Occupational Skills Training, ABAWD Programming and the Applicant Job Readiness Program; and

WHEREAS, this project is funded with Federal Workforce Investment Act Funds and by Federal TANF funds; and

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

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

SECTION 1. That the Cuyahoga County Council hereby authorizes amendments to contracts with various providers for operation of OhioMeansJobs|Cleveland-Cuyahoga County Service Centers for the period 7/1/2014 - 6/30/2014 to extend the time period to 6/30/2015 and for additional funds as follows:

- a) No. CE1300365-01 with Mature Services Incorporated in the amount not-to-exceed \$321,450.00.
- b) No. CE1300366-01 with United Labor Agency, Inc. in the amount not-to-exceed \$2,415,500.00; and

SECTION 2. That the County Executive is authorized to execute the amendments and all documents consistent with this Resolution.

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

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

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

Yeas:

Nays:

County Council President

Date

County Executive

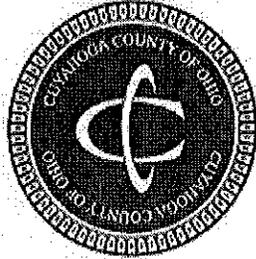
Date

Clerk of Council

Date

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

Journal _____
_____, 20__



3a-b

Item Details:

Agency/Dept. Name:	Department of Workforce Development	Agency/Dept. Head Name:	Grace Killbane
---------------------------	-------------------------------------	--------------------------------	----------------

Type of Request: Contract/Amendment

Request Prepared by:	Rosie Dean	Telephone No.	216-698-2385
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SUMMARY OF REQUESTED ACTION:

**OPD review (7/2/14). OK to process as RFP Exemption for the Contracts and Purchasing Board approval.

Department of Workforce Development submitting contract amendments with United Labor Agency, Inc. and Mature Services for services to eligible job seekers to extend contract period to 6/30/15 and for additional total funds of \$2,736,950, without changing scope of services.

Title: WIA Job Seeker Services Contract Amendments

A. Scope of Work Summary

1. The City of Cleveland/Cuyahoga County Workforce Development is requesting approval of contract amendments with United Labor Agency, Inc. and Mature Services to extend the period of service to June 30,2015. The original contract was for 7/1/2013 to 6/30/2014. This contract amendment will provide additional total funds of \$2,736,950 as shown below:

Mature Services (CE1300365)

Org. Contract amount - \$262,237.00,
 Current Amendment - \$321,450.00
 Increase of 122.6%
 New Contract Total - \$583,687.00

United Labor Agency, Inc.(CE1300366)

Org. Contract amount - \$2,379,500.00

Current Amendment - \$2,415,500.00

Increase of 101.5%

New Contract Total - \$4,795,000.00

2. The primary goals of the project are to provide services to job seekers, such as job search and placement assistance, career guidance, labor market information (which identified job vacancies), skills needed for in-demand jobs, assessment of skills and needs, development of individual employment plans, case management, assisting eligible clients in choosing a certified training program that meets assessments and employment goals, work experience and providing follow-up services after job placement

3. The project is funded with federal Workforce Investment Act (WIA) and TANF funds.

B. Procurement

1. United Labor Agency and Mature Services were selected as part of an RFP process in 2013. The services to be provided under this amendment are consistent with the services provided under the contract.

C. Contractor and Project Information

1. United Labor Agency, Inc. - address 1020 Bolivar Rd., Cleveland, OH 44115.
all council districts are served

The Principal Owner is David Megenhardt, Executive Director

United Labor Agency, Inc. is a non-profit organization that has provided workforce services to both job seekers and employers over the past 40 years.

2. Mature Services, Incorporated. - address 415 S. Portage Path., Akron, Oh. 44320.
Services will be provided at 1020 Bolivar Road, Cleveland, Oh. 44115 - County Council District 7

The Principal Owner is Linda Valentine Executive Director

Mature Services, Inc. is a non-profit organization that has provided workforce services to both job seekers for over 25 years.

D. Project Status and Planning

1. This is to amend an existing contract, to extend the period of the contract and to provide additional funds.

The contractor has previous success with providing Workforce services as evidenced by exceeding the State mandated performance benchmarks (related to placement and retention rate, and average wages).

E. Funding

1. The project is funded by Federal Workforce Investment Act (WIA) Funds and Temporary Assistance to Need Family (TANF) Funds.

2. The schedule of payments is by invoice received from the contractor on a monthly basis.

PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):

The amendment is necessary to continue to provide employment services to job seekers as mandated by the federal Workforce Investment Act (WIA). The amendment will continue to allow for workforce services through 6/30/2015. Contracted services include job search and placement assistance, career guidance, assessment of skills and needs, development of individual employment plans, case management, assisting eligible clients in choosing a certified training program that meets assessments and employment goals, work experience, and providing follow-up services after job placement. United Labor Agency, Inc. and Mature Services will continue to be expected to ensure that the past successful performance will be maintained. The key performance measures set by the State of Ohio, that are currently being met include: Entered Unsubsidized Employment Rate for Adults and for Dislocated Workers · Employment Retention Rate after six months for Adults and for Dislocated Workers · Average earnings for Adults and Dislocated Workers

To-date performance has been very good. Workforce Development is meeting or exceeding all federal performance measures. The number of job seekers who have found employment has increased dramatically over the past year and a half..

Explanation for late submittal:

contract negotiations

Contract/Agreement Information:

Procurement Method:

Other

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

Financial Information:

Funding source:	Explanation:
Federal	WIA Funds and TANF funds

Total Amount Requested:

\$2,736,950.00

ATTACHMENTS:

Click to download

- [Justification to Amend Contract for Job Seeker Services](#)
- [Contract History](#)
- [Mature Services Evaluation](#)
- [ULA evaluation](#)
- [ULA Principal](#)
- [Mature Service Principal Owner](#)
- [ULA_StateCert_AuditFindings](#)
- [MatureServices_StateCertAuditFindngs](#)
- [ULA.InsuranceSignatureAuthority](#)
- [MatureServices.InsuranceSignatureAuthority](#)

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

Contractor: Mature Services, Inc.

Contract/Agreement No.: CE1300365 **Time Period:** 7/1/13 – 6/30/14

Service Description: Assist with the provision of employment services for adults and dislocated workers helping assist job seekers at the Comprehensive One-Stop centers in Downtown Cleveland and Parma.

Original Contract/Agreement Amount: \$262,237

Current Amendment(s) Amount(s): \$321,450.00 (an increase of 122.6%)

Performance Indicators: The performance indicators were the number of people placed in employment.

Actual performance versus performance indicators (include statistics): Mature Services, Inc. has been an instrumental partner in the success of the One-Stop system in the substantial increase in job placements. As of June 2014, nearly 1,000 WIA eligible adults have found job placement.

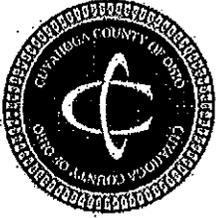
Rating of Overall Performance of Contractor (Check One):

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

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

Workforce Development _____
User Department
s: evaluation

07/7/2014 _____
Date



Principal Owner Form

(Required Document for Award Recommendations/Purchases)

VENDOR: Please complete the following information and return it to the Cuyahoga County "Requestor"

Company Name (Legal name of the business):	Mature Services, Inc.
Principal Owner's Name (The legal name of the owner/s of the business):	Linda Valentine
Owner/Officer's Title:	President and CEO
Business Address:	415 S. Portage Path, Akron, OH 44320
Phone Number:	(330) 762-8666
Name of Person Completing Form:	Rosie Dean
Signature:	
Title:	Program Officer 4

If there is more than one (1) principal 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.

CUYAHOGA COUNTY STAFF:

I certify that I have checked the debarment list on the Cuyahoga County Inspector General's website and the debarment list did not contain the above detailed vendor and/or principal owner.

Signature: 

Date: 7-7-2014

Printed Name: Rosie Dean

Inspector General Vendor ID#: 12-1840

Cuyahoga County
(Principal Owner Form, 1-30-14)

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

Contractor: United Labor Agency (ULA)

Contract/Agreement No.: CE1300366 **Time Period:** 7/1/2013 – 6/30/2014

Service Description: ULA provides workforce-related services to employers. Employers recognize ULA as the single point of contact to share information about current and future skills needed by their workers and to post specific job openings for existing and new jobs.

Original Contract/Agreement Amount: \$2,379,500.00

Current Amendment(s) Amount(s): \$2,415,500 (an increase of 101.5%)

Performance Indicators: Number of job placements of WIA eligible individuals-initial goal was to place 4,000 job seekers.

Actual performance versus performance indicators (include statistics): Number of job placements of WIA eligible individuals – initial goal was to place 4,000 WIA job seekers.

Rating of Overall Performance of Contractor (Check One):

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

Justification of Rating: As of June 2014, over 4,000 WIA eligible job seekers have been placed.

Workforce Development
User Department

7/7/2014
Date

s: evaluation



Principal Owner Form

(Required Document for Award Recommendations/Purchases)

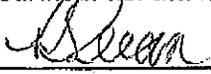
VENDOR: Please complete the following information and return it to the Cuyahoga County "Requestor"

Company Name (Legal name of the business):	United Labor Agency, Inc.
Principal Owner's Name (The legal name of the owner/s of the business):	David Megenhardt
Owner/Officer's Title:	Executive Director
Business Address:	1020 Bolivar Road, Cleveland OH 44115
Phone Number:	(216) 664-4309
Name of Person Completing Form:	Rosie Dean
Signature:	
Title:	Program Officer 4

If there is more than one (1) principal 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.

CUYAHOGA COUNTY STAFF:

I certify that I have checked the debarment list on the Cuyahoga County Inspector General's website and the debarment list did not contain the above detailed vendor and/or principal owner.

Signature:  Date: 7-7-2014

Printed Name: Rosie Dean

Inspector General Vendor ID#: 12-3252

Cuyahoga County
(Principal Owner Form, 1-30-14)

County Council of Cuyahoga County, Ohio

Resolution No. R2014-0214

<p>Sponsored by: County Executive FitzGerald/Department of Workforce Development, in partnership with City of Cleveland, as designated Local Workforce Investment Area No. 3</p>	<p>A Resolution authorizing an amendment to Contract No. CE1300368-01 with United Labor Agency, Inc. for employer services for the period 7/1/2013 - 6/30/2014 to extend the time period to 6/30/2015 and for additional funds in the amount not-to-exceed \$1,400,000.00; authorizing the County Executive to execute the amendment and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.</p>
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WHEREAS, the County Executive/Department of Workforce Development, in partnership with City of Cleveland, as designated Local Workforce Investment Area No. 3, has recommended an amendment to Contract No. CE1300368-01 with United Labor Agency, Inc. for employer services for the period 7/1/2013 - 6/30/2014 to extend the time period to 6/30/2015 and for additional funds in the amount not-to-exceed \$1,400,000.00; and

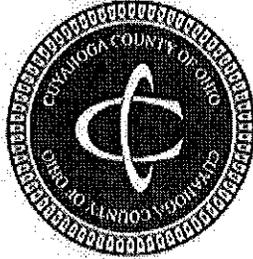
WHEREAS, the primary goal of the project is to continue to establish and maintain strong relationships with employers, the public sector, and local educational institutions to supply the workforce with the necessary job skills that employers seek; and

WHEREAS, the funding for this project is with federal Workforce Investment Act (WIA) and TANF funds; and

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

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

SECTION 1. That the Cuyahoga County Council hereby authorizes an amendment to Contract No. CE1300368-01 with United Labor Agency, Inc. for employer services for the period 7/1/2013 - 6/30/2014 to extend the time period to 6/30/2015 and for additional funds in the amount not-to-exceed \$1,400,000.00.



4

Item Details:

Agency/Dept. Name:	Department of Workforce Development	Agency/Dept. Head Name:	Grace Kilbane
Type of Request:	Contract/Amendment		
Request Prepared by:	Rosie Dean	Telephone No.	216-698-2385
SUMMARY OF REQUESTED ACTION:			
**OPD review (7/2/14). OK to process as RFP Exemption for the Contracts and Purchasing Board approval.			
Department of Workforce Development submitting an amendment to contract CE1300368, with United Labor Agency, Inc. for the period 7/1/13 through 6/30/14, to extend through June 30, 2015 and for additional funds in the amount of \$1,400,000, without changing scope of services.			
A. Scope of Work Summary			
1. The City of Cleveland/Cuyahoga County Workforce Development is requesting approval to amend a contract with United Labor Agency, Inc. for additional funding not to exceed \$1,400,000. The purpose of the amendments is to continue the provision of Workforce Investment Act (WIA) services to employers, extending the time period from 6/30/14 to 6/30/15.			
2. The primary goal of the project is to to continue to establish and maintain strong partnerships with employers, the public sector, and local educational institutions to supply the workforce with the necessary skills that employers seek, in which all benefit with each successful entry to the world of work. The goals are that with the enhanced relationships with employers, 3,000 WIA eligible individuals will be employed.			
3. The project is federally funded by the Department of Labor and passed through from the Ohio Department of Job and Family Services..			

B. Procurement

1. Workforce Development issued an RFP in 2013 and procured United Labor Agency, Inc. The RFP allows for contract extensions for 2 twelve months period through 6/30/16.

C. Contractor and Project Information

United Labor Agency, Inc.
1020 Bolivar Road, Cleveland, Oh. 44115

2. The Principal Owners are as follows:

United Labor Agency, Inc. - Dave Megenhardt, Executive Director

D. Project Status and Planning

1. This organization is performing well under the current contract. Job placements have nearly doubled since the inception of this contract.
2. Services continue in the present contract though 6/30/14.

E. Funding

1. The project is funded by Federal Workforce Investment Act (WIA) Funds and Temporary Assistance to Needy Family (TANF) funds.
2. The schedule of payments is by monthly invoice received from the organization on a monthly basis.

PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):

The contract amendment with Labor Agency is to continue to provide a wide array of services to employers. Through this contract, employers have a single point of contact to provide information about current and future skills needed by their workers and to list job openings. United Labor Agency will continue to perform the following:

- Identify a seamless process for matching job seekers from the Workforce Service Centers to available jobs.
- Successfully engage businesses to identify jobs with large and emerging employers;
- Interact with the local Chambers of Commerce and other economic development organizations;
- Aid local employers with Human Resource services to assist by screening and qualifying applicants before they are referred on for consideration for employment.
- Market all available services and programs to employers, and to educate and motivate them to use One-Stop Center services and resources to benefit their businesses.

To-date performance has been very good. The number of job placements has increased over 1,000 from the prior fiscal year.

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

Explanation for late submittal:

contract negotiations

Contract/Agreement Information:

Procurement Method:

RFP (Request for Proposal)

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

Financial Information:

Funding source:

Federal

Explanation:

WIA Funds and TANF funds

Total Amount Requested:

\$1,400,000.00

ATTACHMENTS:

Click to download

- [EmployerServicesJustification](#)
- [StateCert_AuditFindings](#)
- [Principal Owner](#)
- [evaluation](#)
- [InsuranceSignatureAuthority](#)
- [Contract](#)
- [ULA cover memo](#)
- [acknwdgmentForm](#)

History

Time

Who

Department of Law

Approval



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

Contractor: United Labor Agency (ULA)

Contract/Agreement No.: CE1300368

Time Period: 7/1/2013 – 6/30/2014

Service Description: ULA provides workforce-related services to employers. Employers recognize ULA as the single point of contact to share information about current and future skills needed by their workers and to post specific job openings for existing and new jobs.

Original Contract/Agreement Amount: \$1,339,500

Current Amended Contract Amount: \$1,400,000.00

Performance Indicators: The performance indicators were the number of employers provided work-related services and the number of job placements of WIA eligible individuals.

Actual performance versus performance indicators (include statistics): Number of employers provided work-related services; Number of job placements of WIA eligible individuals.

Rating of Overall Performance of Contractor (Check One):

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

Justification of Rating: As of June 2014, a total of 2,279 employers were provided work-related services and 4,406 WIA eligible job seekers have been placed.

Workforce Development
User Department

7/07/2014
Date

s: evaluation



Principal Owner Form

(Required Document for Award Recommendations/Purchases)

VENDOR: Please complete the following information and return it to the Cuyahoga County "Requestor"

Company Name (Legal name of the business):	United Labor Agency, Inc.
Principal Owner's Name (The legal name of the owner/s of the business):	David Megenhardt
Owner/Officer's Title:	Executive Director
Business Address:	1020 Bolivar Road, Cleveland OH 44115
Phone Number:	(216) 664-4309
Name of Person Completing Form:	Rosie Dean
Signature:	<i>Rosie Dean</i>
Title:	Program Officer 4

If there is more than one (1) principal 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.

CUYAHOGA COUNTY STAFF:

I certify that I have checked the debarment list on the Cuyahoga County Inspector General's website and the debarment-list did not contain the above detailed vendor and/or principal owner.

Signature: *Rosie Dean*

Date: 7-7-2014

Printed Name: Rosie Dean

Inspector General Vendor ID#: 12-3252

Cuyahoga County
(Principal Owner Form, 1-30-14)

County Council of Cuyahoga County, Ohio

Resolution No. R2014-0215

Sponsored by: County Executive FitzGerald/Department of Health and Human Services/Cuyahoga Job and Family Services	A Resolution authorizing an amendment to Contract No. CE1300411-01 with ResCare Workforce Services for a Work Experience Program for Ohio Works First cash recipients for the period 10/1/2013 - 9/30/2014 to extend the time period to 9/30/2015 and for additional funds in the amount not-to-exceed \$1,449,279.00; authorizing the County Executive to execute the amendment and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective
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WHEREAS, the County Executive/Department of Health and Human Services/Cuyahoga Job and Family Services has recommended an amendment to Contract No. CE1300411-01 with ResCare Workforce Services for a Work Experience Program for Ohio Works First cash recipients for the period 10/1/2013 - 9/30/2014 to extend the time period to 9/30/2015 and for additional funds in the amount not-to-exceed \$1,449,279.00; and

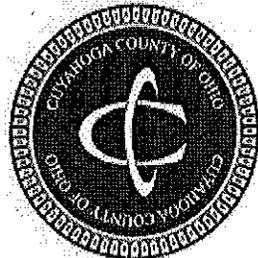
WHEREAS, the primary goal of this project is to continue existing programs that will offer participants a high quality, competency-based, results-oriented work experience that will enhance the participant's employability and competitiveness in the job market; and

WHEREAS, this project is funded 100% by the federal TANF funds; and

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

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

SECTION 1. That the Cuyahoga County Council hereby authorizes an amendment to Contract No. CE1300411-01 with ResCare Workforce Services for a Work Experience Program for Ohio Works First cash recipients for the period 10/1/2013 - 9/30/2014 to extend the time period to 9/30/2015 and for additional funds in the amount not-to-exceed \$1,449,279.00.



Item Details:

Agency/Dept. Name:	Employment and Family Services	Agency/Dept. Head Name:	D.Merriman
Type of Request:	Contract/Amendment		
Request Prepared by:	Robert K. Math	Telephone No.	216.987.6911

SUMMARY OF REQUESTED ACTION:

Title: CJFS 2014 Contract Amendment RQ27041
 ResCare Workforce Services
 Contract: Work Experience for OWF Case Recipients (CE1300411-01)
 9901 Linn Station Road,
 Louisville, KY 40223

A. Scope of Work Summary

1. Cuyahoga Job and Family Services is requesting approval of an amendment to ResCare Workforce Services for the cost of \$1,449,279.00. The amendment extends the contract period from October 1, 2014– September 30, 2015.
2. This amendment changes the scope and value and is the second (2nd) amendment of the contract. The history of the amendments is:

Contract 2013: \$ 992,237.00
 Amend#1 2013: \$ 475,000.00
 Proposed Amend#2 2014: \$1,449,279.00
 Total: \$2,916,516.00

3. Program is mandated by OAC 5101:4-3-20, effective October 1, 2013 requiring Able Bodied Adults Without Dependents (ABAWDS) be subject to work requirements and time limits. Program will continue to serve Ohio Works First cash recipients as well.

B. Procurement

1. The procurement method for this program was RFP. The total value of the RFP was \$800,000.00.

2. The procurement method was closed on May 10, 2013.
3. The proposed amendment received OPD approval to process on July 9, 2014. NOVUS document attached for review.

C. Contractor and Project Information

1. The address of vendor is:
ResCare Workforce Services
9901 Linn Station Road
Louisville, KY 40223
Council District (NA)
2. The Chairman for the vendor is Ralph G. Gronefeld, Jr.
3. a. The address of the project is:
Cuyahoga Job and Family Services
1701 12th St., Lower Level
Cleveland, OH 44114
3. b. The project is located in Council District (07)

D. Project Status and Planning

1. The project reoccurs annually.

E. Funding

1. The project is funded 68% by Federal TANF funds and 32% Federal FAET funds.
2. The schedule of payments is monthly by invoice.

PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):

Explanation for late submittal:

Contract/Agreement Information:

Procurement Method:

Exempt from Competitive Bid Requirements

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

Decrease is due to rightsizing program after 1 year pilot period.

Financial Information:

Funding source: Explanation:

Federal Federal TANF and FAET Funds

Total Amount Requested:

\$1,449,279.00

ATTACHMENTS:

Click to download

- [Justification Approval OPD RQ27041 ResCare](#)
- [Dept Acknowledgement](#)
- [Contract Cover RQ27041 ResCare](#)
- [Auditors Findings ResCare](#)
- [History Log ResCare RQ27041](#)

CONTRACT EVALUATION FORM

(To be completed by user department for all contract renewals or amendments.)

Contractor: ResCare Workforce Services

Contract No. : CE-1300411 -01 **Time Period:** Oct 1, 2013 – Sept 30, 2014

Original Contract Amount: \$992,237.00

Amended Amount: 1) \$475,000.00 **Amended Time Period:** 10/1/2013 – 9/30/2014

Service Description

ResCare Workforce Services’ (RWS) program assists OWF Cash Recipients in obtaining their highest level of self-sufficiency by providing high quality, competency-based, results-oriented WEP services and activities including active outreach and engagement/re-engagement; initial and on-going vocational and barrier assessment; barrier removal through referrals to EAP and/or community partners; rapid engagement group placements; WEP/CS individualized placement; and non-core activities.

In addition, due to the expiration of the American Recovery and Reinvestment Act, effective October 1, 2013, RWS serves Able-Bodied Adults without Dependents (ABAWDs) with their menu of services, so they can maintain appropriate employment or work activity to be eligible for benefits.

Target Population

RWS serves all work-eligible adults and ABAWDS receiving OWF cash assistance and/or Food Assistance determined by CJFS to be in need of hard and soft work skills, work experience and work activity in order to compete successfully in the job market and remain eligible for benefits.

Performance Indicators

<u>Performance Outcome</u>	<u>Benchmark</u>	<u>WEP Actual</u>	<u>ABAWDS Actual</u>
• Timely Placement w/l 5 days	100%	96.1%	100%
• Meet Federal All Family Participation Rate	65%	60%	NA
• Work Ready for 30 days	70%	TBD	NA
• Worksite Supervisors Satisfaction w/Program	90%	92%	100%
• Customer Satisfaction	90%	97.9%	100%
• Attendance Reporting	100%	93%	100%

The performance numbers are from June 2014, these values have been fluctuating month to month. Current data sources are being refined to improve reporting and tracking of applicants.

Rating of Overall Performance of Contractor (check one)

- Exceeding Expectations
- Meeting Expectations
- Not Meeting Expectations

Justification of Rating

The program was transitioned on October 1st. The vendor continues to maintain good relations with existing employers while developing new worksites. Benchmark data has been inconsistent and vendor is working to improve reporting criteria.

Cuyahoga Job and Family Services
Using Department

7/22/2014
Date

County Council of Cuyahoga County, Ohio

Resolution No. R2014-0216

Sponsored by: County Executive FitzGerald/Department of Health and Human Services/Division of Community Initiatives/Office of Early Childhood	A Resolution authorizing a contract with Starting Point in the amount not-to-exceed \$859,541.00 for administration of various initiatives of the Universal Pre-Kindergarten Program for the Invest in Children Program for the period 8/1/2014 - 7/31/2015; authorizing the County Executive to execute the contract and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the County Executive/Department of Health and Human Services/Division of Community Initiatives/Office of Early Childhood has recommended a contract with Starting Point in the amount not-to-exceed \$859,541.00 for administration of various initiatives of the Universal Pre-Kindergarten Program for the Invest in Children Program for the period 8/1/2014 - 7/31/2015; and

WHEREAS, the primary goals of the project are the management and implementation of the Universal Pre-Kindergarten supportive services components; and

WHEREAS, the project is funded 100% by the Health and Human Services Levy fund and the schedule of payments is monthly by invoice; and

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

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

SECTION 1. That the Cuyahoga County Council hereby authorizes a contract with Starting Point in the amount not-to-exceed \$859,541.00 for administration of various initiatives of the Universal Pre-Kindergarten Program for the Invest in Children Program for the period 8/1/2014 - 7/31/2015.

SECTION 2. That the County Executive is authorized to execute a contract in connection with said award and all documents consistent with this Resolution.

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

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

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

Yeas:

Nays:

County Council President

Date

County Executive

Date

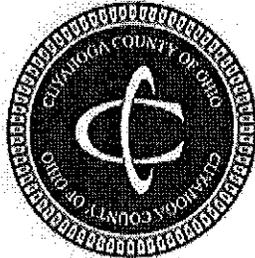
Clerk of Council

Date

First Reading/Referred to Committee:

Committee(s) Assigned:

Journal _____
_____, 20__



10

Item Details:

Agency/Dept. Name:	Administrator's Office/Office of Early Childhood	Agency/Dept. Head Name:	Rebekah Dorman
Type of Request:	Contract/Amendment		
Request Prepared by:	Nakiaa Robinson	Telephone No.	(216) 443-6573
SUMMARY OF REQUESTED ACTION:			
Submitting a contract with Starting Point in the amount not-to-exceed \$859,541.00 for Universal Pre-Kindergarten (UPK) Support Services for the period August 1, 2014 through July 31, 2015.			
NOVUS Title: Office of Early Childhood 2014 Starting Point Contract Universal Pre-Kindergarten (UPK) Support Services RQ EC-14-31519			
<p>A. Scope of Work Summary1. Office of Early Childhood requesting approval of a contract with Starting Point for the anticipated cost of \$859,541.00, not-to-exceed. The anticipated start-completion dates of the project are 08/01/2014- 07/31/2015. The primary goals of the project are the management and implementation of the UPK supportive services components.</p> <p>B. Procurement1. Starting Point has been designated by the State of Ohio as Cuyahoga County's child care resource and referral agency and the services provided under this contract are complementary to this role and serve to leverage existing state funds. A Justification for Other Than Fair and Open Competition has been submitted for consideration by OPD on July 23, 2014.</p> <p>C. Contractor and Project Information1. The address of the vendor is:Starting Point 4600 Euclid Avenue, Suite 500 Cleveland, OH 44103 Council District 72. The Executive Director for the contractor/vendor is Billie Osborne-Fears</p> <p>D. Project Status and Planning</p> <p>1. The project reoccurs annually. 2. The project's term has already begun. The reason there was a delay in this request was the need to determine costs based on additional sites and children to be served by the UPK program as a result of the additional funding</p>			

allocated through the County budget process and in support of Pre4CLE.E. **Funding**1. The project is funded 100% by Health and Human Services levy funds. 2. The schedule of payments is monthly by invoice.

PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):

Starting Point will provide management of the Cuyahoga County Universal Pre-Kindergarten (UPK) Management Information System (MIS) and the UPK Safety Net Scholarship program; and implementation of the UPK Family Engagement, Resource Coordination, and Program Enhancement Components. Specifically, this contract provides resources for Starting Point to provide the above named services to all UPK sites for the 2014-2015 program year.

Explanation for late submittal:

The reason there was a delay in this request was the need to determine costs based on additional sites and children to be served by the UPK program as a result of the additional funding allocated through the County budget process and in support of Pre4CLE

Contract/Agreement Information:

Procurement Method:

Other

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

The increase is due to the additional UPK sites to be served during the 2014-2015 program year; funds for additional Safet Net scholarship; and the addition of funds for the March into Kindergarten campaign.

Financial Information:

Funding source: **Explanation:**

Total Amount Requested:

\$859,541.00

ATTACHMENTS:

Click to download

- [S.P. Signature Authority](#)
- [S. P. Liability Insurance Cert](#)
- [S.P. Workers Comp](#)
- [S. P. Auditor's Findings](#)
- [S. P. Business Filing](#)
- [S. P. UPK Eval](#)
- [S. P. UPK Add'l Reso Numbers](#)
- [S. P. 2014-2015 UPK Contract - TAB](#)
- [S.P. UPK Exhibits I & II](#)
- [S.P. UPK Exhibit III](#)
- [S. P. UPK Budget](#)
- [Dept Acknowledgement](#)
- [Principal Owners Form](#)
- [Contract Cover - TAB](#)
- [Voucher](#)

**County of Cuyahoga
Contract Evaluation Form**

(To be completed in its entirety by user department for all contract renewals or amendments)

Contractor: Starting Point
Contract No: CE 1300436-01
Time Period: August 1, 2013 through July 31, 2014

Service Description: The administration and management of the Cuyahoga County Universal Pre-Kindergarten (UPK) Management Information System and the UPK Safety Net Scholarship program; and implementation of the UPK family Engagement, Resource Coordination, and Program Enhancement components.

Original Contract Amount: \$593,038.00

Amendment I Amount: \$138,541.00

Performance Indicators: Include the following:

- Develop and implement a Management Information System for the UPK program using Child Outcome, Planning, and Administration (COPA) system.
- Implement a family engagement system among the UPK sites using the Epstein model of family engagement.
- Provide resource coordination services to the UPK participating sites.
- Conduct Early Childhood Environment Rating Scale (ECERS) assessments on UPK providers and use as a basis for the development of Quality Enhancement Plans.
- Provide career-counseling services to UPK site staff engaged in or seeking to engage in professional development activities.
- Provide technical assistance to the UPK sites on all aspects of the UPK supportive services components.
- Coordinate implementation of the Bracken School Readiness Assessment

Actual performance versus performance indicators (include statistics):

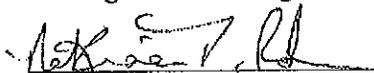
- Starting Point maintained the UPK MIS system, COPA, for all UPK sites.
- The Starting Point Family Engagement Coordinator worked with all 33 UPK sites to develop and implement Family Engagement Plans.
- The Starting Point Resource Coordinator provided training and resource information for all UPK sites in the programs and service available to families, including coordinating the March into Kindergarten initiative.
- Samples of classrooms in all UPK sites were assessed using the ECERS.
- The UPK Career Counselor worked with all sites to ensure compliance with the staff qualification requirements of UPK.
- All programs received technical assistance visits.
- Starting Point completed initial Bracken assessments on all newly enrolled children in UPK, provided training/refresher training to consultants responsible for conducting the assessments, and is in the process of completing the School Readiness Assessments on children entering kindergarten on the fall.

Rating of overall performance of contractor (check one)

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

Justification of Rating:

Starting Point is on target to meet all of its service requirements for the UPK program.


User Department

7/18/14
Date



Principal Owner Form

(Required Document for Award Recommendations/Purchases)

VENDOR: Please complete the following information and return it to the Cuyahoga County "Requestor"

Company Name (Legal name of the business):	Starting Point
Principal Owner's Name (The legal name of the owner/s of the business):	Billie Osborne Fears
Owner/Officer's Title:	Executive Director
Business Address:	4600 Euclid Avenue Suite 500 Cleveland, OH 44113
Phone Number:	(216) 575-0061
Name of Person Completing Form:	Billie Osborne Fears
Signature:	<i>Billie Osborne - Fears</i>
Title:	<i>Executive Director</i>

If there is more than one (1) principal 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.

CUYAHOGA COUNTY STAFF:

I certify that I have checked the debarment list on the Cuyahoga County Inspector General's website and the debarment list did not contain the above detailed vendor and/or principal owner.

Cuyahoga County
(Principal Owner Form, 1-30-14)

Signature: Nakia T. Robinson

Date: 8/11/14

Printed Name: Nakia T. Robinson

Inspector General Vendor ID#: 12-2605

County Council of Cuyahoga County, Ohio

Resolution No. R2014-0199

Sponsored by: County Executive FitzGerald/Fiscal Officer/County Treasurer	A Resolution amending Resolution No. R2013-0201 dated 9/24/2013, which authorized an award to Woods Cove III, LLC, as purchaser, and Lien Servicing, LLC, as servicer, for the sale of tax lien certificates by removing the amount not-to-exceed \$25,000,000.00; authorizing the County Executive to execute all documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective
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WHEREAS, the County Executive/Fiscal Officer/County Treasurer has submitted a request to amend Resolution No. R2013-0201 dated 9/24/2013, which approved an award and sale of tax lien certificates to Woods Cove III, LLC, as purchaser, and Lien Servicing, LLC, as servicer, and authorized the County Executive and Treasurer to execute an agreement consistent with said award, and in an amount not-to-exceed \$25,000,000.00;

WHEREAS, it is advantageous to the County and its citizens to proceed with an additional sale of tax certificates to provide funding to schools and other local governments in the County who are in needs of this funding; and

WHEREAS, it is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue without interruption, and to provide for the usual, daily operation of a county development.

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

SECTION 1. That Resolution No. R2013-0201 dated 9/24/2013, is hereby amended as follows:

- A. The tenth “WHEREAS” clause is hereby deleted in its entirety and replaced with the following:

WHEREAS, the County Executive, through the County Treasurer, is recommending an award on the tax certificates sale to Woods Cove III, LLC, as purchaser, and Lien Servicing, LLC, as servicer, for a period not-to-exceed 36 months.

First Reading/Referred to Committee: August 12, 2014
Committee(s) Assigned: Finance & Budgeting

Committee Report/Second Reading: August 26, 2014

Journal _____
_____, 20__

County Council of Cuyahoga County, Ohio

Resolution No. R2014-0200

Sponsored by: County Executive FitzGerald/Department of Workforce Development, in partnership with City of Cleveland, as designated Local Workforce Investment Area No. 3	A Resolution establishing a list of certified providers for occupational skills training services for the Individual Training Account System for the period 7/1/2014 - 6/30/2016; authorizing the County Executive to execute the agreements and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the County Executive/Department of Workforce Development, in partnership with the City of Cleveland, as designated Local Workforce Investment Area No. 3 is recommending to establishing a list of certified providers for occupational skills training services for the Individual Training Account System for the period 7/1/2014 - 6/30/2016 as follows:

- a) Academy of Court Reporting, Inc.
- b) Ace Tutors
- c) Allstate Hairstyling and Barber College
- d) American Red Cross, Greater Cleveland Chapter
- e) Ashari's Healthcare, LLC
- f) Ashland University
- g) Associated Builders & Contractors, Inc., Northern Ohio Chapter
- h) ATS Institute of Technology
- i) Auburn Career Center
- j) Baldwin Wallace University
- k) Blossom 24 Hour We Care Center, Inc.
- l) Brentley Institute Inc., The
- m) Brown Aveda Institute
- n) Brown Mackie College – Akron
- o) Bryant & Stratton College
- p) Case Western Reserve University
- q) Catholic Charities Community Services Corporation
- r) Chancellor University
- s) Cleveland Industrial Training Center, Inc.
- t) Cleveland Institute of Dental - Medical Assistants, Inc.
- u) Cleveland State University
- v) Compassions Training and Awareness Center Inc.
- w) Cuyahoga Community College District

- x) Cuyahoga Valley Career Center
- y) Great Lakes Truck Driving School, Inc.
- z) Hamrick School
- aa) Hondros College
- bb) Inner State Beauty School
- cc) Kent State University
- dd) Lake County Community College District
- ee) Lakewood College
- ff) Lorain County Community College District
- gg) Lorain County Joint Vocational School
- hh) Med-Cert, Inc.
- ii) Miami-Jacobs Career College
- jj) National College
- kk) New Bridge Cleveland Center for Arts & Technology
- ll) New Horizons Computer Learning Centers
- mm) Notre Dame College, The
- nn) OhioGuidestone
- oo) Ohio Technical College, Inc.
- pp) Phoenix Healthcare Institute, LLC
- qq) Polaris Career Center
- rr) Remington College
- ss) Root-InfoTech dba American Logistics Group, Inc.
- tt) South University of Ohio LLC
- uu) University of Akron, The
- vv) Ursuline College
- ww) Vatterott Educational Centers, Inc. dba Vatterott College
- xx) Vocational Guidance Services
- yy) Willoughby-Eastlake School of Practical Nursing

WHEREAS, occupational skills training provided by certified training providers give job seekers options to choose training best suited for their needs and the option to upgrade skills to secure unsubsidized employment; and

WHEREAS, the certified training providers have obtained above average performance ratings through compliance with all terms, conditions and requirements during their previous contract; and

WHEREAS, the list of certified training providers reoccurs every three years and is updated on a monthly basis; and

WHEREAS, the service agreements have been approved by the Cleveland/ Cuyahoga County Workforce Investment Board and the Ohio Department of Job and Family Services, as required under the Workforce Investment Act (WIA), after the training programs have been evaluated by the Employment Connection for effectiveness and costs; and

WHEREAS, the County Executive/Department of Workforce Development, in partnership with the City of Cleveland, as designated Local Workforce Investment Area No. 3, has allocated a total of \$1,500,000.00 to support this two-year training program; and

WHEREAS, funding is provided through federal Workforce Investment Act (WIA) funds with the purpose of consolidating, coordinating and improving employment, training, literacy and vocational rehabilitation in the United States.

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

SECTION 1. That the Cuyahoga County Council hereby establishes the following list of providers for occupational skills training services for the Individual Training Account System for the period 7/1/2014 - 6/30/2016:

- a) Academy of Court Reporting, Inc.
- b) Ace Tutors
- c) Allstate Hairstyling and Barber College
- d) American Red Cross, Greater Cleveland Chapter
- e) Ashari's Healthcare, LLC
- f) Ashland University
- g) Associated Builders & Contractors, Inc., Northern Ohio Chapter
- h) ATS Institute of Technology
- i) Auburn Career Center
- j) Baldwin Wallace University
- k) Blossom 24 Hour We Care Center, Inc.
- l) Brentley Institute Inc., The
- m) Brown Aveda Institute
- n) Brown Mackie College – Akron
- o) Bryant & Stratton College
- p) Case Western Reserve University
- q) Catholic Charities Community Services Corporation
- r) Chancellor University
- s) Cleveland Industrial Training Center, Inc.
- t) Cleveland Institute of Dental - Medical Assistants, Inc.
- u) Cleveland State University
- v) Compassions Training and Awareness Center Inc.
- w) Cuyahoga Community College District
- x) Cuyahoga Valley Career Center
- y) Great Lakes Truck Driving School, Inc.
- z) Hamrick School
- aa) Hondros College
- bb) Inner State Beauty School
- cc) Kent State University
- dd) Lake County Community College District
- ee) Lakewood College

- ff) Lorain County Community College District
- gg) Lorain County Joint Vocational School
- hh) Med-Cert, Inc.
- ii) Miami-Jacobs Career College
- jj) National College
- kk) New Bridge Cleveland Center for Arts & Technology
- ll) New Horizons Computer Learning Centers
- mm) Notre Dame College, The
- nn) OhioGuidestone
- oo) Ohio Technical College, Inc.
- pp) Phoenix Healthcare Institute, LLC
- qq) Polaris Career Center
- rr) Remington College
- ss) Root-InfoTech dba American Logistics Group, Inc.
- tt) South University of Ohio LLC
- uu) University of Akron, The
- vv) Ursuline College
- ww) Vatterott Educational Centers, Inc. dba Vatterott College
- xx) Vocational Guidance Services
- yy) Willoughby-Eastlake School of Practical Nursing

SECTION 2. That the County Executive is hereby authorized to execute any agreements and all other documents consistent with this Resolution.

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

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

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

Yeas:

Nays:

County Council President Date _____

County Executive Date _____

Clerk of Council Date _____

First Reading/Referred to Committee: August 12, 2014
Committee(s) Assigned: Education, Environment & Sustainability

Committee Report/Second Reading: August 26, 2014

Journal _____
_____, 20__

County Council of Cuyahoga County, Ohio

Resolution No. R2014-0191

<p>Sponsored by: County Executive FitzGerald/Department of Public Works</p>	<p>A Resolution making an award on RQ30137 to Bray Whaler International in the amount not-to-exceed \$308,000.00 to arrange for the purchase, delivery and installation of certain furnishings, fixtures, operating supplies and equipment (“FF&E”) for use in the operation of the Hotel; authorizing Bray Whaler International to act as the County’s agent to purchase FF&E in the amount not-to-exceed \$25,000,000.00 for use in the operation of the Hotel; authorizing the County Executive to take all necessary actions and to execute all documents necessary to consummate the contemplated transactions; authorizing the Director of Public Works to administer the project; and declaring the necessity that this Resolution become immediately effective.</p>
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WHEREAS, the County has determined to engage Bray Whaler International (“Bray Whaler”) to perform purchasing services for the Downtown Cleveland Convention Center Hotel Project (the "Project"), and

WHEREAS, in response to the RFQ #30137, Bray Whaler submitted a proposal and a scope of services on March 25, 2014, which pursuant to a selection process, was determined by the Department of Public Works to be the most suitable for this Agreement; and

WHEREAS, the County desires to engage the services of Bray Whaler to arrange for the purchase, delivery and installation of certain furnishings, fixtures, operating supplies and equipment (hereinafter referred to as "FF&E") for use in the operation of the Project as a hotel ("Hotel"), and Bray Whaler desires to perform such services for the compensation and pursuant to the terms and conditions described in this Agreement;

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

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

SECTION 1. That the Cuyahoga County Council hereby makes an award on RFQ #30137 to Bray Whaler in the amount not-to-exceed \$308,000.00 and authorizes the entry of a Purchasing Agreement with Bray Whaler to act as the County's agent to purchase FF&E in the amount not-to-exceed \$25,000,000.00 for use in the operation of the Hotel.

SECTION 2. Any and all exemptions from competitive bidding and/or authorizations to engage in an alternative procurement process required pursuant to the County's Contracting and Purchasing Laws for anything contemplated in this Resolution or the Purchasing Agreement with Bray Whaler are hereby granted.

SECTION 3. That the County Executive or his authorized designee is authorized to take all actions, and to execute, acknowledge, and deliver (a) all documents and instruments necessary or desirable to facilitate and/or consummate the transactions contemplated hereby, including, but not limited to, the Purchasing Agreement, the Memorandum of Understanding with the Cleveland Building and Construction Trades Council and all documents to be executed by the County pursuant to the Resolution, (b) all other and further documents, instruments, certificates, agreements, amendments, assignments, consents, affidavits, certifications, payments, disbursements, and notices, and (c) amendments, modifications and supplements to any of the foregoing, that the County Executive may deem necessary or advisable in connection with the consummation of the transactions contemplated herein, in all cases containing such terms and conditions as may be approved by the County's Director of Law or his designee.

SECTION 4. That the Director of Public Works is authorized to administer the Project and all actions contemplated by this Resolution through its milestones and be responsible for any ongoing approval rights (including the approval of invoices) under the Agreements contemplated herein.

SECTION 5. That all documents to be executed in connection with the transactions contemplated herein be subject to the Law Director or his designee's approval, including as to legal form and correctness.

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

3.10(7) of the Cuyahoga County Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

SECTION 7. 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: August 12, 2014
Committee(s) Assigned: Committee of the Whole

Journal CC015
August 26, 2014

County Council of Cuyahoga County, Ohio

Resolution No. R2014-0192

Sponsored by: County Executive FitzGerald/Department of Public Works/Division of County Engineer	A Resolution amending the boundaries of County Sewer District No. 17 to add the remaining municipal boundaries of the City of Cleveland Heights, in accordance with Ohio Revised Code Sections 6117.01 and 6117.03; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the County Executive/Department of Public Works/Division of County Engineer has recommended approval of amending the boundaries of County Sewer District No. 17 to add the remaining municipal boundaries of the City of Cleveland Heights, in accordance with Ohio Revised Code Sections 6117.01 and 6117.03; and

WHEREAS, pursuant to Ohio Revised Code Sections 6117.01 and 6117.03, the County may modify the boundaries of, and maintain, one or more sewer districts within the county and outside municipal corporations to include a part or all of the territory within such municipal corporation as the whole or a part of such district; and

WHEREAS, the existing Sewer District No. 17 includes the northern piece of Cleveland Heights and part of South Euclid. The proposed expanded Sewer District No. 17 shall be composed of all of Cleveland Heights in addition to the northern section of South Euclid; and

WHEREAS, the primary goal of this project is the identify, lay out and amend the boundary of County Sewer District No. 17 for sanitary and storm maintenance services; and

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

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

SECTION 1. That the Cuyahoga County Council hereby approves amending the boundaries of County Sewer District No. 17 to add the remaining municipal boundaries of the City of Cleveland Heights, in accordance with Ohio Revised Code Sections 6117.01 and 6117.03.

County Council of Cuyahoga County, Ohio

Resolution No. R2014-0193

Sponsored by: County Executive FitzGerald/Department of Public Works/Division of County Engineer	A Resolution fixing the 2015 water, storm and sanitary sewer maintenance and/or sewerage treatment rates for County Sewer District Nos. 1, 1A, 2, 3, 5, 8, 9, 13, 14, 18, 20, 21, 22 and 24, in accordance with Ohio Revised Code Section 6117.02; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the County Executive FitzGerald/Department of Public Works/Division of County Engineer recommend fixing water, storm and sanitary sewer maintenance and/or sewerage treatment rates for the County Sewer District Nos. 1, 1A, 2, 3, 5, 8, 9, 13, 14, 18, 20, 21, 22 and 24 for Fiscal 2015; and

WHEREAS, the County has contractual obligations with communities to operate and maintain water lines and sewerage systems including storm sewers, sanitary sewers, wastewater treatment plants, and pumping stations; and

WHEREAS, the funds are necessary to pay for the treatment and disposal costs, and for proper maintenance and operation of the water lines and sewerage systems in said districts for Fiscal 2015; and

WHEREAS, in accordance with the Ohio Revised Code Section 6117.02, the County may levy an assessment to pay the cost and expense of the maintenance and operation of such improvements, including the disposal of sewage; and

WHEREAS, said water, storm and sanitary sewer maintenance and/or sewerage treatment rates shall be applied as follows:

Single Family	Front footage x maintenance rate
Condominiums	Average front footage for the community x 0.87 x sewer maintenance rate
Apartments	Per settlement formula per Common Pleas Case #245631
Commercial	Front footage x maintenance rate x 1.15
Industrial	Front footage x maintenance rate x 1.15

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

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

SECTION 1. That in order to provide funds with which to maintain and operate water lines and sewerage systems in County Sewer District Nos. 1, 1A, 2, 3, 5, 8, 9, 13, 14, 20, 21, 22 and 24 for Fiscal 2015, the following rates shall be charged to the actual and/or potential users of such sewerage system:

**Sewer Maintenance Rate
(Per Front Foot)**

2015

Sewer Area No. 1

Brooklyn	\$ 2.60
Linndale	\$ 2.50
Middleburg Heights	
Sanitary Sewer	\$ 2.00
Storm Sewer	\$ 0.50
Water Transmission Lines	\$ 0.20
Parma Heights	
Sanitary Sewer	\$ 1.80
Storm Sewer	\$ 0.55
Water Transmission Lines	\$ 0.15

Sewer Area No. 1A

Parma	
Sanitary Sewers	\$ 1.60
Storm Sewers	\$ 0.40
Water Transmission Lines	\$ 0.15

Sewer Area No. 2

Brooklyn Heights	
Sanitary Sewers	\$ 0.25
Storm Sewers	\$ 1.50
Seven Hills	\$ 1.00 (A)

Sewer Area No. 3

Beachwood – Storm Only	\$ 1.50
Gates Mills	\$10.00
Highland Heights	
Sanitary Sewers	\$ 1.00

Storm Sewers	\$ 1.50
Lyndhurst	\$ 1.00
Mayfield Heights – Storm Only	\$ 2.50
Mayfield Village	\$ 4.00
Pepper Pike	\$ 2.50
Richmond Heights	\$ 2.70
South Euclid	\$ 1.00 (B)

Sewer Area No. 5

Beachwood – Storm Only	\$ 1.50
Bedford Heights	\$ 1.95
Highland Hills	\$ 2.50
North Randall	
Sanitary Sewers	\$ 0.75
Storm Sewers	\$ 1.75
Orange Village	\$ 3.00
Warrensville Heights	
Sanitary Sewers	\$ 2.00
Storm Sewers	\$ 0.50

Sewer Area No. 8

Middleburg Heights	
Sanitary Sewer	\$ 2.00
Storm Sewer	\$ 0.50
Water Transmission Lines	\$ 0.20

Sewer Area No. 9

Garfield Heights	
Sanitary Sewers	\$ 1.70
Storm Sewers	\$ 0.30
Maple Heights	
Sanitary Sewers	\$ 2.20
Storm Sewers	\$ 1.30

Sewer Area No. 13

Brecksville	
Sanitary Sewers	\$ 2.50
Storm Sewers	\$ 0.60
Broadview Heights	\$ 1.50

Sewer Area No. 14

Olmsted Township	
Sanitary Sewers	\$ 3.50
Storm Sewers	\$ 0.47

Sewer Area No. 18

Oakwood	\$ 1.50
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Sewer Area No. 20

Bedford	\$ 1.60
Walton Hills	\$ 1.60

Sewer Area No. 21

Pepper Pike	\$ 2.50
Woodmere	\$ 225.00 (C)
	\$ 150.00 (C)

Sewer Area No. 22

Newburgh Heights	\$ 5.50
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Sewer Area No. 24

East Cleveland	
Sanitary Sewers	\$ 2.40
Storm Sewers	\$ 0.10

- (A) Rate Applies to properties served by County Improvement No. 231.
- (B) Rate Applies to portion of South Euclid tributary to County Improvement Nos. 3-A-1 and 3-A-2 only.
- (C) Flat Rate: \$225.00 charge for each improved parcel for 2015
\$150.00 charge for each unimproved lot for 2015

Any charges that are not paid shall be certified to the County Fiscal Officer, as provided by law, for collection.

SECTION 2. That the Clerk of Council be, and she is hereby, instructed to transmit a copy of this Resolution to the County Fiscal Officer.

SECTION 3. It is necessary that this Resolution become immediately effective to comply with the Ohio Revised Code, Section 6117.33, which provides that assessments for such rates must be certified on or before the second Monday in September, that

County Council of Cuyahoga County, Ohio

Resolution No. R2014-0194

Sponsored by: County Executive FitzGerald/Department of Public Works/Division of County Engineer	A Resolution approving and confirming the 2015 water, storm and sanitary sewer maintenance and/or sewerage treatment assessments for County Sewer District Nos. 1, 1A, 2, 3, 5, 8, 9, 13, 14, 18, 20, 21, 22 and 24, in accordance with Ohio Revised Code Section 6117.02; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the County Engineer has prepared and presented to the County Council for the County of Cuyahoga, Ohio the 2015 water, storm and sanitary sewer maintenance and sewerage treatment assessments to be approved and confirmed for the sewerage improvement in County Sewer District Nos. 1, 1A, 2, 3, 5, 8, 9, 13, 14, 18, 20, 21, 22 and 24; and

WHEREAS, funds are necessary to pay for the operation and maintenance of water lines and sewerage systems, including storm sewers, sanitary sewers, wastewater treatment plants, and pumping stations for said districts for Fiscal 2015; and

WHEREAS, the primary goal is to collect all operational expenditures from revenues collected from users of the water lines and sewerage systems; and

WHEREAS, in accordance with the Ohio Revised Code Section 6117.02, the County may levy an assessment to pay the cost and expense of the maintenance and operation of such improvements, including the disposal of sewage; and,

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

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

SECTION 1. That the water, storm and sanitary sewer maintenance and/or sewerage treatment assessments for County Sewer District Nos. 1, 1A, 2, 3, 5, 8, 9, 13, 14, 18, 20, 21, 22 and 24, as prepared and filed with the Council by the County Engineer be, and the same are, hereby approved and confirmed and said

assessments are hereby ordered recorded in the original assessment records of the County of Cuyahoga, Ohio for the year 2015, to which reference is hereby made a part hereof, as fully and completely as though set forth at length and rewritten herein.

SECTION 2. That there be, and hereby is, levied and assessed upon the several lots and parcels of land listed and described in said report the amount set forth to be assessed by the County of Cuyahoga, Ohio, through the Department of Public Works/County Engineer, upon each of said lots and parcels of land.

SECTION 3. That the said assessments so made, approved and confirmed, are hereby certified to the County Fiscal Officer for collection.

SECTION 4. That the installments of such assessments, when collected, shall be placed to the credit of the Department of Public Works/County Engineer's fund to be used for the purposes set forth in the Resolution directing the Department to prepare such assessments.

SECTION 5. That the Clerk of Council be, and she is hereby, instructed to transmit a copy of this Resolution to the County Fiscal Officer and one copy to the Department of Public Works/County Engineer.

SECTION 6. It is necessary that this Resolution become immediately effective to comply with the Ohio Revised Code Section 6117.33, which provides that assessments for such rates must be certified on or before the second Monday in September, that being September 8, 2014. Provided that this Resolution receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (1) its approval by the County Executive through signature, (2) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Cuyahoga County Charter, or (3) its passage by at least eight members of Council after disapproval pursuant to Section 3.10(7) of the Cuyahoga County Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

SECTION 7. 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 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: August 12, 2014
Committee(s) Assigned: Public Works, Procurement & Contracting

Journal CC015
August 26, 2014

County Council of Cuyahoga County, Ohio

Resolution No. R2014-0195

Sponsored by: County Executive FitzGerald/Department of Public Works/Division of County Engineer	A Resolution declaring that public convenience and welfare requires replacement of Lewis Road Culvert No. 13 in Olmsted Township; total estimated project cost \$582,000.00; finding that special assessments will neither be levied nor collected to pay for any part of the County's costs of said improvement; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the County Executive FitzGerald/Department of Public Works/Division of County Engineer has recommended that public convenience and welfare requires replacement of Lewis Road Culvert No. 13 in Olmsted Township; and

WHEREAS, the anticipated project costs are \$582,000.00; and

WHEREAS, that special assessments are not to be levied nor collected to pay for any part of the County's costs of this improvement; and

WHEREAS, this project will be funded 100% with the County's Road and Bridge Fund; and

WHEREAS, the primary goal of this project is to properly maintain the County's infrastructure for which the County is responsible; and

WHEREAS, the location of the project is Lewis Road Culvert No. 13 in the City of Olmsted Township, Council District 5; and

WHEREAS, the anticipated start date for construction of this project is 2014 for Phase 1 and 2015 for Phase 2; and

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

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

SECTION 1. That the Cuyahoga County Council hereby declares that public convenience and welfare requires replacement of Lewis Road Culvert No. 13 in Olmsted Township.

SECTION 2. That special assessments are not to be levied nor collected to pay any part of the County's cost of this improvement.

SECTION 3. That the County Executive is hereby authorized to execute any and all documents consistent with this Resolution.

SECTION 4. It is necessary that this Resolution become immediately effective for the usual daily operation of the County and the reasons set forth in the preamble. Provided that this Resolution receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (1) its approval by the County Executive through signature, (2) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Cuyahoga County Charter, or (3) its passage by at least eight members of Council after disapproval pursuant to Section 3.10(7) of the Cuyahoga County Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

SECTION 5. It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

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

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: August 12, 2014
Committee(s) Assigned: Public Works, Procurement & Contracting

Journal CC015
August 26, 2014

County Council of Cuyahoga County, Ohio

Resolution No. R2014-0196

<p>Sponsored by: County Executive FitzGerald/Department of Public Works/Division of County Engineer</p>	<p>A Resolution authorizing the appropriation of real property in connection with right-of-way plans as set forth in Plat No. M-5012 for the grade separation of Stearns Road at the Norfolk Southern Railroad in Olmsted Township; directing the County Executive to proceed with the acquisition of real property required for public highway purposes; authorizing the Fiscal Officer to issue the monetary warrant to be deposited with the Probate Court of Cuyahoga County in an amount that is equal to the fair market value of the property; and declaring the necessity that this Resolution become immediately effective.</p>
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WHEREAS, the County Executive/Department of Public Works/Division of County Engineer has authorized the appropriation of real property in connection with right-of-way plans as set forth in Plat No. M-5012 for the grade separation of Stearns Road at the Norfolk Southern Railroad in Olmsted Township as follows:

1. Parcel No(s): 2-WD
Owner(s): HPCP I, LLC, an Ohio limited liability company
Approved Appraisal (Fair Market Value Estimate): \$850,500.00
2. Parcel No(s): 9-WD & T
Owner(s): G. & D. Moyse
Approved Appraisal (Fair Market Value Estimate): \$3,500.00
3. Parcel No(s): 12-S & T
Owner(s): Pearl Road Mini Storage, Inc. aka Pearl Plaza Mini Storage, Inc., an Ohio Corporation
Approved Appraisal (Fair Market Value Estimate): \$5,500.00
4. Parcel No(s): 22-T
Owner(s): R.T. Gilchrist
Approved Appraisal (Fair Market Value Estimate): \$350.00

5. Parcel No(s): 23-T
Owner(s): T.J.A. & J.Q. Cooley
Approved Appraisal (Fair Market Value Estimate): \$450.00
6. Parcel No(s): 26-WD, S & T
Owner(s): G.E., D. & G. Moyse
Approved Appraisal (Fair Market Value Estimate): \$2,350.00
7. Parcel No(s): 29-S & T
Owner(s): G.J. Moyse
Approved Appraisal (Fair Market Value Estimate): \$700.00
8. Parcel No(s): 31-S, S1 & T
Owner(s): TC Pinnacle Properties, Ltd., an Ohio limited liability company
Approved Appraisal (Fair Market Value Estimate): \$1,450.00
9. Parcel No(s): 41-WD, S & T
Owner(s): P.W. Oberc
Approved Appraisal (Fair Market Value Estimate): \$400.00
10. Parcel No(s): 54-S & T
Owner(s): E.C. & R.L. Siwek
Approved Appraisal (Fair Market Value Estimate): \$450.00; and

WHEREAS, the primary goal of this project is to equitably pay for right-of-way acquired in connection with the construction of a grade separation of Stearns Road over the Norfolk Southern Railroad tracks on a new alignment, including the reconstruction and widening of Stearns Road from Bagley road to 0.14 miles south of Cook Road, drainage improvements and the installation of anew sanitary sewer.

WHEREAS, this project is funded as follows: (a) 80% or \$3,276,000.00 of the the project will be reimbursed to the County by ODOT from Federal Funds, and (b) 20% from the County Road and Bridge Fund; and

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

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

SECTION 1. That the Cuyahoga County Council hereby authorizes the appropriation of real property in connection with right-of-way plans as set forth in Plat No. M-5012 for the grade separation of Stearns Road at the Norfolk Southern Railroad in Olmsted Township as follows:

1. Parcel No(s): 2-WD
Owner(s): HPCP I, LLC, an Ohio limited liability company
Approved Appraisal (Fair Market Value Estimate): \$850,500.00
2. Parcel No(s): 9-WD & T
Owner(s): G. & D. Moyse
Approved Appraisal (Fair Market Value Estimate): \$3,500.00
3. Parcel No(s): 12-S & T
Owner(s): Pearl Road Mini Storage, Inc. aka Pearl Plaza Mini Storage, Inc.,
an Ohio Corporation
Approved Appraisal (Fair Market Value Estimate): \$5,500.00
4. Parcel No(s): 22-T
Owner(s): R.T. Gilchrist
Approved Appraisal (Fair Market Value Estimate): \$350.00
5. Parcel No(s): 23-T
Owner(s): T.J.A. & J.Q. Cooley
Approved Appraisal (Fair Market Value Estimate): \$450.00
6. Parcel No(s): 26-WD, S & T
Owner(s): G.E., D. & G. Moyse
Approved Appraisal (Fair Market Value Estimate): \$2,350.00
7. Parcel No(s): 29-S & T
Owner(s): G.J. Moyse
Approved Appraisal (Fair Market Value Estimate): \$700.00
8. Parcel No(s): 31-S, S1 & T
Owner(s): TC Pinnacle Properties, Ltd., an Ohio limited liability company
Approved Appraisal (Fair Market Value Estimate): \$1,450.00
9. Parcel No(s): 41-WD, S & T
Owner(s): P.W. Oberc
Approved Appraisal (Fair Market Value Estimate): \$400.00
10. Parcel No(s): 54-S & T
Owner(s): E.C. & R.L. Siwek
Approved Appraisal (Fair Market Value Estimate): \$450.00

SECTION 2. That the County Executive is authorized to execute any and all documents consistent with this Resolution.

SECTION 3. It is necessary that this Resolution become immediately effective for the usual daily operation of the County and the reasons set forth in the preamble. Provided that this Resolution receives the affirmative vote of at least eight members

County Council of Cuyahoga County, Ohio

Resolution No. R2014-0197

<p>Sponsored by: County Executive FitzGerald/Department of Public Works/Division of County Engineer</p> <p>Co-sponsored by: Councilmembers Germana, Conwell and Jones</p>	<p>A Resolution authorizing an amendment to Contract No. CE0800631-01 with Michael Baker Jr., Inc. for consultant engineering services for construction of Stage 3 of the Towpath Trail Extension from Steelyard Commons to Tremont Trailhead for additional funds in the amount not-to-exceed \$2,044,567.00; authorizing the County Executive to execute the amendment and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.</p>
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WHEREAS, the County Executive/Department of Public Works/Division of County Engineer has authorized an amendment to Contract No. CE0800631-01 with Michael Baker Jr., Inc. for consultant engineering services for construction of Stage 3 of the Towpath Trail Extension from Steelyard Commons to Tremont Trailhead for additional funds in the amount not-to-exceed \$2,044,567.00; and

WHEREAS, the original contract was approved on 9/18/2008, Resolution No. 083926 in the amount of \$734,054.00; and

WHEREAS, an amendment was approved on 5/31/2011, Resolution No. R2011-0192, to change the scope of services and the terms, effective 5/24/2011, and for additional funds in the amount of \$700,197.00; and

WHEREAS, the requested amendment is for additional funds in the amount not-to-exceed \$2,044,567.00, bringing the total value of the contract to \$3,478,818.00; and

WHEREAS, the primary goal for this contract is to provide design engineering services for the Towpath Trail Extension – Stage 3 including preliminary design, final design, right-of-way plan preparation and acquisition, environmental risk assessments and remediation work plans; and

WHEREAS, this project is funded 100% by federal funds; and

WHEREAS, it is necessary that this Resolution become immediately effective to assure that work can commence and not jeopardize federal funding secured for this project.

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

SECTION 1. That County Council authorizes an amendment to Contract No. CE0800631-01 with Michael Baker Jr., Inc. for consultant engineering services for construction of Stage 3 of the Towpath Trail Extension from Steelyard Commons to Tremont Trailhead for additional funds in the amount not-to-exceed \$2,044,567.00.

SECTION 2. That the County Executive is hereby authorized to execute the amendment and all other documents consistent with this Resolution.

SECTION 3. It is necessary that this Resolution become immediately effective to assure that work can commence and not jeopardize federal funding secured for this project.

SECTION 4. It is necessary that this Resolution become immediately effective for the usual daily operation of the County; the preservation of public peace, health, or safety in the County; and any additional reasons set forth in the preamble. Provided that this Resolution receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (1) its approval by the County Executive through signature, (2) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Cuyahoga County Charter, or (3) its passage by at least eight members of Council after disapproval pursuant to Section 3.10(7) of the Cuyahoga County Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

SECTION 5. It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

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

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: August 12, 2014
Committee(s) Assigned: Public Works, Procurement & Contracting

Additional Sponsorship Requested: August 14, 2014

Journal CC015
August 26, 2014

County Council of Cuyahoga County, Ohio

Resolution No. R2014-0198

<p>Sponsored by: County Executive FitzGerald/Department of Public Works/Division of County Engineer</p> <p>Co-sponsored by: Councilmember Conwell</p>	<p>A Resolution authorizing an amendment to Contract No. CE1100721-01 with American Bridge Company for rehabilitation of Columbus Road Lift Bridge over the Cuyahoga River in the City of Cleveland for additional funds in the amount not-to-exceed \$714,577.66; authorizing the County Executive to execute the amendment and all other documents consistent with this Resolution; authorizing the County Engineer, on behalf of the County Executive to make an application for allocation from County Motor Vehicle \$5.00 License Tax Funds in the amount of \$71,457.77 to fund said amendment; and declaring the necessity that this Resolution become immediately effective.</p>
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WHEREAS, the County Executive/Department of Public Works/Division of County Engineer has recommended an amendment (Subsidiary No. 4) to Contract No. CE1100721-01 with American Bridge Company for rehabilitation of Columbus Road Lift Bridge over the Cuyahoga River in the City of Cleveland for additional funds in the amount not-to-exceed \$714,577.66; and

WHEREAS, the primary goal of the project is to repair and rehabilitate the Columbus Road Lift Bridge over the Cuyahoga River in the City of Cleveland in Council District 7 and to properly maintain the County's infrastructure; and

WHEREAS, this project is funded as follows: (a) 80% or \$571,662.13 from Federal Funds; (b) 10% or \$71,457.77 from the Cuyahoga County Motor Vehicle \$5.00 License Tax Funds; and (c) 10% or \$71,457.76 with funds from City of Cleveland; and

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

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

SECTION 1. That the Cuyahoga County Council hereby authorizes an amendment (Subsidiary No. 4) to Contract No. CE1100721-01 with American Bridge Company for rehabilitation of Columbus Road Lift Bridge over the Cuyahoga River in the City of Cleveland for additional funds in the amount not-to-exceed \$714,577.66.

SECTION 2. That the County Executive is hereby authorized to execute the amendment and all other documents consistent with this Resolution.

SECTION 3. That the County Council hereby authorizes the County Engineer, on behalf of the County Executive, to make application for allocation from County Motor Vehicle \$5.00 License Tax Funds to fund said amendment.

SECTION 4. It is necessary that this Resolution become immediately effective for the usual daily operation of the County; the preservation of public peace, health, or safety in the County; and any additional reasons set forth in the preamble. Provided that this Resolution receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (1) its approval by the County Executive through signature, (2) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Cuyahoga County Charter, or (3) its passage by at least eight members of Council after disapproval pursuant to Section 3.10(7) of the Cuyahoga County Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

SECTION 5. It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

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

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: August 12, 2014

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

Additional Sponsorship Requested: August 14, 2014

Journal CC015

August 26, 2014

County Council of Cuyahoga County, Ohio

Resolution No. R2014-0201

<p>Sponsored by: County Executive FitzGerald/Department of Health and Human Services/Division of Community Initiatives/Office of Early Childhood</p>	<p>A Resolution authorizing amendments to various agreements with Cleveland Municipal School District for Universal Pre-Kindergarten services for the Invest in Children Program for the period 8/22/2012 - 7/31/2014 to extend the time period to 7/31/2015, to change the terms, effective 8/1/2014, and for additional funds; authorizing the County Executive to execute the amendments and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.</p>
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WHEREAS, the County Executive/Department of Health and Human Services/Division of Community Initiatives/Office of Early Childhood has authorized amendments to various agreements with Cleveland Municipal School District for Universal Pre-Kindergarten services for the Invest in Children Program for the period 8/22/2012 - 7/31/2014 to extend the time period to 7/31/2015, to change the terms, effective 8/1/2014, and for additional funds; and

WHEREAS, the amendments to agreements are as follows:

- i) No. AG1200340-01 with Marion-Sterling Elementary School in the amount not-to-exceed \$48,365.32; and
- ii) No. AG1200341-01 with Tremont Montessori School in the amount not-to-exceed \$91,211.33.

WHEREAS, the primary goal of this project is to assure that children aged 3 to 5 years enrolled in a participating public or private child care center, preschool, or family child care home, receive care at a level of quality to promote development and encourage readiness to enter kindergarten; and

WHEREAS, these agreements will be funded 100% by the Health and Human Services Levy Fund; and

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

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

SECTION 1. That the Cuyahoga County Council hereby amends various agreements with Cleveland Municipal School District for Universal Pre-Kindergarten services for the Invest in Children Program for the period 8/22/2012 - 7/31/2014 to extend the time period to 7/31/2015, to change the terms, effective 8/1/2014, and for additional funds as follows:

- i) No. AG1200340-01 with Marion-Sterling Elementary School in the amount not-to-exceed \$48,365.32.
- ii) No. AG1200341-01 with Tremont Montessori School in the amount not-to-exceed \$91,211.33

SECTION 2. That the County Executive is authorized to execute the amendments and any and all documents consistent with this Resolution.

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

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

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

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: August 12, 2014
Committee(s) Assigned: Education, Environment & Sustainability

Journal CC015
August 26, 2014

County Council of Cuyahoga County, Ohio

Resolution No. R2014-0202

<p>Sponsored by: County Executive FitzGerald/Department of Health and Human Services/Division of Community Initiatives/Office of Early Childhood</p>	<p>A Resolution authorizing an agreement with Cleveland Municipal School District – Franklin D. Roosevelt Elementary School in the amount not-to-exceed \$35,884.80 for Universal Pre-Kindergarten services for the Invest in Children Program for the period 8/1/2014 - 7/31/2015; authorizing the County Executive to execute the agreement and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.</p>
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WHEREAS, the County Executive/Department of Health and Human Services/Division of Community Initiatives/Office of Early Childhood has recommended an award on RQ31526 to Cleveland Municipal School District – Franklin D. Roosevelt Elementary School in the amount not-to-exceed \$35,884.80 for Universal Pre-Kindergarten services for the period 8/1/2014 – 7/31/2015; and

WHEREAS, the primary goal of this project is to assure that children aged 3 to 5 years enrolled in a participating public or private child care center, preschool, or family child care home, receive care at a level of quality to promote development and encourage readiness to enter kindergarten; and

WHEREAS, this agreement will be funded 100% by the Health and Human Services Levy Fund; and

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

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

SECTION 1. That the Cuyahoga County Council hereby makes an award on RQ31526 to Cleveland Municipal School District – Franklin D. Roosevelt Elementary School in the amount not-to-exceed \$35,884.80 for Universal Pre-Kindergarten services for the period 8/1/2014 – 7/31/2015.

SECTION 2. That the County Executive is authorized to execute the agreement and any and all documents consistent with this Resolution.

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

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

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

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: August 12, 2014

Committee(s) Assigned: Education, Environment & Sustainability

Journal CC015

August 26, 2014

County Council of Cuyahoga County, Ohio

Resolution No. R2014-0203

<p>Sponsored by: County Executive FitzGerald on behalf of Cuyahoga County Court of Common Pleas/Juvenile Division</p>	<p>A Resolution authorizing an amendment to Master Contract No. CE1300268-01 for residential treatment services for the period 2/1/2013 - 1/31/2015 to change the total amount not-to-exceed from \$3,850,000.00 to \$6,950,000.00, to authorize funding decreases and/or increases with various previously approved providers and to terminate Contract No. CE1300268-05 with Catholic Charities Corporation dba Parmadale, effective 3/1/2014; authorizing the County Executive to execute the amendment and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.</p>
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WHEREAS, the County Executive on behalf of Cuyahoga County Court of Common Pleas/Juvenile Division has recommended an amendment to Master Contract No. CE1300268-01 for residential treatment services for the period 2/1/2013 - 1/31/2015 to change the total amount not-to-exceed from \$3,850,000.00 to \$6,950,000.00, to authorize funding decreases and/or increases with various previously approved providers and to terminate Contract No. CE1300268-05 with Catholic Charities Corporation dba Parmadale, effective 3/1/2014; and

WHEREAS, funding decreases and/or increases are for the following approximate amounts reasonably anticipated to be:

- a) No. CE1300268-01 with Applewood Centers, Inc. in the amount of \$50,000.00.
- b) No. CE1300268-02 with Beech Brook in the amount of \$0.00.
- c) No. CE1300268-03 with Bellefaire Jewish Children's Bureau in the amount of \$150,000.00.
- d) No. CE1300268-04 with Carrington Youth Academy, LLC in the amount of \$0.00.
- e) No. CE1300268-06 with Cleveland Christian Home Incorporated in the amount of \$150,000.00.

- f) No. CE1300268-07 with Cornell Abraxas Group, Inc. in the amount of \$150,000.00.
- g) No. CE1300268-08 with The Glen Mills Schools in the amount of \$800,000.00.
- h) No. CE1300268-09 with Ohio Guidestone in the amount of \$175,000.00.
- i) No. CE1300268-10 with The House of Emmanuel, Inc. in the amount of \$0.00.
- j) No. CE1300268-11 with Keystone Richland Center, LLC dba Foundations for Living in the amount of \$325,000.00.
- k) No. CE1300268-12 with New Directions, Inc. in the amount of \$0.00.
- l) No. CE1300268-13 with Safe House Ministries, Inc. in the amount of \$50,000.00.
- m) Contract No. CE1300268-14 with The Village Network in the amount of \$285,000.00.
- n) No. CE1300268-15 with Central Ohio Youth Center in the amount of \$0.00.
- o) No. CE1300268-16 with Community Specialists Corporation dba The Academy in the amount of \$260,000.00.
- p) No. CE1300268-17 with George Junior Republic in Pennsylvania in the amount of \$0.00.
- q) No. CE1300268-18 with Muskegon River Youth Homes in the amount of \$105,000.00.
- r) No. CE1300268-19 with Rite of Passage, Inc. in the amount of \$100,000.00.
- s) No. CE1300268-20 with Summit School, Inc. dba Summit Academy in the amount of \$500,000.00.

WHEREAS, the primary goal of this project is to implement a comprehensive program to provide a wide range of services to the Juvenile Court's delinquent youth population in a series of residential programs. Youth referred to this program will have demonstrated unsuccessful participation and/or completion in other community-based programs; and

WHEREAS, this project is funded 100% by the Health and Human Services Levy; and

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

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

SECTION 1. That the Cuyahoga County Council hereby authorizes an amendment to Master Contract No. CE1300268-01 for residential treatment services for the period 2/1/2013 - 1/31/2015 to change the total amount not-to-exceed from \$3,850,000.00 to \$6,950,000.00, to authorize funding decreases and/or increases with various previously approved providers and to terminate Contract No. CE1300268-05 with Catholic Charities Corporation dba Parmadale, effective 3/1/2014.

SECTION 2. That funding decreases and/or increases are for the following approximate amounts reasonably anticipated to be:

- a) No. CE1300268-01 with Applewood Centers, Inc. in the amount of \$50,000.00.
- b) No. CE1300268-02 with Beech Brook in the amount of \$0.00.
- c) No. CE1300268-03 with Bellefaire Jewish Children's Bureau in the amount of \$150,000.00.
- d) No. CE1300268-04 with Carrington Youth Academy, LLC in the amount of \$0.00.
- e) No. CE1300268-06 with Cleveland Christian Home Incorporated in the amount of \$150,000.00.
- f) No. CE1300268-07 with Cornell Abraxas Group, Inc. in the amount of \$150,000.00.
- g) No. CE1300268-08 with The Glen Mills Schools in the amount of \$800,000.00.
- h) No. CE1300268-09 with Ohio Guidestone in the amount of \$175,000.00.
- i) No. CE1300268-10 with The House of Emmanuel, Inc. in the amount of \$0.00.

- j) No. CE1300268-11 with Keystone Richland Center, LLC dba Foundations for Living in the amount of \$325,000.00.
- k) No. CE1300268-12 with New Directions, Inc. in the amount of \$0.00.
- l) No. CE1300268-13 with Safe House Ministries, Inc. in the amount of \$50,000.00.
- m) No. CE1300268-14 with The Village Network in the amount of \$285,000.00.
- n) No. CE1300268-15 with Central Ohio Youth Center in the amount of \$0.00.
- o) No. CE1300268-16 with Community Specialists Corporation dba The Academy in the amount of \$260,000.00.
- p) No. CE1300268-17 with George Junior Republic in Pennsylvania in the amount of \$0.00.
- q) No. CE1300268-18 with Muskegon River Youth Homes in the amount of \$105,000.00.
- r) No. CE1300268-19 with Rite of Passage, Inc. in the amount of \$100,000.00.
- s) No. CE1300268-20 with Summit School, Inc. dba Summit Academy in the amount of \$500,000.00.

SECTION 3. That the County Executive is authorized to execute the amendment and all other documents consistent with this Resolution.

SECTION 4. It is necessary that this Resolution become immediately effective for the usual daily operation of the County; the preservation of public peace, health, or safety in the County; and any additional reasons set forth in the preamble. Provided that this Resolution receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (1) its approval by the County Executive through signature, (2) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Cuyahoga County Charter, or (3) its passage by at least eight members of Council after disapproval pursuant to Section 3.10(7) of the Cuyahoga County Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

SECTION 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

County Council of Cuyahoga County, Ohio

Resolution No. R2014-0073

Sponsored by: County Executive FitzGerald/County Sheriff	A Resolution authorizing a revenue generating Underlying Agreement with City of Cleveland in the minimum amount of \$2,365,658.95 per annum for operation of jail services for City Prisoners, effective 6/1/2014; authorizing a Lease in connection with said agreement in the amount not-to-exceed \$1.00 per annum for use of the City's Central Prison Unit located at 1300 Ontario Street, 6 th Floor, Cleveland; authorizing the County Executive to execute the agreement and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.
Co-sponsored by: Councilmember Hairston	

WHEREAS, the County Executive on behalf of the Cuyahoga County Sheriff's Department has authorized a revenue generating underlying agreement with The City of Cleveland in the minimum amount of \$2,365,658.95 per annum for operation of jail services for City of Cleveland prisoners; authorizing a Lease in connection with said agreement in the amount not-to-exceed \$1.00 per annum for use of the City's Central Prison Unit located at 1300 Ontario Street, 6th Floor, Cleveland; and

WHEREAS, the primary goals of this project are for the City of Cleveland to turn operation of its prisoners over to the County Sheriff and for the County Sheriff to provide the City of Cleveland with prisoner booking, housing, and other related jail services; and

WHEREAS, the funding for the agreement is 100% from the revenue generating agreement with the City of Cleveland; and

WHEREAS, it is necessary that this Resolution become immediately effective in order that critical services provided by the County can continue.

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

SECTION 1. The Cuyahoga County Council authorizes a revenue generating underlying agreement with The City of Cleveland in the minimum amount of \$2,365,658.95 per annum for operation of jail services for City of Cleveland prisoners; authorizing a Lease in connection with said agreement in the amount not-to-exceed

First Reading/Referred to Committee: March 11, 2014
Committee(s) Assigned: Public Safety & Justice Affairs

Additional Sponsorship Requested: July 8, 2014

Committee Report/Second Reading/Referred to Committee: August 26, 2014
Committee(s) Assigned: Public Safety & Justice Affairs

Journal _____
_____, 20__

County Council of Cuyahoga County, Ohio

Ordinance No. O2014-0026

Sponsored by: County Executive FitzGerald/Fiscal Officer/ Department of Consumer Affairs	An Ordinance enacting Title 13, Chapter 1301 of the Cuyahoga County Code to establish the Cuyahoga County Consumer Protection Code, and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, Council deems it necessary to adopt regulations governing the County's Department of Consumer Affairs; and

WHEREAS, the need to promote honest and fair business practices; and the protection of the citizens of and visitors to Cuyahoga County from unfair and deceptive practices and acts in the best interest of the public;

WHEREAS, the public health, safety and welfare of the residents of the County will best be served by enacting a Cuyahoga County Consumer Protection Code that provides for enforcement by the Department of Consumer Affairs through many means; and

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

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

SECTION 1. Title 13, Chapter 1301 of the Cuyahoga County Code is hereby enacted as follows:

Title 13: Commercial Regulation

Chapter 1301 Consumer Protection

Section 1301.01: Definitions

As used in the Chapter 1301:

- (A) "Appliances" shall mean any device or instrument operated by electricity, gas or otherwise, and designed for personal, family or household purposes.

- (B) “Consumer” shall mean a person who engages in consumer transaction with a supplier.
- (C) “Consumer Goods” shall mean goods purchased, leased, or rented primarily for personal, family, or household purposes, including courses or instruction or training regardless of the purpose for which they are taken.
- (D) “Credit and Debits” shall mean credit or debits which are primarily for personal, family, or household use.
- (E) “Consumer Transaction” shall mean a sale, lease, assignment, award by chance, or other transfer of an item of goods, a service, a franchise, or an intangible, to an individual for purposes that are primarily personal, family, or household, or solicitation to supply any of these things. Consumer Transaction does not include transactions between persons defined in section 4905.03 and 5725.01 of the Ohio Revised Code, and their customers, except for transactions involving a loan made pursuant to sections 1321.35 and 1321.48 of the Ohio Revised Code and transactions in connection with residential mortgages between loan officers, mortgage brokers, or nonbank mortgage lenders and their customers; transactions involving a home construction service contract as defined in section 4722.01 of the Ohio Revised Code; transactions between certified public accountants or public accountants and their clients; transactions between attorneys, physicians, or dentists and their clients or patients; and transactions between veterinarians and their patients that pertain to medical treatment but not ancillary services.
- (F) “Department” shall mean the Cuyahoga County Department of Consumer Affairs.
- (G) “Knowledge” shall mean actual awareness, but such actual awareness may be inferred where objective manifestations indicate that the individual involved acted with such awareness.
- (H) “Person” shall mean any individual (including a minor child engaged in a consumer transaction), corporation, government, governmental subdivision or agency, business trust, estate, trust partnership, association, cooperative, or other legal entity.
- (I) “Services” shall mean and includes, but is not limited to, work, labor, consumer transactions, privileges, and all other accommodations which are primarily for personal, family, or household purposes.
- (J) “Supplier” shall mean a seller, lessor, assignor, franchisor, or other person engaged in the business of effecting or soliciting consumer transactions, whether or not the person deals directly with the consumer. If the consumer transaction is in connection with a residential mortgage, “supplier” does not include assignee or purchaser of the loan for value, except as otherwise provided in section 1345.091 of the Ohio Revised Code. For purposes of this section, in a consumer transaction in

connection with a resident mortgage, “seller” means a loan officer, mortgage broker, or nonbank mortgage lender.

- (K) “Unfair or Deceptive Practices” shall mean no person shall engage in any unfair or deceptive consumer trade practice in the sale or any false, falsely disparaging, or misleading oral or written statement, visual description or other misrepresentation of any kind made in the conduct of any consumer transaction; the collection of consumer debts; the offering of sale, lease, rental or loan of consumer goods or services; the offering for sale of products by weight, count or measure. Unfair or deceptive practices include, but are not limited to, those practices defined by this Code, the Ohio Revised Code, and other applicable laws.

Section 1301.02: Filing Consumer Complaints

Any consumer who feels they have been subjected to unfair or deceptive practices may at any time within two years from the date of the alleged violation or within a reasonable time after the consumer discovers or should have discovered the violation, whichever is later, file a complaint in writing with the Cuyahoga County Department of Consumer Affairs. The complaint should state enough details of the incident so as to allow the Department to investigate the circumstances surrounding the incident, and at a minimum, the complaint should state the name and address of the person alleged to have committed the violation, the details of the violation, and any other information the Department deems necessary.

Section 1301.03: Unfair and Deceptive Practices Prohibited

No person shall engage in any unfair or deceptive consumer trade practice in the sale or any false, falsely disparaging, or misleading oral or written statement, visual description or other misrepresentation of any kind made in the conduct of any consumer transaction; the collection of consumer debts; the offering of sale, lease, rental or loan of consumer goods or services; the offering for sale products by weight, count or measure. Unfair or deceptive practices include, but are not limited to, those practices prohibited by this Code, the Ohio Revised Code, and other applicable laws.

Section 1301.04: Enforcement, Orders, and Penalty

- (A) Upon finding a violation of this Chapter, the Department shall expeditiously cause the same to be corrected or where there is evidence of intent to defraud refer evidence of such violation to the County Prosecutor, Ohio Attorney General, Federal Trade Commission, Consumer Financial Protection Bureau, or other appropriate agencies for commencement of a civil action in the name of the county to recover a civil penalty in the amounts prescribed. In lieu of instituting or continuing a cause of action for recovery, such penalty may be released, settled or compromised by the director for good cause found before the matter is referred to the County Prosecutor or other appropriate agency.

- (B) The Department may seek injunctive relief, upon approval of the County Executive, as a means of enforcing this Chapter. Said injunctive relief may include, but is not limited to, a Cease and Desist Order or Assurance of Voluntary Compliance prohibiting the alleged violator from engaging in an unfair or deceptive practice; stipulation for payment of investigative costs; civil penalty; and/or restitution on behalf of the aggrieved consumer(s). Any settlement shall be in writing and made a matter of public record.
- (C) Violation of an assurance entered into pursuant to this section shall be treated as a violation of this Chapter, and shall be subject to all the penalties provided therefor.
- (D) A violation of any provision of this Chapter shall be punishable by the payment of a civil penalty in the sum of not less than one hundred (\$100.00) dollars, nor more than five hundred (\$500.00) dollars per day for each such violation, to be recovered in a civil action.

Section 1301.05: Other Rights and Remedies

Nothing herein shall prevent any person from exercising any right or seeking any private remedy or redress to which one might otherwise be entitled, or from filing any complaint with any other agency.

Section 1301.06: Applicability

Nothing in the Chapter shall be construed to exempt compliance with state and federal laws related to consumer protection. Violation of these laws may be prosecuted as applicable.

Section 1301.07: Deceptive Advertising

- (A) Untrue and misleading advertising.

No person, with intent to sell or in any way dispose of goods or services, or anything offered directly or indirectly to the public for sale or distribution or with intent to increase the consumption thereof, or to induce the public in any manner to enter into any obligation relating thereto, shall make, publish, disseminate, circulate or place before the public, or cause directly or indirectly to be made, published, disseminated, circulated or placed before the public, in the county, an advertisement of any sort regarding goods, services or representation so offered to the public, which contains any assertion, representation or statement which is untrue, deceptive or misleading, or fails to disclose that the quantity is limited, if such is the case.

(B) Failure to advise of inferior merchandise.

No person, with intent to sell or in any way dispose of merchandise which is not of the recognized highest grade for such merchandise, shall fail, neglect or refuse to advise the public of the exact quality of the merchandise offered for sale, correctly stated in terms of the trade usage, plainly discernible upon such merchandise, or in or upon the counter, bin or other receptacle from which it is offered to the public. Without prejudice to the generality of the prohibitions of this section and the applicability thereof, the advertising or representing of merchandise as imperfect, without stating the recognized trade designation of quality, shall be deemed a violation of this section.

(C) Defective, rebuilt or second-hand merchandise.

No person, firm or corporation, in any newspaper, magazine, circular, form letter or any open publication, published, distributed or circulated in the county, or on any billboard, car, label or other advertising medium, or by means of any other method of advertising, shall advertise, call attention to or give publicity to the sale of any merchandise, which merchandise is second-hand, used or rebuilt merchandise, or which merchandise is defective in any manner, or consist of articles, units or parts known as "seconds," or blemished merchandise, or which has been rejected by the manufacturer thereof as not first class, unless there is conspicuously displayed directly in connection with the name and description of such merchandise and each specified article, unit or part thereof, a direct and unequivocal statement, phrase or word which will clearly indicate that such merchandise or each article, unit or part thereof so advertised is second-hand, used, rebuilt, defective, consists of seconds, is blemished merchandise or has been rejected by the manufacturer thereof, as the fact may be.

(D) Use of the word "free" etc.

- (1) It shall be a deceptive act or practice in connection with a consumer transaction for a supplier to use the word "free" or other words of similar import or meaning, except in conformity with this section. It is the express intent of this section to prohibit the practice of advertising or offering goods or services as "free" when in fact the cost of the "free" offer is passed on to the consumer by raising the regular (base) price of the goods or services that must be purchased in connection with the "free" offer. In the absence of such a base price a "free" offer is in reality a single price for the combination of goods or services offered, and the fiction that any portion of the offer is "free" is inherently deceptive.
- (2) All reference to the word "free" shall include within that term all other words of similar import and meaning. Representative of the word or words in which this section is applicable would be the following: "Free;" "Buy 1, Get 1 Free;" "2 for 1 Sale"; "50% Off with Purchase of 2." Offers of "free" items of goods or services which may be deceptive for failure to meet the provisions of this section may not be corrected by the substitution, for the word "free," of

such similar words and terms as “gift”, “given without charge,” “bonus,” or other words and terms which tend to convey to the consuming public the impression that an item of goods or services is “free.”

- (3) When using the word “free” in a consumer transaction, all the terms, conditions, and obligations upon which receipt and retention of the “free” goods or services are contingent shall be set forth clearly and conspicuously at the outset of the offer. Terms, conditions, and obligations of the offer must be printed in a type size half as large as the word “free,” and all of the terms, conditions, and obligations should appear in close proximity with the offer of “free” goods or services. Disclosures of the terms of the offer set forth in a footnote of an advertisement to which reference is made by an asterisk or other symbol placed next to the offer is not regarded as making disclosure at the outset.
- (4) Disclosures of the terms of the offer set forth in a footnote of an advertisement to which reference is made by an asterisk or other symbol placed next to the offer is not regarded as making disclosure at the outset.
- (5) In a consumer transaction in which goods or services are offered as “free” upon the purchase of other goods or services the supplier must insure:
 - (a) That the unit regular price charged for the other goods or services is not increased, or if there is no unit regular price, the unit price charged for the other goods or services is continued for a reasonable period of time;
 - (b) That the regular quality of the other goods or services is not reduced, or if there is no regular quality, the quality level of the other goods and services is continued for a reasonable period of time; and
 - (c) That no other conditions are attached to the offer except for the basic condition that other goods or services must be purchased in order for the consumer to be entitled to the “free” goods or services.
- (6) Only the supplier’s regular price for the goods or services to be purchased may be used as the basis for a “free” offer. It is, therefore, a deceptive act or practice for a supplier to offer “free” goods or services based on a price which exceeds the supplier’s regular price for other goods or services required to be purchased. Likewise, it is a deceptive act or practice for a supplier to make a “free” offer when the price of other goods or services required to be purchased is based on a price being charged by others in the supplier’s trade area for the same or similar goods or services, when, in fact, such price is in excess of the supplier’s regular price.
- (7) "Regular price" means the price at which the goods or services are openly and actively sold by a supplier to the public on a continuing basis for a substantial period of time. A price is not a regular price if:

- (a) It is not the supplier's actual selling price;
 - (b) It is a price which has not been used in the recent past; or
 - (c) It is a price which has been used only for a short period of time.
- (8) "Regular quality" means the quality level at which the goods and services are openly and actively sold by the supplier to the public on a continuing basis for a substantial period of time. A quality level is not a regular quality if:
- (a) It is not the supplier's actual quality level;
 - (b) It is a quality level that has not been used in the recent past; or
 - (c) It is a quality level which has been used only for a short period of time.
- (9) It is recognized that some goods and services are almost never sold at a single regular price, but are instead sold by means of individual negotiated transactions. A supplier of goods or services sold in negotiated transactions is not precluded by this rule from making a "free" offer provided the supplier is able to establish a mean average price immediately prior to the "free" offer, the goods or services are fungible, and the mean average price during the "free" offer does not exceed the mean average price immediately prior thereto.
- (10) Continuous or repeated "free" offers are deceptive acts or practices since the supplier's regular price for goods to be purchased by consumers in order to avail themselves of the "free" goods will, by lapse of time, become the regular price for the "free" goods or services together with the other goods or services required to be purchased. Under such circumstances, therefore, an offer of "free" goods or services is merely illusory and deceptive.
- (11) This section does not preclude the use of nondeceptive, "combination" offers in which two or more items of goods and/or services such as toothpaste and a toothbrush, or soap and deodorant, or clothing and alterations are offered for sale as a single unit at a single stated price, and in which no representation is made that the price is being paid for one item and the other is "free." Similarly, suppliers are not precluded from setting a price for an item of goods or services which also includes furnishing the consumer with a second, distinct item of goods or services at one inclusive price if no representation is made that the latter is free.

(E) Penalties.

Whoever violates any provisions of this may be subject to penalties provided in Section 1301.04. Each fraudulent advertisement for the sale of such designated items or materials constitutes a separate offense.

Section 1301.08: Failure to Deliver; Substitution of Goods or Services.

- (A) It shall be a deceptive act or practice in connection with a consumer transaction for a supplier:
- (1) To advertise or promise prompt delivery unless, at the time of the advertisement, the supplier has taken reasonable action to insure prompt delivery;
 - (2) To accept money from a consumer for goods or services ordered by mail, telephone, or otherwise and then permit eight weeks to elapse without:
 - (a) Making shipment or delivery of the goods or services ordered;
 - (b) Making a full refund;
 - (c) Advising the consumer of the duration of an extended delay and offering to send the consumer a refund within two weeks if the consumer so requests; or
 - (d) Furnishing similar goods or services of equal or greater value as a good faith substitute if the consumer agrees.
- (B) When a consumer transaction involves goods it shall be a deceptive act or practice for a supplier to furnish similar goods of equal or greater value when there was no intention to ship, deliver, or install the original goods ordered. The act of a supplier in furnishing similar merchandise of equal or greater value as a good faith substitute does not violate this rule.
- (C) For the purposes of this rule, goods or services may not be considered of "equal or greater value" if they are not substantially similar to the goods or services ordered, or are not fit for the purposes intended, or if the supplier normally offers the substituted goods or services at a lower price than the "regular price", as defined in 1301.07(D)(7) of the goods ordered.
- (D) Penalties.

Whoever violates any provisions of this may be subject to penalties provided in Section 1301.04. Each fraudulent advertisement for the sale of such designated items or materials constitutes a separate offense.

Section 1301.09: Home Improvements

- (A) Definitions.

As used in this Section, certain terms are defined as follows:

- (1) "Advertisement" shall mean a statement promoting home improvement services in a newspaper, periodical, pamphlet, circular, billboard, sign, letterhead, business card or other printed materials or in announcements to the public on radio, television or the Internet. The term shall not include the following:
 - (a) Sponsorship or recognition of sponsorships of civic, charitable or nonprofit events, teams or purposes;
 - (b) Writings or graphics on promotional clothing, pens, pencils or similar items.
 - (2) "Home Improvement" shall mean any repair, alteration, or addition to any one-, two- or three-family residential structure or to any dwelling unit in any type of structure. Home Improvement does not include any of the following:
 - (a) Construction of a new one-, two-, or three-family residential structure;
 - (b) Work performed on the common area of a condominium property;
 - (c) Work performed on a structure that contains four or more dwelling units, except for work on an individual dwelling unit within that structure.
 - (3) "Home Improvement Contract" shall mean an oral or written agreement between a contractor, subcontractor, independent contractor or salesperson for the performance of a home improvement which includes all agreements for labor, services and materials to be furnished and performed under the contract.
 - (4) "Home Improvement Contractor" shall mean any person who owns and operates a home improvement business or who undertakes or agrees to perform any home improvement. The term includes a subcontractor or independent contractor who has contracted with a home improvement contractor.
 - (5) "Warranty" shall mean any warranty or guarantee made with respect to labor, services, products or materials provided under a home improvement contract. Warranty includes a home improvement contractor's warranty and a manufacturer's product warranty.
- (B) Home improvement contract requirements.
- (1) When a home improvement contract is made which involves total cost to the consumer greater than five hundred dollars (\$500.00), or involving an extension of credit to the consumer, no person shall perform any home

improvement unless that person enters into a written contract with the owner. The contract shall include all agreements and conditions related to the home improvement, including all of the following:

- (a) The legal name of the home improvement contractor, address, telephone and facsimile numbers, website and email addresses, including the name, address, telephone and facsimile numbers of the sales representatives or agents who solicited or negotiated the contract for the contractors;
 - (b) The address of the property where the home improvement is to be performed;
 - (c) A detailed description of the home improvement, including the goods and services to be furnished as part of the home improvement;
 - (d) The date or time period the home improvement is to begin and the date or time period it is to be completed;
 - (e) The total cost or other consideration to be paid by the consumer, including all finance charges;
 - (f) Any cost of installation, delivery, or other cost that the total cost does not cover;
 - (g) The dated signatures of consumers and home improvement contractor; and
 - (h) A contract initiated by the home improvement contractor through face-to-face solicitation away from the regular place of business of the contractor shall have the proper notice of cancellation as described in this Section.
- (2) In connection with a home improvement solicitation where there is face-to-face contact between the consumer and home improvement contractor prior to the commencement of the repair or service, a home improvement contractor shall provide proper notice of cancellation that shall appear clearly and conspicuously on the copy of the contract left with the consumer in bold-face, UPPERCASE type of the minimum size of ten points, in substantially the following form and in immediate proximity to the space reserved in the contract for the signature of the consumer:

“YOU, THE BUYER, MAY CANCEL THIS TRANSACTION AT ANY TIME PRIOR TO MIDNIGHT OF THE THIRD BUSINESS DAY AFTER THE DATE OF THIS TRANSACTION. SEE THE ATTACHED NOTICE OF CANCELLATION FOR AN EXPLANATION OF THIS RIGHT.”

Also, before furnishing copies of the notice of cancellation to the consumer, the home improvement contractor shall complete both copies by entering the name of the home improvement contractor and the address of the home improvement contractor, the date of the transaction which is the date the consumer signed the contract and the date, not earlier than the third business day following the date of the transaction, by which the consumer may give notice of cancellation. The completed form, in duplicate, captioned “notice of cancellation”, shall be attached to the contract signed by the consumer and be easily detachable, and shall contain in ten-point, boldface type, the following information and statements in the same language as that used in the contract:

NOTICE OF CANCELLATION

(enter date of transaction) (date)

You may cancel this transaction, without any penalty or obligation, within three business days from the above date. If you cancel, any property traded in, any payments made by you under the contract or sale, and any negotiable instrument executed by you will be returned within ten business days following receipt by the seller of your cancellation notice, and any security interest arising out of the transaction will be cancelled. If you cancel, you must make available to the seller at your residence, in substantially as good of condition as when received, any goods delivered to you under this contract or sale; or you may if you wish, comply with the instructions of the seller regarding the return shipment of the goods at the seller’s expense and risk.

If you do not make the goods available to the seller and the seller does not pick them up within twenty days of the date of your notice of cancellation, you may retain or dispose of the goods without any further obligation. If you fail to make the goods available to the seller, or if you agree to return the goods to the seller and fail to do so, then you remain liable for performance of all obligations under the contract.

To cancel this transaction, mail or deliver a signed and dated copy of this cancellation notice or any other written notice to (name of seller), at (address of seller’s place of business) not later than midnight of (date).

I hereby cancel this transaction (date) and (consumer’s signature)

(C) Building permits.

- (1) Before a consumer enters into a home improvement contract, the home improvement contractor shall inform the consumer of all building or construction permits that are required for the home improvement. No home improvement contractor may start work under a home improvement contract until all required building permits have been issued.

- (2) Where midpoint or final inspections are required by law, copies of inspection certificates shall be furnished to the consumer when repairs are completed and before final payment is due or the signing of a completion slip is requested of the consumer.

(D) Warranties.

- (1) A home improvement contractor shall give a consumer a copy of every written warranty made with respect to labor, services, products or materials furnished in connection with a home improvement.
- (2) If a home improvement contractor warrants any labor, service, product or material furnished in connection with a home improvement, the warranty (oral or written) shall be clear and specific and shall clearly specify all of the following:
 - (a) Any warranty conditions or exclusions;
 - (b) Any limitations on the scope or duration of the warranty; and
 - (c) The time period within which the home improvement contractor will perform the warranty obligations after the consumer makes a warranty claim.
- (3) No home improvement contractor may give any warranty which the home improvement contractor does not intend to honor in full, or which the home improvement contractor has reason to believe will not be honored in full.

(E) Prohibited activity.

The following actions are prohibited:

- (1) Prior to commencing work related to the home improvement, failure to enter into a written contract that complies with this Section;
- (2) Making the performance of any home improvement contingent upon a consumer's waiver of any rights this Section provides;
- (3) Charging for any excess cost that the consumer has not approved;
- (4) Representing that repairs, services, or work is necessary when such is not the fact;
- (5) Representing that repairs or work have been performed when such is not the fact;

- (6) Representing that an item of goods or any part thereof that is being inspected or diagnosed for a home improvement is in a dangerous condition, or that its continued use may be harmful, when such is not the fact;
 - (7) Materially understating or mis-stating the estimated cost of the home improvement;
 - (8) Fraudulently misrepresenting any aspect of the transaction or the nature or the quality of the work or materials;
 - (9) Failing to provide the consumer with a written itemized list of repairs performed or services rendered, including a list of parts or materials and a statement of whether they are used, manufactured, or rebuilt, if not new, the cost to the consumer, the amount charged for labor, and the identity of the individual performing the repair or service;
 - (10) Failing to tender to the consumer any replaced parts, unless the parts are to be rebuilt or sold by the contractor, or returned to the manufacturer in connection with a warranted repair or service, and the intended reuse or return is made know to the owner prior to commencing any repair or services;
 - (11) Failing at the time any consumer signs or initials any document to provide the consumer with a copy of the document; or
 - (12) Failing to obtain proper building permits prior to commencing work.
- (F) Contract cancellation; return of payments.
- (1) If a home improvement contractor fails to fulfill any obligation this Section imposes, the consumer may deliver a written notice of that failure to the contractor, specifying the act or omission that constitutes noncompliance and the specific obligation that was not met. The notice shall state that if the contractor does not fulfill the obligation, the consumer has authority to terminate the contract upon the date specified in the notice, to be not less than thirty days after the delivery of the notice.
 - (2) If, under a home improvement contract, a consumer pays a home improvement contractor for any home improvement materials or services before the contractor provides those materials or services to the consumer, the consumer may proceed to cancel the contract and demand return of all payment which the home improvement contractor has not yet expended on the home improvement if any of the following occurs:
 - (a) The home improvement contractor fails to provide the materials or services by a deadline specified in the home improvement contract;

- (b) The home improvement contractor fails to give the consumer notice of an impending delay as required in this Section, or fails to obtain the consumer's agreement to a new performance deadline;
- (c) The consumer believes that the home improvement contractor has failed to provide the material or services in a timely manner, and the home improvement contract specifies no deadline for the contractor to provide the materials or services;
- (d) The home improvement contractor fails to obtain proper building permits;
- (e) The home improvement contractor fails to obtain written authorization from the consumer to perform additional repairs not listed in the original contract; or
- (f) The home improvement contractor fails to provide proper notice of cancellation.

(G) Penalties.

Whoever violates any provisions of this may be subject to penalties provided in Section 1301.04.

Section 1301.10: Layaway Agreements

(A) Definitions.

As used in this Section, certain terms are defined as follows:

- (1) "Cash Price" shall mean the retail selling price for which goods subject to a layaway agreement may be purchased for cash from the seller by the buyer at the time of the execution of the layaway agreement.
- (2) "C.O.D. Transaction" shall mean an agreement by which the seller requires the buyer to pay the full cash price of the goods upon delivery or tender of delivery by the seller, less any down payment made by the buyer. A C.O.D. transaction does not include an agreement by which the seller requires the buyer to pay interim payments before such delivery or tender of delivery.
- (3) "Layaway Agreement" shall mean a written contract for the retail sale of goods negotiated or entered into in the County between a consumer and a supplier, under this or any other name, under which:

- (a) Part or all of the layaway price is payable in one or more payments subsequent to the making of the layaway agreement;
 - (b) The goods are specific existing goods identified from the seller's stock or inventory at the time of the making of the layaway agreement;
 - (c) The seller retains possession of such goods until the layaway price is paid in full;
 - (d) "Layaway agreement" includes a "special order transaction," as defined in subsection (h) hereof. "Layaway agreement" does not include a bona fide C.O.D. transaction, as defined in subsection (2) hereof.
- (4) "Layaway Charge" shall mean means a charge assessed to the buyer for exercising the layaway option.
- (5) "Layaway Price" shall mean the sum of the cash price, service charges and assessed taxes.
- (6) "Service Charge" shall mean any fee charged to the buyer in addition to the cash price of the goods, excluding taxes.
- (7) "Special Order Transaction" shall mean a contract negotiated or entered into for the retail sale of goods under which such goods:
- (a) Are ordered by the buyer to his or her unique specifications;
 - (b) Are not carried by the seller, either in the seller's showroom or warehouse;
 - (c) Are ordered from a manufacturer or supplier; and
 - (d) Are not resalable by the seller at the sale price negotiated with the buyer;
or
 - (e) Have been altered at the request of the buyer so that the goods are no longer salable to the general public.

(B) Execution of agreement.

A layaway agreement shall be in writing, contain all of the agreements of the parties and be signed and dated by all of the parties thereto.

(C) Contents of layaway agreement.

No merchant shall accept payment from a consumer to be applied to the purchase of goods on a layaway plan without first clearly and conspicuously disclosing to the consumer, in a layaway agreement, the following information:

- (1) The full name and post office address of the seller;
- (2) A description of the goods to be purchased on the layaway plan, including, as appropriate, the type of item, the name of the manufacturer, and the brand name, color, size, style and model number of such goods;
- (3) The cash price of such goods;
- (4) A specific itemization of service charges, including, but not limited to, any layaway charge (not to exceed three percent (3%) of the cash price of the goods or five dollars (\$5.00), whichever is greater) and charges for delivery, installation, assembly, repair or other services to the goods, which are separate from the cash price;
- (5) The layaway price;
- (6) The amount of the buyer's down payment, together with a statement of the respective amounts credited for cash or credits, the agreed value of any goods to be traded in and a description of such goods;
- (7) The total sum which remains owing by the buyer to the seller, the number of installment payments, the amount of such payments, the dates by which such payments are due, and any penalties for late payment where the buyer is not in default;
- (8) A clear and concise statement of circumstances constituting buyer default and all consequences of such default, including any imposition of liquidated damages, as permitted under paragraphs (4), (5) and (6) of Section 1301.10(E). The statement shall further include the following:
 - (a) The buyer will not be in default until a required payment remains unpaid for at least thirty (30) days after the scheduled payment date, as provided in paragraph (1) of Section 1301.10(E);
 - (b) Where the layaway agreement contains a liquidated damages clause, the buyer shall not be in default until at least ten (10) days after the seller mails notice of default to the buyer, as provided in paragraph (2) of Section 1301.10(E);

- (c) Where the layaway agreement does not contain a liquidated damages clause, or if the layaway price of the specific goods subject to the layaway arrangement is one hundred dollars (\$100.00) or less, the seller is not required to mail notice of default as a prerequisite to the buyer's default, as provided in paragraph (3) of Section 1301.10(E);
- (d) Upon default, the seller may cancel the layaway agreement as provided in paragraphs (a)-(c) above and in paragraph (4) of Section 1301.10(E); and
- (e) A clear and conspicuous statement of the buyer's right to cancel such layaway agreement as provided in paragraph (6) of Section 1301.10(E).

(D) Duties of seller.

- (1) The seller shall give the buyer an exact copy of the signed layaway agreement at the time the agreement is executed.
- (2) Upon execution of a layaway agreement, the seller shall hold for the buyer, or agree to deliver to the buyer, upon full payment of the layaway price, goods that are identical in every respect to those originally selected by the buyer, provided that the buyer complies with all the terms of the layaway agreement.
- (3) The seller shall bear the risk of loss or damage while holding the goods purchased pursuant to a layaway agreement.
- (4) Whenever a payment is made on a layaway agreement account, the seller shall give the buyer a dated receipt evidencing such payment.
- (5) If the buyer requests the status of the layaway account, the seller, within ten (10) days after such request, shall give the buyer a written statement setting forth:
 - (a) The total cost of the layaway transaction;
 - (b) The total amount paid by the buyer to date; and
 - (c) The balance due to the seller and the date by which remaining payments are due.
- (6) The seller may not increase the layaway price of goods sold under a layaway agreement.
- (7) Upon the seller's breach of any of the seller's duties, the seller shall give to the buyer a full refund in cash or by due bill, at the option of the buyer.

- (E) Default by buyer; cancellation of agreement before default.
- (1) No buyer shall be in default under a layaway agreement until a required payment remains unpaid for at least thirty (30) days after the scheduled payment date.
 - (2) If the seller's layaway agreement includes a liquidated damages clause as permitted in paragraph (5) of this section, the buyer shall not be in default until at least ten (10) days after the seller mails a notice of the default to the last known address of the buyer. The notice shall be mailed using certified mail, return receipt requested, or by regular mail evidenced by a properly completed and stamped certificate of mailing by regular mail. Such notice shall state:
 - (a) The fact that the buyer has failed to comply with the layaway arrangements;
 - (b) In what manner the buyer has failed to comply with the layaway arrangement;
 - (c) The date upon which the buyer will be in default should payment not be forthcoming;
 - (d) The amount of money which must be paid by the buyer to avoid default; and
 - (e) The exact consequences of the buyer's default.
 - (3) If the seller's layaway agreement does not include a liquidated damages clause, or if the layaway price of the specific goods subject to the layaway arrangement is one hundred dollars (\$100.00) or less, no written notice need be sent to the buyer as a prerequisite to the buyer's default.
 - (4) Upon the buyer's default, the seller may cancel the layaway agreement and the balance of the monies paid shall be refunded by the seller to the buyer. Where the layaway agreement contains a liquidated damages provision, cancellation shall be in accordance with paragraph (2) of this section, and the seller may recover liquidated damages as permitted in paragraph (5) of this section.
 - (5) If the buyer defaults under a layaway agreement, and the agreement contains a liquidated damages provision, the seller may retain as liquidated damages an amount not to exceed the lesser of twenty-five dollars (\$25.00) or ten per cent (10%) of the cash price of the goods subject to the layaway agreement. Any

balance due to the buyer shall be refunded by the seller in cash or by due bill at the option of the buyer.

- (6) The buyer may, at any time before delivery or tender of delivery, and before default, cancel the layaway agreement. In such event, the seller may retain from the refund due the buyer liquidated damages in an amount not to exceed the layaway charge plus the lesser of either twenty-five dollars (\$25.00) or ten per cent (10%) of the cash value of the goods subject to the layaway agreement. The balance shall be refunded by the seller to the buyer in cash or by due bill at the option of the buyer.
- (7) Unless otherwise provided in the layaway agreement, paragraphs (4), (5) and (6) of this section do not apply to a special order transaction.

(F) Penalties.

Whoever violates any provisions of this may be subject to penalties provided in Section 1301.04.

Section 1301.11: Motor Vehicle Repairs

(A) Definitions.

As used in this Section, certain terms are defined as follows:

- (1) “Motor Vehicle Repair Garage” shall mean a business or individual regularly engaged in the repair of motor vehicles, except:
 - (a) A business which performs motor vehicle servicing solely to the extent of fueling, checking fluid levels, replacing filters, and other minor servicing functions;
 - (b) A garage or shop engaged exclusively in repairing the motor vehicles of its own fleet.
- (2) “Repair” shall mean mechanical repairs, service, maintenance, alterations, diagnostic testing or body work, or the addition of equipment, supplies, or parts to a motor vehicle.
- (3) “Motor Vehicle Repair Person” shall mean any person who performs repairs, as defined in subsection 2 of this Section, for compensation, other than a person who performs repairs only on his or her own motor vehicles or vehicles or while in the employ of an entity described in paragraphs (1)(a) or (1)(b) of this Section.

(B) Maintenance of records.

Every person who operates a motor vehicle repair garage shall keep records which shall include all work orders, estimates, and invoices of all consumers for whom motor vehicle repairs have been performed. Such records shall be made available for inspection and copying by the Department for not less than two (2) years after their creation. Upon request by a consumer and payment of a reasonable cost therefore, a motor vehicle repair garage shall provide the documents maintained by the motor vehicle repair garage which reflect any transaction to which said customer was a party.

(C) Notice of storage policy.

Each motor vehicle repair garage shall give reasonable notice of its policy on storages charged. It shall be prima facie evidence of such notice if there is posted in a conspicuous place within the motor vehicle garage, a legible sign stating its storage charge policy; provided that no charge shall accrue or be due and payable for a period of forty-eight (48) hours (two business days) from the date of notification to a consumer that the repair of the consumer's motor vehicle has been completed.

(D) Regulations governing motor vehicle repairs or services.

- (1) In connection with a consumer transaction involving a motor vehicle repair or any service on a motor vehicle where the anticipated cost exceeds twenty five dollars (\$25.00) and there has been face-to-face contact at the supplier's place of business during the hours such repairs or services are offered, between the consumer or his representative, prior to the commencement of the repair, no supplier shall fail to inform the consumer of his right to an estimate on a form containing substantially the following language:

ESTIMATE

You have the right to an estimate if the expected cost of repairs or services will be more than twenty-five dollars (\$25.00). Your bill will not be higher than the estimate by more than ten percent (10%) unless you approve a larger amount before repairs are finished. Initial your choice:

Written Estimate: _____

Oral Estimate: _____

No Estimate: _____

- (a) Fail to post a sign in a conspicuous place within that area of the supplier's place of business to which consumers requesting a repair or service are directed by the supplier or to give the consumer a separate form at the time of the initial face-to-face contact and prior to the commencement of any repair or service which clearly and conspicuously contains the following language:

NOTICE

If the expected cost of repair or service is more than twenty-five dollars (\$25.00), you have the right to receive a written estimate or oral estimate before we begin work. Your bill will not be higher than the estimate by more than ten percent (10%) unless you approve a larger amount before repairs are finished. Ohio law requires us to give you a form so that you can choose either a written, oral, or no estimate.

- (b) Fail, where a consumer requests a written estimate of the anticipated cost of repairs or services, to make a bona fide effort during the initial face-to-face contact to provide the written estimate on the form required by paragraph (D)(1) of this Section.
 - (c) Fail, where a consumer requests a written or oral estimate, to give the estimate to the consumer before commencing the repair or service.
- (2) In connection with a consumer transaction involving the performance of either repairs or any service upon a motor vehicle where there has not been face-to-face contact between the consumer or his representative and the supplier or his representative prior to the commencement of the repair or service, no supplier shall:
- (a) Fail to make available to a consumer who makes a supplier-authorized delivery of a motor vehicle for repair or service at the supplier's place of business during non-business hours of the repair or service facility, a form in duplicate with instruction directing the consumer to retain a copy which indicates the identity of the supplier. The form shall contain disclosures in substantially the following language:

ESTIMATE

You have the right to an estimate of the cost of repairs or services which you are requesting. Your bill will not be higher than the estimate by more than ten percent (10%) unless you approve a larger amount before repairs are finished. You can choose the kind of estimate you want to receive by signing your name under one of the following choices and indicating a telephone number where you can be reached if necessary:

Written Estimate: (Customer Signature)

Oral Estimate: (Customer Signature)

No Estimate: (Customer Signature)

Customer Name, Telephone Number, Date

- (b) Fail in all other instances, upon the first contact with the consumer, to inform the consumer of the right to receive a written or oral estimate of the anticipated cost of the repair or service;
 - (c) Fail, where the consumer requests an oral estimate, to give the oral estimate to the consumer before commencing the repair or service;
 - (d) Fail, where the consumer requests a written estimate, to prepare the written estimate, inform the consumer that the estimate is available and upon the consumer's request, give the estimate to the consumer before commencing the repair or service. For purposes of this subsection, a supplier has not authorized delivery of a motor vehicle during non-business hours of the repair or service facility where there has not been communication of that fact to the general public by the supplier or his representative.
 - (e) The forms required by paragraphs (D)(1) and (D)(2) of this Section may be separate or may be incorporated into another form used by the supplier so long as the required disclosures are easily legible and clearly and conspicuously appear on the form. Nothing in this Section shall preclude a supplier from incorporating additional disclosures into the same form.
 - (f) The sign or form required by paragraphs (D)(2) of this Section shall be printed in such a size and manner so that the notice is easily legible. Additional disclosures required by this Section may be incorporated into the sign or form so long as the language required by paragraph (D)(2) of this Section prominently appears as the first listed disclosure. Where anticipated cost of repairs or services, the language in the form required by paragraph (D)(1) and the sign or form required by (D)(2) of this Section may be modified to disclose that fact.
- (3) In any consumer transaction involving the performance of any repair or service upon a motor vehicle, no supplier shall:
- (a) Fail to disclose prior to acceptance of any motor vehicle for inspection, repair, or service, that, in the event the consumer authorized commencement but does not authorize completion of a repair or service, charges will be imposed for disassembly, reassembly, and partially completed work. Any charge so imposed shall be directly related to the actual amount of labor or parts included in the inspection, repair or service;
 - (b) Charge for any repair or service which has not been authorized by the consumer;

- (c) Fail to disclose upon the first contact with the consumer that any charge not directly related to the actual performance of the repair or service will be imposed by the supplier whether or not repairs or services are performed;
- (d) If the motor vehicle will be towed, fail to disclose upon first contact with a consumer the basis upon which charge will be imposed for such towing;
- (e) Charge a consumer an amount which exceeds the quoted estimate by more than ten percent (10%) without the consumer's approval prior to the completion of the repair;
- (f) Materially understate or misstate the estimated cost of the repair;
- (g) Fail to provide the consumer with an itemized list of repairs performed or services rendered, including a list of parts and materials, a statement of whether they are used, re-manufactured or rebuilt, the amount charged for labor, and the identity of the individual performing the repair or service;
- (h) Fail to tender to the consumer any replaced parts, unless the parts to be rebuilt or sold by the supplier or returned to the manufacturer in connection with warranted repair or services, and such intended reuse or return is made known to the consumer prior to commencing any repair or service;
- (i) Fail, at the time of the signing or initialing of any document by a consumer, to provide the consumer with a copy of the document;
- (j) Fail to disclose to the consumer prior to the commencement of any repair or service that any part of the repair or service will be performed by a person other than the supplier or his employees; the nature of the repair which any such person will perform and the identity of that person; and the existence of any warranties or the lack thereof on work performed by such person;
- (k) Fail to give the consumer written notification that delivery to the supplier of the parts required for the repair will be delayed for a period of ten (10) days or more;
- (l) In the case of lengthy repairs, fail to obtain written consent from the consumer to possess said consumer's motor vehicle for a period in excess of thirty (30) calendar days;

- (m) Fail, where an estimate has been requested by a consumer, to obtain oral or written authorization from the consumer for the anticipated cost of any additional, unforeseen, but necessary repairs or services, when the cost of those repairs or services amounts to ten percent (10%) or more (excluding tax) of the original estimate;
- (n) Fail, where the anticipated cost of a repair or service is less than twenty-five dollars (\$25.00), to obtain oral or written authorization from the consumer for the anticipated cost of any additional, unforeseen, but necessary repairs or service, which, if performed, will exceed twenty-five dollars (\$25.00);
- (o) Fail to provide to the consumer upon his request a written, itemized receipt for any motor vehicle or part thereof that is left with, or turned over to, the supplier for repair or service. Such receipt shall include:
 - (i.) The identity of the supplier which will perform the repair or service;
 - (ii.) The name and signature of the supplier or a representative who actually accepts the motor vehicle or any part thereof;
 - (iii.) A description including make and model number or such other features as will reasonably identify the motor vehicle or any part thereof to be repaired or serviced;
 - (iv.) The date on which the motor vehicle or any part thereof was left with or turned over to the supplier.
- (4) In any consumer transaction involving the performance of any repair upon a motor vehicle, no supplier shall:
 - (a) Condition the performance of any repair or service upon a consumer's waiver of any rights provided for in this Section or require the consumer to give any additional security beyond the mechanic's lien authorized by common law;
 - (b) Represent that repairs or services are necessary when such is not the fact;
 - (c) Represent that repairs have been made or services have been performed when such is not the fact;
 - (d) Represent that a motor vehicle or any part thereof which is being inspected or diagnosed for repair or service is in a dangerous condition

or that the consumer's continued use of it may be harmful, when such is not the fact.

- (E) In lieu of complying with the requirements of paragraphs (D)(1) and (D)(2) to (D)(4) of this Section, a supplier may provide a consumer, prior to the commencement of the repair or service, with a written quotation of the price at which the repair or service will be performed, which shall indicate that the quotation shall be binding upon the supplier for a period of five days, provided that the subject of the consumer transaction is made available to the supplier for the repair or service within that period.

Section 1301.12: Private Automated Teller Machine

(A) Definitions.

As used in this Section, certain terms are defined as follows:

- (1) "Private Automated Teller Machine" shall mean a non-financial institution owned device that is cash-dispensing only. The device can reload prepaid cards but cannot accept deposits.
- (2) "Operator" shall mean a person, organization, or a company, including but not limited to one who owns, invests in, or leases an automated teller machine and is responsible for the maintenance, functioning, and operation of such machine, which is located in any building, structure or space whose primary purpose or function is unrelated to banking activities, including, but not limited to supermarkets, restaurants, bars, and convenience stores.
- (3) "Automated Teller Machine Placement Agreement" shall mean an agreement between a merchant and a private automated teller machine operator authorizing the location and providing the terms of operation of a private automated teller machine at a specified site.

(B) Registration of private automated teller machines.

- (1) No private automated teller machine shall be operated in Cuyahoga County without first being registered in accordance with the provisions of this section, except as otherwise expressly provided in this section.
- (2) Every operator of a private automated teller machine operated in the county shall register with the Department of Consumer Affairs. The application form shall contain: the name and serial number of such device; the name, address, telephone, and email address of the operator of such device, specifying in the case of a corporation, limited liability corporation or partnership, the name, address, and telephone number of each officer; location and identification of the private automated teller machine to be registered; proof that the private

automated teller machine is in compliance with all applicable federal and state regulations; such additional facts or evidence as the Department may require in connection with the application for registration.

- (3) The removal of any private automated teller machine from a premises and its relocation to another in Cuyahoga County shall require the re-registration of such machine in accordance with subdivision (2) above, except that such re-registration shall be charged a reduced fee, as provided herein.
- (4) Registrations and renewed registrations shall take effect and expire on dated determined by the Department and shall be valid for a period of one year. However, where the expiration date of the registration of any private automated teller machine falls on a Saturday, Sunday or county holiday, such registration shall be valid for the operation of such device until midnight of the next day on which county offices shall be open for business.
 - (a) The following fees shall be paid to the Cuyahoga County Department of Consumer Affairs upon the registration or the renewal of a registration of a private automated teller machine in accordance with the provision of this Chapter: for the initial registration by the operator of any private automated teller machine in the county, one hundred (\$100) dollars; for each renewal of such registration after the initial registration of such device, fifty (\$50) dollars; for each re-registration, ten (\$10) dollars.
 - (b) With respect to any private automated teller machine placed into operation prior to the effective date of this Section, the operator of such device shall, within ninety (90) days of the effective date of this Section, comply with registration provisions of this section.
- (5) Posted in a conspicuous place on the front of each private automated teller machine a notice in at least 24-point type setting forth:
 - (a) The name and address of the operator of the private automated teller machine;
 - (b) Telephone number where consumers can call to file complaint along with the name and telephone number of the Department of Consumer Affairs; and
 - (c) Every operator of a private automated teller machine shall maintain such records in relation to such device as the Department of Consumer Affairs may require.

(C) No impact on banking regulations; not to supersede state or federal regulations.

This Chapter shall have no impact on or intent to affect banking regulations at state or

federal levels, and shall not be interpreted or construed to modify, amend, supersede, or cancel such regulations.

(D) Exemptions.

Any automated teller machine located in an area within the dominion and control of a banking institution, including any state or federally chartered bank, trust company, savings bank, savings and loan association, or credit union that operates on or more automated teller machines within the county.

(E) Penalties.

Whoever violates any provisions of this may be subject to penalties provided in Section 1301.04. Every day that a violation continues shall constitute a separate and distinct offense.

Section 1301.13: Income Tax Preparers

(A) Definitions.

As used in this Section, certain terms are defined as follows:

- (1) “Assisted Direct Deposit” shall mean a mechanism or agreement through which a consumer’s individual income tax refund is deposited in a bank account other than the consumer’s bank account, and then the remaining portion of the refund, minus fess, is deposited in the consumer’s own bank account.
- (2) “Refund Anticipation Check” shall mean a check or other payment mechanism representing the proceeds of the consumer’s individual income tax refund which was issued by a depository institution or other person that received a direct deposit of the consumer’s individual income tax refund and for which the consumer must pay a fee or other consideration.
- (3) “Refund Anticipation Loan” shall mean any loan a consumer may receive against his or her anticipated individual income tax refund.
- (4) “Refund Settlement Product” shall mean assisted direct deposit, a refund anticipation check, a refund anticipation loan, or other similar mechanism, agreement, or transaction that allows a consumer to receive an advancement of money against an anticipated individual income tax refund from a person other than local, state or federal government, or allows another person to collect fees from the proceeds of the consumer’s individual income tax refund.
- (5) “Tax Preparation Services” shall mean advice or assistance in the preparation

of individual income tax returns.

- (6) “Tax Preparer” shall mean a person who, for a fee, provides or who holds himself or herself out as providing tax preparation services. A “tax preparer” shall not include:
 - (a) An attorney-at-law, and the employees of an attorney-at-law, who is a tax preparer;
 - (b) A certified public accountant, and the employees of a certified public accountant, who is a tax preparer;
 - (c) An officer or employee of a federal state, or local governmental agency who provides tax preparation services in the scope of his or her employment; or
 - (d) An administrator, conservator, guardian, executor, trustee, receiver or other representative appointed by the court who provides tax preparation services in the scope of that appointment.
- (7) “Writing” shall mean information legibly recorded in either paper or electronic form.

(B) Mandatory disclosures.

- (1) Prior to rendering any tax preparation services to a consumer, a tax preparer must provide the consumer with the following information, in writing:
 - (a) A disclosure form that contains the following information:
 - (i.) A written list, description, and price of the tax preparation service offered by the tax preparer;
 - (ii.) A written list, description, and price of all miscellaneous fees associated with tax preparations services, including filing fees and processing fees;
 - (iii.) A written statement that a consumer is not required to utilize a refund settlement product in order to receive tax preparation services from the tax preparer;
 - (iv.) A written estimate of the total charge to the consumer based upon the tax preparation services the consumer has selected to purchase;
 - (v.) A written estimate of the period of time the consumer can reasonably expect to wait for his or her tax refund; and

(vi.) Verification from the tax preparer indicating that the tax preparer has reviewed each disclosure with the consumer and that the tax preparer has verbally reviewed all the required disclosures with the consumer.

- (2) No tax preparation services shall be rendered to any consumer until the tax preparer has reviewed the disclosure form with the consumer and verified to such review on the disclosure form. A copy of the disclosure form shall be provided to consumer at time of tax preparation.
- (3) A copy of the disclosure form used by tax preparers shall be filed with the Cuyahoga County Department of Consumer Affairs prior to offering tax preparation services to consumers.

(C) Prohibited activity.

No tax preparer shall require as a condition of offering or rendering tax preparation services to a consumer that the consumer utilize a refund settlement product.

(D) Joint and several liability.

Any person who employs or contracts with another person to provide tax preparation services as a tax preparer for a consumer shall be jointly and severally liable with the tax preparer for any violations of this Chapter.

(E) Penalties.

Whoever violates any provisions of this may be subject to penalties provided in Section 1301.04. Every day that a violation continues shall constitute a separate and distinct offense.

SECTION 2. Section 202.16(C) of the Cuyahoga County Code is hereby enacted as follows:

(C) There shall be a Consumer Protection Division located for administrative purposes within the Department of Consumer Affairs. The Department may:

- (1) Protect and promote the welfare of County consumers and businesses;
- (2) Assist, develop, and conduct programs of consumer education and financial literacy;
- (3) Receive and investigate complaints and initiate its own investigation of alleged violations of consumer protection or weights and measures laws as provided by the Cuyahoga County Code or Ohio Revised Code, and referring

Clerk of Council

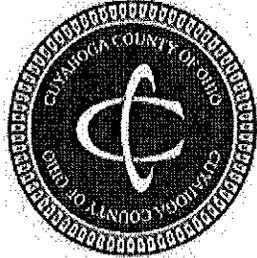
Date

First Reading/Referred to Committee:

Committee(s) Assigned:

Journal _____
_____, 20__

NovusAGENDA



15

Item Details:

Agency/Dept. Name:	County Auditor	Agency/Dept. Head Name:	Fiscal Parks	Office/Mark
Type of Request:	Other			
Request Prepared by:	Kathy Goepfert	Telephone No.	6905	
SUMMARY OF REQUESTED ACTION:				
Requesting the passage of an Ordinance to establish the Cuyahoga County Consumer Protection Code. The Code will include: Honest and fair business practices, and the protection of the citizens of and visitors of Cuyahoga County from unfair and deceptive practices and acts in the best interest of the public.				
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

[consumer protection ordinance](#)

History

County Council of Cuyahoga County, Ohio

Ordinance No. O2014-0027

Sponsored by: County Executive FitzGerald/Fiscal Officer/ Department of Consumer Affairs	An Ordinance enacting Title 13, Chapter 1302 of the Cuyahoga County Code to establish the Cuyahoga County Weights and Measures Code, and declaring the necessity that this Ordinance become immediately effective.
-------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

WHEREAS, Council deems it necessary to adopt the regulations governing the County's Department of Consumer Affairs, Weights and Measures Division; and

WHEREAS, the need to promote honest and fair business practices; and the protection of the citizens of and visitors to Cuyahoga County from unfair and deceptive practices and acts is in the best interest of the public; and

WHEREAS, the public health, safety and welfare of the residents of the County will best be served by enacting a Cuyahoga County Weights and Measures Code that provides for enforcement by the Department of Consumer Affairs through many means; and

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

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

SECTION 1. Title 13, Chapter 1302 of the Cuyahoga County Code is hereby enacted as follows:

Title 13: Commercial Regulation

Chapter 1302 Weights and Measures

Section 1302.01: Definitions

As used in Chapter 1302:

- (A) "Consumer Transaction" shall mean a sale, lease, assignment, award by chance, or other transfer of an item of goods, a service, a franchise, or an intangible, to an individual for purposes that are primarily personal, family, or household, or solicitation to supply any of these things. Consumer Transaction does not include

transactions between persons defined in section 4905.03 and 5725.01 of the Ohio Revised Code, and their customers, except for transactions involving a loan made pursuant to sections 1321.35 and 1321.48 of the Ohio Revised Code and transactions in connection with residential mortgages between loan officers, mortgage brokers, or nonbank mortgage lenders and their customers; transactions involving a home construction service contract as defined in section 4722.01 of the Ohio Revised Code; transactions between certified public accountants or public accountants and their clients; transactions between attorneys, physicians, or dentists and their clients or patients; and transactions between veterinarians and their patients that pertain to medical treatment but not ancillary services.

- (B) “Correct” shall mean conformance to all applicable requirements of this Chapter.
- (C) “Department” shall mean the Cuyahoga County Department of Consumer Affairs.
- (D) “Merchant, Vendor or Supplier” shall mean a seller, lessor, creditor, manufacturer, wholesaler or other person who makes available to consumers, either directly or indirectly, goods, services or credit.
- (E) “Package” shall mean any commodity enclosed in a container or wrapped in any manner in advance of wholesale or retail sale. An individual item or lot of any commodity on which there is marked a selling price based on an established price per unit of weight or of measure shall be considered a package or packages.
- (F) “Person” shall mean any individual (including a minor child engaged in a consumer transaction), corporation, government, governmental subdivision or agency, business trust, estate, trust partnership, association, cooperative, or other legal entity.
- (G) “Sale from Bulk” shall mean the sale of commodities when the quantity is determined at the time of the sale.
- (H) “Seal” shall mean the official stamp of the Cuyahoga County Department of Consumer Affairs, Weights and Measures Division, indicating a device has been found to be correct. Such stamp shall include the month and year of the most recent inspection.
- (I) “Sealer” shall mean the Cuyahoga County Fiscal Officer. When in this Chapter the words “Sealer” are used, they shall mean the Fiscal Officer, or any of his or her delegates duly authorized to perform the duties of such officer.
- (J) “Short-weight Packages” shall mean any “standard pack” or “pre-pack commodity” whose net contents is not equal to or exceed the labeled or advertised quantity at the retail outlet.

- (K) “Unfair or Deceptive Practices” shall mean no person shall engage in any unfair or deceptive consumer trade practice in the sale or any false, falsely disparaging, or misleading oral or written statement, visual description or other misrepresentation of any kind made in the conduct of any consumer transaction; the collection of consumer debts; the offering of sale, lease, rental or loan of consumer goods or services; the offering for sale of products by weight, count or measure. Unfair or deceptive practices include, but are not limited to, those practices defined by this Chapter, the Ohio Revised Code, and other applicable laws.
- (L) “Weight” means as used in connection with any commodity or service net weights. When a commodity is sold by drained weight, the term means net drained weight.
- (M) “Weight(s) and/or Measure(s)” shall mean all weights and measures of every kind, instruments and devices for weighing and measuring, and any appliance and accessories associated with any or all such instruments and devices.

Section 1302.02: Filing Consumer Complaints

Any consumer who feels they have been subjected to unfair or deceptive practices at any time within two years from the date of the alleged violation or within a reasonable time after the consumer discovers or should have discovered the violation, whichever is later, file a complaint in writing with the Cuyahoga County Department of Consumer Affairs. The complaint should state enough details of the incident so as to allow the Department to investigate the circumstances surrounding the incident, and at a minimum, the complaint should state the name and address of the person alleged to have committed the violation, the details of the violation, and any other information the Department deems necessary.

Section 1302.03: Standards for Weights and Measures

- (A) The systems of weights and measures.

The definitions of basic units of weight and measure, the tables of weights and measures, and weights and measures equivalents as published by the National Institute of Standards and Technology are recognized and adopted by the Department and shall govern weighing and measuring equipment and transactions in the county.

- (B) Technical requirements for weighing and measuring devices.

The specifications, tolerances, and other technical requirements for commercial, law enforcement, data gathering, and other weighing and measuring devices as adopted by the National Conference on Weights and Measures and published in the National Institute of Standards and Technology Handbook 44, Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices,” and supplements thereto or revisions thereof, shall apply to weighing and measuring devices in the county, except insofar as modified or rejected by applicable provisions of the Ohio Revised Code or Ohio Administrative Code.

(C) Information required on packages.

Except as otherwise provided in this Chapter or by regulation promulgated pursuant hereto, any package kept for the purpose of sale or offered or exposed for sale shall bear on the outside of the package a definite, plain, and conspicuous declaration of:

- (1) The identity of the commodity in the package, unless the same can easily be identified through the wrapper or container.
- (2) The net quantity of the contents in terms of weight, measure or count.
- (3) The name and place of business of the manufacturer, packer or distributor, in the case of any package kept, offered or exposed for sale or sold in any place other than on the premises where packed.

(D) Declarations of unit price on random weight packages.

In addition to the declarations required in Section 1302.05(I) of this Chapter, any package being one of a lot containing random weights of the same commodity and bearing the total selling price of the package shall bear on the outside of the package a plain and conspicuous declaration of the price per single unit of weight.

(E) Advertising packages for sale.

Whenever a packaged commodity is advertised in any manner with the retail price stated, there shall be closely and conspicuously associated with the retail price a declaration of quantity as is required by law or regulations to appear on the package. Where a dual declaration is required, the declaration that sets forth the quantity in terms of the smaller unit of weight or measure need appear in the advertisement.

(F) Prohibitions.

No person shall:

- (1) Use or have in possession for use in commerce any incorrect weight or measure.
- (2) Remove any tag, seal, wire or mark from any weight or measure device without specific written authorization from the proper authority.
- (3) Hinder or obstruct any weights and measures' official in the performance of his or her duties.
- (4) Sell, offer or expose, use or keep to be used, any weight or measure for weighing or measuring any article bought, sold, offered or exposed for sale,

which is liable to indicate false or inaccurate weight or measure, or which does not conform to the standard established by law.

- (5) Sell, offer or expose any weight or measure for weighing or measuring of products for sale without said weight and measure having been tested, marked and sealed by weights and measures official.
- (6) Misrepresent the price of any commodity or service, sold, offered, exposed or advertised for sale by weight, measure or count, or represent the price in any manner calculated or tending to mislead or in any way deceive a person.

Section 1302.04: Duty of Testing and Sealing

(A) When necessary for the enforcement of this Chapter, the Sealer is hereby:

- (1) Authorized to enter any commercial premises during normal business hours, except in the event such premises are not open to the public.
- (2) Empowered to issue violations, and condemned from use orders with respect to any weights and measures commercially used, and issue violations and off sale orders with respect to any packaged commodities or bulk commodities, kept, offered or exposed for sale.
- (3) Empowered to seize, for use as evidence, without formal warrant, any incorrect or unapproved weight, measure, package or commodity found to be used, retained, offered or exposed for sale or sold in violation of the provisions of this Chapter.
- (4) With respect to the enforcement of the weights and measures, the Sealer is hereby vested with the authority and is to investigate any commercial vendors within the county found to possess weighing and/or measuring devices which are in violation of this Chapter.

Section 1302.05: Equipment

(A) Suitability of equipment.

Commercial equipment shall be suitable for the service in which it is used with respect to elements of its design, including but not limited to its weighing capacity (for weighing devices), its computing capability (for computing devices), its rate of flow (for liquid measuring devices), the character, number size, and location of its indicating or recording elements, and the value of its smallest unit and unit prices.

(B) Accessibility for testing purposes.

A device shall be so located or such facilities for normal access thereto shall be provided to permit inspecting and testing the device; inspecting and applying security seals to the device, and readily bringing the testing equipment of the weights and measures official to the device by customary means and in the amount and size deemed necessary by such official for the proper conduct of the test. Otherwise, it shall be the responsibility of the device owner or operator to supply such special facilities, including such labor as may be needed to inspect, test, and seal the device, and to transport the testing equipment to and from the device, as required by the weights and measures official.

(C) Method of operation.

Equipment shall be operated only in the manner that is obviously indicated by its construction or that is indicated by instructions on the equipment.

(D) Installation.

A device shall be installed in accordance with the manufacturer's instructions, including any instructions marked on the device. A device installed in a fixed location shall be so that neither its operation nor its performance will be adversely affected by any characteristic of the foundation, supports, or any other detail of the installation.

(E) Position of equipment.

A device or system equipped with a primary indicating element and used in direct sales, except for prescription scales, shall be positioned so that its indications may be accurately read and the weighing or measuring operation may be observed from some reasonable "customer" and "operator" position. The permissible distance between the equipment and a reasonable customer and operator position shall be determined in each case upon the basis of the individual circumstances, particularly the size and character of the indicating element.

(F) Maintenance of equipment.

All equipment in service and all mechanisms and devices attached thereto or used in connection therewith shall be continuously maintained in proper operating condition throughout the period of such service. Equipment in service at a single place of business found to be in error predominantly in a direction favorable to the device user shall not be considered "maintained in a proper operating condition."

(G) Requirements for the method of sale of commodities.

The Uniformed Regulation for the Method of Sale of Commodities as adopted by the National Conference on Weights and Measures and published in National Institute of Standards and Technology Handbook 130, "Uniform Laws and Regulations," and

supplements thereto or revisions thereof, shall apply to the method of sale of commodities in the county, except insofar as modified or rejected by applicable provisions of the Ohio Revised Code or Ohio Administrative Code.

(H) Requirements for packaging and labeling.

The Uniform Packaging and Labeling Regulation as adopted by the National Conference on Weights and Measures and published in the National Institute of Standards and Technology Handbook 130, "Uniform Laws and Regulations," and supplements thereto or revisions thereof, shall apply to packaging and labeling in the county, except insofar as modified or rejected by regulation.

(I) Requirements for unit pricing.

The Uniform Unit Pricing Regulations as adopted by the National Conference on Weights and Measures and published in the National Institute of Standards and Technology Handbook 130, "Uniform Laws and Regulations," and supplements thereto or revisions thereof, shall apply to unit pricing in the county, except insofar as modified or rejected by regulation.

(J) Requirements for price verification.

The Examination Procedures for Price Verification as adopted by the National Conference on Weights and Measures and published in the National Institute of Standards and Technology Handbook 130, "Uniform Laws and Regulations," and supplements thereto or revisions thereof, shall apply to price verification in the county, except insofar as modified or rejected by regulation.

(K) Itinerant vendor.

All itinerant vendors using a weighing or measuring device in the county shall have that device inspected and tested by the weights and measures officials at the point of sale.

(L) Obstructing county weights and measures inspector.

No person shall obstruct or hinder county weights and measures inspectors in the performance of any of the duties imposed upon him or her by the provisions of this Chapter.

Section 1302.06: Fees

(A) Fees shall be charged once annually, unless a device is ordered to be repaired and must be retested. An additional fee shall be charged for that retest.

(B) The Department is authorized and directed within ninety (90) days of making any test as authorized by law, to present the owner of any scale, measure, or other

article so tested with a bill, payable upon receipt directly to Cuyahoga County Department of Consumer Affairs, for testing fees as follows:

Device: Linear Measuring	\$20.00
Device: Liquid Measuring	\$30.00
Scale: Animal	\$10.00
Scale: Computing	\$35.00
Scale: Counter	\$20.00
Scale: Hopper	\$75.00
Scale: Jeweler	\$25.00
Scale: Platform	\$30.00
Scale: Prepackage/Automatic Weighing	\$35.00
Scale: Vehicle	\$75.00
Timing Device: Car Wash	\$10.00
Timing Device: Vacuum or Air Pump	\$10.00
Timing Device: Laundry Dryers	\$10.00
Timing Device: Parking Garage Clocks	\$10.00
Vehicle Tank Meters	\$80.00

- (C) All moneys received by the Department shall be paid to the county and such moneys are continuously appropriated to the Department for the purpose of administering the Weights and Measures Division relating to testing, inspection, licensing and regulation of commercial weighing and measuring instruments or devices.

Section 1302.07: Unfair and Deceptive Practices Prohibited

No person shall engage in any unfair or deceptive consumer trade practice in the sale or any false, falsely disparaging, or misleading oral or written statement, visual description or other misrepresentation of any kind made in the conduct of any consumer transaction; the collection of consumer debts; the offering of sale, lease, rental or loan of consumer goods or services; the offering for sale products by weight, count or measure. Unfair or deceptive practices include, but are not limited to, those practices prohibited by this Chapter, the Ohio Revised Code, and other applicable laws.

Section 1302.08: Penalties

- (A) If a test fee prescribed by Section 1302.06 is not received by the Department within ninety (90) days from the date it is due, a late fee of twenty-five percent (25%) shall be imposed in addition to the original fee.

- (B) Upon finding a violation of this Chapter, the Department shall expeditiously cause the same to be corrected or where there is evidence of intent to defraud refer evidence of such violation to the County Prosecutor or other appropriate. In lieu of instituting or continuing a cause of action for recovery of such civil penalty may be released, settled or compromised by the director before the matter is referred to the County Prosecutor or other appropriate agency.
- (C) Seek injunctive relief, upon approval of the County Executive, as a means of enforcing this Chapter. Said injunctive relief may include, but is not limited to, an Assurance of Voluntary Compliance prohibiting the alleged violator from engaging in an unfair or deceptive practice; stipulation for payment of penalty and/or investigative costs. Any settlement shall be in writing and made a matter of public record.
- (D) Violation of an assurance entered into pursuant to this section shall be treated as a violation of this Chapter, and shall be subject to all the penalties provided therefor.
- (E) Any person who violates any provision of this Chapter promulgated pursuant thereto for which specific penalty has not been prescribed, shall be guilty of a misdemeanor, and upon a first conviction thereof shall be punished by a fine of not less than fifty dollars (\$50.00) or more than five hundred dollars (\$500.00), or by imprisonment for not more than three (3) months or both. Upon a subsequent conviction thereof, he or she shall be punished by a fine of not less than one hundred dollars (\$100.00) or more than one thousand dollars (\$1,000.00) or by imprisonment for up to one year or both.

Section 1302.09: Fuel Quality Testing

- (A) Cuyahoga County hereby adopts the “Uniform Engine Fuels and Automotive Lubricants Regulation,” (“Fuel Testing Regulation”) as adopted by the National Conference on Weights and Measures, and published in the National Institute of Standards and Technology Handbook 130, “Uniform Engine Fuels and Automotive Lubricants Regulations,” and supplements thereto or revisions thereof, shall apply to fuel quality testing in the county, except insofar as modified or rejected by regulation. In addition, the county adopts by reference the latest standards established by the American Society for Testing and Materials (ASTM). The county weights and measures officials shall be authorized to perform fuel quality testing pursuant to the Fuel Testing Regulation.
- (B) The Department may issue a stop sale order for violations detected at each pump, hose, and/or storage tanks located at the same fuel dispensing premises. Failure to correct said violation within seven days after the first offense was issued, may constitute a subsequent offense.
- (C) The county shall not charge any inspection or registration fees to perform fuel quality testing pursuant to the “Uniform Fuel Regulations.”

- (D) Whoever violates any provisions of this may be subject to penalties provided in Section 1302.08.

Section 1302.10: Price Refunds; Price Information

- (A) A person who uses an electronic scanner to record the price of a commodity or thing and who sells the commodity or thing at a price higher than the posted or advertised price of that commodity or thing at least shall refund to a person who purchases the commodity or thing the difference between the posted or advertised price of the commodity or thing and the price charged at the time of sale.
- (B) A person who sells a commodity or thing and who uses an electronic scanner to record the price of that commodity or thing shall display, in a conspicuous manner, a sign stating the requirement of this section.
- (C) Whoever violates any provisions of this may be subject to penalties provided in Section 1302.08.

Section 1302.11: Sales of Petroleum Products

- (A) Definition.

For the purpose of this Chapter, “petroleum products” includes all liquid products having a predominant content of derivatives of petroleum and customarily used in motor vehicles.

- (B) Posting of petroleum product prices.

Every person, business, corporation or service station engaged in the retail sale of gasoline to the general public are required to post on the premises from which such petroleum product is sold the price of the petroleum products. The signs must be visible to the motorist before entering the station to purchase fuel. The conditions applicable to the sale of the fuel at the advertised price must also be on the advertising sign (i.e., full service or self-service and cash price or credit price). The total size of the figures indicating a fractional or decimal number which is part of the price shall be at least forty percent the size of the largest figure in the whole number accompanying said fractional or decimal number.

- (C) Retail dispenser labeling.

All retail dispensing devices must identify conspicuously the type and price of product, the particular grade of the product, and the applicable automotive fuel rating.

(D) Prohibited advertising practices.

No person shall advertise in and about the premises where the petroleum product is sold, whether by display, sign or otherwise, the sale of petroleum products to be sold or delivered by means of a device of the computing type at a price less than that for which said computing device has been set.

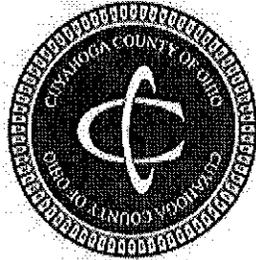
(E) Penalties.

Whoever violates any provisions of this may be subject to penalties provided in Section 1302.08.

SECTION 2. Section 202.16(D) of the Cuyahoga County Code is hereby enacted as follows:

(D) There shall be a Weights and Measures Division located for administrative purposes within the Department of Consumer Affairs. The Department may:

- (1) Conduct investigations to ensure compliance with Chapter 1302 of the Cuyahoga County Code;
- (2) Test annually the standards of weight and measure used by any commercial business within the county and approve the same when found to be correct;
- (3) Inspect and test weights and measures kept, offered, or exposed for sale;
- (4) Inspect and test, to ascertain if they are correct, weights and measures commercially used:
 - (a) In determining the weight, measure or count of commodities or things sold, or offered or exposed for sale, on the basis of weight, measure or count, or;
 - (b) In computing the basic charge or for services rendered on the basis of weight, measure or count;
- (5) Assure by whatever means necessary that weights and measures in commercial service within the county are suitable for their intended use, properly installed, and accurate, and are so maintained by their owner or user;
- (6) Prevent by whatever means necessary unfair or deceptive dealing by weight, measure or count of any commodity or service advertised, packaged, sold or purchased within the county; and



6

Item Details:

Agency/Dept. Name:	County Auditor	Agency/Dept.Head Name:	Fiscal Parks	Office/Mark
Type of Request:	Other			
Request Prepared by:	Kathy Goepfert	Telephone No.	443-6905	
SUMMARY OF REQUESTED ACTION:				
Requesting the passage of an Ordinance to establish the Cuyahoga County Weights and Measures Code. The Code will include: Honest and fair business practices, and the protection of the citizens of and visitors of Cuyahoga County from unfair and deceptive practices and acts in the best interest of the public.				
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
- [weights and measures ordinance](#)

History

County Council of Cuyahoga County, Ohio

Ordinance No. O2014-0025

Sponsored by: County Executive FitzGerald/Department of Law	An Ordinance enacting Chapter 718 of the Cuyahoga County Code to enact the Cuyahoga County Financial Transaction Modernization Act governing the use of financial transaction devices by County entities for payment of County expenses, and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, it is necessary for the County to establish the laws governing the use of financial transaction devices by County entities for the payment of County expenses; and

WHEREAS, it is necessary that this Ordinance become immediately effective in order that critical services provided by Cuyahoga County can continue.

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

SECTION 1. Chapter 718 of the Cuyahoga County Code is hereby enacted to read as follows:

Chapter 718: Payments by Financial Transaction Device

Section 718.01: Definitions

As used in Chapter 718 of the Cuyahoga County Code:

- A. “County Entity” or “County entity” includes the County and any County office, officer, official, department, agency, court, board, commission, committee, organization, corporation, or any other County Entity established by or pursuant to the Charter of Cuyahoga County, the Ohio Constitution, or Ohio law.
- B. “County Expense” or “County expense” shall be interpreted broadly, and it shall include, without limitation, any and all fees, costs, taxes, assessments, fines, penalties, payments, or any other expense owed to or collected by any County entity. “County expense” includes payment to a County entity of money confiscated during the commitment of an individual to a County jail, of bail, of money for an inmate account, and

of money for goods and services obtained by or for the use of an individual incarcerated by the Sheriff.

- C. “Financial Transaction Device”, “Financial transaction device”, or “financial transaction device” includes credit card, debit card, charge card, prepaid or stored value cards, automated clearinghouse network credit, debit, or e-check entry that includes, but is not limited to, accounts receivable and internet-initiated point of purchase, and telephone-initiated applications or any other device or method for making an electronic payment or transfer of funds.
- D. “Financial Transaction Provider”, “Financial transaction provider”, or “financial transaction provider” includes a financial institution, issuer of financial transaction devices, or processor of financial transaction devices to accept, take, and/or process a financial transaction device.
- E. “Associated fee” or “associated fee” includes, without limitation, any nonrefundable surcharge, nonrefundable convenience or other fee, or any other refundable or nonrefundable fee that is assessed by a County entity or a financial transaction provider in connection with the processing of a County expense by financial transaction device.

Section 718.02: Payment of County Expenses by Financial Transaction Devices

- A. County entities are authorized to accept and require payment for County expenses by financial transaction devices and may impose associated fees to be paid either directly to the County entity or the financial transaction provider. County entities shall, as practicable, coordinate their use of financial transaction devices with the Fiscal Officer to avoid duplication of services.
- B. Every County entity accepting or otherwise mandating payment by a financial transaction device shall clearly post a schedule of its fees, including any associated fees, in the County entity’s office and on its web site. If the associated fees are non-refundable, the posting shall include a notice that the associated fees are non-refundable. County entities need not provide additional notice to the County of their intent to accept or require payment by financial transaction devices.

Section 718.03: Dishonored or Returned Payments

- A. In the event that a payment is made by a financial transaction device and the payment is returned or dishonored for any reason, the payer shall be liable to the County Entity for payment of a penalty in an amount necessary to reimburse the County entity for banking charges, legal fees,

or other expenses incurred by the County entity in collecting the returned or dishonored payment.

- B. No person making any payment by financial transaction device to a County entity shall be relieved from liability for the underlying obligation except to the extent that the County entity realizes final payment of the underlying obligation in cash or its equivalent. If final payment is not made by the financial transaction device issuer or other guarantor of payment in the transaction, the underlying obligation shall survive and the County entities shall retain all remedies for enforcement that would have applied if the transaction had not occurred.
- C. The remedies and procedures provided in this section are in addition to any other available civil or criminal remedies provided by law.

Section 718.04: Contracts with Financial Transaction Providers

All contracts or agreements with financial transaction providers pursuant to this Chapter shall be reviewed and approved by the appropriate approval authority depending on the monetary threshold of each such contract or agreement in accordance with Chapter 501 of the Cuyahoga County Code. This section may not be interpreted to require additional approval of any existing contracts or agreements for the payment of County expenses by financial transaction devices, including any associated fees thereunder, which are hereby retroactively ratified.

Section 718.05: Immunity of County Officials and Employees

A County official or employee who accepts or otherwise mandates a financial transaction device payment in accordance with this Chapter, court order, or Ohio law shall be immune from personal liability and shall be entitled to defense by the Law Department.

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

