



**AGENDA**  
**CUYAHOGA COUNTY COUNCIL REGULAR MEETING**  
**TUESDAY, NOVEMBER 25, 2014**  
**CUYAHOGA COUNTY ADMINISTRATIVE HEADQUARTERS**  
**COUNCIL CHAMBERS – 4<sup>TH</sup> 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) November 12, 2014 Committee of the Whole Meeting (See Page 14)
  - b) November 12, 2014 Regular Meeting (See Page 16)
  - c) November 17, 2014 Committee of the Whole Meeting (See Page 28)
- 7. ANNOUNCEMENTS FROM THE COUNCIL PRESIDENT**
- 8. MESSAGES FROM THE COUNTY EXECUTIVE**
- 9. LEGISLATION INTRODUCED BY COUNCIL**
  - a) **CONSIDERATION OF A RESOLUTION OF COUNCIL FOR FIRST READING ADOPTION UNDER SUSPENSION OF RULES**
    - 1) R2014-0276: A Resolution approving the expiration and retention of pending legislation in accordance with County

Council Rule 11F, and declaring the necessity that this Resolution become immediately effective. (See Page 33)

Sponsor: Council President Connally/Clerk of Council

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

- 1) R2014-0277: A Resolution supporting an application for funding under the Clean Ohio Fund Green Space Conservation Program available through the Ohio Public Works Commission on behalf of West Creek Conservancy for the conservation of ecologically significant areas along the Baldwin Creek Corridor, and declaring the necessity that this Resolution become immediately effective. (See Page 36)

Sponsors: Councilmembers Connally and Simon

- 2) R2014-0278: A Resolution supporting an application for funding under the Clean Ohio Fund Green Space Conservation Program available through the Ohio Public Works Commission on behalf of West Creek Conservancy for the conservation of ecologically significant areas along the West Creek Reservation, Phase 4; and declaring the necessity that this Resolution become immediately effective. (See Page 41)

Sponsors: Councilmembers Connally and Simon

- 3) R2014-0279: A Resolution supporting an application for funding under the Clean Ohio Fund Green Space Conservation Program available through the Ohio Public Works Commission on behalf of City of Bedford Heights for the conservation of ecologically significant areas along the Solon Road Preserve, and declaring the necessity that this Resolution become immediately effective. (See Page 46)

Sponsors: Councilmembers Connally and Simon

- 4) R2014-0280: A Resolution supporting an application for funding under the Clean Ohio Fund Green Space Conservation Program available through the Ohio Public Works Commission on behalf of Tinker's Creek Watershed Partners for the conservation of ecologically significant areas along the Bear Creek, and declaring the necessity that this Resolution become immediately effective. (See Page 50)

Sponsors: Councilmembers Connally and Simon

- 5) R2014-0281: A Resolution supporting an application for funding under the Clean Ohio Fund Green Space Conservation Program available through the Ohio Public Works Commission on behalf of Cuyahoga County Department of Public Works for the preservation and restoration of natural open space within Stage 3 of the Towpath Trail Extension in connection with the Tremont Pointe Preserve and Greenway Project, and declaring the necessity that this Resolution become immediately effective. (See Page 55)

Sponsors: Councilmembers Connally and Simon

- 6) R2014-0282: A Resolution supporting an application for funding under the Clean Ohio Fund Green Space Conservation Program available through the Ohio Public Works Commission on behalf of Western Land Conservancy for the conservation of ecologically significant areas along Lakeshore Boulevard in the Village of Bratenahl, and declaring the necessity that this Resolution become immediately effective. (See Page 60)

Sponsors: Councilmembers Connally and Simon

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

- 1) R2014-0263: A Resolution approving The MetroHealth System's policies and procedures to participate in one or more joint purchasing associations for the purpose of acquiring supplies, equipment and services provided through joint purchasing arrangements in order to achieve beneficial purchasing arrangements for the year 2015, in accordance with Ohio Revised Code Section 339.05; and declaring the necessity that this Resolution become immediately effective. (See Page 64)

Sponsor: Council President Connally on behalf of The MetroHealth System

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

**d) CONSIDERATION OF AN ORDINANCE OF COUNCIL FOR FIRST READING AND REFERRAL TO COMMITTEE**

- 1) O2014-0036: An Ordinance amending Section 804.01 of the Cuyahoga County Code by adding a new Section 804.01(D) to establish a post-secondary, small business internship component to the Educational Assistance Program and renumbering subsequent sections. (See Page 68)

Sponsor: Councilmember Miller

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

- 1) O2014-0033: An Ordinance amending Chapter 701 of the Cuyahoga County Code by adding Sections 701.08 and 701.09 to establish guidelines for financial management of operations and a long-term financial plan for Cuyahoga County. (See Page 72)

Sponsor: Councilmember Miller

Committee Assignment and Chair: Finance & Budgeting – Miller

**10. LEGISLATION INTRODUCED BY EXECUTIVE**

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

- 1) R2014-0283: 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 76)

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

**b) CONSIDERATION OF A RESOLUTION FOR FIRST READING ADOPTION UNDER SUSPENSION OF RULES/EXECUTIVE SESSION**

- 1) R2014-0284: A Resolution approving a Collective Bargaining Agreement between Cuyahoga County and Waste Paper Drivers Union, Local 244, affiliated with the International Brotherhood of Teamsters, representing approximately 10 employees in the classification of Deputy Dog Warden for the period 1/1/2015 – 12/31/2017; 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. (See Page 96)

Sponsor: County Executive FitzGerald/Departments of Law and Public Works/Division of Animal Shelter

**c) CONSIDERATION OF RESOLUTIONS FOR FIRST READING AND REFERRAL TO COMMITTEE**

- 1) R2014-0285: A Resolution authorizing an amendment to Contract No. CE1100642-01 with HNTB Ohio, Inc. for design engineering services for reconstruction, with additional turning lanes, of Royalton Road from West 130th Street to York Road in the City of North Royalton to change the scope of services, effective 11/25/2014, and for additional funds in the amount not-to-exceed \$1,486,115.00; 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 99)

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

- 2) R2014-0286: A Resolution authorizing an agreement with Mayfield Village for participation in the Cuyahoga County Benefits Regionalization Program for the period 1/1/2015 - 12/31/2017; 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 105)

Sponsor: County Executive FitzGerald/Department of Human Resources

- 3) R2014-0287: A Resolution authorizing a contract with 3M Cogent, Inc. in the amount not-to-exceed \$1,578,156.22 for

hardware and software maintenance and support services for the Automated Fingerprint Identification System for the period 7/1/2014 - 6/30/2019; 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 109)

Sponsor: County Executive FitzGerald/Department of Public Safety and Justice Services

- 4) R2014-0288: A Resolution authorizing an agreement with The MetroHealth System in the amount not-to-exceed \$18,845,022.45 for management, healthcare and related services at the Cuyahoga County Corrections Center for the period 1/1/2015 - 12/31/2019; 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 114)

Sponsor: County Executive FitzGerald/County Sheriff

- 5) R2014-0289: A Resolution authorizing amendments to contracts with various providers for Staff Secure Shelter Care Services for the period 3/1/2014 - 2/29/2016 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 116)

- i) No. CE1400010-01 with Carrington Youth Academy, LLC in the amount not-to-exceed \$1,960,579.55.
- ii) No. CE1400011-01 with The Cleveland Christian Home in the amount not-to-exceed \$543,521.50.

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

**d) COMMITTEE REPORTS AND CONSIDERATION OF RESOLUTIONS FOR SECOND READING**

- 1) R2014-0248: A Resolution authorizing a contract with Court Community Service in the amount not-to-exceed \$555,000.00 for the Community Works Service Placement and Supervision

Program for the period 1/1/2015 - 12/31/2017; 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 125)

Sponsors: County Executive FitzGerald on behalf of Cuyahoga County Court of Common Pleas/Corrections Planning Board

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

- 2) R2014-0258: A Resolution making an award on RQ30390 to Caremark PCS Health, LLC in the amount not-to-exceed \$40,189,733.00 for group healthcare benefits for County employees and their eligible dependents including pharmacy benefit management services for the period 1/1/2015 - 12/31/2017; 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 127)

Sponsor: County Executive FitzGerald/Department of Human Resources

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

- 3) R2014-0259: A Resolution making an award on RQ30390 to Medical Mutual of Ohio in the amount not-to-exceed \$116,156,022.00 for group healthcare benefits for County employees and their eligible dependents including medical and pharmacy benefit management services for the period 1/1/2015 - 12/31/2017; 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 130)

Sponsor: County Executive FitzGerald/Department of Human Resources

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

- 4) R2014-0260: A Resolution making an award on RQ30390 to United Healthcare Services, Inc. in the amount not-to-exceed

\$68,308,890.00 for group healthcare benefits for County employees and their eligible dependents including medical benefit management services for the period 1/1/2015 - 12/31/2017; 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 133)

Sponsor: County Executive FitzGerald/Department of Human Resources

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

- 5) R2014-0268: A Resolution approving The MetroHealth System Year 2015 Budget, in accordance with Ohio Revised Code Section 339.06(D), with the understanding that the allocation of County funds to the System will be made through adoption of the 2014/2015 Biennial Operating Budget and Capital Improvements Program Annual Update for 2015; and declaring the necessity that this Resolution become immediately effective. (See Page 136)

Sponsors: County Executive FitzGerald/Fiscal Officer/Office of Budget and Management on behalf of The MetroHealth System

Committee Assignment and Chair: Committee of the Whole – Miller

- 6) R2014-0269: A Resolution making an award on RQ27440 to Time Warner NY Cable, LLC in the amount not-to-exceed \$258,000.00 for dark fiber maintenance services for the period 10/1/2014 - 9/30/2019; 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. (See Page 139)

Sponsor: County Executive FitzGerald/Department of Information Technology

Committee Assignment and Chair: Finance & Budgeting – Miller



7) R2014-0274: A Resolution making awards on RQ29884 to various appraisers, in the total amount of \$911,000.00, for real estate appraisal services subject to Sheriff's Sale for the period 8/1/2014 - 7/31/2016; and authorizing the County Executive to execute the contracts and all other documents consistent with said awards and this Resolution; and declaring the necessity that this Resolution become immediately effective: (See Page 141)

- i) John Andrews
- ii) Brent T. Bailey
- iii) Lana Blaze
- iv) Vernon A. Blaze
- v) Mark A. Butler
- vi) Bradford E. Charnas
- vii) Gregory W. Conte
- viii) Thomas P. Costello
- ix) William J. Gaydos
- x) Thomas P. Hogan
- xi) Paul D. Kinczel
- xii) John Koz
- xiii) Ruth Lassister
- xiv) Wayne F. Levering
- xv) Christopher J. Loftus
- xvi) Brian E. Lynch
- xvii) Paul G. McLaughlin
- xviii) Stanley R. Patriski
- xix) Daniel Rocco
- xx) John J. Rusnov
- xxi) Michael D. Wagner
- xxii) Crystal A. Williams

Sponsor: County Executive FitzGerald/County Sheriff

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

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

1) R2014-0254: A Resolution authorizing the issuance and sale of sales tax revenue bonds of the County of Cuyahoga, Ohio, in a principal amount not-to-exceed \$39,000,000.00 for the purpose of refunding all or a portion of the County's Sewer District Improvement Bonds, Series 2000, and advance

refunding all or a portion of the County's Sewer District Improvement Bonds, Series 2005, and Various Purpose General Obligation (Limited Tax) Bonds, Series 2009A (Tax-Exempt); authorizing the preparation and use of a preliminary official statement; authorizing the preparation, execution and use of an official statement; approving and authorizing the execution of a trust indenture, one or more escrow agreements, and a continuing disclosure agreement; authorizing other actions related to the issuance of the bonds; and declaring the necessity that this Resolution become immediately effective. (See Page 145)

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

Bond Counsel: Calfee, Halter & Griswold LLP

Committee Assignment and Chair: Finance & Budgeting – Miller

- 2) R2014-0255: A Resolution authorizing the issuance and sale of Cuyahoga County Sales Tax Revenue Bonds, Series 2014 (County Facilities Improvement), in an aggregate principal amount not-to-exceed \$90,000,000.00 for the purposes of paying or reimbursing the costs of constructing, maintaining, expanding, refurbishing, renovating, upgrading, improving, furnishing, and equipping the Cuyahoga County Administrative Headquarters, the Cuyahoga County Corrections Center, the Justice Center, the Cuyahoga County Juvenile Justice Center, the Medical Examiner's Office, the Office of Emergency Management, the Jane Edna Hunter Building, and certain other related improvements and facilities operated by the County and for the purpose of paying capitalized interest on the bonds and paying the costs of issuance in connection therewith; authorizing the preparation and use of a preliminary official statement; authorizing the preparation, execution and use of an official statement; approving and authorizing the execution of a trust indenture and a continuing disclosure agreement; authorizing other actions related to the issuance of the bonds; and declaring the necessity that this Resolution become immediately effective. (See Page 157)

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

Bond Counsel: Calfee, Halter & Griswold LLP

Committee Assignment and Chair: Finance & Budgeting –  
Miller

- 3) R2014-0256: A Resolution authorizing the issuance and sale of County of Cuyahoga, Ohio Tax-Exempt Economic Development Refunding Revenue Bonds, Series 2014C (Medical Mart/Convention Center Project) in an aggregate principal amount not-to-exceed \$21,000,000.00 for the purpose of providing moneys to pay costs of a “Project” within the meaning of Ohio Revised Code Chapter 165; authorizing the preparation and use of a preliminary official statement; authorizing the preparation, execution and use of an official statement; approving and authorizing the execution of a bond purchase agreement, a bond registrar agreement and a continuing disclosure agreement; authorizing other actions related to the issuance of the bonds; and declaring the necessity that this Resolution become immediately effective. (See Page 168)

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

Bond Counsel: Calfee, Halter & Griswold LLP

Committee Assignment and Chair: Finance & Budgeting –  
Miller

- 4) R2014-0257: A Resolution authorizing the issuance and sale of County of Cuyahoga, Ohio Taxable Economic Development Revenue Bonds, Series 2014B (Western Reserve Fund) in an aggregate principal amount not-to-exceed \$24,500,000.00 for the purpose of providing moneys to pay costs of “Projects” within the meaning of Ohio Revised Code Chapter 165; authorizing the preparation and use of a preliminary official statement; authorizing the preparation, execution and use of an official statement; approving and authorizing the execution of a bond purchase agreement, a bond registrar agreement and a continuing disclosure agreement; authorizing other actions related to the issuance of the bonds; and declaring the necessity that this Resolution become immediately effective. (See Page 188)

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

Bond Counsel: Calfee, Halter & Griswold LLP

Committee Assignment and Chair: Finance & Budgeting –  
Miller

- 5) R2014-0275: A Resolution making an award on RQ31067 to United Way Services of Greater Cleveland in the amount not-to-exceed \$1,095,450.00 for fiscal agent services for emergency food purchases for Cuyahoga County residents for the period 1/1/2015 - 12/31/2015; 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 207)

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

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

**11. MISCELLANEOUS COMMITTEE REPORTS**

**12. MISCELLANEOUS BUSINESS**

**13. PUBLIC COMMENT UNRELATED TO AGENDA**

**14. ADJOURNMENT**

NEXT MEETINGS

COMMITTEE OF THE WHOLE MEETING – Budget: TUESDAY, DECEMBER 2, 2014  
3:00 PM / COUNCIL CHAMBERS

COMMITTEE OF THE WHOLE MEETING: TUESDAY, DECEMBER 9, 2014  
4:30 PM / COUNCIL CHAMBERS

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

SPECIAL MEETING – OBM year-end close-out only: THURSDAY, DECEMBER 18, 2014  
1:00 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 5<sup>th</sup> floor parking level of the garage. Please see the Clerk to obtain a complimentary parking pass.*



## **MINUTES**

**CUYAHOGA COUNTY COMMITTEE OF THE WHOLE MEETING  
WEDNESDAY, NOVEMBER 12, 2014  
CUYAHOGA COUNTY ADMINISTRATIVE HEADQUARTERS  
COUNCIL CHAMBERS – 4<sup>TH</sup> FLOOR  
3:00 PM**

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

**At the request of Council President Connally, Mr. Miller, Chair of the Finance & Budgeting Committee, called the meeting to order at 3:04 p.m.**

### **2. ROLL CALL**

**Mr. Miller asked Clerk Schmotzer to call the roll. Committee members Germana, Schron, Conwell, Jones, Hairston, Greenspan, Connally, Brady and Miller were in attendance and a quorum was determined. Committee member Gallagher entered the meeting shortly after the roll call was taken. Committee member Simon was absent from the meeting.**

### **3. PUBLIC COMMENT RELATED TO AGENDA**

**No public comments were given related to the agenda.**

### **4. 2015 ANNUAL BUDGET UPDATE – PRESENTATION/DISCUSSION**

- a) Overview of third quarter report and budget proposals presented by Fiscal Officer Mark Parks and Office of Budget & Management Interim Director Chris Murray

**Mr. Christopher Murray, Interim Director of the Office of Budget and Management, and Mr. Mark Parks, Fiscal Officer, provided the Committee with an overview of the third quarter report and budget proposals. Discussion ensued.**

**Committee members asked questions of Mr. Murray and Mr. Parks pertaining to the item, which they answered accordingly.**

**Mr. Majeed Makhlouf, Law Director, and Ms. Lisa Durkin, Deputy Director of Operations for Human Resources, addressed the Committee regarding revenue and expenses relating to the regionalization of healthcare benefits. Discussion ensued.**

**Committee members asked questions of Mr. Makhlouf and Ms. Durkin pertaining to the item, which they answered accordingly.**

**Mr. Miller then turned the gavel over to Council President Connally to chair the remainder of the meeting.**

#### **5. EXECUTIVE SESSION**

- a) **Collective Bargaining Agreement between Cuyahoga County and Laborer's International Union of North America, Local 860, representing approximately 13 employees in five classifications at the Cuyahoga County Department of Health and Human Services/Division of Children and Family Services for the period 4/1/2013 - 12/31/2015.**

**A motion was made by Mr. Miller, seconded by Mr. Germana and approved by unanimous roll-call vote to move to Executive Session for the purpose of discussing collective bargaining matters and for no other purpose whatsoever. Executive Session was then called to order by Council President Connally at 4:22 p.m. The following Councilmembers were present: Germana, Gallagher, Schron, Conwell, Jones, Hairston, Greenspan, Miller, Brady and Connally. The following additional attendees were present: Law Director Majeed Makhlouf, Assistant Law Director Ed Morales, Special Counsel Michael King and Legislative and Budget Advisor Trevor McAleer. At 4:40 p.m., Executive Session was adjourned, without objection, and Council President Connally then reconvened the meeting.**

#### **6. MISCELLANEOUS BUSINESS**

**There was no miscellaneous business.**

#### **7. PUBLIC COMMENT UNRELATED TO AGENDA**

**No public comments were given unrelated to the agenda.**

#### **8. ADJOURNMENT**

**With no further business to discuss, Council President Connally adjourned the meeting at 4:41 p.m., without objection.**



## **MINUTES**

**CUYAHOGA COUNTY COUNCIL REGULAR MEETING  
WEDNESDAY, NOVEMBER 12, 2014  
CUYAHOGA COUNTY ADMINISTRATIVE HEADQUARTERS  
COUNCIL CHAMBERS – 4<sup>TH</sup> FLOOR  
5:00 PM**

**1. CALL TO ORDER**

**The meeting was called to order by Council President Connally at 5:01 p.m.**

**2. ROLL CALL**

**Council President Connally asked Clerk Schmotzer to call the roll. Councilmembers Gallagher, Schron, Conwell, Jones, Hairston, Simon, Greenspan, Miller, Brady, Germana 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 faithfully departed and to veterans in honor of Veterans Day.**

**5. PUBLIC COMMENT RELATED TO AGENDA**

**No public comments were given related to the agenda.**

**6. APPROVAL OF MINUTES**

- a) October 28, 2014 Committee of the Whole Meeting
- b) October 28, 2014 Regular Meeting



**A motion was made by Mr. Germana, seconded by Mr. Gallagher and approved by unanimous vote to approve the minutes of the October 28, 2014 Committee of the Whole and Regular meetings.**

**7. ANNOUNCEMENTS FROM THE COUNCIL PRESIDENT**

**Council President Connally congratulated Councilmembers Greenspan, Brady, Conwell, Hairston and Simon on their successful re-elections to Council and Councilmember-elect Shontel Brown on her successful campaign. She also congratulated Councilmember Schron on a campaign well run even though not victorious.**

**County Executive-elect Armond Budish addressed Council by saying that he has an open-door policy, his transition is underway, he is meeting with various individuals, his transition Director and three volunteer transition Committee Chairs have been named and that he looks forward to working with Council.**

**8. MESSAGES FROM THE COUNTY EXECUTIVE**

**There were no messages from the County Executive.**

**9. LEGISLATION INTRODUCED BY COUNCIL**

**a) CONSIDERATION OF RESOLUTIONS OF COUNCIL FOR FIRST READING AND REFERRAL TO COMMITTEE**

- 1) R2014-0263: A Resolution approving The MetroHealth System's policies and procedures to participate in one or more joint purchasing associations for the purpose of acquiring supplies, equipment and services provided through joint purchasing arrangements in order to achieve beneficial purchasing arrangements for the year 2015, in accordance with Ohio Revised Code Section 339.05; and declaring the necessity that this Resolution become immediately effective.

Sponsor: Council President Connally on behalf of The MetroHealth System

**Council President Connally referred Resolution No. R2014-0263 to the Public Works, Procurement & Contracting Committee.**

- 2) R2014-0264: A Resolution determining the services and programs that shall be provided and funded from the Veterans Services Fund in 2014; authorizing payments to

various providers, in the total amount of \$241,867.20, for said services and programs for the period ending 12/31/2015; authorizing the County Executive to negotiate and execute any necessary agreements, contracts or other documents for same; and declaring the necessity that this Resolution become immediately effective.

Sponsor: Councilmember Greenspan

**Council President Connally referred Resolution No. R2014-0264 to the Education, Environment & Sustainability Committee.**

b) CONSIDERATION OF ORDINANCES OF COUNCIL FOR THIRD READING ADOPTION

- 1) O2014-0006: An Ordinance enacting Chapter 714 of the Cuyahoga County Code to establish guidelines for the County Community Development Block Grant Fund Program, and declaring the necessity that this Ordinance become immediately effective.

Sponsors: Councilmembers Simon, Greenspan, **Miller, Brady, Gallagher, Germana, Hairston, Jones, Connally, Conwell and Schron**

**On a motion by Ms. Simon with a second by Ms. Conwell, Ordinance No. O2014-0006 was considered and adopted by unanimous vote.**

- 2) O2014-0030: An Ordinance enacting the Cuyahoga County Appointment and Confirmation Act, and declaring the necessity that this Ordinance become immediately effective.

Sponsors: Councilmembers Conwell, Germana, Brady and Miller

**On a motion by Ms. Conwell with a second by Mr. Miller, Ordinance No. O2014-0030 was considered and adopted by unanimous vote.**

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. R2014-0265 and R2014-0266.**

- 1) R2014-0265: 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

**A motion was made by Mr. Miller, seconded by Mr. Greenspan and approved by unanimous vote to delete Item A from Section 1 and also to refer Item A to the Economic Development & Planning Committee.**

**On a motion by Mr. Miller with a second by Ms. Conwell, Resolution No. R2014-0265 was considered and adopted by unanimous vote.**

- 2) R2014-0266: A Resolution approving a Collective Bargaining Agreement between Cuyahoga County and Laborer's International Union of North America, Local 860, representing approximately 13 employees in five classifications at the Cuyahoga County Department of Health and Human Services/Division of Children and Family Services for the period 4/1/2013 - 12/31/2015; 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 and Health and Human Services/Division of Children and Family Services

**On a motion by Mr. Schron with a second by Ms. Conwell, Resolution No. R2014-0266 was considered and adopted by unanimous vote.**

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

- 1) R2014-0267: A Resolution adopting the 2014/2015 Biennial Operating Budget and Capital Improvements Program Annual Update for 2015, and declaring the necessity that this Resolution become immediately effective.

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

**Council President Connally referred Resolution No. R2014-0267 to the Committee of the Whole.**

- 2) R2014-0268: A Resolution approving The MetroHealth System Year 2015 Budget, in accordance with Ohio Revised Code Section 339.06(D), with the understanding that the allocation of County funds to the System will be made through adoption of the 2014/2015 Biennial Operating Budget and Capital Improvements Program Annual Update for 2015; and declaring the necessity that this Resolution become immediately effective.

Sponsors: County Executive FitzGerald/Fiscal Officer/Office of Budget and Management on behalf of The MetroHealth System

**Council President Connally referred Resolution No. R2014-0268 to the Committee of the Whole.**

- 3) R2014-0269: A Resolution making an award on RQ27440 to Time Warner NY Cable, LLC in the amount not-to-exceed \$258,000.00 for dark fiber maintenance services for the period 10/1/2014 - 9/30/2019; 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 Information Technology

**Council President Connally referred Resolution No. R2014-0269 to the Finance & Budgeting Committee.**

- 4) R2014-0270: A Resolution authorizing a Casino Revenue Fund loan in the amount not-to-exceed \$1,500,000.00 to Downtown Cleveland Alliance for the benefit of the Streetscape Improvement Project located in the Gateway and Warehouse Districts in the City of Cleveland; authorizing the Deputy Chief of Staff of Development or Director of Development to execute all documents consistent with said loan and this Resolution.

Sponsor: County Executive FitzGerald/Department of Development

**Council President Connally referred Resolution No. R2014-0270 to the Economic Development & Planning Committee.**

- 5) R2014-0271: A Resolution authorizing a Casino Revenue Fund loan in the amount not-to-exceed \$4,000,000.00 to Landmark-May, LLC for the benefit of the May Company Building Project located at 158 Euclid Avenue, Cleveland; authorizing the Deputy Chief of Staff of Development or Director of Development to execute all documents consistent with said loan and this Resolution.

Sponsor: County Executive FitzGerald/Department of Development

**Council President Connally referred Resolution No. R2014-0271 to the Economic Development & Planning Committee.**

- 6) R2014-0272: A Resolution authorizing a Casino Revenue Fund loan in the amount not-to-exceed \$3,000,000.00 to Gateway-Huron, LLC for the benefit of the Gateway Huron Project, located at East 4<sup>th</sup> Street, Cleveland; authorizing the Deputy Chief of Staff of Development or Director of Development to execute all documents consistent with said loan and this Resolution.

Sponsor: County Executive FitzGerald/Department of Development

**Council President Connally referred Resolution No. R2014-0272 to the Economic Development & Planning Committee.**

7) R2014-0273: A Resolution making awards to various municipalities, in the total amount of \$1,469,440.00, for various municipal grant projects for the 2015 Community Development Block Grant Municipal Grant Program for the period 1/1/2015 - 12/31/2015; authorizing the County Executive to execute the agreements and all other documents consistent with said awards and this Resolution; and declaring the necessity that this Resolution become immediately effective:

- i) City of Parma Heights in the amount not-to-exceed \$150,000.00 for the Ackley Road Resurfacing Project.
- ii) City of Shaker Heights in the amount not-to-exceed \$150,000.00 for the Lee Road/Lomond Boulevard Reconstruction Project.
- iii) City of Rocky River in the amount not-to-exceed \$150,000.00 for the Senior Center Roof Replacement Project.
- iv) City of Maple Heights in the amount not-to-exceed \$149,440.00 for the Libby Road Accessibility Project.
- v) City of Olmsted Falls in the amount not-to-exceed \$150,000.00 for Senior Center Construction Project.
- vi) City of Middleburg Heights in the amount not-to-exceed \$150,000.00 for the Parklawn Avenue and Barriemore Avenue Resurfacing Project.
- vii) Village of Newburgh Heights in the amount not-to-exceed \$150,000.00 for the Washington Park Boulevard Resurfacing Project.
- viii) City of Seven Hills in the amount not-to-exceed \$150,000.00 for the Chatham Drive and Essex Drive Resurfacing Project.
- ix) City of South Euclid in the amount not-to-exceed \$120,000.00 for the Eastway Road Reconstruction Project.
- x) City of Warrensville Heights in the amount not-to-exceed \$150,000.00 for the Caroline Drive Reconstruction Project.

Sponsor: County Executive FitzGerald/Department of Development

**Council President Connally referred Resolution No. R2014-0273 to the Economic Development & Planning Committee.**

- 8) R2014-0274: A Resolution making awards on RQ29884 to various appraisers, in the total amount of \$911,000.00, for real estate appraisal services subject to Sheriff's Sale for the period 8/1/2014 - 7/31/2016; and authorizing the County Executive to execute the contracts and all other documents consistent with said awards and this Resolution; and declaring the necessity that this Resolution become immediately effective:

- xi) John Andrews
- xii) Brent T. Bailey
- xiii) Lana Blaze
- xiv) Vernon A. Blaze
- xv) Mark A. Butler
- xvi) Bradford E. Charnas
- xvii) Gregory W. Conte
- xviii) Thomas P. Costello
- xix) William J. Gaydos
- xx) Thomas P. Hogan
- xxi) Paul D. Kinzel
- xxii) John Koz
- xxiii) Ruth Lassister
- xxiv) Wayne F. Levering
- xxv) Christopher J. Loftus
- xxvi) Brian E. Lynch
- xxvii) Paul G. McLaughlin
- xxviii) Stanley R. Patriski
- xxix) Daniel Rocco
- xxx) John J. Rusnov
- xxxi) Michael D. Wagner
- xxxii) Crystal A. Williams

Sponsor: County Executive FitzGerald/County Sheriff

**Council President Connally referred Resolution No. R2014-0274 to the Public Safety & Justice Affairs Committee.**

- 9) R2014-0275: A Resolution making an award on RQ31067 to United Way Services of Greater Cleveland in the amount not-to-exceed \$1,095,450.00 for fiscal agent services for emergency food purchases for Cuyahoga County residents for the period 1/1/2015 - 12/31/2015; 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 Health and Human Services/Cuyahoga Job and Family Services

**Council President Connally referred Resolution No. R2014-0270 to the Health, Human Services & Aging 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. R2014-0241, R2014-0251, R2014-0252, R2014-0261 and R2014-0262.**

- 1) R2014-0241: A Resolution authorizing an amendment to Contract No. CE0900320-01 with Investment Properties, Ltd. for lease of office space located at 1835 Prospect Avenue, Cleveland, for use by the Veterans Service Commission for the period 10/1/2009 - 9/30/2014 to extend the time period to 9/30/2019 and for additional funds in the amount not-to-exceed \$1,019,132.40; 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/Department of Public Works on behalf of Cuyahoga County Veterans Service Commission and Councilmember Germana

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

**On a motion by Mr. Jones with a second by Mr. Miller, Resolution No. R2014-0241 was considered and adopted by unanimous vote.**

- 2) R2014-0251: A Resolution making an award on RQ24534 to East 22 Redevelopment LLC for lease with an option to purchase County-owned property commonly known as the former Juvenile Court Complex, located at 2210 Cedar Road, Cleveland, for the period 1/1/2015 - 12/31/2059; 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.

Sponsors: County Executive FitzGerald/Department of Public Works and **Councilmember Connally**

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

**On a motion by Mr. Jones with a second by Mr. Germana, Resolution No. R2014-0251 was considered and adopted by unanimous vote.**

- 3) R2014-0252: A Resolution making an award on RQ31792 to Shook Construction Co. for design-build services for the Emergency Operations Center Project located in the City of Broadview Heights; authorizing the County Executive to negotiate, enter into, and execute an initial contract with Shook Construction Co. in the amount not-to-exceed \$2,148,732.00 for the period 11/12/2014 - 11/12/2016 and to execute all other documents consistent with said award and this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Departments of Public Works and Public Safety and Justice Services

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

**On a motion by Mr. Jones with a second by Mr. Schron, Resolution No. R2014-0252 was considered and adopted by unanimous vote.**

- 4) R2014-0261: A Resolution making an award on RQ30784 to Pictometry International Corp. in the amount not-to-exceed \$1,378,626.27 for Geographical Information System data and software, aerial photography and related professional services for the period 9/1/2014 - 8/31/2018; 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. R2014-0261 was considered and adopted by unanimous vote.**

- 5) R2014-0262: A Resolution authorizing an amendment to Agreement No. AG1200285-01 with Educational Service Center of Cuyahoga County for fiscal agent services for the Families and Schools Together Program in connection with the Ohio Children’s Trust Fund FY2013 Grant Program for the period 7/1/2012 - 9/30/2014 to extend the time period to 9/30/2015 and for additional funds in the amount not-to-exceed \$614,036.00; 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 Health and Human Services/Division of Community Initiatives/Family and Children First Council

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

**On a motion by Ms. Simon with a second by Mr. Hairston, Resolution No. R2014-0262 was considered and adopted by unanimous vote.**

#### 11. MISCELLANEOUS COMMITTEE REPORTS

**Mr. Greenspan reported that the Council Operations & Intergovernmental Relations Committee will meet on Monday, December 15, 2014.**

**Ms. Conwell reported that the Human Resources, Appointments & Equity Committee will meet on Tuesday, November 18, 2014 at 10:00 a.m.**

**Mr. Miller reported that the Finance & Budgeting Committee will meet on Tuesday, November 18, 2014 at 3:00 p.m.**

**Mr. Brady reported that the Health, Human Services & Aging Committee will meet on Wednesday, November 19, 2014 at 1:00 p.m.**

**Mr. Schron reported that the Economic Development & Planning Committee will meet on Monday, November 19, 2014 at 3:00 p.m.**

**Ms. Simon reported that the Education, Environment & Sustainability Committee will meet on Wednesday, November 19, 2014 at 2:00 p.m.**

**Mr. Jones reported that the Public Works, Procurement & Contracting Committee will meet on Wednesday, November 19, 2014 at 11:00 a.m.**

**12. MISCELLANEOUS BUSINESS**

**Ms. Simon announced that the last day for entries for the Top Dog essay competition is Thursday, December 4, 2014.**

**13. PUBLIC COMMENT UNRELATED TO AGENDA**

**No public comments were given unrelated to the agenda.**

**14. ADJOURNMENT**

**With no further business to discuss, Council President Connally adjourned the meeting at 5:36 p.m., without objection.**



## MINUTES

CUYAHOGA COUNTY COMMITTEE OF THE WHOLE MEETING  
MONDAY, NOVEMBER 17, 2014  
CUYAHOGA COUNTY ADMINISTRATIVE HEADQUARTERS  
COUNCIL CHAMBERS – 4<sup>TH</sup> FLOOR  
1:00 PM

### 1. CALL TO ORDER

**At the request of Council President Connally, Mr. Miller, Chair of the Finance & Budgeting Committee, called the meeting to order at 1:08 p.m.**

### 2. ROLL CALL

**Mr. Miller asked Deputy Clerk Carter to call the roll. Committee members Gallagher, Schron, Conwell, Jones, Hairston, Simon, Greenspan, Miller, Brady, Germana and Connally were in attendance and a quorum was determined.**

### 3. PUBLIC COMMENT RELATED TO AGENDA

**No public comments were given related to the agenda.**

### 4. ITEMS REFERRED TO COMMITTEE

- a) R2014-0268: A Resolution approving The MetroHealth System Year 2015 Budget, in accordance with Ohio Revised Code Section 339.06(D), with the understanding that the allocation of County funds to the System will be made through adoption of the 2014/2015 Biennial Operating Budget and Capital Improvements Program Annual Update for 2015; and declaring the necessity that this Resolution become immediately effective.

**Deputy Clerk Carter read Resolution No. R2014-0268 into the record.**

**Ms. Anne Hill, Manager of Local Government Affairs for The MetroHealth System, addressed the Committee regarding Resolution No. R2014-0268. Discussion ensued.**

**Committee members asked questions of Ms. Hill, pertaining to the item, which she answered accordingly.**

**On a motion by Mr. Brady with a second by Mr. Greenspan, Resolution No. R2014-0268 was considered and approved by unanimous vote to be referred to the full Council agenda for second reading.**

b) R2014-0267: A Resolution adopting the 2014/2015 Biennial Operating Budget and Capital Improvements Program Annual Update for 2015, and declaring the necessity that this Resolution become immediately effective.

i) Continuation of questions and answers on budget overview

**Deputy Clerk Carter read Resolution No. R2014-0267 into the record.**

**Ms. Bonnie Teeuwen, Director of the Department of Public Works, and Ms. Kendra Zusy, Business Services Manager, addressed the Committee regarding revenue and expenses relating to consolidating County buildings. Discussion ensued.**

**Committee members asked questions of Ms. Teeuwen and Ms. Zusy pertaining to the item, which they answered accordingly.**

**Mr. Christopher Murray, Interim Director of the Office of Budget and Management, and Mr. Mark Parks, Fiscal Officer, addressed the Committee regarding Resolution No. R2014-0267 and provided information relating to projected revenue and expenses for 2015. Discussion ensued.**

**Committee members asked questions of Mr. Murray and Mr. Parks pertaining to the item, which they answered accordingly.**

**Ms. Lisa Durkin, Deputy Director of Operations for Human Resources, addressed the Committee regarding healthcare benefits, the self-insurance fund and benefits programming. Discussion ensued.**

**Committee members asked questions of Ms. Durkin pertaining to the item, which she answered accordingly.**

ii) Departmental hearings with departments and agencies having significant proposed changes:

a. Sheriff's Department

**Mr. Norberto Colon, Deputy Chief of Staff for Justice, addressed Council regarding Resolution No. R2014-0267 relating to proposed budgetary changes for the Sheriff's Department and provided an update on the consolidation of the City of Euclid and City of Cleveland jail facilities. Discussion ensued.**

**Committee members asked questions of Mr. Colon pertaining to the item, which he answered accordingly.**

- b. Cuyahoga County Court of Common Pleas/Juvenile Division

**[Clerk's Note: Due to a fire alarm, a brief recess was taken, after which, Mr. Miller then reconvened the meeting.]**

**The Honorable Kristin Sweeney, Administrative Judge of Juvenile Court, and Ms. Karen Lippmann, Deputy Director of Juvenile Court, addressed the Committee regarding Resolution No. R2014-0267 relating to proposed budgetary changes for Juvenile Court and provided information regarding residential and detention services. Discussion ensued.**

**Committee members asked questions of Judge Sweeney and Ms. Lippmann pertaining to the item, which they answered accordingly.**

- c. Office of the Prosecuting Attorney

**Mr. Timothy McGinty, County Prosecutor; Mr. Marvin Davies, Director of Finance and Operations for the Office of the Prosecuting Attorney; and Mr. Rick Bell, Special Investigations Division Chief for the Office of the Prosecuting Attorney, addressed the Committee regarding Resolution No. R2014-0267 relating to proposed budgetary changes for the Office of the Prosecuting Attorney. Discussion ensued.**

**Committee members asked questions of Mr. McGinty, Mr. Davies and Mr. Bell pertaining to the item, which they answered accordingly.**

- d. Department of Information Technology

**Ms. Debbie Davtovich, Administrator of the Department of Information Technology, addressed the Committee regarding Resolution No. R2014-0267 relating to proposed budgetary changes for the Department of Information Technology and the Enterprise Resource Planning (ERP) system.**

**Committee members asked questions of Ms. Davtovich pertaining to the item, which she answered accordingly.**

- e. Department of Health and Human Services/Division of Senior and Adult Services

**Ms. Tracey Mason, Administrator of the Division of Senior and Adult Services, addressed the Committee regarding Resolution No. R2014-0267 relating to proposed budgetary changes for the Division of Senior and Adult Services. Discussion ensued.**

**Committee members asked questions of Ms. Mason pertaining to the item, which she answered accordingly.**

f. Department of Health and Human Services

**Mr. David Merriman, Interim Administrator of Cuyahoga Jobs and Family Services, addressed the Committee regarding Resolution No. R2014-0267 relating to proposed budgetary changes for the Department of Health and Human Services. Discussion ensued.**

**Committee members asked questions of Mr. Merriman pertaining to the item, which he answered accordingly.**

g. Department of Law

**Mr. Majeed Makhoulf, Law Director, addressed the Committee regarding Resolution No. R2014-0267 relating to proposed budgetary changes for the Department of Law. Discussion ensued.**

**Committee members asked questions of Mr. Makhoulf pertaining to the item, which he answered accordingly.**

h. Cuyahoga County Planning Commission

**Mr. Glenn Coyne, Executive Director of the Cuyahoga County Planning Commission, addressed the Committee regarding Resolution No. R2014-0267 relating to proposed budgetary changes for the Cuyahoga County Planning Commission. Discussion ensued.**

**Committee members asked questions of Mr. Coyne pertaining to the item, which he answered accordingly.**

i. Personnel Review Commission

**Ms. Rebecca Kopcienski, Administrator of the Personnel Review Commission, addressed the Committee regarding Resolution No. R2014-0267 relating to proposed budgetary changes for the Personnel Review Commission. Discussion ensued.**

**Committee members asked questions of Ms. Kopcienski pertaining to the item, which she answered accordingly.**

iii) Opportunity for departments and agencies to request changes

**Mr. Rick Werner, Director of the Department of Health and Human Services, addressed the Committee regarding Resolution No. R2014-0267 relating to additional requests for budgetary changes for the Department of Health and Human Services. Discussion ensued.**

**Committee members asked questions of Mr. Werner pertaining to the item, which he answered accordingly.**

**5. MISCELLANEOUS BUSINESS**

**Mr. Miller announced that the next Committee of the Whole meeting regarding the 2015 budget update will be held on Tuesday, December 2, 2014 at 3:00 p.m.**

**6. PUBLIC COMMENT UNRELATED TO AGENDA**

**No public comments were given unrelated to the agenda.**

**7. ADJOURNMENT**

**With no further business to discuss and on a motion by Mr. Hairston with a second by Mr. Miller, the meeting was adjourned at 4:31 p.m., without objection.**



# County Council of Cuyahoga County, Ohio

## Resolution No. R2014-0276

Sponsored by: <b>Council President Connally/Clerk of Council</b>	<b>A Resolution</b> approving the expiration and retention of pending legislation in accordance with County Council Rule 11F, and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, County Council Rule 11F(1) requires that, prior to the end of each year in which a General Election for Members of Council takes place, the Council shall consider a Resolution, providing that legislation introduced prior to July 1 of that year and not adopted shall expire, such Resolution to be used to decide which items of legislation set to expire shall expire; and

WHEREAS, at least two weeks prior to the consideration of that Resolution, the Clerk of Council is to provide each Member a list of legislation sponsored by that Member that is set to expire, thereby allowing the Member to request retention of the legislation for further consideration; and

WHEREAS, the Clerk of Council provided each Councilmember a list of legislation sponsored by that Councilmember that is set to expire; and

WHEREAS, Councilmembers notified the Clerk of Council requesting to retain certain legislation that is set to expire; and

WHEREAS, it is necessary that this Resolution become immediately effective in order to provide for the usual, daily operation of the County Council.

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

**SECTION 1.** That the County Council hereby approves expiration of the following pending legislation:

- a) O2013-0020: An Ordinance enacting Chapter 712 of the Cuyahoga County Code to establish the Cuyahoga County Lodging Excise Tax Code of Regulations, effective 1/1/2014.

**SECTION 2.** That the County Council hereby approves retention of the following pending legislation at the request of the sponsor(s):

- a) R2013-0185: A Resolution providing for an initial Cuyahoga County Criminal Justice Services review, to ensure coordination of county efforts to provide a fair, transparent, and accountable system of justice; and declaring the necessity that this Resolution become immediately effective.
  
- b) 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 11/1/2014; 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<sup>th</sup> 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.

**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 approval 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

Journal CC016  
November 25, 2014

# County Council of Cuyahoga County, Ohio

## Resolution No. R2014-0277

Sponsored by: <b>Councilmembers Connally and Simon</b>	<b>A Resolution</b> supporting an application for funding under the Clean Ohio Fund Green Space Conservation Program available through the Ohio Public Works Commission on behalf of West Creek Conservancy for the conservation of ecologically significant areas along the Baldwin Creek Corridor, and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, Cuyahoga County has received a request from West Creek Conservancy for a Resolution of support of an application for ninth-round funding under the Clean Ohio Fund Green Space Conservation Program available through the Ohio Public Works Commission for the conservation of ecologically significant areas for protection along the Baldwin Creek Corridor, pursuant to Ohio Revised Code Section 164.23; and,

WHEREAS, West Creek Reservation, Phase 4, is located solely within the City of Parma between Sprague and York Roads along Baldwin Creek, which is a critical tributary of the Rocky River. The project consists of the fee simple acquisition of approximately 21 acres and 2,000 linear feet of stream, active/accessible floodplain and riparian area, one of the largest undeveloped reaches of Baldwin Creek; and,

WHEREAS, the project is known as “Baldwin Creek Corridor Conservation” and is located in County Council District No. 4; and,

WHEREAS, the total estimated project cost is \$250,000.00; and,

WHEREAS, Ohio Revised Code Section 164.23 provides that “an entity seeking a grant for a project that is eligible for funding shall submit an application to the natural resources assistance council with geographical jurisdiction over the proposed project area;” and, Ohio Revised Code Section 164.23(B) further provides that “in addition to the application, an applicant for a grant for a project shall include a copy of a resolution supporting the project from each county in which the proposed project is to be conducted;” and,

WHEREAS, the Ohio Public Works Commission provides financial assistance to Natural Resource Assistance Councils for the purpose of preserving open spaces, sensitive ecological areas, and stream corridors; and,

WHEREAS, the applications for the ninth-round funding under the Clean Ohio Fund Green Space Conservation Program are due on January 9, 2015 to the Cuyahoga County Natural Resource Assistance Council; and,

WHEREAS, it is necessary that this Resolution become immediately effective in order to meet the application deadline required by the Cuyahoga County Natural Resources Assistance Council.

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

**SECTION 1.** That the Cuyahoga County Council hereby supports the submission of an application on behalf of West Creek Conservancy for ninth-round funding under the Clean Ohio Fund Green Space Conservation Program available through the Ohio Public Works Commission to protect the ecologically significant areas along the Baldwin Creek Corridor.

**SECTION 2.** 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 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\_\_



## CUYAHOGA COUNTY NATURAL RESOURCE ASSISTANCE COUNCIL

### CUYAHOGA COUNTY COUNCIL RESOLUTION

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The Clean Ohio Green Space Conservation (COGSP) program is funded by state bonds to provide grants to preserve open spaces, sensitive ecological areas, and stream corridors.

The Cuyahoga County Natural Resources Assistance Council (NRAC), an eleven-member committee, is organized by the Ohio Revised Code to evaluate and recommend projects for COGSCP funding.

Round 9 of the COGSCP starts on September 24, 2014 and applications are due on **January 9, 2015**.

Applicants in Cuyahoga County seeking COGSP financial assistance are required to obtain and include in their application a *Resolution of Support* from an appropriate political subdivision as determined by the Ohio Revised Code, Section 164.23. Applicants that do not obtain and provide a Resolution of Support will not be eligible for review by the Cuyahoga County NRAC.

If your application requires a Resolution of Support from Cuyahoga County Council, as instructed in the Round 9 Applicant Manual, on Page 15; please submit a completed Cuyahoga County Council Resolution of Support Request Form to Ms. Alison Ball at [aball@cuyahogacounty.us](mailto:aball@cuyahogacounty.us).

Resolutions of Support will be read into the record and then assigned to a Council Committee for further consideration and recommendation back to the full Council.<sup>1</sup> A representative who is able to answer questions about the application must be present at any Committee or Council meeting as determined. Applicants will be notified of the date and time of these Committee or Council Meetings as they are scheduled.

In order to receive a resolution of support prior to the application due date on January 9, 2014, the resolutions must be on the County Council's agenda by Friday, November 7 for the November 25, 2014 meeting.

Please fill out the attached request form and **submit it to Alison Ball by November, 7 2014 at 4:30PM.**

<sup>1</sup> Under the County Charter, resolutions are required to have three readings; however, due to the time frame for submitting the grant applications, a request will be made to Council to consider approving them at the second reading and under suspension of rules.

# CUYAHOGA COUNTY COUNCIL RESOLUTION OF SUPPORT REQUEST FORM

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**PROJECT NAME:** BALDWIN CREEK CORRIDOR CONSERVATION

**SPONSORING ORGANIZATION:** WEST CREEK CONSERVANCY

**CONTACT PERSON:** DEREK SCHAFFER

**PHONE:** 440-915-2940

**EMAIL:** DSCHAFFER@WESTCREEK.ORG

**PROJECT DESCRIPTION:**

(PROVIDE A BRIEF PROJECT DESCRIPTION THAT INCLUDES THE PROJECT COST, LOCATION(S) AND COMPONENTS)

WEST CREEK RESERVATION, PHASE 4 IS LOCATED SOLELY WITHIN THE CITY OF PARMA, COUNTY DISTRICT 4; BETWEEN SPRAGUE AND YORK ROADS, ALONG BALDWIN CREEK, WHICH IS A CRITICAL TRIBUTARY OF ROCKY RIVER. THE PROJECT CONSISTS OF FEE SIMPLE ACQUISITION OF APPROXIMATELY 21 ACRES, AND 2000 LINEAR FEET OF STREAM, ACTIVE/ACCESSIBLE FLOODPLAIN AND RIPARIAN AREA; ONE OF THE LARGEST UNDEVELOPED REACHES OF BALDWIN CREEK. TOTAL PROJECT COSTS IS ESTIMATED TO BE \$250,000.

**COUNCIL DISTRICT(S) OF PROPOSED PROJECT LOCATION:**

**SUBMIT THIS REQUEST FORM TO ALISON BALL AT [ABALL@CUYAHOGACOUNTY.US](mailto:ABALL@CUYAHOGACOUNTY.US) BY NOVEMBER 7, 2014 AT 4:30PM.**



# County Council of Cuyahoga County, Ohio

## Resolution No. R2014-0278

Sponsored by: <b>Councilmembers Connally and Simon</b>	<b>A Resolution</b> supporting an application for funding under the Clean Ohio Fund Green Space Conservation Program available through the Ohio Public Works Commission on behalf of West Creek Conservancy for the conservation of ecologically significant areas along the West Creek Reservation, Phase 4; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, Cuyahoga County has received a request from West Creek Conservancy for a Resolution of support of an application for ninth-round funding under the Clean Ohio Fund Green Space Conservation Program available through the Ohio Public Works Commission for the conservation of ecologically significant areas for protection along the West Creek Reservation, Phase 4, pursuant to Ohio Revised Code Section 164.23; and,

WHEREAS, West Creek Reservation, Phase 4, is located solely within the City of Parma between Broadview Road, State Road and Pleasant Valley Road. The project consists of multiple parcels that will expand the West Creek Reservation and essentially finalize the southern leg of the park, trail and greenway system. The project consists of approximately 17 acres and just about a ½ mile of stream and acquiring property (residential) that resides within the flood zone and over-top a failing culverted stream. Aside from protecting approximately 17 acres, ½ mile of stream, and extending the parkway, the acquisition also removes structures from atop a failing culverted stream and will additionally allow for more cost effective trail implementation and future stream restoration/daylighting; and,

WHEREAS, the project is known as “West Creek Reservation, Phase 4” and is located in County Council District No. 4; and,

WHEREAS, the total estimated project cost is \$450,000.00; and

WHEREAS, Ohio Revised Code Section 164.23 provides that “an entity seeking a grant for a project that is eligible for funding shall submit an application to the natural resources assistance council with geographical jurisdiction over the proposed project area;” and, Ohio Revised Code Section 164.23(B) further provides that “in addition to the application, an applicant for a grant for a project shall include a copy

of a resolution supporting the project from each county in which the proposed project is to be conducted;” and,

WHEREAS, the Ohio Public Works Commission provides financial assistance to Natural Resource Assistance Councils for the purpose of preserving open spaces, sensitive ecological areas, and stream corridors; and,

WHEREAS, the applications for the ninth-round funding under the Clean Ohio Fund Green Space Conservation Program are due on January 9, 2015 to the Cuyahoga County Natural Resource Assistance Council; and,

WHEREAS, it is necessary that this Resolution become immediately effective in order to meet the application deadline required by the Cuyahoga County Natural Resources Assistance Council.

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

**SECTION 1.** That the Cuyahoga County Council hereby supports the submission of an application on behalf of West Creek Conservancy for ninth-round funding under the Clean Ohio Fund Green Space Conservation Program available through the Ohio Public Works Commission to protect the ecologically significant areas along the West Creek Reservation, Phase 4.

**SECTION 2.** 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 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\_\_



## CUYAHOGA COUNTY NATURAL RESOURCE ASSISTANCE COUNCIL

### CUYAHOGA COUNTY COUNCIL RESOLUTION

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The Clean Ohio Green Space Conservation (COGSP) program is funded by state bonds to provide grants to preserve open spaces, sensitive ecological areas, and stream corridors.

The Cuyahoga County Natural Resources Assistance Council (NRAC), an eleven-member committee, is organized by the Ohio Revised Code to evaluate and recommend projects for COGSCP funding.

Round 9 of the COGSCP starts on September 24, 2014 and applications are due on **January 9, 2015**.

Applicants in Cuyahoga County seeking COGSP financial assistance are required to obtain and include in their application a *Resolution of Support* from an appropriate political subdivision as determined by the Ohio Revised Code, Section 164.23. Applicants that do not obtain and provide a Resolution of Support will not be eligible for review by the Cuyahoga County NRAC.

If your application requires a Resolution of Support from Cuyahoga County Council, as instructed in the Round 9 Applicant Manual, on Page 15; please submit a completed Cuyahoga County Council Resolution of Support Request Form to Ms. Alison Ball at [aball@cuyahogacounty.us](mailto:aball@cuyahogacounty.us).

Resolutions of Support will be read into the record and then assigned to a Council Committee for further consideration and recommendation back to the full Council.<sup>1</sup> A representative who is able to answer questions about the application must be present at any Committee or Council meeting as determined. Applicants will be notified of the date and time of these Committee or Council Meetings as they are scheduled.

In order to receive a resolution of support prior to the application due date on January 9, 2014, the resolutions must be on the County Council's agenda by Friday, November 7 for the November 25, 2014 meeting.

Please fill out the attached request form and **submit it to Alison Ball by November, 7 2014 at 4:30PM.**

<sup>1</sup> Under the County Charter, resolutions are required to have three readings; however, due to the time frame for submitting the grant applications, a request will be made to Council to consider approving them at the second reading and under suspension of rules.

# CUYAHOGA COUNTY COUNCIL RESOLUTION OF SUPPORT REQUEST FORM

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**PROJECT NAME:** WEST CREEK RESERVATION PHASE 4

**SPONSORING ORGANIZATION:** WEST CREEK CONSERVANCY

**CONTACT PERSON:** DEREK SCHAFER

**PHONE:** 440-915-2940

**EMAIL:** DSCHAFER@WESTCREEK.ORG

**PROJECT DESCRIPTION:**

(PROVIDE A BRIEF PROJECT DESCRIPTION THAT INCLUDES THE PROJECT COST, LOCATION(S) AND COMPONENTS)

WEST CREEK RESERVATION, PHASE 4 IS LOCATED SOLELY WITHIN THE CITY OF PARMA, COUNTY DISTRICT 4; BETWEEN BROADVIEW ROAD, STATE AND PLEASANT VALLEY ROAD. THIS PROJECT CONSISTS OF MULTIPLE PARCELS THAT WILL EXPAND THE WEST CREEK RESERVATION AND ESSENTIALLY FINALIZE THE SOUTHERN LEG OF THE PARK, TRAIL AND GREENWAY SYSTEM. THE PROJECT ESTIMATED COST IS \$450,000; AND CONSISTS OF APPROXIMATELY 17 ACRES, AND JUST ABOUT 1/2 MILE OF STREAM. IT'S IMPORTANT TO NOTE THAT THIS PROJECT IS ACQUIRING PROPERTY (RESIDENTIAL) THAT RESIDES WITHIN THE FLOODZONE, AND OVER-TOP A FAILING CULVERTED STREAM. ASIDE FROM PROTECTING APPROXIMATELY 17 ACRE, 1/2 MILE OF STREAM, AND EXTENDING THE PARKWAY, THE ACQUISITION ALSO REMOVES STRUCTURES FROM ATOP A FAILING CULVERTED STREAM, AND WILL ADDITIONALLY ALLOW FOR MORE COST EFFECTIVE TRAIL IMPLEMENTATION AND FUTURE STREAM RESTORATION/DAYLIGHTING.

**COUNCIL DISTRICT(S) OF PROPOSED PROJECT LOCATION:**

**SUBMIT THIS REQUEST FORM TO ALISON BALL AT [ABALL@CUYAHOGACOUNTY.US](mailto:ABALL@CUYAHOGACOUNTY.US) BY NOVEMBER 7, 2014 AT 4:30PM.**

# County Council of Cuyahoga County, Ohio

## Resolution No. R2014-0279

Sponsored by: <b>Councilmembers Connally and Simon</b>	<b>A Resolution</b> supporting an application for funding under the Clean Ohio Fund Green Space Conservation Program available through the Ohio Public Works Commission on behalf of City of Bedford Heights for the conservation of ecologically significant areas along the Solon Road Preserve, and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, Cuyahoga County has received a request from City of Bedford Heights for a Resolution of support of an application for ninth-round funding under the Clean Ohio Fund Green Space Conservation Program available through the Ohio Public Works Commission for the conservation of ecologically significant areas for protection along the Solon Road Preserve, pursuant to Ohio Revised Code Section 164.23; and,

WHEREAS, the City of Bedford Heights is seeking financial assistance for the purchase and protection of an approximately 20-acre property of ecological, historical, and cultural significance. Located on the north side of Solon Road between I-271 and Richmond Road in Bedford Heights, the property is immediately adjacent to an existing city park and in close proximity to Cleveland Metroparks' Bedford Reservation. With trees in various states of succession and a wooded ravine that is a direct tributary to Tinker's Creek, this once partially-developed property is now vacant land. Its acquisition by the City of Bedford Heights will protect the property's natural resources, including diverse plant and animal species, and safeguard ground water supplies and water quality within the Cuyahoga River watershed. Moreover, it will preserve this space for the passive recreational enjoyment of residents of Cuyahoga County and beyond for generations to come; and,

WHEREAS, the project is known as "Solon Road Preserve" and is located in County Council District No. 9; and,

WHEREAS, the total estimated project cost is \$350,000.00; and,

WHEREAS, Ohio Revised Code Section 164.23 provides that "an entity seeking a grant for a project that is eligible for funding shall submit an application to the natural resources assistance council with geographical jurisdiction over the proposed

project area;” and, Ohio Revised Code Section 164.23(B) further provides that “in addition to the application, an applicant for a grant for a project shall include a copy of a resolution supporting the project from each county in which the proposed project is to be conducted;” and,

WHEREAS, the Ohio Public Works Commission provides financial assistance to Natural Resource Assistance Councils for the purpose of preserving open spaces, sensitive ecological areas, and stream corridors; and,

WHEREAS, the applications for the ninth-round funding under the Clean Ohio Fund Green Space Conservation Program are due on January 9, 2015 to the Cuyahoga County Natural Resource Assistance Council; and,

WHEREAS, it is necessary that this Resolution become immediately effective in order to meet the application deadline required by the Cuyahoga County Natural Resources Assistance Council.

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

**SECTION 1.** That the Cuyahoga County Council hereby supports the submission of an application on behalf of City of Bedford Heights for ninth-round funding under the Clean Ohio Fund Green Space Conservation Program available through the Ohio Public Works Commission to protect the ecologically significant areas along the Solon Road Preserve.

**SECTION 2.** 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 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\_\_



# CUYAHOGA COUNTY COUNCIL RESOLUTION OF SUPPORT REQUEST FORM

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**PROJECT NAME:** SOLON ROAD PRESERVE

**SPONSORING ORGANIZATION:** CITY OF BEDFORD HEIGHTS

**CONTACT PERSON:** SARAH RYZNER

**PHONE:** 216.515.8300

**EMAIL:** SRYZNER@WRLANDCONSERVANCY.ORG

**PROJECT DESCRIPTION:**

**(PROVIDE A BRIEF PROJECT DESCRIPTION THAT INCLUDES THE PROJECT COST, LOCATION(S) AND COMPONENTS)**

The City of Bedford Heights is seeking financial assistance under the Clean Ohio Fund's Green Space Conservation Program for the purchase and protection of an approximately 20-acre property of ecological, historical, and cultural significance. Located on the north side of Solon Road between I-271 and Richmond Road in Bedford Heights, the property is immediately adjacent to an existing city park and in close proximity to Cleveland Metroparks' Bedford Reservation.

With trees in various states of succession and a wooded ravine that is a direct tributary to Tinker's Creek, this once partially-developed property is now vacant land. Its acquisition by the City of Bedford Heights will protect the property's natural resources, including diverse plant and animal species, and safeguard ground water supplies and water quality within the Cuyahoga River watershed. Moreover, it will preserve this space for the passive recreational enjoyment of residents of Cuyahoga County and beyond for generations to come.

The City of Bedford Heights' application requests a grant in the amount of approximately \$350,000 from Clean Ohio to acquire and preserve this property. In order to proceed with this request and the vital conservation effort it will ensure, the City of Bedford Heights respectfully seeks the Cuyahoga County Council's support of its application and its endorsement of this vital project.

**COUNCIL DISTRICT(S) OF PROPOSED PROJECT LOCATION:** 9

**SUBMIT THIS REQUEST FORM TO ALISON BALL AT [ABALL@CUYAHOGACOUNTY.US](mailto:ABALL@CUYAHOGACOUNTY.US) BY NOVEMBER 7, 2014 AT 4:30PM.**

# County Council of Cuyahoga County, Ohio

## Resolution No. R2014-0280

Sponsored by: <b>Councilmembers Connally and Simon</b>	<b>A Resolution</b> supporting an application for funding under the Clean Ohio Fund Green Space Conservation Program available through the Ohio Public Works Commission on behalf of Tinker’s Creek Watershed Partners for the conservation of ecologically significant areas along the Bear Creek, and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, Cuyahoga County has received a request from Tinker’s Creek Watershed Partners for a Resolution of support of an application for ninth-round funding under the Clean Ohio Fund Green Space Conservation Program available through the Ohio Public Works Commission for the conservation of ecologically significant areas for protection along the Bear Creek, pursuant to Ohio Revised Code Section 164.23; and,

WHEREAS, the City of Warrensville Heights in Cuyahoga County is a highly developed, urban community with very few opportunities for residents to enjoy greenspace with only 10.8 acres of public parks (0.004% of land area). Also the city has very few daylighted streams and those that are, are channelized and do not support quality habitat.

WHEREAS, the proposed project would provide riparian protection to 515 linear feet of Bear Creek and protect 4.5 acres of green space for an underserved community and would support the goals of the State endorsed Tinker’s Creek Watershed Action Plan. The project would piece together five parcels with a single owner located along Emery Rd. The land is currently under threat from developers and needs quick action to be preserved. There are currently no structures on site and is only sparsely forested.

WHEREAS, the proposed project complements a previous project that was finished in 2012 in the upstream reaches and provides an opportunity for trail connectivity. The original goal of the project of 2012 was to restore and protect the section of Bear Creek of this proposed project area, but lack of funding did not allow this to happen. Finalizing the protection of this stretch will enhance the efforts of reducing sedimentation and improved habitat already completed in the upstream area. There are very few areas of protected stream corridor in Warrensville Heights, providing protection and restoration of what little remains is vital to help to improve overall function of the watershed; and,

WHEREAS, the project is known as “Bear Creek Land Acquisition” and is located in County Council District No. 9; and,

WHEREAS, the total estimated project cost is \$250,000.00; and

WHEREAS, Ohio Revised Code Section 164.23 provides that “an entity seeking a grant for a project that is eligible for funding shall submit an application to the natural resources assistance council with geographical jurisdiction over the proposed project area;” and, Ohio Revised Code Section 164.23(B) further provides that “in addition to the application, an applicant for a grant for a project shall include a copy of a resolution supporting the project from each county in which the proposed project is to be conducted;” and,

WHEREAS, the Ohio Public Works Commission provides financial assistance to Natural Resource Assistance Councils for the purpose of preserving open spaces, sensitive ecological areas, and stream corridors; and,

WHEREAS, the applications for the ninth-round funding under the Clean Ohio Fund Green Space Conservation Program are due on January 9, 2015 to the Cuyahoga County Natural Resource Assistance Council; and,

WHEREAS, it is necessary that this Resolution become immediately effective in order to meet the application deadline required by the Cuyahoga County Natural Resources Assistance Council.

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

**SECTION 1.** That the Cuyahoga County Council hereby supports the submission of an application on behalf of Tinker’s Creek Watershed Partners for ninth-round funding under the Clean Ohio Fund Green Space Conservation Program available through the Ohio Public Works Commission to protect the ecologically significant areas along the Bear Creek.

**SECTION 2.** 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.



## CUYAHOGA COUNTY NATURAL RESOURCE ASSISTANCE COUNCIL

### CUYAHOGA COUNTY COUNCIL RESOLUTION

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The Clean Ohio Green Space Conservation (COGSP) program is funded by state bonds to provide grants to preserve open spaces, sensitive ecological areas, and stream corridors.

The Cuyahoga County Natural Resources Assistance Council (NRAC), an eleven-member committee, is organized by the Ohio Revised Code to evaluate and recommend projects for COGSCP funding.

Round 9 of the COGSCP starts on September 24, 2014 and applications are due on **January 9, 2015**.

Applicants in Cuyahoga County seeking COGSP financial assistance are required to obtain and include in their application a *Resolution of Support* from an appropriate political subdivision as determined by the Ohio Revised Code, Section 164.23. Applicants that do not obtain and provide a Resolution of Support will not be eligible for review by the Cuyahoga County NRAC.

If your application requires a Resolution of Support from Cuyahoga County Council, as instructed in the Round 9 Applicant Manual, on Page 15; please submit a completed Cuyahoga County Council Resolution of Support Request Form to Ms. Alison Ball at [aball@cuyahogacounty.us](mailto:aball@cuyahogacounty.us).

Resolutions of Support will be read into the record and then assigned to a Council Committee for further consideration and recommendation back to the full Council.<sup>1</sup> A representative who is able to answer questions about the application must be present at any Committee or Council meeting as determined. Applicants will be notified of the date and time of these Committee or Council Meetings as they are scheduled.

In order to receive a resolution of support prior to the application due date on January 9, 2014, the resolutions must be on the County Council's agenda by Friday, November 7 for the November 25, 2014 meeting.

Please fill out the attached request form and **submit it to Alison Ball by November, 7 2014 at 4:30PM.**

<sup>1</sup> Under the County Charter, resolutions are required to have three readings; however, due to the time frame for submitting the grant applications, a request will be made to Council to consider approving them at the second reading and under suspension of rules.

# CUYAHOGA COUNTY COUNCIL RESOLUTION OF SUPPORT REQUEST FORM

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**PROJECT NAME:** BEAR CREEK LAND ACQUISITION

**SPONSORING ORGANIZATION:** TINKER'S CREEK WATERSHED PARTNERS

**CONTACT PERSON:** BABETTE GOWDA

**PHONE:** 330-963-6243

**EMAIL:** BABETTE@TINKERSCREEKWATERSHED.ORG

**PROJECT DESCRIPTION:**

(PROVIDE A BRIEF PROJECT DESCRIPTION THAT INCLUDES THE PROJECT COST, LOCATION(S) AND COMPONENTS)

The City of Warrensville Heights in Cuyahoga County is a highly developed, urban community with very few opportunities for residents to enjoy greenspace with only 10.8 acres of public parks (0.004% of land area). Also the city has very few daylighted streams and those that are, are channelized and do not support quality habitat.

The proposed project would provide riparian protection to 515 linear feet of Bear Creek and protect 4.5 acres of green space for an underserved community and would support the goals of the State endorsed Tinker's Creek Watershed Action Plan. The project would piece together five parcels with a single owner located along Emery Rd. The land is currently under threat from developers and needs quick action to be preserved. There are currently no structures on site and is only sparsely forested. Acquisition costs are estimated at \$250,000.

The proposed project complements a previous project that was finished in 2012 in the upstream reaches and provides an opportunity for trail connectivity. The original goal of the project of 2012 was to restore and protect the section of Bear Creek of this proposed project area but lack of funding did not allow this to happen. Finalizing the protection of this stretch will enhance the efforts of reducing sedimentation and improved habitat already completed in the upstream area. There are very few areas of protected stream corridor in Warrensville Heights, providing protection and restoration of what little remains is vital to help to improve overall function of the watershed.

**COUNCIL DISTRICT(S) OF PROPOSED PROJECT LOCATION:** Council District 9

**SUBMIT THIS REQUEST FORM TO ALISON BALL AT [ABALL@CUYAHOGACOUNTY.US](mailto:ABALL@CUYAHOGACOUNTY.US) BY NOVEMBER 7, 2014 AT 4:30PM.**

# County Council of Cuyahoga County, Ohio

## Resolution No. R2014-0281

Sponsored by: <b>Councilmembers Connally and Simon</b>	<b>A Resolution</b> supporting an application for funding under the Clean Ohio Fund Green Space Conservation Program available through the Ohio Public Works Commission on behalf of Cuyahoga County Department of Public Works for the preservation and restoration of natural open space within Stage 3 of the Towpath Trail Extension in connection with the Tremont Pointe Preserve and Greenway Project, and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, Cuyahoga County has received a request from the Cuyahoga County Department of Public Works for a Resolution of support of an application for ninth-round funding under the Clean Ohio Fund Green Space Conservation Program available through the Ohio Public Works Commission for the preservation and restoration of natural open space within Stage 3 of the Towpath Trail Extension in connection with the Tremont Pointe Preserve and Greenway Project, pursuant to Ohio Revised Code Section 164.23; and,

WHEREAS, the Towpath Trail: Tremont Pointe Preserve and Greenway Project encompasses two properties. The 11.25 acre property, owned by the Cuyahoga Metropolitan Housing Authority, is located along W. 3<sup>rd</sup> Street, between W. 7<sup>th</sup> Street and Mary Avenue. The 10.1 acre CSX surplus property is located between W. 3<sup>rd</sup> Street and W. 5<sup>th</sup> Street from Mary Avenue to Literary Road. These properties are within the larger Stage 3 of the Towpath Trail Extension Project, which is identified in the SAFTEA-LU Transportation Bill as a Cuyahoga County Engineer's Office High Priority Project and is a critical connection within the Cuyahoga County Greenspace Plan. The project will preserve a natural habitat for native plant and animal species, provide opportunities for passive outdoor recreation to the public and protect natural open space for future generations. Through the Towpath Trail, the properties will connect to other natural areas and neighborhoods throughout northeast Ohio, providing the public with safe, free access to greenspace.

WHEREAS, Cuyahoga County, the Towpath Trail Extension Project manager, is joined together in a project development agreement with the City of Cleveland, Cleveland Metroparks and Canalway Partners. The properties will be acquired in the

City of Cleveland's name and encumbered with a conservation easement, protecting the open space and natural habitat; and,

WHEREAS, the project is known as "Towpath Trail: Tremont Pointe Preserve and Greenway" and is located in County Council District No. 7; and,

WHEREAS, the total estimated project cost is \$2,700,000.00; and

WHEREAS, Ohio Revised Code Section 164.23 provides that "an entity seeking a grant for a project that is eligible for funding shall submit an application to the natural resources assistance council with geographical jurisdiction over the proposed project area;" and, Ohio Revised Code Section 164.23(B) further provides that "in addition to the application, an applicant for a grant for a project shall include a copy of a resolution supporting the project from each county in which the proposed project is to be conducted;" and,

WHEREAS, the Ohio Public Works Commission provides financial assistance to Natural Resource Assistance Councils for the purpose of preserving open spaces, sensitive ecological areas, and stream corridors; and,

WHEREAS, the applications for the ninth-round funding under the Clean Ohio Fund Green Space Conservation Program are due on January 9, 2015 to the Cuyahoga County Natural Resource Assistance Council; and,

WHEREAS, it is necessary that this Resolution become immediately effective in order to meet the application deadline required by the Cuyahoga County Natural Resources Assistance Council.

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

**SECTION 1.** That the Cuyahoga County Council hereby supports the submission of an application on behalf of Cuyahoga County Department of Public Works for ninth-round funding under the Clean Ohio Fund Green Space Conservation Program available through the Ohio Public Works Commission for the preservation and restoration of natural open space within Stage 3 of the Towpath Trail Extension in connection with the Tremont Pointe Preserve and Greenway Project.

**SECTION 2.** 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







## CUYAHOGA COUNTY NATURAL RESOURCE ASSISTANCE COUNCIL

### CUYAHOGA COUNTY COUNCIL RESOLUTION

The Clean Ohio Green Space Conservation (COGSP) program is funded by state bonds to provide grants to preserve open spaces, sensitive ecological areas, and stream corridors.

The Cuyahoga County Natural Resources Assistance Council (NRAC), an eleven-member committee, is organized by the Ohio Revised Code to evaluate and recommend projects for COGSCP funding.

Round 9 of the COGSCP starts on September 24, 2014 and applications are due on **January 9, 2015**.

Applicants in Cuyahoga County seeking COGSP financial assistance are required to obtain and include in their application a *Resolution of Support* from an appropriate political subdivision as determined by the Ohio Revised Code, Section 164.23. Applicants that do not obtain and provide a Resolution of Support will not be eligible for review by the Cuyahoga County NRAC.

If your application requires a Resolution of Support from Cuyahoga County Council, as instructed in the Round 9 Applicant Manual, on Page 15; please submit a completed Cuyahoga County Council Resolution of Support Request Form to Ms. Alison Ball at [aball@cuyahogacounty.us](mailto:aball@cuyahogacounty.us).

Resolutions of Support will be read into the record and then assigned to a Council Committee for further consideration and recommendation back to the full Council.<sup>1</sup> A representative who is able to answer questions about the application must be present at any Committee or Council meeting as determined. Applicants will be notified of the date and time of these Committee or Council Meetings as they are scheduled.

<sup>1</sup> Under the County Charter, resolutions are required to have three readings; however, due to the time frame for submitting the grant applications, a request will be made to Council to consider approving them at the second reading and under suspension of rules.

In order to receive a resolution of support prior to the application due date on January 9, 2014, the resolutions must be on the County Council's agenda by Friday, November 7 for the November 25, 2014 meeting.

Please fill out the attached request form and **submit it to Alison Ball by November, 7 2014 at 4:30PM.**

# CUYAHOGA COUNTY COUNCIL RESOLUTION OF SUPPORT REQUEST FORM

**PROJECT NAME:** Towpath Trail: Tremont Pointe Preserve & Greenway

**SPONSORING ORGANIZATION:** Cuyahoga County Department of Public Works

**CONTACT PERSON:** Stan Kosilesky

**PHONE:** (216)348-3932

**EMAIL:** skosilesky@cuyahogacounty.us

## **PROJECT DESCRIPTION:**

**(PROVIDE A BRIEF PROJECT DESCRIPTION THAT INCLUDES THE PROJECT COST, LOCATION(S) AND COMPONENTS)**

This is a request from Cuyahoga County Department of Public Works for a Resolution of support for a ninth-round funding application under the Clean Ohio Fund Green Space Conservation Program for the preservation and restoration of natural open space within Stage 3 of the Towpath Trail Extension Project.

The Towpath Trail: Tremont Pointe Preserve & Greenway project encompasses two properties. The 11.25 acre property, owned by the Cuyahoga Metropolitan Housing Authority, is located along W. 3<sup>rd</sup> Street, between W. 7<sup>th</sup> Street and Mary Avenue. The 10.1 acre CSX surplus property is located between W. 3<sup>rd</sup> Street and W. 5<sup>th</sup> Street from Mary Avenue to Literary Road. These properties are within the larger Stage 3 of the Towpath Trail Extension Project, which is identified in the SAFTEA-LU Transportation Bill as a Cuyahoga County Engineer's Office High Priority Project and is a critical connection within the Cuyahoga County Greenspace Plan. The project will preserve a natural habitat for native plant and animal species, provide opportunities for passive outdoor recreation to the public and protect natural open space for future generations. Through the Towpath Trail, the properties will connect to other natural areas and neighborhoods throughout northeast Ohio, providing the public with safe, free access to greenspace.

Cuyahoga County, the Towpath Trail Extension Project manager, is joined together in a project development agreement with the City of Cleveland, Cleveland Metroparks and Canalway Partners. These properties will be acquired in the City of Cleveland's name and encumbered with a conservation easement, protecting the open space and natural habitat.

The total estimated Towpath Trail: Tremont Pointe Preserve & Greenway project cost is \$2,700,000. The Clean Ohio Fund Green Space Conservation Program funding will provide critical local match for existing Federal CMAQ funding encumbered within the current NOACA Transportation Improvement Program.

**COUNCIL DISTRICT(S) OF PROPOSED PROJECT LOCATION:** District 7

**SUBMIT THIS REQUEST FORM TO ALISON BALL AT [ABALL@CUYAHOGACOUNTY.US](mailto:ABALL@CUYAHOGACOUNTY.US) BY NOVEMBER 7, 2014 AT 4:30PM.**

# County Council of Cuyahoga County, Ohio

## Resolution No. R2014-0282

Sponsored by: <b>Councilmembers Connally and Simon</b>	<b>A Resolution</b> supporting an application for funding under the Clean Ohio Fund Green Space Conservation Program available through the Ohio Public Works Commission on behalf of Western Land Conservancy for the conservation of ecologically significant areas along Lakeshore Boulevard in the Village of Bratenahl, and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, Cuyahoga County has received a request from Western Reserve Land Conservancy for a Resolution of support of an application for ninth-round funding under the Clean Ohio Fund Green Space Conservation Program available through the Ohio Public Works Commission for the conservation of ecologically significant areas for protection along Lakeshore Boulevard in the Village of Bratenahl, pursuant to Ohio Revised Code Section 164.23; and

WHEREAS, Western Reserve Land Conservatory project is located on the south side of Lakeshore Boulevard and north of I-90 in the Village of Bratenahl. The property is immediately adjacent to an existing Village park and across the street from a nature preserve. The project consists of the fee simple acquisition of approximately 5-acres of ecological, historical and cultural significance; and

WHEREAS, the project is known as “Lakeshore Preserve” and is located in County Council District No. 8; and

WHEREAS, the total estimated project cost is \$325,000.00; and,

WHEREAS, Ohio Revised Code Section 164.23 provides that “an entity seeking a grant for a project that is eligible for funding shall submit an application to the natural resources assistance council with geographical jurisdiction over the proposed project area;” and, Ohio Revised Code Section 164.23(B) further provides that “in addition to the application, an applicant for a grant for a project shall include a copy of a resolution supporting the project from each county in which the proposed project is to be conducted;” and,

WHEREAS, the Ohio Public Works Commission provides financial assistance to Natural Resource Assistance Councils for the purpose of preserving open spaces, sensitive ecological areas, and stream corridors; and,

WHEREAS, the applications for the ninth-round funding under the Clean Ohio Fund Green Space Conservation Program are due on January 9, 2015 to the Cuyahoga County Natural Resource Assistance Council; and,

WHEREAS, it is necessary that this Resolution become immediately effective in order to meet the application deadline required by the Cuyahoga County Natural Resources Assistance Council.

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

**SECTION 1.** That the Cuyahoga County Council hereby supports the submission of an application on behalf of Western Reserve Land Conservancy for ninth-round funding under the Clean Ohio Fund Green Space Conservation Program available through the Ohio Public Works Commission to protect the ecologically significant areas along Lakeshore Boulevard in the Village of Bratenahl known as “Lakeshore Preserve”.

**SECTION 2.** 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 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\_\_

# CUYAHOGA COUNTY COUNCIL RESOLUTION OF SUPPORT REQUEST FORM

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**PROJECT NAME:** LAKESHORE PRESERVE

**SPONSORING ORGANIZATION:** WESTERN RESERVE LAND CONSERVANCY

**CONTACT PERSON:** SARAH RYZNER

**PHONE:** 216.515.8300

**EMAIL:** SRYZNER@WRLANDCONSERVANCY.ORG

**PROJECT DESCRIPTION:**

**(PROVIDE A BRIEF PROJECT DESCRIPTION THAT INCLUDES THE PROJECT COST, LOCATION(S) AND COMPONENTS)**

The Western Reserve Land Conservancy is seeking financial assistance under the Clean Ohio Fund's Green Space Conservation Program for the purchase and protection of an approximately 5-acre property of ecological, historical, and cultural significance. Located on the south side of Lakeshore Boulevard, and north of I-90 in the Village of Bratenahl, the property is immediately adjacent to an existing Village park and across the street from a nature preserve.

The property is vacant land, and contains trees in various states of succession. Its acquisition by the Western Reserve Land Conservancy will protect the property's natural resources, including diverse plant and animal species, and safeguard ground water supplies and water quality within the Cuyahoga River watershed and Lake Erie. Moreover, it will preserve this space for the passive recreational enjoyment of residents of the Village of Bratenahl, Cuyahoga County and beyond for generations to come.

The Western Reserve Land Conservancy's application requests a grant in the amount of approximately \$325,000 from Clean Ohio to acquire and preserve this property. In order to proceed with this request and the vital conservation effort it will ensure, the Western Reserve Land Conservancy respectfully seeks the Cuyahoga County Council's support of its application and its endorsement of this vital project.

**COUNCIL DISTRICT(S) OF PROPOSED PROJECT LOCATION:**

**SUBMIT THIS REQUEST FORM TO ALISON BALL AT [ABALL@CUYAHOGACOUNTY.US](mailto:ABALL@CUYAHOGACOUNTY.US) BY NOVEMBER 7, 2014 AT 4:30PM.**

# County Council of Cuyahoga County, Ohio

## Resolution No. R2014-0263

<p>Sponsored by: <b>Council President Connally on behalf of The MetroHealth System</b></p>	<p><b>A Resolution</b> approving The MetroHealth System's policies and procedures to participate in one or more joint purchasing associations for the purpose of acquiring supplies, equipment and services provided through joint purchasing arrangements in order to achieve beneficial purchasing arrangements for the year 2015, in accordance with Ohio Revised Code Section 339.05; and declaring the necessity that this Resolution become immediately effective.</p>
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WHEREAS, Ohio Revised Code Section 339.05 authorizes the Board of Trustees of The MetroHealth System to annually adopt bidding procedures and purchasing policies to obtain supplies, equipment and services routinely used in the operations of the Hospital, which, upon said adoption and the approval of the County Executive and County Council, may be followed by the Board of Trustees in lieu of following the competitive bidding procedures of Ohio Revised Code Section 307.86 to 307.92; and

WHEREAS, Ohio Revised Code Section 339.05 specifically authorizes the Board of Trustees of The MetroHealth System to annually adopt bidding procedures and purchasing policies for services provided through a joint purchasing arrangement; and,

WHEREAS, The MetroHealth System seeks to participate in one or more joint purchasing associations available to health care facilities in order to obtain the favorable volume pricing available to the member institutions, thereby reducing the Hospital's overall expense for supplies, equipment and services; and

WHEREAS, on October 29, 2014, The MetroHealth System Board of Trustees adopted Resolution 18773 approving annual joint purchasing policies and procedures for the year 2014.

WHEREAS, The MetroHealth System's current purchasing policy expires December 31, 2014, and in order that critical services provided by The MetroHealth System may continue uninterrupted, it is necessary that this Resolution become immediately effective.



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

**SECTION 1.** The County Council hereby approves The MetroHealth System’s adoption of a purchasing policy which authorizes the System’s membership and participation in one or more joint purchasing associations for the purpose of acquiring such supplies, equipment and services routinely used in the operations of the Hospital which are available through group purchasing arrangements in order to achieve economies for the 2015 Calendar Year.

**SECTION 2.** That the purchases of such supplies, equipment and services through joint purchasing arrangements shall be exempt from the competitive bidding procedures of Ohio Revised Code Section 307.86.

**SECTION 3.** It is necessary that this Resolution become immediately effective for the usual daily operation of The MetroHealth System; 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 any of its committees that resulted 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: November 12, 2014

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

Journal CC016

November 25, 2014

**Approval of certain annual purchasing policies and procedures**

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**RESOLUTION 18773**

WHEREAS, the Board of Trustees of The MetroHealth System has been presented a recommendation for certain annual purchasing policies and procedures; and

WHEREAS, the Board's Finance Committee has reviewed this recommendation and now recommends its approval.

NOW, THEREFORE BE IT RESOLVED, The Board of Trustees of The MetroHealth System hereby approves certain annual purchasing policies and procedures, for participation in group/joint procurement arrangements.

For the calendar year 2015, and for the purpose of acquiring supplies, equipment, and services routinely used in the operations of the System, the System may obtain membership and participate in either:

- a) One or more group purchasing organizations (each a "GPO") sponsored by non-profit organizations, for all products available through such GPOs, provided that the terms and conditions of such participation, and the GPO's policies and procedures, are evaluated and determined to be in the best interest of the System; and,
- b) One or more state or federally operated joint purchasing programs (each a "JPP"), for purchase of all products available through such JPPs.

The System may pay GPO and JPP participation or membership fees and costs, if any, out of general operating funds.

BE IT FURTHER RESOLVED, The Chief Executive Officer and President or his designees are hereby authorized to negotiate and execute agreements and other documents, and develop and execute procedures consistent with this resolution.

AYES: Ms. Dee, Ms. Jordan, Mr. McDonald, Mr. Monnolly, Mr. Moss  
Dr. Silvers, Mr. Spain

NAYS: None

ABSENT: Ms. Clemo, Dr. Fountain, Ms. Whiting

ABSTAINED: None

DATE: October 29, 2014

# County Council of Cuyahoga County, Ohio

## Ordinance No. O2014-0036

Sponsored by: <b>Councilmember Miller</b>	<b>An Ordinance</b> amending Section 804.01 of the Cuyahoga County Code by adding a new Section 804.01(D) to establish a post-secondary, small business internship component to the Educational Assistance Program and renumbering subsequent sections.
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WHEREAS, Article III, Section 3.09(11) of the Charter authorizes Council to “establish and provide for the administration of a program to provide scholarships, loans, grants and other forms of financial assistance for residents of the County that will enable them to participate in post-secondary education, including vocational education and job training and retraining;” and

WHEREAS, Council has established the Cuyahoga County Educational Assistance Program as codified in Section 804.01 of the Cuyahoga County Code; and

WHEREAS, Council has determined it necessary to add an additional component to the Program to provide for the financial support of job training in the form of professional, project-based experience for post-secondary students in the County.

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

**SECTION 1.** Section 804.01 of the Cuyahoga County Code shall be amended by adding a new Subsection (D) and renumbering subsequent sections to read as follows:

#### D. Component Three – Post-secondary Professional Experience Program

1. Component Three of the Cuyahoga County Educational Assistance Program provides financial support for a paid experiential professional education program for Cuyahoga County residents who have recently completed (within one (1) year immediately preceding submitting program application) or are currently engaged in a post-secondary degree or certification program at accredited post-secondary educational institutions located within Cuyahoga County.
2. Individual allocations for each student accepted into the program may be distributed for the following uses:

- a. A stipend to be paid to the student by the program administrator;
  - b. Funding for student participation in a third-party experiential civic education program to run concurrently with Component Three; and
  - c. Appropriate administrative costs of the program administrator.
3. The County Council shall annually determine an administrating organization, and designate an amount of the budgeted funds for Component Three and allocation amounts for grants consistent with this Section.
4. Eligibility
  - a. Student Participant eligibility. Cuyahoga County residents who satisfy all of the following criteria are eligible for participation in Component Three programming:
    1. They are currently engaged in or have recently completed (within one (1) year preceding submitting program application) a post-secondary degree or certificate program at a higher education institution located within Cuyahoga County; and
    2. They meet the academic criteria as established by the program administrator.
  - b. Business Participant eligibility. Businesses located within Cuyahoga County that satisfy all of the following criteria are eligible for participation in Component Three programming:
    1. They fulfill the requirements for certification as a Small Business Enterprise under Cuyahoga County's Small Business Enterprise Program; and
    2. They prepare a work project for completion by student participants deemed appropriate by the program administrator.
5. Student participants will be selected by the program administrator to work on discrete work projects prepared by a business participant to be completed during the program.
6. The Program Administrator is responsible for the following duties:

- a. Selecting student participants for inclusion in Component Three programming; and
- b. Selecting business participants for inclusion in Component Three programming; and
- c. Selecting work projects prepared by Business Participants for completion by Student Participants; and
- d. Acting as the fiscal agent for Component Three programming and administer all stipend payments to student participants; and
- e. Coordinating the work of the student participants on the selected work projects; and
- f. Report to the Cuyahoga County Council on an annual basis on 1) the number and monetary amount of scholarships awarded, 2) a list and description of the student participants (including city of residence, post-secondary institution attended, course of post-secondary study), 3) a list and description of the business participants (including physical address, type of business) 4) a description of selected work projects including which student participants worked on each, and 5) any highlights or problems of which the Council should be aware; and
- g. Such other duties as outlined in an administration agreement between the County and the program administrator.

E. The Cuyahoga County Council hereby authorizes an alternative procurement process for components of the Cuyahoga County Educational Assistance Program.

**SECTION 2.** It is found and determined that all formal actions of this Council meeting and relating to the adoption of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by \_\_\_\_\_, seconded by \_\_\_\_\_, the foregoing Ordinance was duly enacted.

Yeas:

Nays:

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

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

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

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

Journal \_\_\_\_\_  
\_\_\_\_\_, 2014

# County Council of Cuyahoga County, Ohio

## Ordinance No. O2014-0033

Sponsored by: <b>Councilmember Miller</b>	<b>An Ordinance</b> amending Chapter 701 of the Cuyahoga County Code by adding Sections 701.08 and 701.09 to establish guidelines for financial management of operations and a long-term financial plan for Cuyahoga County.
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WHEREAS, Sections 2.03(9) and 2.03(10) of the Cuyahoga County Charter require the County Executive to submit to Council on a biennial basis a proposed operating budget, capital improvements plan, and detailed supporting financial information on revenues and expenditures; and,

WHEREAS, Section 3.09(5) of the Cuyahoga County Charter gives Council the power to adopt and amend the County's biennial operating budget and capital improvements program and to make appropriations for the County; and,

WHEREAS, the County Office of Budget and Management (OBM) within the Fiscal Office manages the County's budgeting process on behalf of the County Executive; and,

WHEREAS, Cuyahoga County adopted a biennial budget process through Ordinance No. O2011-0036 on 9/13/2011 and the power for a biennial operating budget was incorporated into the County Charter by the voters on November 6, 2012; and,

WHEREAS, the Council desires to address a number of the State of Ohio Auditor's findings in their 2013 Annual Audit of Cuyahoga County; and,

WHEREAS, the Council adopted Ordinance No. O2014-0021 on 10/14/2014 establishing guidelines for the County's investment policy and financial reporting requirements for Cuyahoga County; and,

WHEREAS, Executive and Council collaboration on the budget process would be facilitated by a regular pattern of financial management of operations and long term planning.

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

**SECTION 1.** The Cuyahoga County Council hereby amends Chapter 701 of the Cuyahoga County Code by adding Sections 701.08 and 701.09 to Chapter 701 to



establish guidelines for financial management of operations and a long-term financial plan for Cuyahoga County and shall read as follows:

## **Chapter 701**

### **Section 701.08: Financial Management Operations**

- (A) The General Operating Fund may be used for any County funded activity, including health and human services.
- (B) In order to assist County departments and agencies to make effective resource allocation decisions, the Office of Budget and Management shall make recommendations regarding expenditure options. In making such recommendations, OBM shall consider but not be limited to options that meet one or more of the following priority objectives:
  - (1) Provides services required by law, administrative regulation, court order, or current contractual agreement;
  - (2) Provides services required to ensure public safety and welfare;
  - (3) Supports efficient delivery of essential public services at current or expanded levels;
  - (4) Promotes effective management control of resources;
  - (5) Required to preserve a facility or protect a county asset;
  - (6) Results in cost reductions in the current and/or future years or reduces the need for other costly County services; and
  - (7) Leverages significant funding from sources other than local County funds.
- (C) Departments and agencies are expected to submit requests for additional personnel as part of the biennial budget process or the budget review prior to the second year of the biennium, in order not to create obligations prior to budget review. Personnel levels authorized in the budget for departments and agencies with more than fifty (50) full-time equivalent staff shall be considered an average for the year, provided that the staffing level is not managed so as to carry staffing above the authorized level into a subsequent year.
- (D) OBM shall monitor the County budget on an ongoing basis and submit legislation to Council to authorize any increases or decreases in appropriations, transfers between budget accounts, and cash transfers, except that OBM may, without legislation, make budget transfers that are within both the same index code and object code. OBM shall submit to Council any budget adjustments needed to ensure that all County funds meet requirements set forth in general law regarding positive fund balances, sufficiency of resources, and appropriation authority for expenditures.
- (E) OBM may decertify funds remaining in any encumbrance that has been inactive for over one year and is more than one year past the expiration of any contract

related to that encumbrance, and OBM may submit budget amendments to Council to reduce appropriations by the amounts decertified.

- (F) Any increase or decrease in appropriation, transfer between budget accounts, and/or cash transfer initiated by Council outside of the biennial budget or second year budget update process shall be submitted to OBM by the Clerk of Council prior to introduction.
- (G) The Fiscal Officer shall certify that sufficient funds are available for all expenditures as provided in general law. Such certification shall be made prior to expenditure of funds, except that in exceptional circumstances, certification may be made through the “then and now” process authorized in general law.

**Section 701.09: Long-Term Planning and Stabilization**

- (A) OBM shall proactively monitor projected revenues and expenses, using a forecasting horizon of five (5) years or longer, and shall promptly report to the County Executive and Council any conditions or trends that threaten the County’s ability to maintain General Fund and Health and Human Services Levy Fund reserves at or above the thresholds provided in Chapters 706 and 707. Except during a sudden financial emergency, such reports may be made as part of the regular financial reporting provided for in Section 701.07.
- (B) The County Executive and Council shall conduct a Reserve Stabilization Planning Process whenever any of the following occur:
  - (1) The reserve percentage reaches twenty-six percent (26%) or less in the General Fund or eleven (11%) or less in the Health and Human Services Levy Fund; or
  - (2) The Executive, OBM, or Council identifies trends reasonably expected to bring the General Fund and/or the Health and Human Services Levy Fund reserves below its reserve threshold with one year; or
  - (3) There is an excess of operating expenses over revenues, net of one-time expenditures, in the General Fund or the Health and Human Services Levy fund of more than three percent (3%) in any fiscal year; or
  - (4) The Executive and Council for any other reason agree to do so.
- (C) When conducting a Reserve Stabilization Planning Process, the County Executive and Council shall, within four (4) months after Subsection (B) of this section is triggered:
  - (1) Prepare a plan for the affected fund(s) to ensure long term structural balance and maintain or restore the reserve percentage at or above its reserve threshold; and
  - (2) Include in the plan a process for ongoing monitoring and revision of the plan, as needed.



# County Council of Cuyahoga County, Ohio

## Resolution No. R2014-0283

<p>Sponsored by: <b>County Executive FitzGerald/Fiscal Officer/Office of Budget &amp; Management</b></p>	<p><b>A Resolution</b> 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.</p>
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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:

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

A.	01A001 – Human Resources – General Fund		<b>BA1401021</b>
	HR018010 – Human Resources – General Fund		
	Personal Services	\$ (20,000.00)	
	Other Expenses	\$ (110,000.00)	
	Capital Outlays	\$ (50,000.00)	

Funding Source: The source of funding is General Fund.

B1.	24A530 – Children With Medical Handicap		<b>BA1400596</b>
	WT137935 – Children With Medical Handicaps		
	Other Expenses	\$ 304,000.00	

B2.	29A391 – Health & Human Services Levy 4.8		<b>BA1400597</b>
	SU514323 – Children With Medical Handicaps		
	Other Expenses	\$ 304,000.00	

Funding Source: The funding source is Health and Human Services Levy fund.

C1.	01A001 – General Fund		<b>BA1400778</b>
	CO380121 – Common Pleas-Judicial/General		
	Other Expenses	\$ (805,500.00)	
C2.	01A001 – General Fund		
	CO380196 – Common Pleas-Arbitration		
	Other Expenses	\$ (115,500.00)	

Funding Source: Funding is from the General Fund covering the period January 1, 2014 through December 31, 2014.

D.	01A001 – General Fund		<b>BA1400779</b>
	JC3720052 – Juvenile Court-Judges		
	Other Expenses	\$ (1,355,500.00)	

Funding Source: Funding is from the General Fund covering the period January 1, 2014 through December 31, 2014.

E.	01A001 – General Fund		<b>BA1400780</b>
	SH350470 – Sheriff-Jail Operations		
	Other Expenses	\$ 2,276,500.00	

Funding Source: Funding is from the General Fund covering the period January 1, 2014 through December 31, 2014.

F.	20A601 – Computerized Legal Research		<b>BA1401099</b>
	JC495051 – Juvenile Court Legal Research		
	Other Expenses	\$ 18.00	

Funding Source: Funding comes from filing fees charged under O.R.C. 2303.20(A), (Q), or (U).

G.	01A001 – General Fund CO380410 – Common Pleas – Probation Personal Services	\$ 151,080.71	<b>BA1401100</b>
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Funding Source: Funding comes from the General Fund.

H.	20A606 – Fatherhood Initiative SE507152 – Fatherhood Initiative Personal Services Other Expenses	\$ 2,200.00 \$ 1,000.00	<b>BA1400950</b>
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Funding Source: The primary funding source for this index is the Health and Human Services Levy Fund.

I.	20A600 – Cuyahoga Support Enforcement Agency SE496000 – Child Support Enforcement Agency Personal Services Other Expenses	\$ (2,200.00) \$ (1,000.00)	<b>BA1400949</b>
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Funding Source: CSEA is funded by reimbursement through Title IV-D of the Social Security Act at the rate of 66%, the State Child Support allocation, fees for services (2% of collections), and the County’s Health and Human Services Levy Fund.

J.	40A526 – Ohio Department of Transportation - Local Projects Administration (ODOT - LPA) CE785006 – ODOT LPA Capital Outlays	\$ 1,000,000.00	<b>BA1400962</b>
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Funding Source: Funding for the Old Royalton Road – Engineering project is 80% Federal Highway Administration dollars passed through the Ohio Department of Transportation, 10% County and 10% the city of North Royalton.

K.	40A069 – Capital Project Future Debt Issuance CC768226 – HPG Design & Construction Phase II Personal Services Capital Outlays	\$ 200,000.00 \$ 17,140,700.00	<b>BA1400961</b>
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Funding Source: Funding for the rehabilitation of the Huntington Park Garage, Phase II will come from future debt Issuance.

L.	40A069 – Capital Project Future Debt Issuance CC768523 – Pedestrian and Bicycle Bridge Personal Services Other Expenses Capital Outlays	\$ 250,000.00 \$ 250,000.00 \$ 21,691,588.00	<b>BA1400960</b>
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Funding Source: Funding for the Pedestrian and Bicycle Bridge will come from multiple sources. The County portion of \$10 million will come from future debt Issuance, \$10 million is pledged from the city of Cleveland and \$5 million will come from state funding.

M.	20A288 – Social Impact Financing Fund	<b>BA1400247</b>
	SF515288 – Social Impact Financing Fund	
	Other Expenses	\$ 1,000,000.00

Funding Source: The funding source is the Health and Human Services Levy Fund.

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

<b><u>Fund Nos./Budget Accounts</u></b>	<b><u>Journal Nos.</u></b>
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A. FROM:	20A301 – Fiscal Ops – Tax Assessments	<b>BA1401022</b>
	FS109702 – Fiscal Ops – Tax Assessments	
	Other Expenses	\$ 238,517.00

TO:	20A301 – Fiscal Ops – Tax Assessments	
	FS109702 – Fiscal Ops – Tax Assessments	
	Personal Services	\$ 238,517.00

Funding Source: The source of funding is the Real Estate Assessment Fund.

B. FROM:	01A001 – Financial Reporting	<b>BA1401026</b>
	FS109637 – Financial Reporting	
	Other Expenses	\$ 15,846.00

TO:	01A001 – Financial Reporting	
	FS109637 – Financial Reporting	
	Personal Services	\$ 15,846.00

Funding Source: The source of funding is General Fund.

C. FROM:	01A001 – Engineering Services	<b>BA1401077</b>
	IT601096 – Engineering Services	
	Other Expenses	\$ 143,500.00

TO:	01A001 – Engineering Services	
	IT601096 – Engineering Services	
	Personal Services	\$ 143,500.00

Funding Source: The source of funding is General Fund.

D. FROM:	20A819 – Geographic Information Systems	<b>BA1401078</b>
	IT470591 – Geographic Information Systems	
	Other Expenses	\$ 19,350.00

TO:	20A819 – Geographic Information Systems	
	IT470591 – Geographic Information Systems	
	Personal Services	\$ 19,350.00

Funding Source: The source of funding is the Real Estate Assessment Fund.

E. FROM:	01A001 – Mainframe Operation Services	<b>BA1401079</b>
	IT601104 – Mainframe Operation Services	
	Other Expenses	\$ 40,000.00
TO:	01A001 – IT Regional Enterprise Data Sharing System	
	IT601310 – IT Regional Enterprise Data Sharing System	
	Personal Services	\$ 40,000.00

Funding Source: The source of funding is General Fund.

F. FROM:	01A001 – Consumer Affairs	<b>BA1401081</b>
	FS109942 – Consumer Affairs	
	Personal Services	\$ 38,500.00
TO:	01A001 – Consumer Affairs	
	FS109942 – Consumer Affairs	
	Capital Outlays	\$ 38,500.00

Funding Source: The source of funding is General Fund.

G. FROM	24A430 – Executive Office of HHS	<b>BA1400594</b>
	HS157289 – Executive Office H&HS	
	Other Expenses	\$ 390,000.00
TO	24A430 – Executive Office of HHS	
	HS157396 – Human Services Applications	
	Other Expenses	\$ 390,000.00

Funding Source: The funding source is primarily Federal/State as well as the Health and Human Services Levy Fund.

H. FROM	28W037 – Workforce Other Programs	<b>BA1400598</b>
	WI140913 – Workforce Other Programs	
	Other Expenses	\$ 30,000.00
TO	28W037 – Workforce Other Programs	
	WI140913 – Workforce Other Programs	
	Personal Services	\$ 30,000.00

Funding Source: The funding source is primarily the U.S. Department of Labor via the Ohio Jobs and Family Services agency.

I. FROM:	24A510 – Work & Training Admin	<b>BA1400599</b>
	WT137463 – VEB Building NFSC	
	Other Expenses	\$ 15,000.00
TO:	24A510 – Work & Training Admin	
	WT137539 – West Shore NFSC	
	Other Expenses	\$ 15,000.00



Funding Source: The funding source is primarily Federal/State as well as the Health and Human Services Levy Fund.

J. FROM:	24A510 – Work & Training Admin WT137463 – VEB Building NFSC Personal Services	\$	1,029,000.00	<b>BA1400600</b>
TO:	24A510 – Work & Training Admin WT137141 – Client Support Services Personal Services	\$	90,000.00	
TO:	24A510 – Work & Training Admin WT137315 – Work First Services Personal Services	\$	15,000.00	
TO:	24A510 – Work & Training Admin WT137414 – Southgate NFSC Personal Services	\$	363,000.00	
TO:	24A510 – Work & Training Admin WT137430 – Ohio City NFSC Personal Services	\$	133,000.00	
TO:	24A510 – Work & Training Admin WT137455 –Quincy Place NFSC Personal Services	\$	325,000.00	
TO:	24A510 – Work & Training Admin WT137539 – West Shore NFSC Personal Services	\$	103,000.00	

Funding Source: The funding source is primarily Federal/State as well as the Health and Human Services Levy Fund.

K. FROM:	01A001- General Fund SH350579 –Sheriff Operations Other Expenses	\$	507,562.81	<b>BA1401072</b>
TO:	01A001- General Fund SH350470 –Sheriff Jail Operations Other Expenses	\$	507,562.81	

Funding Source: Funding is from the General Fund covering the period January 1, 2014 through December 31, 2014.

L. FROM:	29A391 – Health & Human Services Levy 4.8 SU514521 – HHS Subsidy Youth/Family Comm Partnership Other Expenses	\$	1,070,000.00	<b>BA1401074</b>
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TO: 29A391 – Health & Human Services Levy 4.8  
 SU514224 – JC Placement & Trmt HHS Subsidy  
 Other Expenses \$ 1,070,000.00

Funding Source: The appropriation will be used to provide the subsidies to the Juvenile Court’s HHS Levy fund and comes from the Health and Human Services Levy.

M. FROM: 01A001 – General Fund **BA1401101**  
 PR191056 – Prosecutor - General Office  
 Other Expenses \$ 260,000.00

TO: 01A001 – General Fund  
 PR200071 – Prosecutor – Child Support  
 Other Expenses \$ 260,000.00

Funding Source: Funding comes from the General Fund.

N. FROM: 40A069 – Capital Project Future Debt Issue **BA1400957**  
 CC767962 –Med Examiner Regional Crime Lab Bld-Out  
 Personal Services \$ 60,000.00

TO: 40A069 – Capital Project Future Debt Issue  
 CC767962 –Med Examiner Regional Crime Lab Bld-Out  
 Capital Outlay \$ 60,000.00

Funding Source: Funding for the Crime Lab Build-Out is from the General Fund.

**SECTION 3.** That the 2014/2015 Biennial Operating Budget for 2014 be amended to provide for the following cash transfers between County funds:

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

A. FROM: 63A100 – Information Services Center - Overhead **JR1400001**  
 IS690107 – Information Services Center - Overhead  
 Other Expenses \$ 4,196,922.99

TO: 01A001 – Miscellaneous – General Fund  
 MI512657 – Miscellaneous – General Fund  
 Other Sources \$ 4,196,922.99

Funding Source: The source of funding is Internal Service Fund.

B. FROM: 29A391 – Health & Human Services Levy 4.8 **JT1400056**  
 SU514323 – Children With Medical Handicaps  
 Transfer Out \$ 304,000.00

TO: 24A530 – Children With Medical Handicap  
 WT137935 – Children With Medical Handicap  
 Revenue Transfer \$ 304,000.00

Funding Source: The Health and Human Services Levy Fund is supported by property taxes.

C. FROM:	29A391 – Health and Human Services Levy 4.8 SU515296 – Social Impact Fin Fund Subsidy Transfer Out	\$ 1,000,000.00	<b>JT1400025</b>
TO:	20A288 – Social Impact Financing Fund SF515288 – Social Impact Financing Fund Revenue Transfer	\$ 1,000,000.00	

Funding Source: The source of funding is the Health and Human Services Levy Fund.

**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

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Clerk of Council

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Date

Journal CC016  
November 25, 2014



EDWARD FITZGERALD  
Cuyahoga County Executive

**November 18, 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 November 25, 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.

<b>General Fund/Health &amp; Human Services</b>	<b>Amount</b>
Human Resources – Decreasing appropriation in the General Fund account due to the creation of the General Fund Benefits account for the RTA public transportation (R2014-0230). (Item A.)	-\$180,000.00
Children with Medical Handicaps – An increase in appropriation to cover pending medical relief payments through year-end. Funding is from the Health and Human Services Levy Fund.(Item B.)	\$608,000.00
Court of Common Pleas/Juvenile Court/Sheriff – Decreasing appropriation in Common Pleas’ Judicial/General (\$805,500), Arbitration (\$115,500) and Juvenile Court’s Juvenile Court Judges (\$1,355,500) with a corresponding increase to the Sheriff’s Jail Operations (\$2,276,500) to cover space maintenance costs. Funding is from the General Fund. (Items C1, C2, D, and E.)	\$0.00
Court of Common Pleas – Additional appropriation to cover the 2014 impact of the collective bargaining agreement for probation officers, lab technicians, and support staff. Funding is from the General Fund. (Item G.)	\$151,080.71
Fatherhood Initiative/Child Support Enforcement Agency – A decrease in appropriation from the Child Support Enforcement Agency (\$3,200.00) account with a corresponding increase in the Fatherhood Initiative account to cover personal services and other expenses through year-end. Funding is from the Health and Human Services Levy Fund. (Items H and I.)	\$0.00
<b>TOTAL</b>	<b>\$579,080.71</b>

<b>Other Operating Funds</b>	<b>Amount</b>
Juvenile Court – Additional appropriation to cover expenses through year-end. Funding is from filing fees charged under O.R.C. 2303.20(A), (Q), or (U). (Item F.)	\$18.00
<b>TOTAL</b>	<b>\$18.00</b>

<b>Grants/Projects</b>	<b>Amount</b>
Public Works/Road and Bridge – Additional appropriation to cover Phase 2 expenses for the Old Royalton Road project. Funding is 80% Federal Highway Administration, 10% County and 10% from the City of North Royalton. (Item J.)	\$1,000,000.00

Capital Project/HPG Design and Construction – Additional appropriation for the rehabilitation of the Huntington Park Garage Phase II. Funding is from a future debt issuance. (Item K.)	\$17,340,700.00
Capital Project/Pedestrian and Bicycle Bridge – Additional appropriation for the Pedestrian and Bicycle Bridge project. Funding will be \$10 million from the County (future debt issuance), \$10 million from the City of Cleveland, and \$5 million from State funding. (Item L.)	\$22,191,588.00
<b>TOTAL</b>	<b>\$40,532,288.00</b>
<b>Total Additional Appropriations - All Funds</b>	<b>\$41,111,386.71</b>

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>11/12/14 Agenda</u>	<u>R2013-0229*</u>	<u>Adjusted Annual Appropriation</u>
General Fund Impact	\$ (28,919.29)	\$ 377,204,012.00	\$ 396,798,297.03
HHS Levy Impact	\$ 608,000.00	\$ 235,311,170.00	\$ 238,633,525.32
Other Fund Impact	\$ <u>40,532,386.71</u>	\$ <u>693,095,162.00</u>	\$ <u>1,034,636,604.87</u>
<b>Total Impact</b>	<b>\$ 41,111,386.71</b>	<b>\$1,305,610,344.00</b>	<b>\$ 1,670,068,427.22</b>

\* 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.

<b>General Fund/Health &amp; Human Services</b>	<b>Amount</b>
Fiscal Office/Financial Reporting – Realigning appropriation to cover personal services through year-end. Funding is from the General Fund. (Item B.)	\$15,846.00
Information Technology – Realigning appropriation to cover personal services through year-end. Funding is from the General Fund. (Item C.)	\$143,500.00
Information Technology – Realigning appropriation to cover personal services through year-end. Funding is from the General Fund. (Item E.)	\$40,000.00
Consumer Affairs – Realigning appropriation to cover the purchase of an enclosed gasoline trailer. Funding is from the General Fund. (Item F.)	\$38,500.00
Office of Health and Human Services – Realigning appropriation to cover controlled costs through year-end. Funding is from Federal and State revenues, as well as the Health and Human Services Levy Fund. (Item G.)	\$390,000.00
Job and Family Services – Realigning appropriation to cover other expenses through year-end. Funding is from Federal and State revenues, as well as the Health and Human Services Levy Fund. (Item I.)	\$15,000.00
Job and Family Services – Realigning appropriation to cover personal services through year-end. Funding is from Federal and State revenues, as well as the Health and Human Services Levy Fund. (Item J.)	\$1,029,000.00
Sheriff – Realigning appropriation to cover space maintenance charges. Funding is from the General Fund. (Item K.)	\$507,562.81
Health and Human Services Subsidy – Realigning appropriation from the Youth and Family Community Partnership subsidy to the Juvenile Court Placement and Treatment Services to cover higher than anticipated expenses. Funding is from the Health and Human Services Levy Fund. (Item L.)	\$1,070,000.00

Prosecutor – Realigning appropriation from the General Office account to the Child Support account to cover space maintenance charges. Funding is from the General Fund. (Item M.)	\$260,000.00
<b>TOTAL</b>	<b>\$3,509,408.81</b>

<b>Other Operating Funds</b>	<b>Amount</b>
Fiscal Office/Tax Assessments – Realigning appropriation to cover personal services through year-end. Funding is from tax assessments. (Item A.)	\$238,517.00
Geographic Information Systems – Realigning appropriation to cover personal services through year-end. Funding is from the Real Estate Assessment Fund. (Item D.)	\$19,350.00
<b>TOTAL</b>	<b>\$257,867.00</b>

<b>Grants/Projects</b>	<b>Amount</b>
Workforce Development – Realigning appropriation to cover personal services through year-end. Funding is from the U.S. Department of Labor. (Item H.)	\$30,000.00
Capital Project/Medical Examiner Regional Crime Lab Build Out – Realigning appropriation to cover the cost of the project. Funding is from the General Fund. (Item N.)	\$60,000.00
<b>TOTAL</b>	<b>\$90,000.00</b>

<b>Total Appropriation Transfers - All Funds</b>	<b>\$3,857,275.81</b>
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**Cash Transfer Summary** – Operating transfers support operating expenditures, related to a cash matches for a grants, transfer of taxes or fees to a debt service fund, transfers from the General Fund to a capital project fund or operating subsidies to special revenue funds, enterprise funds, or internal service funds. This type of transaction posts as an expenditure and sufficient appropriation must be available to process the transaction.

<b>General Fund/Health &amp; Human Services</b>	<b>Amount</b>
Children with Medical Handicaps – A cash transfer from the Health and Human Services Levy Fund to cover pending medical relief payments through year-end. Funding is from the Health and Human Services Levy Fund. (Item B.)	\$304,000.00
<b>TOTAL</b>	<b>\$304,000.00</b>

<b>Other Operating Funds</b>	<b>Amount</b>
Information Services – A cash transfer from the data processing internal service fund to the General Fund. Funding is from the Internal Service Fund. (Item A.)	\$4,196,922.99
<b>TOTAL</b>	<b>\$4,196,922.99</b>

<b>Total Cash Transfers - All Funds</b>	<b>\$4,500,922.99</b>
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Thank you for your consideration regarding this matter.

Sincerely,



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



EDWARD FITZGERALD  
Cuyahoga County Executive

## MEMORANDUM

TO: Jeanne Schmotzer, Clerk of Council

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

DATE: November 18, 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 November 25, 2014. The requested fiscal items including additional appropriations, appropriation transfers, and cash transfers meet agency budgetary needs.

### **Resolution: Additional Appropriations**

A.	01A001 – Human Resources – General Fund	<b>BA1401021</b>
	HR018010 – Human Resources – General Fund	
	Personal Services	\$ (20,000.00)
	Other Expenses	\$ (110,000.00)
	Capital Outlays	\$ (50,000.00)

A decrease in appropriation is requested to the Human Resources General Fund based on the increase of appropriation in the Benefits General Fund account for the Greater Cleveland Regional Transit Authority (GCRTA) Bus Pass expenditures. The source of funding is General Fund.

B1.	24A530 – Children With Medical Handicap	<b>BA1400596</b>
	WT137935 – Children With Medical Handicaps	
	Other Expenses	\$ 304,000.00
B2.	29A391 – Health & Human Services Levy 4.8	<b>BA1400597</b>
	SU514323 – Children With Medical Handicaps	
	Other Expenses	\$ 304,000.00

The division of Cuyahoga Jobs and Family Services requests an increase in appropriation to cover pending medical relief payments for the remainder of the year. The funding source is Health and Human Services Levy fund.

C1.	01A001 – General Fund	<b>BA1400778</b>
	CO380121 – Common Pleas-Judicial/General	
	Other Expenses	\$ (805,500.00)

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



C2.	01A001 – General Fund		
	CO380196 – Common Pleas-Arbitration		
	Other Expenses	\$	(115,500.00)

Reduce appropriation in Common Pleas Court General Fund space maintenance account for a corresponding increase in the Sheriff's space maintenance account. Funding is from the General Fund covering the period January 1, 2014 through December 31, 2014.

D.	01A001 – General Fund		<b>BA1400779</b>
	JC3720052 – Juvenile Court-Judges		
	Other Expenses	\$	(1,355,500.00)

Reduce appropriation in the Juvenile Court General Fund space maintenance account for a corresponding increase in the Sheriff's space maintenance account. Funding is from the General Fund covering the period January 1, 2014 through December 31, 2014.

E.	01A001 – General Fund		<b>BA1400780</b>
	SH350470 – Sheriff-Jail Operations		
	Other Expenses	\$	2,276,500.00

Increase appropriation in the Sheriff Jail Operations for 2014 space maintenance costs. Corresponding decrease from Common Pleas (fiscal item C1 and C2) and Juvenile Court ) fiscal item D) are funding this increase. Funding is from the General Fund covering the period January 1, 2014 through December 31, 2014.

F.	20A601 – Computerized Legal Research		<b>BA1401099</b>
	JC495051 – Juvenile Court Legal Research		
	Other Expenses	\$	18.00

The appropriation increase would provide sufficient appropriation for a \$1,114.34 expense. Funding comes from filing fees charged under O.R.C. 2303.20(A), (Q), or (U).

G.	01A001 – General Fund		<b>BA1401100</b>
	CO380410 – Common Pleas – Probation		
	Personal Services	\$	151,080.71

Cuyahoga County Council ratified a collective bargaining agreement with the County and includes probation officers, lab technicians, and support staff on October 28, 2014 (R2014-0250). The request would provide the appropriation for the 2014 impact of the bargaining agreement for the period 2/1/2014 through 12/31/2016. Funding comes from the General Fund.

H.	20A606 – Fatherhood Initiative		<b>BA1400950</b>
	SE507152 – Fatherhood Initiative		
	Personal Services	\$	2,200.00
	Other Expenses	\$	1,000.00

Additional appropriation is requested by Fatherhood Initiative to cover salary and other expenses through the end of the year. There will be an offsetting reduction in the Child Support Enforcement Agency. The primary funding source for this index is the Health and Human Services Levy Fund.

I.	20A600 – Cuyahoga Support Enforcement Agency		<b>BA1400949</b>
	SE496000 – Child Support Enforcement Agency		
	Personal Services	\$	(2,200.00)
	Other Expenses	\$	(1,000.00)

A reduction in appropriation is requested by the Office of Child Support Services to cover salary and other expenses through year end in Fatherhood Initiative. There will be an offsetting increase in Fatherhood Initiative. In the past, the Office of Child Support Services and Fatherhood Initiative were combined. Some costs that were being charged to the Office of Child Support Services are now being properly charged to Fatherhood Initiative. CSEA is funded by reimbursement through Title IV-D of the Social Security Act at the rate of 66%, the State Child Support allocation, fees for services (2% of collections), and the County's Health and Human Services Levy Fund.

J.	40A526 – Ohio Department of Transportation - Local		<b>BA1400962</b>
	Projects Administration (ODOT - LPA)		
	CE785006 – ODOT LPA		
	Capital Outlays	\$	1,000,000.00

Additional appropriation is requested for the Old Royalton Road – Engineering project to cover the expenses of Phase 2. Funding for the Old Royalton Road – Engineering project is 80% Federal Highway Administration dollars passed through the Ohio Department of Transportation, 10% County and 10% the city of North Royalton.

K.	40A069 – Capital Project Future Debt Issuance		<b>BA1400961</b>
	CC768226 – HPG Design & Construction Phase II		
	Personal Services	\$	200,000.00
	Capital Outlays	\$	17,140,700.00

Additional appropriation is requested for the rehabilitation of the Huntington Park Garage, Phase II. Funding for the rehabilitation of the Huntington Park Garage, Phase II will come from future debt Issuance.

L.	40A069 – Capital Project Future Debt Issuance		<b>BA1400960</b>
	CC768523 – Pedestrian and Bicycle Bridge		
	Personal Services	\$	250,000.00
	Other Expenses	\$	250,000.00
	Capital Outlays	\$	21,691,588.00

Additional appropriation is requested for the Pedestrian and Bicycle Bridge. Funding for the Pedestrian and Bicycle Bridge will come from multiple sources. The County portion of \$10 million will come from future debt Issuance, \$10 million is pledged from the city of Cleveland and \$5 million will come from state funding.

**Resolution: Appropriation Transfers:**

A.	FROM:	20A301 – Fiscal Ops – Tax Assessments		<b>BA1401022</b>
		FS109702 – Fiscal Ops – Tax Assessments		
		Other Expenses	\$	238,517.00
	TO:	20A301 – Fiscal Ops – Tax Assessments		
		FS109702 – Fiscal Ops – Tax Assessments		
		Personal Services	\$	238,517.00

The Fiscal Office is requesting an appropriation transfer to cover remaining estimated 2014 personal services expenses. The source of funding is the Real Estate Assessment Fund.

B.	FROM:	01A001 – Financial Reporting		<b>BA1401026</b>
		FS109637 – Financial Reporting		
		Other Expenses	\$	15,846.00
	TO:	01A001 – Financial Reporting		
		FS109637 – Financial Reporting		
		Personal Services	\$	15,846.00

The Fiscal Office is requesting an appropriation transfer to cover remaining estimated 2014 personal services expenses. The source of funding is General Fund.

C.	FROM:	01A001 – Engineering Services		<b>BA1401077</b>
		IT601096 – Engineering Services		
		Other Expenses	\$	143,500.00
	TO:	01A001 – Engineering Services		
		IT601096 – Engineering Services		
		Personal Services	\$	143,500.00

The Department of Information Technology is requesting an appropriation transfer to cover remaining estimated 2014 personal services expenses. The source of funding is General Fund.

D.	FROM:	20A819 – Geographic Information Systems		<b>BA1401078</b>
		IT470591 – Geographic Information Systems		
		Other Expenses	\$	19,350.00
	TO:	20A819 – Geographic Information Systems		
		IT470591 – Geographic Information Systems		
		Personal Services	\$	19,350.00

The Department of Information Technology is requesting an appropriation transfer to cover remaining estimated 2014 personal services expenses. The source of funding is the Real Estate Assessment Fund.

E.	FROM:	01A001 – Mainframe Operation Services		<b>BA1401079</b>
		IT601104 – Mainframe Operation Services		
		Other Expenses	\$	40,000.00

TO: 01A001 – IT Regional Enterprise Data Sharing System  
 IT601310 – IT Regional Enterprise Data Sharing System  
 Personal Services \$ 40,000.00

The Department of Information Technology is requesting an appropriation transfer to cover remaining estimated 2014 personal services expenses. The source of funding is General Fund.

F. FROM: 01A001 – Consumer Affairs **BA1401081**  
 FS109942 – Consumer Affairs  
 Personal Services \$ 38,500.00

TO: 01A001 – Consumer Affairs  
 FS109942 – Consumer Affairs  
 Capital Outlays \$ 38,500.00

The Fiscal Office is requesting an appropriation transfer to for the purchase of an enclosed gasoline trailer. The source of funding is General Fund.

G. FROM 24A430 – Executive Office of HHS **BA1400594**  
 HS157289 – Executive Office H&HS  
 Other Expenses \$ 390,000.00

TO 24A430 – Executive Office of HHS  
 HS157396 – Human Services Applications  
 Other Expenses \$ 390,000.00

The Executive Office of Health and Human Services has requested to realign appropriation to cover controlled costs for the remainder of the year. The funding source is primarily Federal/State as well as the Health and Human Services Levy Fund.

H. FROM 28W037 – Workforce Other Programs **BA1400598**  
 WI140913 – Workforce Other Programs  
 Other Expenses \$ 30,000.00

TO 28W037 – Workforce Other Programs  
 WI140913 – Workforce Other Programs  
 Personal Services \$ 30,000.00

The Department of Workforce Development has requested to realign appropriation to cover projected salary costs for the remainder of the year. The funding source is primarily the U.S. Department of Labor via the Ohio Jobs and Family Services agency.

I. FROM: 24A510 – Work & Training Admin **BA1400599**  
 WT137463 – VEB Building NFSC  
 Other Expenses \$ 15,000.00

TO: 24A510 – Work & Training Admin  
 WT137539 – West Shore NFSC  
 Other Expenses \$ 15,000.00

Request to realign appropriation within the Department of Job and Family Services to cover projected commodities and other operating expenses for the remainder of the year. The funding source is primarily Federal/State as well as the Health and Human Services Levy Fund.

J.	FROM:	24A510 – Work & Training Admin WT137463 – VEB Building NFSC Personal Services	\$	1,029,000.00	<b>BA1400600</b>
	TO:	24A510 – Work & Training Admin WT137141 – Client Support Services Personal Services	\$	90,000.00	
	TO:	24A510 – Work & Training Admin WT137315 – Work First Services Personal Services	\$	15,000.00	
	TO:	24A510 – Work & Training Admin WT137414 – Southgate NFSC Personal Services	\$	363,000.00	
	TO:	24A510 – Work & Training Admin WT137430 – Ohio City NFSC Personal Services	\$	133,000.00	
	TO:	24A510 – Work & Training Admin WT137455 –Quincy Place NFSC Personal Services	\$	325,000.00	
	TO:	24A510 – Work & Training Admin WT137539 – West Shore NFSC Personal Services	\$	103,000.00	

Request to realign appropriation within the Department of Job and Family Services to cover projected salary and fringe benefit expenses for the remainder of the year. The funding source is primarily Federal/State as well as the Health and Human Services Levy Fund.

K.	FROM:	01A001- General Fund SH350579 –Sheriff Operations Other Expenses	\$	507,562.81	<b>BA1401072</b>
	TO:	01A001- General Fund SH350470 –Sheriff Jail Operations Other Expenses	\$	507,562.81	

Transfer appropriations within the Sheriff’s Department to properly fund space maintenance. Funding is from the General Fund covering the period January 1, 2014 through December 31, 2014.

L.	FROM:	29A391 – Health & Human Services Levy 4.8 SU514521 – HHS Subsidy Youth/Family Comm Partnership Other Expenses	\$	1,070,000.00	<b>BA1401074</b>
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TO: 29A391 – Health & Human Services Levy 4.8  
 SU514224 – JC Placement & Trmt HHS Subsidy  
 Other Expenses \$ 1,070,000.00

The request would transfer appropriation from the Juvenile Court HHS subsidy account for Youth and Family Community Partnership (YFCP) to the Juvenile Court Placement & Treatment Services HHS subsidy account. The HHS levy 2014 expenses in Juvenile Court’s Placement and Treatment Services were higher than past year while the Juvenile Court YFCP budget was less past years. The appropriation will be used to provide the subsidies to the Juvenile Court’s HHS Levy fund and comes from the Health and Human Services levy.

M. FROM: 01A001 – General Fund **BA1401101**  
 PR191056 – Prosecutor - General Office  
 Other Expenses \$ 260,000.00

TO: 01A001 – General Fund  
 PR200071 – Prosecutor – Child Support  
 Other Expenses \$ 260,000.00

The requested transfers would align the appropriation for space maintenance with the 2014 charges. Funding comes from the General Fund.

N. FROM: 40A069 – Capital Project Future Debt Issue **BA1400957**  
 CC767962 –Med Examiner Regional Crime Lab Bld-Out  
 Personal Services \$ 60,000.00

TO: 40A069 – Capital Project Future Debt Issue  
 CC767962 –Med Examiner Regional Crime Lab Bld-Out  
 Capital Outlay \$ 60,000.00

Request to realign appropriation for the Medical Examiner’s Regional Crime Lab Build-Out to cover the cost of the project. Funding for the Crime Lab Build-Out is from the General Fund.

**Resolution: Cash Transfers:**

A.	FROM:	63A100 – Information Services Center - Overhead	<b>JR1400001</b>
		IS690107 – Information Services Center - Overhead	
		Other Expenses	\$ 4,196,922.99
	TO:	01A001 – Miscellaneous – General Fund	
		MI512657 – Miscellaneous – General Fund	
		Other Sources	\$ 4,196,922.99

A cash transfer is requested from the previous data processing internal service fund to the General Fund. The source of funding is Internal Service Fund.

B.	FROM:	29A391 – Health & Human Services Levy 4.8	<b>JT1400056</b>
		SU514323 – Children With Medical Handicaps	
		Transfer Out	\$ 304,000.00
	TO:	24A530 – Children With Medical Handicap	
		WT137935 – Children With Medical Handicap	
		Revenue Transfer	\$ 304,000.00

This transfer from the Health and Human Services Levy Fund represents a necessary transfer to cover the cost of pending medical relief payments for the remainder of the year. The Health and Human Services Levy Fund is supported by property taxes.

# County Council of Cuyahoga County, Ohio

## Resolution No. R2014-0284

<p>Sponsored by: <b>County Executive FitzGerald/Departments of Law and Public Works/Division of Animal Shelter</b></p>	<p><b>A Resolution</b> approving a Collective Bargaining Agreement between Cuyahoga County and Waste Paper Drivers Union, Local 244, affiliated with the International Brotherhood of Teamsters, representing approximately 10 employees in the classification of Deputy Dog Warden for the period 1/1/2015 - 12/31/2017; 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.</p>
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WHEREAS, the Cuyahoga County Department of Law has been engaged in collective bargaining negotiations with the Waste Paper Drivers Union, Local 244, affiliated with the International Brotherhood of Teamsters (hereinafter collectively referred to as “Teamsters Local 244”), for a successor collective bargaining agreement (“CBA”) representing approximately 10 employees in the Department of Public Works/Division of Animal Shelter; and,

WHEREAS, the current CBA between Cuyahoga County and the Teamsters Local 244 will expire on December 31, 2014; and,

WHEREAS, the parties have met on multiple occasions to negotiate new terms and have reached a tentative agreement on a successor collective bargaining agreement; and,

WHEREAS, on November 24, 2014, the members in the Teamsters Local 244 unanimously voted to ratify the proposed successor collective bargaining agreement in full; and,

WHEREAS, O.R.C. 4117.10 (B) requires that a public employer submit a request for funds necessary to implement an agreement, and for approval of any other matter requiring the approval of the appropriate legislative body to the legislative body within thirty days of the date on which the parties finalize the agreement, unless



otherwise specified or if the legislative body is not in session at the time, then within fourteen days after it convenes; and,

WHEREAS, O.R.C. 4117.10(B) further states that the legislative body must approve or reject the submission as a whole, and the submission is deemed approved if the legislative body fails to act within thirty days after the public employer submits the agreement; and,

WHEREAS, the Department of Law and the County Executive are recommending that Council approve the proposed Collective Bargaining Agreement; and,

WHEREAS, it is necessary that this Resolution become immediately effective to ensure the efficient operation of the Cuyahoga County Animal Shelter.

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

**SECTION 1.** The Cuyahoga County Council hereby approves a Collective Bargaining Agreement between Cuyahoga County and Waste Paper Drivers Union, Local 244, affiliated with the International Brotherhood of Teamsters, representing approximately 10 employees in the Department of Public Works/Division of Animal Shelter for the period 1/1/2015 to 12/31/2017; authorizing the County Executive to execute the agreement and all other documents consistent with this Resolution.

**SECTION 2.** Funds necessary to implement the amended CBA between the County and Teamsters Local 244 shall be budgeted and appropriated.

**SECTION 3.** It is necessary that this Resolution become immediately effective in order that critical services provided by the Cuyahoga County Animal Shelter can continue without interruption, and to provide for the usual, daily operation of the County. Provided that this Resolution receives the affirmative vote of at least eight members of County Council, this Resolution shall become immediately effective upon the signature of the County Executive.

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

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

Yeas:

Nays:

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County Council President

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Date

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County Executive

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Date

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Clerk of Council

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Date

Journal CC016  
November 25, 2014

# County Council of Cuyahoga County, Ohio

## Resolution No. R2014-0285

<p>Sponsored by: <b>County Executive FitzGerald/Department of Public Works/Division of County Engineer</b></p>	<p><b>A Resolution</b> authorizing an amendment to Contract No. CE110642-01 with HNTB Ohio, Inc. for design engineering services for reconstruction, with additional turning lanes, of Royalton Road from West 130th Street to York Road in the City of North Royalton to change the scope of services, effective 11/25/2014, and for additional funds in the amount not-to-exceed \$1,486,115.00; 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 recommended an amendment to Contract No. CE110642-01 with HNTB Ohio, Inc. for design engineering services for reconstruction, with additional turning lanes, of Royalton Road from West 130th Street to York Road in the City of North Royalton to change the scope of services, effective 11/25/2014, and for additional funds in the amount not-to-exceed \$1,486,115.00; and

WHEREAS, the primary goals of this project are to provide design engineering services for Royalton Road from West 130<sup>th</sup> Street to York Road in the City of North Royalton in Council District 5 and to properly maintain the County's infrastructure; and

WHEREAS, this project is funded as follows: (a) 80% with Federal funds, (b) 10% with funds from the City of North Royalton, and (c) 10% with funds 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 Cuyahoga County can continue.

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

**SECTION 1.** That the Cuyahoga County Council hereby approves an amendment to Contract No. CE110642-01 with HNTB Ohio, Inc. for design engineering services for reconstruction, with additional turning lanes, of Royalton

Road from West 130th Street to York Road in the City of North Royalton to change the scope of services, effective 11/25/2014, and for additional funds in the amount not-to-exceed \$1,486,115.00.

**SECTION 2.** That the County Executive is authorized to execute the amendment and all documents required in connection with said amendment and 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

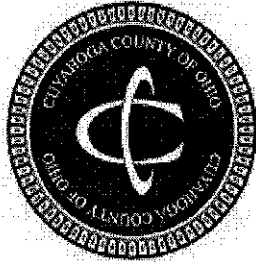
\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

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

Journal \_\_\_\_\_  
\_\_\_\_\_, 20\_\_



**Item Details:**

<b>Agency/Dept. Name:</b>	County Engineer	<b>Agency/Dept. Head Name:</b>	Jamal H. Husani
<b>Type of Request:</b>	Contract/Amendment		
<b>Request Prepared by:</b>	Nichole English	<b>Telephone No.</b>	216-348-3861

**SUMMARY OF REQUESTED ACTION:**

**Note, R2011-0315 noted the total contract value and gave the County executive authority to execute the contract, indicating that Part 2 would come as an amendment. Therefore, it is anticipated this item does not need to go back to County Council, rather just needs signature from the County Executive.**

**A. Scope of Work Summary**

1. Department of Public Works requesting approval of a amendment with HNTB Ohio, Inc. for the not to exceece cost of \$1,486,115.00.
2. The primary goal of this contract is to provide design engineering services for Royalton Road from West 130th Street to York Road in North Royalton.  
The purpose of this amendment is to provide preliminary design, geotechnical engineering, final design, right-of-way plan preparation and acquisition, services during construction. Projects of this complexity using federal funds require design services be broken up into different parts based on evironmental approvals following the NEPA process.
- 3.N/A

**B. Procurement**

1. The procurement method for this project was RFQ. The total value of the RFQ is estimated at \$1,954,025.00.
2. The RFQ was closed on 09/22/10. There is an SBE goal of 0% because we are using federal funds and ODOT does not allow use of the County SBE goal in contracts.
3. There were 14 pre-proposals submitted for review, 1 selected.

**C. Contractor and Project Information**

1. The address of the vendor is:

HNTB Ohio, Inc.  
1100 Superior Avenue, Suite 1701  
Cleveland, Ohio 44114  
Council District 7

2. The board of directors for HNTB is included as an attachment. The principal owner form is also included here as an attachment.
3. a. The location of the project is Royalton Road from West 130th Street to York Road in North Royalton.
3. b. The project is located in Council District 5.

**D. Project Status and Planning**

1. This contract is an extension of an existing contract.
2. N/A
3. N/A
4. N/A
5. N/A

**E. Funding**

1. The project is funded 80% by federal earmarks, 10% by the City of North Royalton and 10% by the County road and bridge \$7.50 fund.
2. The Schedule of payments is by invoice.
3. This is an amendment to a contract. This amendment changes scope and value and is the first amendment of the contract.

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

**Explanation for late submittal:**

**Contract/Agreement Information:**

**Procurement Method:**

Other

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

Part 2 of Contract Scope that must be contracted separately due to federal funding requirements

**Financial Information:**

<b>Funding source:</b>	<b>Explanation:</b>
Other	80% Federal, 10% North Royalton, 10% County Road and Bridge

**Total Amount Requested:**

\$1,486,115.00

**ATTACHMENTS:**

Click to download

- [Signed Amendment TAB](#)
- [Insurance](#)
- [Workers Compensation Certificate](#)

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

**Contractor:** HNTB Ohio, Inc.

**Contract/Agreement No.:** CE1100642-01                      **Time Period:** N/A

**Service Description:** Design Engineering Services for Royalton Road

**Original Contract/Agreement Amount:** \$467,910.00

**Prior Amendment(s) Amount(s):** none

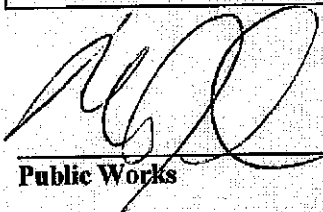
**Performance Indicators:** HNTB has provided the County with high quality engineering services of all tasks of this project.

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

**Rating of Overall Performance of Contractor (Check One):**

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

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

  
\_\_\_\_\_  
Public Works

11/3/14  
Date

s: evaluation



# County Council of Cuyahoga County, Ohio

## Resolution No. R2012-0286

Sponsored by: <b>County Executive FitzGerald/Department of Human Resources</b>	A Resolution authorizing an agreement with Mayfield Village for participation in the Cuyahoga County Benefits Regionalization Program for the period 1/1/2015-12/31/2017; 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.
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WHEREAS, the County Executive/Department of Human Resources has submitted an agreement with Mayfield Village for participation in the Cuyahoga County Benefits Regionalization Program for the period 1/1/2015-12/31/2017; and

WHEREAS, the Cuyahoga County's Benefits Regionalization Program will allow smaller political entities to have access to the County's Benefits program; and

WHEREAS, the purpose of the Benefits Regionalization Program is to provide these entities with rate stabilization, potential rate reductions and bargaining leverage for health benefits; and

WHEREAS, it is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue.

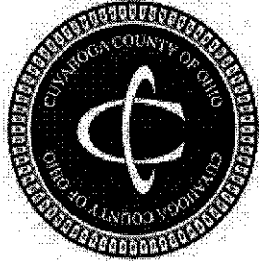
**NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:**

**SECTION 1.** The Cuyahoga County Council hereby authorizes an agreement with Mayfield Village for participation in the Cuyahoga County Benefits Regionalization Program for the period 1/1/2015-12/31/2017.

**SECTION 2.** The County Executive is hereby authorized to execute the agreement with Mayfield Village 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





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**Item Details:**

**Agency/Dept. Name:** Office of Human Resources      **Agency/Dept. Head Name:** Elise Hara

**Type of Request:** Agreement/Amendment

**Request Prepared by:** Pat Smock      **Telephone No.:** 443-3187

**SUMMARY OF REQUESTED ACTION:**

County Executive/Office of Human Resources submitting an agreement with Mayfield Village for participation in the Cuyahoga County Benefits Regionalization Program for the period 1/1/15 - 12/31/17.

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

The County's Benefits Regionalization Program allows area governmental entities to join with the County's Benefits program providing rate stabilization, potential rate reductions and bargaining leverage.

Mayfield Village  
Mayor Bruce G. Rinker  
Council President William Buckholz  
6622 Wilson Mills Road  
Mayfield Village OH 44143

**Explanation for late submittal:**

**Contract/Agreement Information:**

**Procurement Method:**

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

**Financial Information:**

[Empty box for financial information]

<b>Funding source:</b> Other	<b>Explanation:</b> Hospitalization Self Insurance Fund
<b>Total Amount Requested:</b> \$	

**ATTACHMENTS:**

Click to download

- [Benefits Regionalization Program Presentation](#)
- [Mayfield Village Benefits Agreement](#)

**History**

**Time**

**Who**

Clerk of the Board

**Approval**



# County Council of Cuyahoga County, Ohio

## Resolution No. R2014-0287

Sponsored by: <b>County Executive FitzGerald/ Department of Public Safety and Justice Services</b>	<b>A Resolution</b> authorizing a contract with 3M Cogent, Inc. in the amount not-to-exceed \$1,578,156.22 for hardware and software maintenance and support services for the Automated Fingerprint Identification System for the period 7/1/2014 – 6/30/2019; 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 Public Safety and Justice Services has authorized a contract with 3M Cogent, Inc. in the amount not-to-exceed \$1,578,156.22 for hardware and software maintenance and support services for the Automated Fingerprint Identification System for the period 7/1/2014 – 6/30/2019; and

WHEREAS, the primary goals of this project are to provide hardware and software maintenance and support services for the Automated Fingerprint Identification System; and

WHEREAS, the funding for this project will come from REDSS User Fees, \$5 Moving Violation Fees and General Fund subsidy; and

WHEREAS, it is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue.

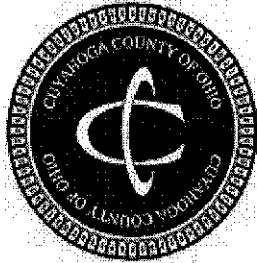
**NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:**

**SECTION 1.** That the Cuyahoga County Council authorizes a contract with 3M Cogent, Inc. in the amount not-to-exceed \$1,578,156.22 for hardware and software maintenance and support services for the Automated Fingerprint Identification System for the period 7/1/2014 – 6/30/2019.

**SECTION 2.** That the County Executive is authorized to execute the contract 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





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**Item Details:**

<b>Agency/Dept. Name:</b>	Department of Justice Affairs	<b>Agency/Dept. Head Name:</b>	Kenneth Mills
<b>Type of Request:</b>	Contract/Amendment		
<b>Request Prepared by:</b>	Felicia Harrison	<b>Telephone No.</b>	443-5906

**SUMMARY OF REQUESTED ACTION:**

**Title: Public Safety and Justice Services 2014, 3M Cogent Inc AFIS Maintenance, Law Review Lisa Averyhart PSJ-0232**

**A. Scope of Work Summary:**

1. The Department of Public Safety and Justice Services is requesting approval to enter into a contract with 3M Cogent Inc for the anticipated cost of \$1,578,156.22 for a 5 year period. The anticipated start and completion dates are July 1, 2014 through June 30, 2019. The Department is requesting this item to be passed under second reading suspension.
2. The primary goal of the project is to provide hardware and software maintenance and support services for the Automated Fingerprint Identification System (AFIS).

**B. Procurement**

The contract received approval of an RFP exemption on 9-15-14 (CPB2014-706). The approval information is attached to this item.

**C. Contractor and Project Information**

1. The address of the vendor is:  
3M Cogent Inc  
639 Rosemead Blvd.  
Pasadena, CA 91107

Council District N/A

2. David Kniffin, Identity Management Business and Site Manager

3. The location of the project is:  
Regional Enterprise Data Sharing System (REDSS)  
2079 E. 9th Street, 5-210  
Cleveland, OH 44115  
The project is countywide.

**D. Project Status and Planning**

1. The project is a maintenance and support contract for the AFIS project. This is a 5 year contract for the period July 1, 2014- June 30, 2019.
- 2, The project has no phases.
3. N/A
4. The project's term has already begun. The reason for the delay in the submission is the completion of negotiations with the City of Cleveland and the vendor. The City of Cleveland previously administered the AFIS project. Cuyahoga County assumed responsibility of the project effective July 1, 2014.

**E. Funding**

1. The project is funded through the REDSS index code. Agencies/municipalities participating in the AFIS project will be invoiced through REDSS. REDSS is funded through User fees, \$5 moving violation fees and a general fund subsidy.
2. The schedule of payment will be by invoice.

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

The primary goal of the project is to provide hardware and software maintenance and support services for the Automated Fingerprint Identification System (AFIS).

David Kniffin, Identity Management Business and Site Manager

**Explanation for late submittal:**

Negotiations with City of Cleveland and vendor. County assumed responsibility 7-01-14.

**Contract/Agreement Information:**

**Procurement Method:**

Exempt from Competitive Bid Requirements

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

**Financial Information:**

**Funding source: Explanation:**

Other REDSS User Fees, \$5 Moving Violation Fees, General Fund Subsidy

**Total Amount Requested:**

\$1,578,156.22

**ATTACHMENTS:**

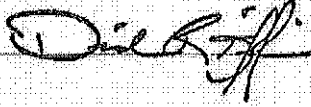




# Principal Owner Form

(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):	3M Cogent, Inc.
Principal Owner's Name (The legal name of the owner/s of the business):	3M
Owner/Officer's Title:	David R. Kniffin Identity Management Business and Site Manager
Business Address:	3M Cogent Inc., 639 Rosemead Blvd. Pasadena, CA
Phone Number:	626 325 9600
Name of Person Completing Form:	David R. Kniffin
Signature:	
Title:	Identity Management Business and Site Manager

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/Suspension lists on the Cuyahoga County Inspector General's website and the Debarment/Suspension lists did not contain the above detailed vendor and/or principal owner.

Signature:  Date: 9-30-14

Printed Name: Felicia Harrison

Inspector General "Registered Contractor" Number: 12-3678

Cuyahoga County  
(Principal Owner Form, 02-05-14)

# County Council of Cuyahoga County, Ohio

## Resolution No. R2014-0288

Sponsored by: <b>County Executive FitzGerald/County Sheriff</b>	<b>A Resolution</b> authorizing an agreement with The MetroHealth System in the amount not-to-exceed \$18,845,022.45 for management, healthcare and related services at the Cuyahoga County Corrections Center for the period 1/1/2015 – 12/31/2019; 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.
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WHEREAS, the County Executive/Sheriff's Department has authorized an agreement with The MetroHealth System in the amount not-to-exceed \$18,845,022.45 for management, healthcare and related services at the Cuyahoga County Corrections Center for the period 1/1/2015 - 12/31/2019; and

WHEREAS, the primary goal of this project is to provide medical services to the detainees of the Cuyahoga County Corrections Center mandated by ORC 5120:1-8-09 which mandates medical, dental, and mental health services to all County Jail inmates; and

WHEREAS, this project is funded 100% by the General Fund Jail Medical Unit; 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 authorizes an agreement with The MetroHealth System in the amount not-to-exceed \$18,845,022.45 for provision of management, healthcare and related services at the Cuyahoga County Corrections Center for the period 1/1/2015 - 12/31/2019.

**SECTION 2.** That the County Executive is authorized to execute an agreement and all documents consistent with this Resolution. Since this is a five-year contract,



# County Council of Cuyahoga County, Ohio

## Resolution No. R2014-0289

Sponsored by: <b>County Executive FitzGerald on behalf of Cuyahoga County Court of Common Pleas/Juvenile Division</b>	<b>A Resolution</b> authorizing amendments to contracts with various providers for Staff Secure Shelter Care Services for the period 3/1/2014 – 2/29/2016 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.
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WHEREAS, the County Executive FitzGerald on behalf of Cuyahoga County Court of Common Pleas/Juvenile Division has recommended amendments to contracts with various providers for Staff Secure Shelter Care Services for the period 3/1/2014 – 2/29/2016 for additional funds as follows:

- 1) No CE1400010-01 with Carrington Youth Academy, LLC in the amount not-to-exceed \$1,960,579.55,
- 2) No CE1400011-01 with The Cleveland Christian Home Incorporated in the amount not-to-exceed \$543,521.50; and

WHEREAS, the primary goal of the program is to provide Staff Secure Shelter Care Services to Court-involved youth as an alternative to secure detention; and

WHEREAS, this is an ongoing project for the Court; and

WHEREAS, this project is funded with: (a) the Health & Human Services Levy Funds, (b) RECLAIM Ohio Grant Funds, and (c) Title IV-E 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 approves amendments to contracts with various providers for Staff Secure Shelter Care Services for the period 3/1/2014 – 2/29/2016 for additional funds as follows:

- 1) Carrington Youth Academy, LLC in the amount not-to-exceed \$1,960,579.55,  
and
- 2) The Cleveland Christian Home Incorporated in the amount not-to-exceed  
\$543,521.50.

**SECTION 2.** That the County Executive is authorized to execute amendments in connection with said awards 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

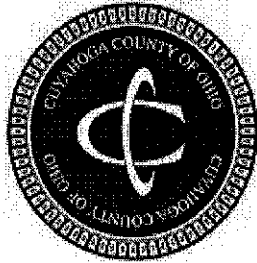
County Executive		Date

Clerk of Council		Date

First Reading/Referred to Committee:

Committee(s) Assigned:

Journal \_\_\_\_\_  
\_\_\_\_\_, 20\_\_



4 a-b

**Item Details:**

<b>Agency/Dept. Name:</b>	Juvenile Court	<b>Agency/Dept. Head Name:</b>	Marita Kavalec
<b>Type of Request:</b>	Contract/Amendment		
<b>Request Prepared by:</b>	Sarah Baker	<b>Telephone No.</b>	443-8268

**SUMMARY OF REQUESTED ACTION:**

**A. Scope of Work Summary** 1. Juvenile Court is requesting approval of contract amendments for Staff Secure Shelter Care Services for the time period of March 1, 2014 through February 29, 2016 with the amounts as listed below: Carrington Youth Academy, LLC for an increase in the amount of \$1,960,579.55, for a new not-to-exceed amount of \$4,070,999.40 Cleveland Christian Home for an increase in the amount of \$543,521.50, for a new not-to-exceed amount of \$1,706,953.65 2. The primary goal of the program is to provide Staff Secure Shelter Care services to Court-involved youth as an alternative to secure Detention. 3. N/A

**B. Procurement** 1. The procurement method for this project is an RFP. The total value of the RFP is \$5,255,689.10. 2. The RFP was closed on August 16, 2013. 3. When the RFP was closed, a total of two (2) vendors submitted proposals. The Court chose to contract with both of the vendors.

**C. Contractor and Project Information** 1. The address of the vendors and/or contractor is: a. Carrington Youth Academy, LLC 2114 Noble Road Cleveland, Ohio 44112 Council District: 10 b. Cleveland Christian Home 1400 West 25<sup>th</sup> Street, 2<sup>nd</sup> Floor Cleveland, Ohio 44113 Council District: 3 2. Cleveland Christian Home Executive Director is David Lundeen Carrington Youth Academy, LLC Principal Owner is Bernard Pawlikosky 2a. The address or location of the project is: a. Carrington Youth Academy, LLC 2114 Noble Road Cleveland, Ohio 44112 b. Cleveland Christian Home 11401 Lorain Avenue Cleveland, Ohio 44111 3.b. N/A

**D. Project Status and Planning** 1. The project is an ongoing project for the Court. 2. N/A 3. N/A 4. N/A 5. N/A

**E. Funding** 1. The project is part Health & Human Services Levy Funds, RECLAIM Ohio Grant Funds, and Title IV-E Funds. 2. The schedule of payments is by invoice on a monthly basis. 3. This project is the first amendment to these contracts.

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

The primary goal of the program is to provide Staff Secure Shelter Care services to Court-

involved youth as an alternative to secure Detention.  
**Explanation for late submittal:**

**Contract/Agreement Information:**

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

**Financial Information:**

**Funding source:**      **Explanation:**  
Other                      General Funds, RECLAIM Ohio Grant Funds, and Title IV-E Funds  
**Total Amount Requested:**  
\$2,504,101.05

**ATTACHMENTS:**

Click to download

- [Justification](#)
- [Justification Approval](#)
- [Carrington Department Acknowledgement](#)
- [Carrington Cover TAB](#)
- [Carrington Amendment \(Part1of1\) TAB](#)
- [Carrington Certificate of Liability Insurance](#)
- [Carrington Worker's Compensation](#)
- [Carrington Principal Owner](#)
- [Carrington W9](#)
- [Carrington Auditor of State](#)
- [Carrington Evaluation](#)
- [Cleveland Christian Home Department Acknowledgement](#)
- [Cleveland Christian Home Cover TAB](#)
- [Cleveland Christian Home Agreement \(Part1of1\) TAB](#)
- [Cleveland Christian Home Certificate of Liability Insurance](#)
- [Cleveland Christian Home Worker's Compensation](#)
- [Cleveland Christian Home Principal Owner](#)
- [Cleveland Christian Home W9](#)
- [Cleveland Christian Home Auditor of State](#)
- [Cleveland Christian Home Evaluation](#)
- [Contract History](#)
- [LARF](#)

**History**

Time

Who

Office of Procurement & Diversity

Approval



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

**Contractor:** Carrington Youth Academy, LLC

**Contract/Agreement No.:** CE1400010      **Time Period:** 3/1/14 – 2/29/16

**Service Description:** The primary goal of the program is to provide staff secure shelter care services for Court- involved youth as an alternative to secure Detention.

**Original Contract/Agreement Amount:** \$2,110,419.85

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

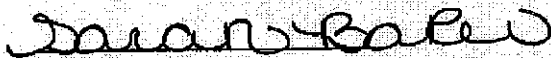
**Performance Indicators:**  
1. 75% of youth admitted to the program during the contract period will successfully complete the program.  
2. 95% of the youth will not have new charges filed while assigned to the program.

**Actual performance versus performance indicators (include statistics):**  
The vendor is currently on track to meet the requirements of the contract.

**Rating of Overall Performance of Contractor (Check One):**

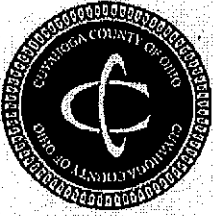
- Superior
- Above Average
- Average
- Below Average
- Poor

**Justification of Rating:** The Court is satisfied with the service that the vendor provides to Court-involved youth.

  
**User Department**

10/29/14  
**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):	Carrington Youth Academy, LLC
Principal Owner's Name (The legal name of the owner/s of the business):	Bernard F. Pawlikowsky
Owner/Officer's Title:	Administrator
Business Address:	2114 Noble Road, Cleveland, Ohio 44112
Phone Number:	216-570-5564
Name of Person Completing Form:	Rebecca Meyer
Signature:	<i>Rebecca Meyer</i>
Title:	Executive Assistant and Clients' Rights Officer

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: *Saran Baker*

Date: 7/7/14

Printed Name: Saran Baker

Inspector General Vendor ID#: 12-0746

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:** The Cleveland Christian Home, Inc.

**Contract/Agreement No.:** CB1400011      **Time Period:** 3/1/14 – 2/29/16

**Service Description:** The primary goal of the program is to provide staff secure shelter care services for Court- involved youth as an alternative to secure Detention.

**Original Contract/Agreement Amount:** \$1,163,432.15

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


**Performance Indicators:**  
1. 75% of youth admitted to the program during the contract period will successfully complete the program.  
2. 95% of the youth will not have new charges filed while assigned to the program.

**Actual performance versus performance indicators (include statistics):**  
The vendor is currently on track to meet the requirements of the contract.

**Rating of Overall Performance of Contractor (Check One):**

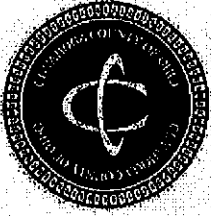
- Superior
- Above Average
- Average
- Below Average
- Poor

**Justification of Rating:** The Court is satisfied with the service that the vendor provides to Court-involved youth.

  
**User Department**

10/29/14  
**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):	The Cleveland Christian Home, Inc.
Principal Owner's Name (The legal name of the owner/s of the business):	non-profit
Owner/Officer's Title:	CEO James McCafferty
Business Address:	1400 W. 25 <sup>th</sup> St. 2nd Fl. Cleveland, OH 44113
Phone Number:	(216) 671-0977
Name of Person Completing Form:	James McCafferty
Signature:	<i>James McCafferty</i>
Title:	CEO

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: *Saran Baker*

Date: 7/11/14

Printed Name: Saran Baker

Inspector General Vendor ID#: 12-0940

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

# County Council of Cuyahoga County, Ohio

## Resolution No. R2014-0248

<p>Sponsored by: <b>County Executive FitzGerald on behalf of Cuyahoga County Court of Common Pleas / Corrections Planning Board</b></p>	<p><b>A Resolution</b> authorizing a contract with Court Community Service in the amount not-to-exceed \$555,000.00 for the Community Works Service Placement and Supervision Program for the period 1/1/2015 - 12/31/2017; 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.</p>
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WHEREAS, the County Executive on behalf of the Cuyahoga County Court of Common Pleas/Corrections Planning Board has recommended a contract with Court Community Service in the amount not-to-exceed \$555,000.00 for the Community Works Service Placement and Supervision Program for the period 1/1/2015 - 12/31/2017; and

WHEREAS, the primary goals of this project are: (1) to provide cost effective and centralized means of administering and developing community service placement activities to eligible offenders, and (2) to expose eligible offenders to positive work habits and positive role models while rendering restitution to the community; 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 a contract with Court Community Service in the amount not-to-exceed \$555,000.00 for the Community Works Service Placement and Supervision Program for the period 1/1/2015 - 12/31/2017.

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



# County Council of Cuyahoga County, Ohio

## Resolution No. R2014-0258

Sponsored by: <b>County Executive FitzGerald/Department of Human Resources</b>	<b>A Resolution</b> making an award on RQ30390 to Caremark PCS Health, LLC in the amount not-to-exceed \$40,189,733.00 for group healthcare benefits for County employees and their eligible dependents including pharmacy benefit management services for the period 1/1/2015 - 12/31/2017; 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.
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WHEREAS, the County Executive/Department of Human Resources recommending an award on RQ30390 to Caremark PCS Health, LLC in the amount not-to-exceed \$40,189,733.00 for group healthcare benefits for County employees and their eligible dependents including pharmacy benefit management services for the period 1/1/2015-12/31/2017; and

WHEREAS, the primary goal of this project is to provide group healthcare medical and prescription drug benefits to County employees and their eligible dependents; and

WHEREAS, this project is funded 100% from the Hospitalization Self Insurance 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 RQ30390 to Caremark PCS Health, LLC in the amount not-to-exceed \$40,189,733.00 for group healthcare benefits for County employees and their eligible dependents including pharmacy benefit management services for the period 1/1/2015-12/31/2017.





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\_\_\_\_\_, 20\_\_

# County Council of Cuyahoga County, Ohio

## Resolution No. R2014-0259

Sponsored by: <b>County Executive FitzGerald/Department of Human Resources</b>	<b>A Resolution</b> making an award on RQ30390 to Medical Mutual of Ohio in the amount not-to-exceed \$116,156,022.00 for group healthcare benefits for County employees and their eligible dependents including medical and pharmacy benefit management services for the period 1/1/2015 - 12/31/2017; 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.
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WHEREAS, the County Executive/Department of Human Resources recommending an award on RQ30390 to Medical Mutual of Ohio in the amount not-to-exceed \$116,156,022.00 for group healthcare benefits for County employees and their eligible dependents including medical and pharmacy benefit management services for the period 1/1/2015-12/31/2017; and

WHEREAS, the primary goal of this project is to provide group healthcare medical and prescription drug benefits to County employees and their eligible dependents; and

WHEREAS, this project is funded 100% from the Hospitalization Self Insurance 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 RQ30390 to Medical Mutual of Ohio in the amount not-to-exceed \$116,156,022.00 for group healthcare benefits for County employees and their eligible dependents including medical and pharmacy benefit management services for the period 1/1/2015-12/31/2017.



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\_\_\_\_\_, 20\_\_

# County Council of Cuyahoga County, Ohio

## Resolution No. R2014-0260

Sponsored by: <b>County Executive FitzGerald/Department of Human Resources</b>	<b>A Resolution</b> making an award on RQ30390 to United Healthcare Services, Inc. in the amount not-to-exceed \$68,308,890.00 for group healthcare benefits for County employees and their eligible dependents including medical benefit management services for the period 1/1/2015 - 12/31/2017; 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.
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WHEREAS, the County Executive/Department of Human Resources recommending an award on RQ30390 to United Healthcare Services, Inc. in the amount not-to-exceed \$68,308,890.00 for group healthcare benefits for County employees and their eligible dependents including medical benefit management services for the period 1/1/2015-12/31/2017; and

WHEREAS, the primary goal of this project is to provide group healthcare medical benefits to County employees and their eligible dependents; and

WHEREAS, this project is funded 100% from the Hospitalization Self Insurance 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 RQ30390 to United Healthcare Services, Inc. in the amount not-to-exceed \$68,308,890.00 for group healthcare benefits for County employees and their eligible dependents including medical benefit management services for the period 1/1/2015-12/31/2017.



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\_\_\_\_\_, 20\_\_

# County Council of Cuyahoga County, Ohio

## Resolution No. R2014-0268

<b>Sponsored by: County Executive FitzGerald/Fiscal Officer/Office of Budget &amp; Management on behalf of The MetroHealth System</b>	<b>A Resolution</b> approving The MetroHealth System Year 2015 Budget, in accordance with Ohio Revised Code Section 339.06(D), with the understanding that the allocation of County funds to the System will be made through adoption of the 2014/2015 Biennial Operating Budget and Capital Improvements Program Annual Update for 2015; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the County Executive FitzGerald/Fiscal Officer/Office of Budget & Management submit for approval The MetroHealth System Year 2015 Budget, in accordance with Ohio Revised Code Section 339.06(D), with the understanding that the allocation of County funds to the System will be made through adoption of the 2014/2015 Biennial Operating Budget and Capital Improvements Program Annual Update for 2015; and

WHEREAS, that if the amount appropriated to the county hospital in the annual appropriation measure for the County for the ensuing fiscal year differs from the amount shown in the approved budget, the County may require the board of county hospital trustees to revise the hospital budget accordingly. The board of trustees shall not expend such funds until its budget for that calendar year is submitted and approved by the County; and

WHEREAS, it is further necessary that this Resolution become immediately effective in order that critical services provided by the 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 The MetroHealth System Year 2015 Budget, in accordance with Ohio Revised Code Section 339.06(D), with the understanding that the allocation of County funds to the System will be made through adoption of the 2014/2015 Biennial Operating Budget and Capital Improvements Program Annual Update for 2015.





First Reading/Referred to Committee: November 12, 2014  
Committee(s) Assigned: Committee of the Whole

Committee Report/Second Reading: November 25, 2014

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\_\_\_\_\_, 2014

# County Council of Cuyahoga County, Ohio

## Resolution No. R2014-0269

Sponsored by: <b>County Executive FitzGerald/Department of Information Technology</b>	<b>A Resolution</b> making an award on RQ27440 to Time Warner NY Cable, LLC in the amount not-to-exceed \$258,000.00 for dark fiber maintenance services for the period 10/1/2014 - 9/30/2019; 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.
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WHEREAS, the County Executive/Department of Information Technology has recommended an award on RQ27440 to Time Warner NY Cable, LLC in the amount not-to-exceed \$258,000.00 for county fiber housed within Time Warner's conduit in connection with WAN and telecom services for the period 10/1/2014 – 9/30/2019; and

WHEREAS, the primary goal of the project is to provide fiber maintenance services for county fiber housed within Time Warner's conduit in connection with WAN and Telecom Services; and

WHEREAS, this project is funded 100% by the Operational Fund under WAN and Telecommunications; 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 Time Warner NY Cable, LLC in the amount not-to-exceed \$258,000.00 for county fiber housed within Time Warner's conduit in connection with WAN and telecom services for the period 10/1/2014 – 9/30/2019.

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



# County Council of Cuyahoga County, Ohio

## Resolution No. R2014-0274

Sponsored by: <b>County Executive FitzGerald/County Sheriff</b>	<b>A Resolution</b> making awards on RQ29884 to various appraisers, in the total amount of \$911,000.00, for real estate appraisal services subject to Sheriff's Sale for the period 8/1/2014 - 7/31/2016; and authorizing the County Executive to execute the contracts and all other documents consistent with said awards and this Resolution; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the County Executive/County Sheriff has recommended awards on RQ29884 to various appraisers, in the total amount of \$911,000.00, for real estate appraisal services subject to Sheriff's Sale for the period 8/1/2014 - 7/31/2016; and

WHEREAS, the primary goal of this project is to award an agreement to the appraisers who possessed the qualifications and experience outlined in the RFQ; and

WHEREAS, the following is a list of the appraisers selected for the project:

- 1) John Andrews
- 2) Brent T. Bailey
- 3) Lana Blaze
- 4) Vernon A. Blaze
- 5) Mark A. Butler
- 6) Bradford E. Charnas
- 7) Gregory W. Conte
- 8) Thomas P. Costello
- 9) William J. Gaydos
- 10) Thomas P. Hogan
- 11) Paul D. Kinczel
- 12) John Koz
- 13) Ruth Lassister
- 14) Wayne F. Levering
- 15) Christopher J. Loftus
- 16) Brian E. Lynch
- 17) Paul G. McLaughlin
- 18) Stanley R. Patriski
- 19) Daniel Rocco

- 20) John J. Rusnov
- 21) Michael D. Wagner
- 22) Crystal A. Williams; and

WHEREAS, James Bitterman, Chief Deputy of the Civil Division will serve as the Supervisor of the Appraisers, however, these appraisers will be contractors for Cuyahoga County; and

WHEREAS, the cost for this project is zero dollars because the appraisers will be paid from the proceeds of the Sheriff's sale; and

WHEREAS, the project is mandated by the ORC Sections 2329.17 through 2329.21 (the Statute) and Cuyahoga County Court of Common Pleas Rule 27 of the Rules of General Division (The Rule (Collectively, the "Project")).

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

**SECTION 1.** The Cuyahoga County Council hereby approves the County Executive's recommendation and authorizes awards on RQ29884 to various appraisers, in the total amount of \$911,000.00, for real estate appraisal services subject to Sheriff's Sale for the period 8/1/2014 - 7/31/2016 to the following individuals:

- 1) John Andrews
- 2) Brent T. Bailey
- 3) Lana Blaze
- 4) Vernon A. Blaze
- 5) Mark A. Butler
- 6) Bradford E. Charnas
- 7) Gregory W. Conte
- 8) Thomas P. Costello
- 9) William J. Gaydos
- 10) Thomas P. Hogan
- 11) Paul D. Kinczel
- 12) John Koz
- 13) Ruth Lassister
- 14) Wayne F. Levering
- 15) Christopher J. Loftus
- 16) Brian E. Lynch
- 17) Paul G. McLaughlin
- 18) Stanley R. Patriski
- 19) Daniel Rocco
- 20) John J. Rusnov
- 21) Michael D. Wagner
- 22) Crystal A. Williams



Journal \_\_\_\_\_  
\_\_\_\_\_, 20\_\_



# County Council of Cuyahoga County, Ohio

## Resolution No. R2014-0254

<p>Sponsored by: <b>County Executive FitzGerald/Fiscal Officer/Office of Budget &amp; Management</b></p>	<p><b>A Resolution</b> authorizing the issuance and sale of sales tax revenue bonds of the County of Cuyahoga, Ohio, in a principal amount not-to-exceed \$39,000,000.00 for the purpose of refunding all or a portion of the County's Sewer District Improvement Bonds, Series 2000, and advance refunding all or a portion of the County's Sewer District Improvement Bonds, Series 2005, and Various Purpose General Obligation (Limited Tax) Bonds, Series 2009A (Tax-Exempt); authorizing the preparation and use of a preliminary official statement; authorizing the preparation, execution and use of an official statement; approving and authorizing the execution of a trust indenture, one or more escrow agreements, and a continuing disclosure agreement; authorizing other actions related to the issuance of the bonds; and declaring the necessity that this Resolution become immediately effective.</p>
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WHEREAS, this County previously issued its \$1,040,000 Sewer District Improvement Bonds, Series 2000, dated September 1, 2000 (the "Series 2000 Bonds"), issued in anticipation of the collection of special assessments theretofore levied to pay the cost of constructing Cuyahoga County Sewer District No. 5, North Portion, Sanitary Sewer Improvement No. 543A, Sections 3, 4, and 5, and to provide service in Cuyahoga County Sewer District No. 5; and

WHEREAS, this County previously issued its \$4,445,000 Sewer District Improvement Bonds, Series 2005, dated September 1, 2005 (the "Series 2005 Bonds"), issued in anticipation of special assessments theretofore levied to pay the property owners' portion of the cost of constructing (i) Cuyahoga Improvement No. 1459, a water line in Schady Road and Stearns Road, in County Sewer District No. 14 in Olmsted Township and (ii) County Improvement No. 1401, a sanitary sewer in Schady Road, in County Sewer

District No. 14 in Olmsted Township; and

WHEREAS, this County previously issued its \$77,130,000 Various Purpose General Obligation (Limited Tax) Bonds, Series 2009A (Tax-Exempt), dated December 22, 2009 (the “Series 2009A Bonds”); and collectively with the Series 2000 Bonds and the Series 2005 Bonds, (the “Refunded Bonds”) issued (i) to retire at maturity outstanding notes issued on December 23, 2008, in anticipation of bonds, issued for the following purposes in the following original amounts; (a) County buildings (\$39,000,000), (b) County jail, correctional and juvenile detention facilities (\$17,400,000); (c) telecommunications network and related equipment (\$6,400,000) and (d) certain improvements and equipping, furnishing and other improvements (\$7,200,000); and (ii) to pay costs of acquiring, constructing, adding to, remodeling, renovating, rehabilitating, furnishing, equipping and otherwise improving buildings, facilities and structures for County offices and functions; and acquiring, improving and equipping sites for such buildings, facilities and structures (\$60,000,000); (iii) to pay costs of acquiring, constructing, adding to, remodeling, renovating, rehabilitation, furnishing equipping and otherwise improving the County jail, correctional and juvenile detention facilities; (\$40,000,000); (iv) to pay costs of acquiring and installing telecommunications network and related equipment for various County offices and functions (\$5,000,000), and (v) to pay costs of installing certain improvements and equipping, furnishing and other related improvements for various County offices and functions (\$4,000,000); and costs of issuance of the Series 2009A Bonds; and

WHEREAS, this Council has determined that it is necessary and in the best interest of the County, in order to achieve debt service savings, for the County to issue sales tax revenue bonds to refund or advance refund all or a portion of the Refunded Bonds that are currently outstanding and to pay costs of issuance in connection therewith; and

WHEREAS, this Council has determined that sales tax revenue bonds shall be issued in the principal amount not to exceed \$39,000,000.00 for the purposes herein stated and that the County should secure such bonds by a trust indenture, as provided herein; and

WHEREAS, pursuant to a resolution adopted July 6, 1987 (the “1987 County Sales Tax Resolution”), the Board of County Commissioners of the County (the “Board”), as the predecessor legislative authority to this Council, authorized the continuing levy and collection of sales and use taxes, authorized under Sections 5739.021 and 5741.021 of the Ohio Revised Code, at the rate of one percent (1%), and pursuant to a resolution adopted July 26, 2007 (the “2007 County Sales Tax Resolution” and, together with the 1987 County Sales Tax Resolution, the “County Sales Tax Resolutions”), the Board authorized an increase in the sales and use taxes to a rate of one and one-quarter percent (1-1/4%) (the “County Sales Tax”), each for the purpose of providing additional general revenues for the County; and

WHEREAS, this Council has determined to issue sales tax revenue bonds supported by the County Sales Tax for the purposes described in Section 1; and

WHEREAS, this Council hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of this Council, and that all the deliberations of this Council, and of its committees, if any, which resulted in formal actions, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code; and

WHEREAS, the Fiscal Officer of this County has previously certified to this Council that the estimated life of each of the projects financed with the Refunded Bonds was, at the time of issuance of the original securities issued for the projects, at least five (5) years, and has further certified to this Council that the estimated maximum maturity of the bonds described in Section 1 is at least twenty-five (25) years; and

WHEREAS, the Fiscal Officer of this County has further certified to this Council that the maximum aggregate amount of sales tax revenue bonds, including the Bonds, that will be outstanding at any time will not exceed an amount which requires or is estimated by him, as Fiscal Officer, to require payments from sales tax receipts of debt charges on the sales tax revenue bonds, including the Bonds, in any calendar year in an amount exceeding \$232,047,000, which is the average of the amount received by the County for 2012 and 2013; and

WHEREAS, it is necessary that this Resolution become immediately effective in order that debt service savings for the County be achieved.

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

1. Authorized Principal Amount of Bonds and Purpose. It is necessary to issue sales tax revenue bonds of this County in an aggregate principal amount not to exceed \$39,000,000.00 (the “Bonds”) for the purpose of refunding or advance refunding all or a portion of the Refunded Bonds that are currently outstanding and for the purpose of paying the costs of issuance in connection therewith.

2. Bond Terms. The Bonds shall be issued, unless a supplemental indenture shall have been executed and delivered, pursuant to the Indenture (as hereinafter defined). The Bonds may be issued in one or more series, and shall be numbered in such manner as to distinguish each Bond from any other Bond of the same series. The Bonds shall be issued in denominations of \$5,000 or multiples of \$5,000 in excess thereof, but in no case as to a particular maturity date exceeding the principal amount maturing on that date. The Bonds shall be dated as determined by the Fiscal Officer, with the true interest cost on the

Bonds not to exceed five percent (5%) per year (computed on the basis of a 360-day year consisting of twelve 30-day months), payable on such semiannual dates or annual dates as determined by the Fiscal Officer in the Certificate of Award (as hereinafter defined) until the principal amount is paid, commencing on the initial Interest Payment Date determined by the Fiscal Officer in the Certificate of Award (which initial Interest Payment Date shall not be later than one year from the issuance date of the Bonds), and shall mature on such semiannual dates or annual dates as determined by the Fiscal Officer in the Certificate of Award, provided that the final maturity shall not be later than December 31, 2039, in accordance with Section 133.21 of the Ohio Revised Code and as set forth in the Certificate of Award and the Indenture.

3. Redemption Provisions. The Bonds shall mature serially and annually on such dates and in such principal amounts as are fixed by the Fiscal Officer in the certificate signed in accordance with Section 6 of this Resolution (the "Certificate of Award") and the Indenture, provided that the Bonds stated to mature in any year may be issued as term bonds (the "Term Bonds") payable pursuant to Mandatory Sinking Fund Redemption Requirements as hereinafter defined and further described below and as provided for in the Indenture. The Fiscal Officer, in fixing such year and such amounts, shall be consistent in the aggregate with the separate periodic maturities and principal payments determined in accordance with maximum maturities certified to this Council by the Fiscal Officer for the purposes specified in Section 1 hereof and the requirements of Section 133.21, Ohio Revised Code. The Fiscal Officer shall determine in the Certificate of Award whether any of the Bonds shall be issued as Term Bonds and any dates (the "Mandatory Redemption Dates") on which the principal amount stated above shall be payable pursuant to Mandatory Sinking Fund Redemption Requirements rather than at stated maturity (the "Mandatory Sinking Fund Redemption Requirements").

The Bonds shall be subject to redemption prior to stated maturity as follows:

(a) Mandatory Sinking Fund Redemption. If any of the Bonds are issued as Term Bonds, the Term Bonds shall be subject to mandatory sinking fund redemption and be redeemed pursuant to Mandatory Sinking Fund Redemption Requirements, at a redemption price of 100% of the principal amount redeemed, plus interest accrued to the redemption date, on the Mandatory Redemption Dates.

(b) Optional Redemption. The Bonds shall be subject to redemption prior to maturity by or at the option of the County, at par, in whole or in part on any date on the dates, in the years and for the prices specified in the Certificate of Award, provided, however, that the Fiscal Officer may determine in the Certificate of Award that it is in the best interest of the County that the Bonds not be subject to redemption prior to maturity. If the Bonds are subject to

redemption, the maximum redemption price shall be no greater than 100% of the principal amount redeemed, plus accrued interest to the redemption date.

4. Execution of Bonds. The Bonds shall be designated “*Cuyahoga County, Ohio, Various Purpose Refunding Sales Tax Revenue Bonds, Series 2014.*” Pursuant to Section 133.30(B), Ohio Revised Code, the Bonds may be combined with other bonds into a single consolidated issue of bonds for purposes of their sale as a single issue, to be designated “*Cuyahoga County, Ohio, Various Purpose Sales Tax Revenue Bonds, Series 2014.*” The Bonds shall contain a summary statement of the purposes for which they are issued; shall state that they are issued pursuant to this Resolution; shall be executed by the County Executive, in the name of the County and in his official capacity, provided that such signature may be a facsimile; shall be issued only in fully registered form; and shall be registered as to both principal and interest at the corporate trust office of the Trustee. The Bonds shall be issued in the denominations and numbers as requested by the Original Purchaser (as hereinafter defined) and approved by the Fiscal Officer, and shall be numbered as determined by the Fiscal Officer. The principal of the Bonds shall be payable at maturity of the Bonds upon presentation and surrender to the Trustee. Interest on any Bond shall be paid on each Interest Payment Date (the “Interest Payment Date”) by check or draft mailed to the person in whose name that Bond is registered (the “Bondholder”) on the registration books of the County maintained by the Trustee and at the address appearing thereon at the close of business of the fifteenth (15th) day of the calendar month next preceding the Interest Payment Date (the “Regular Record Date”). Any interest not timely paid (the “Defaulted Interest”) shall cease to be payable to the person who is the Holder as of the Regular Record Date and shall be payable to the person who is the Holder at the close of business on a special record date for the payment of such defaulted interest. Such Special Record Date (the “Special Record Date”) shall be fixed by the County whenever moneys become available for payment of the Defaulted Interest. The principal and interest on the Bonds is payable in lawful money of the United States of America without deduction for the services of the Trustee.

No Bond shall be valid or become obligatory for any purpose unless and until an authentication certificate appearing on the Bond shall have been duly endorsed by the Trustee.

Any Bond, upon surrender thereof at the principal corporate trust office of the Trustee, together with an assignment duly executed by the Holder or his duly authorized attorney in such form as shall be satisfactory to the Trustee, at the option of the Holder thereof, may be exchanged for Bonds of any authorized denomination or denominations in an aggregate principal amount not exceeding the principal amount of the Bond so exchanged, and bearing interest at the same rate and maturing on the same date.

5. Book-Entry System. The entire principal amount may be represented by a single bond and may be issued as fully registered securities and in book

entry or other uncertificated form in accordance with Section 9.96, Chapter 133 of the Ohio Revised Code, and the Indenture if it is determined by the Fiscal Officer that issuance of fully registered securities in that form will facilitate the sale and delivery of the Bonds. The Bonds shall not have coupons attached, shall be numbered as determined by the Fiscal Officer and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Resolution. As used in this Section and this Resolution:

“Book entry form” or “book entry system” means a form or system under which (i) the ownership of beneficial interests in the Bonds and the principal of, and interest on, the Bonds may be transferred only through a book entry, and (ii) a single physical Bond certificate is issued by the County and payable only to a Depository or its nominee, with such Bonds “immobilized” in the custody of the Depository or its agent for that purpose. The book entry maintained by others than the County is the record that identifies the owners of beneficial interests in the Bonds and that principal and interest.

“Depository” means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in the Bonds or the principal of, and interest on, the Bonds and to effect transfers of the Bonds, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

“Participant” means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

The Fiscal Officer is also hereby authorized and directed, to the extent necessary or required, to enter into any agreements determined necessary in connection with the book entry system for the Bonds, after determining that the signing thereof will not endanger the funds or securities of the County.

6. Award and Sale of the Bonds. The Bonds shall be sold to KeyBanc Capital Markets, Inc., Wells Fargo & Company and Loop Capital Markets (collectively, the “Original Purchaser”) at a purchase price and bearing interest at a rate or rates determined by the County Executive or the Fiscal Officer to be in the best interest of the County and as designated by the County Executive or the Fiscal Officer in the Certificate of Award in accordance with law, the provisions of this Resolution, and the Indenture. The Fiscal Officer shall sign the Certificate of Award referred to in Section 2 evidencing that sale to the Original Purchaser, with the final purchase price, interest rate or rates, aggregate principal amount, and principal amounts payable at stated maturity being set forth in the Certificate of Award and the Indenture, at a purchase price not less than 97% of par plus accrued interest to their date of delivery. The Fiscal Officer shall cause the Bonds to be prepared, and have the Bonds signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Bonds if

requested by the Original Purchaser, to the Original Purchaser upon payment of the purchase price. The Fiscal Officer, the County Executive, the County Director of Law, the Clerk of this Council and other County officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Resolution.

If, in the judgment of the Fiscal Officer, the filing of an application for a rating on the Bonds by one or more nationally-recognized rating agencies is in the best interest of and financially advantageous to the County, the Fiscal Officer is authorized to prepare and submit those applications, to provide to each such agency such information as may be required for the purpose, and to provide further for the payment of the cost of obtaining each such rating from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available and that are appropriated or shall be appropriated for that purpose.

7. Application of Bond Proceeds. The proceeds of sale of the Bonds shall be allocated and deposited as provided in the Indenture.

8. Appointment of Bond Trustee. This Council hereby appoints The Huntington National Bank to act as the trustee (such trustee, or a successor trustee pursuant to the applicable provisions of the Indenture, the “Trustee”) for the Bonds. The County Executive is hereby authorized to sign, in the name and on behalf of the County, a Trust Indenture between the County and the Trustee (the “Indenture”) securing the Bonds. The Fiscal Officer shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Indenture from the proceeds of the Bonds to the extent available and then from other moneys lawfully available and appropriated or to be appropriated for that purpose.

9. Escrow Fund. If the refunding of any series of the Refunded Bonds is an advance refunding and as required by law, the proceeds from the sale of the Bonds, except the accrued interest thereon, pursuant to Section 133.34, Ohio Revised Code, shall be deposited in a separate fund for each applicable series of the Refunded Bonds, designated the “Escrow Fund” (individually, the “Escrow Fund” and collectively, the “Escrow Funds”) to be held by a bank or trust company selected by the Fiscal Officer (individually, the “Refunded Bonds Escrow Agent” and collectively, the “Refunded Bonds Escrow Agents”) and upon deposit to the Escrow Fund, shall be deemed hereby to be pledged and will be applied solely to the payment of redemption premium, if any, and debt service on the applicable series of the Refunded Bonds as and when due by scheduled maturity or redemption prior thereto, as further provided in an Escrow Agreement to be entered into between the County and the Refunded Bonds Escrow Agent. The County Executive and the Fiscal Officer, or either one of them, are hereby authorized and directed to enter into the Escrow Agreement(s), as well as any other written documents and agreements as are necessary in their

judgment to facilitate the transactions authorized in this Resolution on behalf of the County. The Fiscal Officer is also authorized to retain, on behalf of the County, the services of an independent public accounting firm to perform the verification, required by Section 133.34(D), Ohio Revised Code, of the sufficiency of amounts in the Escrow Fund(s) to cause the Refunded Bonds to be deemed paid and discharged.

10. Bonds are Special Obligations and Provisions for Levy and Collection of County Sales Tax. The Bonds are special obligations of the County, and the principal of and interest (and any premium) on the Bonds are payable solely from the Pledged Revenues and the Pledged Funds, together with other available funds of the County, and such payment is secured by a pledge of and a lien on the Pledged Revenues and the Pledged Funds as provided by the Act and this Resolution.

As used herein, the following terms shall be defined as follows:

“*Act*” means Chapter 133, Ohio Revised Code, as enacted and amended from time to time.

“*County Executive*” means the County Executive of the County; provided, for purposes of the signing of documents, certificates and other instruments other than the Bonds and the Official Statement, County Executive includes the County Executive’s Chief of Staff as the County Executive’s designee pursuant to Executive Order No. 02011-0002 and any other person duly designated by the County Executive.

“*County Sales Tax Bond Fund*” means the County Sales Tax Bond Fund created by the Indenture.

“*County Sales Tax Receipts*” means the monies received by the County from the County Sales Tax.

“*County Sales Tax Revenue Fund*” means the County Sales Tax Revenue Fund created by the Indenture.

“*Fiscal Officer*” means the Fiscal Officer of the County, including an interim or acting Fiscal Officer.

“*Pledged Funds*” means the County Sales Tax Bond Fund and any other funds established under the Indenture and pledged as security for the Bonds.

“*Pledged Revenues*” means, collectively, (a) the County Sales Tax Receipts and (b) all monies in the Pledged Funds and all income and profit from the investment of those monies.

The County has heretofore levied and covenants that it shall continue to



collect the County Sales Taxes for so long as the Bonds are outstanding. The County hereby covenants and agrees that, so long as the Bonds are outstanding, it shall not suffer the repeal, amendment or any other change in this Resolution, or the County Sales Tax Resolutions, that in any way materially and adversely affects or impairs (a) the sufficiency of the County Sales Tax Receipts levied and collected or otherwise available for the payment of the Bonds or (b) the pledge or the application of the County Sales Tax Receipts to the payment of the Bonds.

The Bonds do not constitute a general obligation debt, or a pledge of the full faith and credit, of the State, the County, or any other political subdivision of the State, and the holders or owners of the Bonds have no right to have taxes levied by the general assembly or property taxes levied by the taxing authority of any political subdivision of the State, including the taxing authority of the County, for the payment of principal of and interest (and any premium) on the Bonds. Nothing herein shall be construed as requiring the County to use or apply to the payment of principal of and interest (and any premium) on the Bonds any funds or revenues from any source other than County Sales Tax Receipts. Nothing herein, however, shall be deemed to prohibit the County, of its own volition, from using, to the extent that it is authorized by law to do so, any other resources for the fulfillment of any of the terms, conditions or obligations of this Resolution or of the Bonds.

11. Creation of County Sales Tax Revenue Fund and County Sales Tax Bond Fund and Application of County Sales Tax Receipts. The County Sales Tax Revenue Fund and the County Sales Tax Bond Fund shall be created in the Indenture and shall be maintained by the Fiscal Officer in the custody of the Trustee. The Fiscal Officer is hereby authorized to maintain, or permit the maintenance of, such separate accounts in those Funds, and such separate subaccounts in any account, as is determined to be in the best interest of the County. Any monies on deposit in the County Sales Tax Bond Fund shall be invested to the extent permitted by law.

The County hereby covenants, subject and pursuant to the Constitution and laws of the State of Ohio, to appropriate and pay or cause to be paid from the County Sales Tax Receipts into the County Sales Tax Revenue Fund on the dates and in the amounts specified in the Indenture in order to pay the interest and principal due and payable on all outstanding Bonds on the next Interest Payment Date and Principal Payment Date. The County Executive is hereby authorized and directed to enter into such agreements with the State of Ohio as may be necessary or appropriate to effectuate direct payment of County Sales Tax Receipts to the Trustee. For that purpose, in each year while the Bonds are outstanding, this Council will appropriate County Sales Tax Receipts required to pay the principal of and interest (and any premium) on the Bonds in that year. Further, this Council will give effect to such appropriations in all resolutions it passes thereafter in that year appropriating money for expenditure and encumbrance and limit the other appropriations of County Sales Tax Receipts in that year to the amount available after deducting the amount required to pay the principal of and interest (and any premium) on the Bonds in that year.

Any portion of the County Sales Tax Receipts not otherwise required to be deposited into the County Sales Tax Bond Fund in accordance with this Section shall be used to meet other obligations of the County to be discharged from the County Sales Tax Receipts at the direction of the County.

12. Federal Tax Considerations. The County covenants that it will use, and will restrict the use and investment of, the proceeds of the Bonds in such manner and to such extent as may be necessary so that (a) the Bonds will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the “Code”) or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest on the Bonds will not be treated as an item of tax preference under Section 57 of the Code.

The County further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Bonds to be and remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Bonds to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports and (v) refrain from certain uses of those proceeds, and, as applicable of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The County Executive, the Fiscal Officer or any other officer of the County having responsibility for issuance of the Bonds is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the County with respect to the Bonds as the County is permitted to or required to make or give under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the County, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Bonds, and (c) to give one or more appropriate certificates of the County, for inclusion in the transcript of proceedings for the Bonds, setting forth the reasonable expectations of the County regarding the amount and use of all the proceeds of the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to

the tax treatment of the interest on and the tax status of the Bonds.

13. Disclosure Document. The County Executive is hereby authorized to prepare, execute and deliver to the Original Purchaser of the Bonds a preliminary and final Official Statement or any other appropriate disclosure document of the County in connection with the sale and delivery of the Bonds.

14. Continuing Disclosure. The County Executive or the Fiscal Officer is authorized and directed to execute a continuing disclosure agreement (the "Disclosure Agreement") setting forth the County's undertaking to provide annual reports and notices of certain events dated the date of delivery of the Bonds and delivered to the Original Purchaser of the Bonds for the benefit of the Bondholders and to assist the Original Purchaser in complying with S.E.C. Rule 15c2-12(b)(5). The County hereby covenants and agrees that it will comply with and carry out all of the provisions of the Disclosure Agreement. Failure of the County to comply with the Disclosure Agreement shall not be considered an event of default; however, any Bondholder may take such actions as may be necessary and appropriate to cause the County to comply with its obligations under this Section.

15. Certification and Delivery of Resolution. The Clerk of this Council is directed to deliver or cause to be delivered a certified copy of this Resolution to the Fiscal Officer.

16. Satisfaction of Conditions for Bond Issuance. This Council determines that all acts and conditions necessary to be done or performed by the County or to have been met precedent to and in the issuing of the Bonds in order to make them legal, valid and binding general obligations of the County have been performed and have been met, or will at the time of delivery of the Bonds have been performed and have been met, in regular and due form as required by law.

17. Captions and Headings. The captions and headings in this Resolution are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this Resolution unless otherwise indicated.

18. Effective Date. 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 of the County; and any additional reasons set forth in the preamble. Provided that this Resolution receive the affirmative vote of at least eight members of the Council, it shall take effect and be in force immediately upon the earliest to occur 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, (3) its passage by at least eight members of Council after disapproval pursuant to Section 3.10(7) of the Cuyahoga County Charter.



# County Council of Cuyahoga County, Ohio

## Resolution No. R2014-0255

<p>Sponsored by: <b>County Executive FitzGerald/Fiscal Officer/Office of Budget &amp; Management</b></p>	<p><b>A Resolution</b> authorizing the issuance and sale of Cuyahoga County Sales Tax Revenue Bonds, Series 2014 (County Facilities Improvement), in an aggregate principal amount not-to-exceed \$90,000,000.00 for the purposes of paying or reimbursing the costs of constructing, maintaining, expanding, refurbishing, renovating, upgrading, improving, furnishing, and equipping the Cuyahoga County Administrative Headquarters, the Cuyahoga County Corrections Center, the Justice Center, the Cuyahoga County Juvenile Justice Center, the Medical Examiner’s Office, the Office of Emergency Management, the Jane Edna Hunter Building, and certain other related improvements and facilities operated by the County and for the purpose of paying capitalized interest on the bonds and paying the costs of issuance in connection therewith; authorizing the preparation and use of a preliminary official statement; authorizing the preparation, execution and use of an official statement; approving and authorizing the execution of a trust indenture and a continuing disclosure agreement; authorizing other actions related to the issuance of the bonds; and declaring the necessity that this Resolution become immediately effective.</p>
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WHEREAS, the County of Cuyahoga, Ohio owns and operates the Cuyahoga County Administrative Headquarters, the Cuyahoga County Corrections Center, the Justice Center, the Cuyahoga County Juvenile Justice Center, the Medical Examiner’s Office, the Office of Emergency Management, the Jane Edna Hunter Building, and certain other related improvements and facilities (collectively, the “County Facilities”); and

WHEREAS, this Council has determined that it is necessary and in the best interest of the County for the County to issue sales tax revenue bonds for the purposes of paying or reimbursing the costs of constructing, maintaining, expanding, refurbishing, renovating, upgrading, improving, furnishing, and equipping the County Facilities, as well as for the purpose of paying capitalized interest on the bonds and paying the costs of issuance in connection therewith; and

WHEREAS, this Council has determined that sales tax revenue bonds shall be issued in the principal amount not to exceed \$90,000,000 for the purposes herein stated and that the County should secure such bonds by a trust indenture, as provided herein; and

WHEREAS, pursuant to a resolution adopted July 6, 1987 (the "1987 County Sales Tax Resolution"), the Board of County Commissioners of the County (the "Board"), as the predecessor legislative authority to this Council, authorized the continuing levy and collection of sales and use taxes, authorized under Sections 5739.021 and 5741.021 of the Ohio Revised Code, at the rate of one percent (1%), and pursuant to a resolution adopted July 26, 2007 (the "2007 County Sales Tax Resolution" and, together with the 1987 County Sales Tax Resolution, the "County Sales Tax Resolutions"), the Board authorized an increase in the sales and use taxes to a rate of one and one-quarter percent (1-1/4%) (the "County Sales Tax"), each for the purpose of providing additional general revenues for the County; and

WHEREAS, this Council has determined to issue sales tax revenue bonds supported by the County Sales Tax for the Projects (as defined below) described in Section 1; and

WHEREAS, this Council hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of this Council, and that all the deliberations of this Council, and of its committees, if any, which resulted in formal actions, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code; and

WHEREAS, the Fiscal Officer of this County has certified that the estimated life of the projects described in Section 1 hereof is at least five (5) years, and that the estimated maximum maturity of the bonds described in Section 1 is at least twenty-six (26) years; and

WHEREAS, the Fiscal Officer of this County has further certified to this Council that the maximum aggregate amount of sales tax revenue bonds, including the Bonds, that will be outstanding at any time will not exceed an amount which requires or is estimated by him, as Fiscal Officer, to require payments from sales tax receipts of debt charges on the sales tax revenue bonds, including the Bonds, in any calendar year in an amount exceeding \$232,047,000, which is the average of the

amount received by the County for 2012 and 2013; and

WHEREAS, it is necessary that this Resolution become immediately effective in order that the usual daily operation of the County be continued and the public peace, health or safety of the County be preserved.

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

1. Authorized Principal Amount of Bonds and Purpose. It is necessary to issue sales tax revenue bonds of this County in an aggregate principal amount not to exceed \$90,000,000 (the “Bonds”) for the purpose of paying or reimbursing the costs of constructing, maintaining, expanding, refurbishing, renovating, upgrading, improving, furnishing, and equipping certain County buildings, facilities, improvements and structures owned and operated by the County for County offices and functions, and improving and equipping sites for such buildings, facilities and structures, in each case together with all necessary appurtenances and work incidental thereto (the “Projects”), and for the purpose of paying capitalized interest on the Bonds and paying the costs of issuance in connection therewith.

2. Bond Terms. The Bonds shall be issued, unless a supplemental indenture shall have been executed and delivered, pursuant to the Indenture (as hereinafter defined). The Bonds may be issued in one or more series, and shall be numbered in such manner as to distinguish each Bond from any other Bond of the same series. The Bonds shall be issued in denominations of \$5,000 or multiples of \$5,000 in excess thereof, but in no case as to a particular maturity date exceeding the principal amount maturing on that date. The Bonds shall be dated as determined by the Fiscal Officer, with the true interest cost on the Bonds not to exceed five percent (5%) per year (computed on the basis of a 360-day year consisting of twelve 30-day months), payable on such semiannual dates or annual dates as determined by the Fiscal Officer in the Certificate of Award (as hereinafter defined) until the principal amount is paid, commencing on the initial Interest Payment Date determined by the Fiscal Officer in the Certificate of Award (which initial Interest Payment Date shall not be later than one year from the issuance date of the Bonds), and shall mature on such semiannual dates or annual dates as determined by the Fiscal Officer in the Certificate of Award, provided that the final maturity shall not be later than December 31, 2039, in accordance with Section 133.21 of the Ohio Revised Code and as set forth in the Certificate of Award and the Indenture.

3. Redemption Provisions. The Bonds shall mature serially and annually on such dates and in such principal amounts as are fixed by the Fiscal Officer in the certificate signed in accordance with Section 6 of this Resolution (the “Certificate of Award”) and the Indenture, provided that the Bonds stated to mature in any year may be issued as term bonds (the “Term Bonds”) payable pursuant to Mandatory Sinking Fund Redemption Requirements as hereinafter defined and further described below and as provided for in the Indenture. The Fiscal Officer, in fixing

such year and such amounts, shall be consistent in the aggregate with the separate periodic maturities and principal payments determined in accordance with maximum maturities certified to this Council by the Fiscal Officer for the purposes specified in Section 1 hereof and the requirements of Section 133.21, Ohio Revised Code. The Fiscal Officer shall determine in the Certificate of Award whether any of the Bonds shall be issued as Term Bonds and any dates (the "Mandatory Redemption Dates") on which the principal amount stated above shall be payable pursuant to Mandatory Sinking Fund Redemption Requirements rather than at stated maturity (the "Mandatory Sinking Fund Redemption Requirements").

The Bonds shall be subject to redemption prior to stated maturity as follows:

(a) Mandatory Sinking Fund Redemption. If any of the Bonds are issued as Term Bonds, the Term Bonds shall be subject to mandatory sinking fund redemption and be redeemed pursuant to Mandatory Sinking Fund Redemption Requirements, at a redemption price of 100% of the principal amount redeemed, plus interest accrued to the redemption date, on the Mandatory Redemption Dates.

(b) Optional Redemption. The Bonds shall be subject to redemption prior to maturity by or at the option of the County, at par, in whole or in part on any date on the dates, in the years and for the prices specified in the Certificate of Award, provided, however, that the Fiscal Officer may determine in the Certificate of Award that it is in the best interest of the County that the Bonds not be subject to redemption prior to maturity. If the Bonds are subject to redemption, the maximum redemption price shall be no greater than 100% of the principal amount redeemed, plus accrued interest to the redemption date.

4. Execution of Bonds. The Bonds shall be designated "*Cuyahoga County Sales Tax Revenue Bonds, Series 2014 (County Facilities Improvement)*". Pursuant to Section 133.30(B), Ohio Revised Code, the Bonds may be combined with other bonds into a single consolidated issue of bonds for purposes of their sale as a single issue, to be designated "*Cuyahoga County, Ohio, Various Purpose Sales Tax Revenue Bonds, Series 2014.*" The Bonds shall contain a summary statement of the purposes for which they are issued; shall state that they are issued pursuant to this Resolution; shall be executed by the County Executive, in the name of the County and in his official capacity, provided that such signature may be a facsimile; shall be issued only in fully registered form; and shall be registered as to both principal and interest at the corporate trust office of the Trustee. The Bonds shall be issued in the denominations and numbers as requested by the Original Purchaser (as hereinafter defined) and approved by the Fiscal Officer, and shall be numbered as determined by the Fiscal Officer. The principal of the Bonds shall be payable at maturity of the Bonds upon presentation and surrender to the Trustee. Interest on any Bond shall be paid on each Interest Payment Date (the "Interest Payment Date") by check or draft mailed to the person in whose name that Bond is registered (the "Bondholder") on the registration books of the County maintained by the Trustee and at the address appearing thereon at the close of business of the fifteenth (15th) day of the calendar



month next preceding the Interest Payment Date (the “Regular Record Date”). Any interest not timely paid (the “Defaulted Interest”) shall cease to be payable to the person who is the Holder as of the Regular Record Date and shall be payable to the person who is the Holder at the close of business on a special record date for the payment of such defaulted interest. Such Special Record Date (the “Special Record Date”) shall be fixed by the County whenever moneys become available for payment of the Defaulted Interest. The principal and interest on the Bonds is payable in lawful money of the United States of America without deduction for the services of the Trustee.

No Bond shall be valid or become obligatory for any purpose unless and until an authentication certificate appearing on the Bond shall have been duly endorsed by the Trustee.

Any Bond, upon surrender thereof at the principal corporate trust office of the Trustee, together with an assignment duly executed by the Holder or his duly authorized attorney in such form as shall be satisfactory to the Trustee, at the option of the Holder thereof, may be exchanged for Bonds of any authorized denomination or denominations in an aggregate principal amount not exceeding the principal amount of the Bond so exchanged, and bearing interest at the same rate and maturing on the same date.

5. Book-Entry System. The entire principal amount may be represented by a single bond and may be issued as fully registered securities and in book entry or other uncertificated form in accordance with Section 9.96, Chapter 133 of the Ohio Revised Code, and the Indenture if it is determined by the Fiscal Officer that issuance of fully registered securities in that form will facilitate the sale and delivery of the Bonds. The Bonds shall not have coupons attached, shall be numbered as determined by the Fiscal Officer and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Resolution. As used in this Section and this Resolution:

“Book entry form” or “book entry system” means a form or system under which (i) the ownership of beneficial interests in the Bonds and the principal of, and interest on, the Bonds may be transferred only through a book entry, and (ii) a single physical Bond certificate is issued by the County and payable only to a Depository or its nominee, with such Bonds “immobilized” in the custody of the Depository or its agent for that purpose. The book entry maintained by others than the County is the record that identifies the owners of beneficial interests in the Bonds and that principal and interest.

“Depository” means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in the Bonds or the principal of, and interest on, the Bonds and to effect transfers of the Bonds, in book entry form, and includes and means initially The Depository Trust Company (a limited

purpose trust company), New York, New York.

“Participant” means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

The Fiscal Officer is also hereby authorized and directed, to the extent necessary or required, to enter into any agreements determined necessary in connection with the book entry system for the Bonds, after determining that the signing thereof will not endanger the funds or securities of the County.

6. Award and Sale of the Bonds. The Bonds shall be sold to KeyBanc Capital Markets, Inc., Wells Fargo & Company and Loop Capital Markets (collectively, the “Original Purchaser”) at a purchase price and bearing interest at a rate or rates determined by the County Executive or the Fiscal Officer to be in the best interest of the County and as designated by the County Executive or the Fiscal Officer in the Certificate of Award in accordance with law, the provisions of this Resolution, and the Indenture. The Fiscal Officer shall sign the Certificate of Award referred to in Section 2 evidencing that sale to the Original Purchaser, with the final purchase price, interest rate or rates, aggregate principal amount, and principal amounts payable at stated maturity being set forth in the Certificate of Award and the Indenture, at a purchase price not less than 97% of par plus accrued interest to their date of delivery. The Fiscal Officer shall cause the Bonds to be prepared, and have the Bonds signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Bonds if requested by the Original Purchaser, to the Original Purchaser upon payment of the purchase price. The Fiscal Officer, the County Executive, the County Director of Law, the Clerk of this Council and other County officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Resolution.

If, in the judgment of the Fiscal Officer, the filing of an application for a rating on the Bonds by one or more nationally-recognized rating agencies is in the best interest of and financially advantageous to the County, the Fiscal Officer is authorized to prepare and submit those applications, to provide to each such agency such information as may be required for the purpose, and to provide further for the payment of the cost of obtaining each such rating from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available and that are appropriated or shall be appropriated for that purpose.

7. Application of Bond Proceeds. The proceeds of sale of the Bonds shall be allocated and deposited as provided in the Indenture.

8. Appointment of Bond Trustee. This Council hereby appoints The Huntington National Bank to act as the trustee (such trustee, or a successor trustee

pursuant to the applicable provisions of the Indenture, the “Trustee”) for the Bonds. The County Executive is hereby authorized to sign, in the name and on behalf of the County, a Trust Indenture between the County and the Trustee (the “Indenture”) securing the Bonds. The Fiscal Officer shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Indenture from the proceeds of the Bonds to the extent available and then from other moneys lawfully available and appropriated or to be appropriated for that purpose.

9. Bonds are Special Obligations and Provisions for Levy and Collection of County Sales Tax. The Bonds are special obligations of the County, and the principal of and interest (and any premium) on the Bonds are payable solely from the Pledged Revenues and the Pledged Funds, together with other available funds of the County, and such payment is secured by a pledge of and a lien on the Pledged Revenues and the Pledged Funds as provided by the Act and this Resolution.

As used herein, the following terms shall be defined as follows:

“Act” means Chapter 133, Ohio Revised Code, as enacted and amended from time to time.

“County Executive” means the County Executive of the County; provided, for purposes of the signing of documents, certificates and other instruments other than the Bonds and the Official Statement, County Executive includes the County Executive’s Chief of Staff as the County Executive’s designee pursuant to Executive Order No. 02011-0002 and any other person duly designated by the County Executive.

“County Sales Tax Bond Fund” means the County Sales Tax Bond Fund created by the Indenture.

“County Sales Tax Receipts” means the monies received by the County from the County Sales Tax.

“County Sales Tax Revenue Fund” means the County Sales Tax Revenue Fund created by the Indenture.

“Fiscal Officer” means the Fiscal Officer of the County, including an interim or acting Fiscal Officer.

“Pledged Funds” means the County Sales Tax Bond Fund and any other funds established under the Indenture and pledged as security for the Bonds.

“Pledged Revenues” means, collectively, (a) the County Sales Tax Receipts and (b) all monies in the Pledged Funds and all income and profit from the investment of those monies.

The County has heretofore levied and covenants that it shall continue to collect the

County Sales Taxes for so long as the Bonds are outstanding. The County hereby covenants and agrees that, so long as the Bonds are outstanding, it shall not suffer the repeal, amendment or any other change in this Resolution or the County Sales Tax Resolutions that in any way materially and adversely affects or impairs (a) the sufficiency of the County Sales Tax Receipts levied and collected or otherwise available for the payment of the Bonds or (b) the pledge or the application of the County Sales Tax Receipts to the payment of the Bonds.

The Bonds do not constitute a general obligation debt, or a pledge of the full faith and credit, of the State, the County, or any other political subdivision of the State, and the holders or owners of the Bonds have no right to have taxes levied by the general assembly or property taxes levied by the taxing authority of any political subdivision of the State, including the taxing authority of the County, for the payment of principal of and interest (and any premium) on the Bonds. Nothing herein shall be construed as requiring the County to use or apply to the payment of principal of and interest (and any premium) on the Bonds any funds or revenues from any source other than County Sales Tax Receipts. Nothing herein, however, shall be deemed to prohibit the County, of its own volition, from using, to the extent that it is authorized by law to do so, any other resources for the fulfillment of any of the terms, conditions or obligations of this Resolution or of the Bonds.

10. Creation of County Sales Tax Revenue Fund and County Sales Tax Bond Fund and Application of County Sales Tax Receipts. The County Sales Tax Revenue Fund and the County Sales Tax Bond Fund shall be created in the Indenture and shall be maintained by the Fiscal Officer in the custody of the Trustee. The Fiscal Officer is hereby authorized to maintain, or permit the maintenance of, such separate accounts in those Funds, and such separate subaccounts in any account, as is determined to be in the best interest of the County. Any monies on deposit in the County Sales Tax Bond Fund shall be invested to the extent permitted by law.

The County hereby covenants, subject and pursuant to the Constitution and laws of the State of Ohio, to appropriate and pay or cause to be paid from the County Sales Tax Receipts into the County Sales Tax Revenue Fund on the dates and in the amounts specified in the Indenture in order to pay the interest and principal due and payable on all outstanding Bonds on the next Interest Payment Date and Principal Payment Date. The County Executive is hereby authorized and directed to enter into such agreements with the State of Ohio as may be necessary or appropriate to effectuate direct payment of County Sales Tax Receipts to the Trustee. For that purpose, in each year while the Bonds are outstanding, this Council will appropriate County Sales Tax Receipts required to pay the principal of and interest (and any premium) on the Bonds in that year. Further, this Council will give effect to such appropriations in all resolutions it passes thereafter in that year appropriating money for expenditure and encumbrance and limit the other appropriations of County Sales Tax Receipts in that year to the amount available after deducting the amount required to pay the principal of and interest (and any premium) on the Bonds in that year.

Any portion of the County Sales Tax Receipts not otherwise required to be deposited into the County Sales Tax Bond Fund in accordance with this Section shall be used to meet other obligations of the County to be discharged from the County Sales Tax Receipts at the direction of the County.

11. Federal Tax Considerations. The County covenants that it will use, and will restrict the use and investment of, the proceeds of the Bonds in such manner and to such extent as may be necessary so that (a) the Bonds will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the “Code”) or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest on the Bonds will not be treated as an item of tax preference under Section 57 of the Code.

The County further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Bonds to be and remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Bonds to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports and (v) refrain from certain uses of those proceeds, and, as applicable of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The County Executive, the Fiscal Officer or any other officer of the County having responsibility for issuance of the Bonds is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the County with respect to the Bonds as the County is permitted to or required to make or give under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the County, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Bonds, and (c) to give one or more appropriate certificates of the County, for inclusion in the transcript of proceedings for the Bonds, setting forth the reasonable expectations of the County regarding the amount and use of all the proceeds of the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Bonds.

12. Disclosure Document. The County Executive is hereby authorized to prepare, execute and deliver to the Original Purchaser of the Bonds a preliminary and final Official Statement or any other appropriate disclosure document of the County in connection with the sale and delivery of the Bonds.

13. Continuing Disclosure. The County Executive or the Fiscal Officer is authorized and directed to execute a continuing disclosure agreement (the "Disclosure Agreement") setting forth the County's undertaking to provide annual reports and notices of certain events dated the date of delivery of the Bonds and delivered to the Original Purchaser of the Bonds for the benefit of the Bondholders and to assist the Original Purchaser in complying with S.E.C. Rule 15c2-12(b)(5). The County hereby covenants and agrees that it will comply with and carry out all of the provisions of the Disclosure Agreement. Failure of the County to comply with the Disclosure Agreement shall not be considered an event of default; however, any Bondholder may take such actions as may be necessary and appropriate to cause the County to comply with its obligations under this Section.

14. Certification and Delivery of Resolution. The Clerk of this Council is directed to deliver or cause to be delivered a certified copy of this Resolution to the Fiscal Officer.

15. Satisfaction of Conditions for Bond Issuance. This Council determines that all acts and conditions necessary to be done or performed by the County or to have been met precedent to and in the issuing of the Bonds in order to make them legal, valid and binding general obligations of the County have been performed and have been met, or will at the time of delivery of the Bonds have been performed and have been met, in regular and due form as required by law.

16. Captions and Headings. The captions and headings in this Resolution are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this Resolution unless otherwise indicated.

17. Effective Date. 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 of the County; and any additional reasons set forth in the preamble. Provided that this Resolution receive the affirmative vote of at least eight members of the Council, it shall take effect and be in force immediately upon the earliest to occur 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, (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.

18. Compliance with Open Meeting Requirements. This Council finds and determines that all formal actions of this Council concerning and 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 those formal actions were held, in meetings open to the public in compliance with the law, 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: October 28, 2014

Committee(s) Assigned: Finance & Budgeting

Journal CC016

November 25, 2014

# County Council of Cuyahoga County, Ohio

## Resolution No. R2014-0256

<p>Sponsored by: <b>County Executive FitzGerald/Fiscal Officer/Office of Budget &amp; Management</b></p>	<p><b>A Resolution</b> authorizing the issuance and sale of County of Cuyahoga, Ohio Tax-Exempt Economic Development Refunding Revenue Bonds, Series 2014C (Medical Mart/Convention Center Project) in an aggregate principal amount not-to-exceed \$21,000,000.00 for the purpose of providing moneys to pay costs of a “Project” within the meaning of Ohio Revised Code Chapter 165; authorizing the preparation and use of a preliminary official statement; authorizing the preparation, execution and use of an official statement; approving and authorizing the execution of a bond purchase agreement, a bond registrar agreement and a continuing disclosure agreement; authorizing other actions related to the issuance of the bonds; and declaring the necessity that this Resolution become immediately effective.</p>
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WHEREAS, the County of Cuyahoga, Ohio (the “County”), a county and political subdivision of the State of Ohio (the “State”), is authorized and empowered, by virtue of the laws of the State of Ohio, including, without limitation, Article VIII, Section 13 of the Ohio Constitution and Ohio Revised Code Chapter 165 (the “Act”), among other things, to issue its revenue bonds for the purpose of financing a “project” as defined in the Act, that creates or preserves jobs and employment opportunities and improves the economic welfare of the people of the County and of the State and to refund revenue bonds issued for such purpose; and

WHEREAS, the County has previously issued its Recovery Zone Economic Development Revenue Bonds, Series 2010E (Medical Mart/Convention Center Project) (Federally Taxable -- Build America Bonds -- Direct Payment) (the “Refunded Bonds”) in the original principal amount of \$21,000,000 in order to create and preserve jobs and employment opportunities and improve the economic welfare of the people of the County and the State, by providing a portion of the funding for the County’s Medical Mart/Convention Center, including the acquisition, construction, improving and equipping of a medical mart and convention and exhibition center (the “Project”), fund a reserve account (if determined to be



necessary) and pay certain costs of issuance in connection with such Refunded Bonds; and

WHEREAS, the Cuyahoga County Community Improvement Corporation (the “CIC”) has certified to the County that the Projects are in accordance with the plan for the industrial, commercial, distribution and research development of the County heretofore confirmed by the County pursuant to Ohio Revised Code Section 1724.10; and

WHEREAS, this Council has determined that it is necessary and in the best interest of the County, in order to achieve debt service savings, for the County to issue its economic development refunding revenue bonds to refund all or a portion of the Refunded Bonds that are currently outstanding and to pay costs of issuance in connection therewith; and

WHEREAS, this Council has determined that economic development refunding revenue bonds shall be issued in the principal amount not to exceed \$21,000,000 for the purposes herein stated;

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

**SECTION 1. DEFINITIONS AND INTERPRETATION.** In addition to the words and terms elsewhere in this Resolution, unless the context or use clearly indicates another or different meaning or intent:

“*Act*” means Ohio Revised Code Chapter 165.

“*Authorized Denominations*” means the denomination of \$5,000 or any integral multiple thereof.

“*Bond Counsel*” means Calfee, Halter & Griswold LLP.

“*Bond proceedings*” means, collectively, this Resolution, the Final Terms Certificate, the Bond Purchase Agreement, the Bond Registrar Agreement, the Continuing Disclosure Agreement and such other proceedings of the County, including the Bonds, that provide collectively for, among other things, the rights of registered owners of the Bonds.

“*Bond Purchase Agreement*” means the Bond Purchase Agreement between the County and the Original Purchaser authorized by this Resolution.

“*Bond Register*” means all the books and records necessary for the registration, exchange and transfer of the Bonds as provided in this Resolution and the Bond Registrar Agreement.

“*Bond Registrar*” means a bank or trust company authorized to do business in the State and designated by the Fiscal Officer in the Final Terms Certificate as the initial authenticating agent, bond registrar, transfer agent and paying agent until a successor Bond Registrar shall have become such pursuant to the provisions of this Resolution and the Bond Registrar Agreement and, thereafter, “*Bond Registrar*” shall mean the successor Bond Registrar.

“*Bond Registrar Agreement*” means the Bond Registrar Agreement between the County and the Bond Registrar as authorized by this Resolution.

“*Bond Service Charges*” means the principal (at stated maturity or by redemption), premium (if any) and interest required to be paid by the County on the Bonds.

“*Bond Service Fund*” means the Medical Mart/Convention Center Bond Service Fund, and the Bond Service Account and the Bond Reserve Account therein, authorized and established by this Resolution and any additional accounts created therein.

“*Bonds*” means the Tax-Exempt Economic Development Refunding Revenue Bonds, Series 2014C (Medical Mart/Convention Center Project) authorized by this Resolution.

“*Book entry form*” or “*book entry system*” means a form or system under which (a) the ownership of beneficial interests in Bonds and the Bond Service Charges on the Bonds may be transferred only through a book entry, and (b) physical Bond certificates in fully registered form are issued by the County only to a Depository or its nominee as registered owner, with the Bonds “immobilized” in the custody of the Depository. The book entry maintained by an entity other than the County is the record that identifies the owners of beneficial interests in those Bonds and that principal and interest.

“*Brownfield Bonds*” means, collectively, the County’s Taxable Economic Development Revenue Refunding Bonds, Series 2004C (Brownfield Redevelopment Project) and Taxable Economic Development Revenue Bonds, Series 2010A (Brownfield Redevelopment Project), all issued pursuant to the Brownfield Indenture.

“*Brownfield Indenture*” means the Trust Indenture dated as of October 1, 1988, as amended by the First Supplemental Trust Indenture dated as of February 1, 2004 and the Second Supplemental Trust Indenture dated as of September 1, 2010, each between the County and the Brownfield Trustee.

“*Brownfield Revenues*” means the Project Revenues as defined in the Brownfield Indenture.

“*Brownfield Trustee*” means The Huntington National Bank, as trustee under the Brownfield Indenture, and its successors and assigns.]

“*Charter*” means the Charter of the County.

“*Clerk*” means the Clerk of the Council.

“*Closing Date*” means the date of physical delivery of, and payment of the purchase price for, the Series 2014C Bonds.

“*Code*” means the Internal Revenue Code of 1986, the regulations (whether temporary or final) under that Code or the statutory predecessor of that Code, and any amendments of, or successor provisions to, the foregoing and any official rulings, announcements, notices, procedures and judicial determinations regarding any of the foregoing, all as and to the extent applicable. Unless otherwise indicated, reference to a Section of the Code includes any applicable successor section or provision and such applicable Regulations, rulings, announcements, notices, procedures and determinations pertinent to that Section.

“*Commercial Redevelopment Bonds*” means the County’s Taxable Economic Development Revenue Bonds, Series 2010B (Commercial Redevelopment Fund Project), issued pursuant to the Commercial Redevelopment Indenture.

“*Commercial Redevelopment Indenture*” means the Trust Indenture dated as of September 1, 2010 between the County and the Commercial Redevelopment Trustee.

“*Commercial Redevelopment Revenues*” means the Project Revenues as defined in the Commercial Redevelopment Indenture.

“*Commercial Redevelopment Trustee*” means The Huntington National Bank, as trustee under the Commercial Redevelopment Indenture, and its successors and assigns.

“*Continuing Disclosure Agreement*” means, the Continuing Disclosure Agreement authorized by this Resolution.

“*Council*” means the County Council of the County.

“*County*” means the County of Cuyahoga, Ohio.

“*County Executive*” means the County Executive of the County; provided, for purposes of the signing of documents, certificates and other instruments other than the Bonds and the Official Statement, County Executive includes the County Executive’s Chief of Staff as the County Executive’s designee pursuant to Executive Order No. 02011-0002 and any other person duly designated by the County Executive.

“*Coverage Computation Period*” means the three most recent calendar years preceding the date of the certification required by Section 9(b).

“*Coverage Ratio*” means 150%.

“*Depository*” means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in Bonds or the principal and interest, and to effect transfers of Bonds, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

“*Director of Law*” means the Director of Law of the County and his or her duly authorized designee.

“*Fiduciary Fund*” means the 2014 Medical Mart/Convention Center Fiduciary Fund authorized and established by this Resolution.

“*Final Terms Certificate*” means the Final Terms Certificate authorized by this Resolution to be signed by the Fiscal Officer.

“*Fiscal Officer*” means the Fiscal Officer of the County, including an interim or acting Fiscal Officer.

“*Flats Bonds*” means the County’s Taxable Economic Development Revenue Bonds, Series 2014 A (Flats East Development LLC Project), all issued pursuant to the Flats Indenture.

“*Flats Indenture*” means the Trust Indenture dated as of April 1, 2014 between the County and the Flats.

“*Flats Revenues*” means the Project Revenues as defined in the Flats Indenture.

“*Flats Trustee*” means The Huntington National Bank, as trustee under the Flats Indenture, and its successors and assigns.

“*Funds*” means, collectively, the Treasurer Account and the Bond Service Fund.

“*Gateway Bonds*” means, collectively, the County’s Taxable Economic Development Revenue Bonds, Series 1992A (Gateway Arena Project), Taxable Economic Development Revenue Refunding Bonds, Series 2004A (Gateway Arena Project) and Taxable Economic Development Revenue Refunding Bonds, Series 2010C (Gateway Arena Project), all issued pursuant to the Gateway Indenture.

“*Gateway Indenture*” means the Master Indenture dated as of September 15, 1992, as amended and supplemented by the First Supplemental Trust Indenture dated as of September 15, 1992, the Second Supplemental Trust Indenture dated as of September 15, 1992, the Third Supplemental Trust Indenture dated as of February 1, 1994, the Fourth Supplemental Trust Indenture dated as of February 1, 2004 and the Fifth Supplemental Trust Indenture dated as of September 1, 2010, each between the County and the Gateway Trustee.

“*Gateway Revenues*” means the Revenues as defined in the Gateway Indenture.

“*Gateway Trustee*” means The Bank of New York Mellon Trust Company, N.A., as trustee under the Gateway Indenture, and its successors and assigns.

“*Interest Payment Dates*” means June 1 and December 1 of each year that the Bonds are outstanding, commencing June 1, 2015 unless otherwise determined by the Fiscal Officer in the Final Terms Certificate.

“*Mandatory Redemption*” means the obligation to redeem Term Bonds as provided in Section 4(e)(i) and the Final Terms Certificate.

“*Medical Mart/Convention Center Bonds*” means, collectively, the County’s Recovery Zone Facility Economic Development Revenue Bonds, Series 2010F (Medical Mart/Convention Center Project) and Taxable Economic Development Revenue Bonds, Series 2010G (Medical Mart/Convention Center Project), each issued pursuant to the Medical Mart/Convention Center Indenture. As used herein “Medical Mart/Convention Center Bonds” does not include the Bonds.

“*Medical Mart/Convention Center Indenture*” means the Trust Indenture dated as of December 1, 2010 between the County and the Medical Mart/Convention Center Trustee.

“*Medical Mart/Convention Center Revenues*” means the Project Revenues as defined in the Medical Mart/Convention Center Indenture.

“*Medical Mart/Convention Center Trustee*” means U.S. Bank National Association as trustee under the Medical Mart/Convention Center Indenture, and its successors and assigns.

“*Nontax Revenues*” means all moneys of the County that are not raised by taxation, to the extent available for payment of Bond Service Charges on the Bonds, including, but not limited to the following: (a) charges for services and payments received in reimbursement for services; (b) payments in lieu of taxes now or hereafter authorized by State statute; (c) fines and forfeitures; (d) fees from properly imposed licenses and permits; (e) investment earnings on any funds of the County that are credited to the County’s General Fund; (f) proceeds from the sale of assets; (g) rental income; (h) grants from the United States of America and the State; (i) gifts and donations; and (j) Project Revenues; provided that Nontax Revenues do not include the Brownfield Revenues, the Commercial Redevelopment Revenues, the Gateway Revenues, the Medical Mart/Convention Center Revenues, the Westin Revenues, the Steelyard Revenues or the Flats Revenues.

“*Official Statement*” means, as appropriate, the preliminary official statement or the final official statement authorized by this Resolution.

“*Original Purchaser*” means KeyBanc Capital Markets, Inc., Wells Fargo & Company and Loop Capital Markets.

“*Parity Obligations*” means, collectively, the Brownfield Bonds, the Commercial Redevelopment Bonds, the Gateway Bonds, the Medical Mart/Convention Center Bonds, the Steelyard Bonds, the Westin Bonds, the Flats Bonds and any bonds, notes or other obligations of or guaranties by the County secured by a pledge of the Nontax Revenues on a parity with or prior to the Bonds.

“*Participant*” means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

“*Principal Payment Dates*” means the Principal Payment Dates determined by the Fiscal Officer in the Final Terms Certificate.

“*Payment Dates*” means the Interest Payment Dates and the Principal Payment Dates.

“*Project Purposes*” means the refunding of the Refunded Bonds issued for the purpose of acquiring, constructing, improving and equipping the Project.

“*Project Revenues*” means any money and investments on deposit in the Funds and all income and profit from the investment thereof.

“*Register*” means all books and records necessary for the registration, exchange and transfer of Bonds as provided by this Resolution.

“*Rule*” means Rule 15c2-12 promulgated by the SEC pursuant to the Securities Exchange Act of 1934.

“*SEC*” means the Securities and Exchange Commission.

“*Serial Bonds*” means those Bonds, if any, designated as such and maturing on the Principal Payment Dates set forth in the Final Terms Certificate.

“*State*” means the State of Ohio.

“*Steelyard Bonds*” means the County’s Taxable Economic Development Revenue Bonds, Series 2013A (Steelyard Commons Project), all issued pursuant to the Steelyard Resolution.

“*Steelyard Resolution*” means Resolution No. 2013-199 adopted by the Council on September 24, 2013.

“*Steelyard Revenues*” means the Project Revenues as defined in the Steelyard Resolution.

“*Term Bonds*” means those Bonds designated as such and maturing on the Principal Payment Dates set forth in the Final Terms Certificate.

“*Treasurer Account*” means the 2014 Medical Mart/Convention Center Treasurer Account authorized and established by this Resolution.

“*Westin Bonds*” means the County’s Taxable Economic Development Revenue Bonds, Series 2013B (Westin Cleveland Hotel Project), all issued pursuant to the Westin Resolution.

“*Westin Resolution*” means Resolution No. R2013-0224 adopted by the Council on December 10, 2013.

“*Westin Revenues*” means the Project Revenues as defined in the Westin Resolution.

**SECTION 2. DETERMINATIONS BY COUNCIL.** This Council finds and determines that (i) based on the certification of the CIC, the Project is a “project” as defined in the Act and is consistent with the purposes of Article VIII, Section 13 of the Ohio Constitution and (ii) will benefit the people of the County and of the State by creating and preserving jobs and employment opportunities and improving the economic welfare of the people of the County and the State.

**SECTION 3. AUTHORIZED PRINCIPAL AMOUNT AND PURPOSE; APPLICATION OF PROCEEDS.** It is necessary and determined to be in the County’s best interest to issue the Bonds in an aggregate principal amount not to exceed \$21,000,000 to pay costs of refunding the Refunded Bonds issued to pay for the acquisition, construction, furnishing and equipping of the Project, fund a reserve account, if determined to be necessary, and pay costs of the issuance of the Bonds. The aggregate principal amount of the Bonds to be issued to provide sufficient funds for those purposes (not to exceed \$21,000,000) shall be determined by the Fiscal Officer in the Final Terms Certificate. The Bonds shall be issued pursuant to this Resolution, the Final Terms Certificate, Article VIII, Section 13 of the Ohio Constitution and the Act. The proceeds from the sale of the Bonds received by the County shall be deposited into the Treasurer Account and shall be used for the Project Purposes. The proceeds of the sale of the Bonds are appropriated for such purposes.

**SECTION 4. DENOMINATIONS; DATING; PRINCIPAL AND INTEREST PAYMENT AND REDEMPTION PROVISIONS.** The Bonds shall be issued in one lot and only as fully registered bonds, in Authorized Denominations, but in no case as to a particular maturity date exceeding the principal amount maturing on that date. The Bonds shall be dated as of the Closing Date.

(a) Interest Rates and Payment Dates. The Bonds shall bear interest at the rate or rates (computed on a twelve 30-day months/360-day year basis), as shall be determined by the Fiscal Officer in the Final Terms Certificate, subject to subsection

(c) of this Section. Interest on the Bonds shall be payable at such rate or rates on the Interest Payment Dates until the principal amount has been paid or provided for in full. The Bonds shall bear interest from the most recent date to which interest has been paid or provided for or, if no interest has been paid or provided for, from their date.

(b) Principal Payment Schedule. The Bonds shall mature on the Principal Payment Dates determined by the Fiscal Officer in the Final Terms Certificate.

Consistent with the foregoing and in accordance with his determination of the best interest of and financial advantages to the County, the Fiscal Officer shall specify in the Final Terms Certificate (i) the aggregate principal amount of Bonds, to be issued as Serial Bonds, the Principal Payment Date or Dates on which those Serial Bonds, if any, shall be stated to mature and the principal amount thereof that shall be stated to mature on each such Principal Payment Date and (ii) the aggregate principal amount of the Bonds, to be issued as Term Bonds, if any, the Principal Payment Date or Dates on which those Term Bonds shall be stated to mature and the dates and amounts of Mandatory Redemption applicable to those Term Bonds.

(c) Condition for Establishment of Interest Rates. The net interest rate for the Bonds determined by taking into account the Principal Payment Dates and the principal amounts due on the Bonds (at stated maturity or by Mandatory Redemption) shall not exceed 5% per year.

(d) Payment of Bond Service Charges. The principal of and interest on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. Principal of the Bonds shall be payable when due upon presentation and surrender of the Bonds at the designated office of the Bond Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing, on the Bond Register at the close of business on the 15th day of the calendar month next preceding that Interest Payment Date. Notwithstanding the foregoing, if and so long as the Bonds are issued in a book entry system, principal of and interest and any premium on the Bonds shall be payable in the manner provided in any agreement entered into by the Fiscal Officer or the County Executive, in the name and on behalf of the County, in connection with the book entry system.

(e) Redemption Provisions. The Bonds shall be subject to redemption prior to stated maturity as follows:

(i) *Mandatory Redemption.* If any of the Bonds are issued as Term Bonds, the Term Bonds shall be subject to and redeemed pursuant to mandatory redemption on the Principal Payment Dates set forth in the Final Terms Certificate at a price equal to 100% of the principal amount of the Term Bonds to be redeemed.



The County shall have the option to deliver to the Bond Registrar for cancellation Term Bonds in any aggregate principal amount and to receive a credit against the then current or any subsequent Mandatory Redemption for the Term Bonds so delivered. That option shall be exercised by the County on or before the 15th day preceding any Mandatory Redemption with respect to which the County wishes to obtain a credit, by furnishing the Bond Registrar a certificate, signed by the Fiscal Officer, setting forth the extent of the credit to be applied with respect to the current or any subsequent Mandatory Redemption for the Term Bonds. If the certificate is not timely furnished to the Bond Registrar, the current Mandatory Redemption shall not be reduced. A credit against the then current or any subsequent Mandatory Redemption also shall be received by the County for any Term Bonds which prior thereto have been redeemed (other than by Mandatory Redemption) or purchased for cancellation and canceled by the Bond Registrar, to the extent not applied theretofore as a credit against any Mandatory Redemption for the Term Bonds so redeemed or purchased and canceled.

Each Term Bond so delivered, or previously redeemed, or purchased and canceled, shall be credited by the Bond Registrar at 100% of the principal amount thereof against the then current or subsequent Mandatory Redemption for the Term Bonds so delivered, redeemed or purchased and canceled.

(ii) *Optional Redemption.* Certain maturities of Bonds may be subject to redemption by and at the sole option of the County, in whole or in part, on the dates, in the years and at the redemption prices (expressed as a percentage of the principal amount to be redeemed), plus accrued interest to the redemption date, all to be determined by the Fiscal Officer in the Final Terms Certificate.

Certain maturities of the Bonds may be subject to redemption by and at the sole option of the County, in whole or in part, on the dates, in the years and at a redemption price that will make the owner of such Bonds whole for the early redemption, all to be determined by the Fiscal Officer in the Final Terms Certificate.

If optional redemption of Term Bonds is to take place as of the date of any Mandatory Redemption applicable to those Term Bonds, the Term Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Term Bonds of the same maturity to be redeemed by operation of the Mandatory Redemption on that date. The Bonds to be redeemed pursuant to this paragraph shall be redeemed only upon written notice from the Fiscal Officer to the Bond Registrar, given upon the direction of this Council by adoption of a resolution. That notice shall specify the redemption date and the principal amount of each maturity of Bonds to be redeemed, and shall be given at least 45 days prior to the redemption date or such shorter period as shall be acceptable to the Bond Registrar.

There shall be deposited with the Bond Registrar on or prior to the redemption date, money that, in addition to any other money available therefore and held by the Bond Registrar, will be sufficient to redeem the Bonds for which notice of redemption has been given.

(iii) *Partial Redemption.* If fewer than all of the Bonds are called for optional redemption at one time, they shall be called as selected by, and in a manner determined by the County. If fewer than all Bonds of a single maturity are to be redeemed, the selection of the Bonds to be redeemed, or portions thereof in Authorized Denominations, shall be made by the Bond Registrar by lot in a manner determined by the Bond Registrar. In the case of partial redemption of Bonds by lot when Bonds in denominations greater than \$5,000 are then outstanding, each \$5,000 unit of principal shall be treated as if it were a separate Bond of the denomination of \$5,000. If it is determined that one or more, but not all, of the \$5,000 units of principal amount represented by a Bond are to be called for redemption, then upon notice of a redemption of a \$5,000 unit or units, the registered owner of that Bond shall surrender the Bond to the Bond Registrar (i) for payment of the redemption price of the \$5,000 unit or units called for redemption (including accrued interest to the redemption date), and (ii) issuance, without charge to the registered owner, of a new Bond or Bonds of any Authorized Denomination in an aggregate principal amount equal to the unmatured and unredeemed portion, and bearing interest at the same rate and maturing on the same date as, the Bond surrendered.

(iv) *Notice of Redemption.* The notice of the call for redemption of Bonds shall identify (A) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (B) the redemption price to be paid, (C) the date fixed for redemption, and (D) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Bond Registrar on behalf of the County by mailing a copy of the redemption notice by first class mail, postage prepaid, at least 30 days prior to the date fixed for redemption, to the registered owner of each Bond subject to redemption in whole or in part at the registered owner's address shown on the Bond Register at the close of business on the fifteenth day preceding that mailing. Failure to receive notice by mail or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond.

(v) *Payment of Redeemed Bonds.* Notice having been mailed in the manner provided in the preceding paragraph hereof, the Bonds and portions thereof called for redemption shall become due and payable on the redemption date, and, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus interest accrued to the redemption date. If money for the redemption of all of the Bonds and portions thereof to be redeemed, together with interest accrued thereon to the redemption date, is held by the Bond Registrar on the redemption date, so as to be available therefore on that date and, if notice of redemption has been deposited in the mail

as aforesaid, then from and after the redemption date those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If that money shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those Bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All money held by the Bond Registrar for the redemption of particular Bonds shall be held in trust for the account of the registered owners thereof and shall be paid to them, respectively, upon presentation and surrender of those Bonds.

**SECTION 5. SIGNING AND AUTHENTICATION OF BONDS; APPOINTMENT AND DUTIES OF BOND REGISTRAR.** The Bonds shall be signed by the Fiscal Officer and the County Executive, in the name of the County and in their official capacities, provided that any or all of those signatures may be a facsimile. The Bonds shall be issued in the Authorized Denominations and numbers as requested by the Original Purchaser and approved by the Fiscal Officer, shall be numbered as determined by the Fiscal Officer, and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Resolution.

The Fiscal Officer and County Executive are hereby authorized to sign and deliver, in the name and on behalf of the County, the Bond Registrar Agreement in the form approved by the Director of Law, which approval shall be conclusively evidenced by the signing of the Bond Registrar Agreement by the Fiscal Officer and the County Executive and the approval of the Director of Law thereon.

No Bond shall be valid or obligatory for any purpose or shall be entitled to any security or benefit under the Bond proceedings unless and until the certificate of authentication printed on the Bond is signed by the Bond Registrar as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Bond so authenticated has been duly issued, signed and delivered under, and is entitled to the security and benefit of, the Bond proceedings. The certificate of authentication may be signed by any authorized officer or employee of the Bond Registrar or by any other person acting as an agent of the Bond Registrar and approved by the Fiscal Officer on behalf of the County. The same person need not sign the certificate of authentication on all of the Bonds.

**SECTION 6. REGISTRATION; TRANSFER AND EXCHANGE; BOOK ENTRY SYSTEM.**

(a) Register. So long as any of the Bonds remain outstanding, the County will cause the Bond Registrar to maintain and keep at its designated corporate trust office, the Register. Except for purposes of the Continuing Disclosure Agreement, the person in whose name a Bond is registered on the Register shall be regarded as the absolute owner of that Bond for all purposes of the Bond proceedings. Payment of the Bond

Service Charges on any Bond shall be made only to or upon the order of that person; neither the County nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the County's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

(b) Transfer and Exchange. Any Bond may be exchanged for Bonds of any Authorized Denomination upon presentation and surrender at the office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. A Bond may be transferred only on the Bond Register upon presentation and surrender of the Bond at that office of the Bond Registrar, together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. Upon exchange or transfer the Bond Registrar shall complete, authenticate and deliver a new Bond or Bonds of any authorized denomination or denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the County are required, the Bond Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the County. In all cases of Bonds exchanged or transferred, the County shall provide for the signing and the Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of the Bond proceedings. The exchange or transfer shall be without charge to the owner, except that the County and Bond Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The County or the Bond Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the County, evidencing the same debt, and entitled to the same security and benefit under the Bond proceedings, as the Bonds surrendered upon that exchange or transfer. Neither the County nor the Bond Registrar shall be required to make any exchange or transfer of (i) Bonds then subject to call for redemption between the 15<sup>th</sup> day preceding the mailing of notice by the Bond Registrar of Bonds to be redeemed and the date of that mailing, or (ii) any Bond selected for redemption, in whole or in part.

(c) Book Entry System. The Bonds may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized, (i) the Bonds may be issued in the form of a single, fully registered Bond representing each maturity and registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (ii) the book entry interest owners in book entry form shall have no right to receive Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its

Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the County.

If any Depository determines not to continue to act as a Depository for the Bonds for use in a book entry system, the Fiscal Officer and the Bond Registrar may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Fiscal Officer and the Bond Registrar do not or are unable to do so, the Fiscal Officer and the Bond Registrar, after making provision for notification of the book entry interest owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Bonds from the Depository, and shall cause bond certificates in registered form and Authorized Denominations to be authenticated by the Bond Registrar and delivered to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of County action or inaction, of those persons requesting such issuance.

The Fiscal Officer and the Bond Registrar are hereby authorized and directed, to the extent necessary or required, to enter into any agreements, in the name and on behalf of the County, that the Fiscal Officer determines to be necessary in connection with a book entry system for the Bonds, after determining that the signing thereof will not endanger the funds or securities of the County.

**SECTION 7. SALE OF THE BONDS.** The Fiscal Officer is hereby authorized to sell the Bonds at a private sale to the Original Purchaser for a purchase price of not less than 95% of the aggregate principal amount of the Bonds, and with and upon such other terms as are required or authorized by this Resolution to be specified in the Final Terms Certificate, in accordance with law, the provisions of this Resolution and the Bond Purchase Agreement.

The Fiscal Officer and County Executive are hereby authorized to sign and deliver, in the name and on behalf of the County, the Bond Purchase Agreement in the form approved by the Director of Law, which approval shall be conclusively evidenced by the signing of the Bond Purchase Agreement by the Fiscal Officer and the County Executive and the approval of the Director of Law thereon.

The Fiscal Officer shall sign and deliver the Final Terms Certificate and shall cause the Bonds to be prepared and signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Bonds, to the Original Purchaser upon payment of the purchase price. Any member of this Council, the County Executive, the Clerk, the Fiscal Officer, the Director of Law and other County officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Resolution.

**SECTION 8. OFFICIAL STATEMENT, RATING AND CONTINUING DISCLOSURE.**

(a) Official Statement. The County Executive, the Fiscal Officer and other officials of the County are authorized, on behalf of the County and in their official capacities, to prepare or cause to be prepared a preliminary official statement in connection with the original issuance of the Bonds, and to determine and certify or otherwise represent when that preliminary official statement is to be “deemed final” (except for permitted omissions) for purposes of paragraph (b)(i) of the Rule and authorize the use and distribution of the preliminary official statement. Those officials are further authorized to modify and change the preliminary official statement in order for it to be a final official statement for purposes of paragraphs (b)(3) and (4) of the Rule and to certify or represent such, use and distribute the final official statement and modify, change or supplement the final official statement as necessary or desirable. The County Executive and the Fiscal Officer are further authorized to sign, on behalf of the County and in their official capacities, the final official statement.

(b) Application for Rating, or Credit Enhancement. If, in the judgment of the Fiscal Officer, the filing of an application for (i) a rating on the Bonds by one or more nationally recognized rating agencies, or (ii) credit enhancement facility from a company or companies to better assure the payment of the Bond Service Charges on the Bonds, is in the best interest of and financially advantageous to the County, the Fiscal Officer is authorized to prepare and submit those applications, to provide to each such agency or company such information as may be required for that purpose, to determine whether to obtain such rating or credit enhancement facility, and to provide for the payment of the cost of obtaining each such rating or credit enhancement facility, except to the extent paid by the Original Purchaser in accordance with the Bond Purchase Agreement, from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available and that are appropriated or shall be appropriated for that purpose. To the extent the Fiscal Officer has taken such actions, those actions are hereby ratified and confirmed.

(c) Continuing Disclosure Agreement. For the benefit of the owners and beneficial owners from time to time of the Bonds, the County agrees, as the only obligated person with respect to the Bonds under the Rule, to provide or cause to be provided such financial information and operating data, audited financial statements and notices, in such manner, as may be required for purposes of the Rule.

The Fiscal Officer and County Executive are hereby authorized to sign and deliver, in the name and on behalf of the County, the Continuing Disclosure Agreement in the form approved by the Director of Law, which approval shall be conclusively evidenced by the signing of the Continuing Disclosure Agreement by the Fiscal Officer and the approval of the Director of Law thereon.

The Fiscal Officer is further authorized and directed to establish procedures in order to ensure compliance by the County with its Continuing Disclosure Agreement,

including timely provision of information and notices as described above. Prior to making any filing in accordance with the Continuing Disclosure Agreement or providing notice of the occurrence of any other events pursuant to the Continuing Disclosure Agreement, the Fiscal Officer shall consult with and obtain legal advice from, as appropriate, the Director of Law and bond or other qualified independent special counsel selected by the County. The Fiscal Officer, acting in the name and on behalf of the County, shall be entitled to rely upon any such legal advice in determining whether a filing should be made.

The performance by the County of its obligations pursuant to the Continuing Disclosure Agreement shall be subject to the appropriation of funds necessary for such performance.

**SECTION 9. SECURITY FOR THE BONDS; COVENANTS AND REPRESENTATIONS.**

(a) Special Obligations. The Bonds are special obligations of the County, and the Bond Service Charges are payable solely from the Nontax Revenues, and such payment is secured by a pledge of the Nontax Revenues. The County hereby covenants and agrees that it shall appropriate in its appropriation measure for each year the Bonds are outstanding Nontax Revenues in an amount sufficient to pay all Bond Service Charges due and payable in that year. The County further covenants and agrees that it shall deposit from time to time Nontax Revenues into the Bond Service Fund sufficient, together with amounts then on deposit in the Bond Service Fund, to pay the Bond Service Charges when due.

The payments due hereunder and under the Bonds are payable solely from Nontax Revenues, which Nontax Revenues are determined by this Council as money that is not raised by taxation. The Bonds are not secured by an obligation or pledge of any money raised by taxation. The Bonds do not and shall not represent or constitute a debt or pledge of the faith or credit or taxing power of the County, and the owners of the Bonds have no right to have taxes levied by the County for the payment of the Bond Service Charges.

Nothing herein shall be construed as requiring the County to use or apply to the payment of principal and interest on the Bonds any funds or revenues from any source other than Nontax Revenues. Nothing herein, however, shall be deemed to prohibit the County, of its own volition, from using, to the extent that it is authorized by law to do so, any other resources for the fulfillment of any of the terms, conditions or obligations of this Resolution or of the Bonds.

(b) Covenant Regarding Parity Obligations. The County covenants that, so long as any of the Bonds are outstanding, it shall not issue any Parity Obligations unless prior to the enactment of legislation authorizing such Parity Obligations the Fiscal Officer shall have certified to this Council that the average Nontax Revenues during the Coverage Computation Period, adjusted to reflect, if appropriate or

necessary, changes in the rates or charges resulting in the Nontax Revenues, will aggregate in amount not less than the Coverage Ratio of the highest amount due in any succeeding year of (i) Bond Service Charges and (ii) required payments on the proposed Parity Obligations and all outstanding Parity Obligations.

(c) Funds and Accounts. There is hereby created the Fiduciary Fund, the Treasurer Account and the Bond Service Fund, including the Bond Service Account and the Bond Reserve Account therein, in the custody of the Fiscal Officer. The Fiscal Officer is authorized to create such accounts or subaccounts in the Fiduciary Fund, the Treasurer Account and the Bond Service Fund as the Fiscal Officer deems appropriate.

(d) Other Covenants. The County will at all times faithfully observe and perform all agreements, covenants, undertakings, stipulations and provisions to be performed on its part under this Resolution, the Continuing Disclosure Agreement and the Bonds and under all proceedings of this Council pertaining thereto. The County represents that (i) it is, and upon delivery of the Bonds covenants that it will be, duly authorized by the Constitution and laws of the State including particularly and without limitation the Act, to issue the Bonds and to provide the security for payment of the Bond Service Charges in the manner and to the extent set forth herein and in the Bonds; (ii) all actions on its part for the issuance of the Bonds have been or will be taken duly and effectively; and (iii) the Bonds will be valid and enforceable special obligations of the County according to their terms. Each obligation of the County required to be undertaken pursuant to this Resolution and the Bonds is binding upon the County, and upon each officer or employee of the County as may from time to time have the authority under law to take any action on behalf of the County as may be necessary to perform all or any part of such obligation, as a duty of the County and of each of those officers and employee resulting from an office, trust or station within the meaning of Section 2731.01, Ohio Revised Code, providing for enforcement by writ of mandamus.

All books and documents in the County's possession relating to the Nontax Revenues shall be open at all times during the County's regular business hours to inspection by such accountants or other agents of the owners of the Bonds as the owners may from time to time designate.

The Clerk, or another appropriate officer of the County, shall furnish to the Original Purchaser a true transcript of proceedings, certified by that officer, of all proceedings had with reference to the issuance of the Bonds along with such information from the records as is necessary to determine the regularity and validity of the issuance of the Bonds.

**SECTION 10. FEDERAL TAX CONSIDERATIONS.** The County covenants that it will use, and will restrict the use and investment of, the proceeds of the Bonds in such manner and to such extent as may be necessary so that (a) the Bonds will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the "Code") or (ii) be



treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest on the Bonds will not be treated as an item of tax preference under Section 57 of the Code.

The County further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Bonds to be and remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Bonds to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports and (v) refrain from certain uses of those proceeds, and, as applicable of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The County Executive, the Fiscal Officer or any other officer of the County having responsibility for issuance of the Bonds is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the County with respect to the Bonds as the County is permitted to or required to make or give under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the County, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Bonds, and (c) to give one or more appropriate certificates of the County, for inclusion in the transcript of proceedings for the Bonds, setting forth the reasonable expectations of the County regarding the amount and use of all the proceeds of the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Bonds.

**SECTION 11. BOND COUNSEL.** This Council hereby retains Bond Counsel in connection with the authorization, sale, issuance and delivery of the Bonds. Payment for the services of Bond Counsel shall be a cost of the issuance of the Bonds to be paid from the proceeds from the sale of the Bonds. In providing its services, as an independent contractor and in an attorney-client relationship, Bond Counsel shall not exercise any administrative discretion on behalf of the County in the formation of public policy, expenditure of funds, enforcement of laws, rules and regulations of the State or the County, or of any other political subdivision of the State, or the execution of public trusts.

**SECTION 12. OTHER DETERMINATIONS.** This Council determines that all acts and conditions necessary to be done or performed by the County or to have been met precedent to and in the issuing of the Bonds in order to make them legal, valid and binding special obligations of the County have been performed and have been met, or will at the time of delivery of the Bonds have been performed and have been met, in regular and due form as required by law.

**SECTION 13. EFFECTIVE DATE.** 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: (i) its approval by the County Executive through signature, (ii) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Charter, or (iii) its passage by at least eight members of Council after disapproval pursuant to Section 3.10(7) of the Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

**SECTION 14. COMPLIANCE WITH OPEN MEETING REQUIREMENTS.** This Council finds and determines that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of Council, and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements, including Ohio Revised Code Section 121.22.

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: October 28, 2014  
Committee(s) Assigned: Finance & Budgeting

Journal CC016  
November 25, 2014

# County Council of Cuyahoga County, Ohio

## Resolution No. R2014-0257

<p>Sponsored by: <b>County Executive FitzGerald/Fiscal Officer/Office of Budget &amp; Management</b></p>	<p><b>A Resolution</b> authorizing the issuance and sale of County of Cuyahoga, Ohio Taxable Economic Development Revenue Bonds, Series 2014B (Western Reserve Fund) in an aggregate principal amount not-to-exceed \$24,500,000.00 for the purpose of providing moneys to pay costs of “Projects” within the meaning of Ohio Revised Code Chapter 165; authorizing the preparation and use of a preliminary official statement; authorizing the preparation, execution and use of an official statement; approving and authorizing the execution of a bond purchase agreement, a bond registrar agreement and a continuing disclosure agreement; authorizing other actions related to the issuance of the bonds; and declaring the necessity that this Resolution become immediately effective.</p>
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**WHEREAS**, the County of Cuyahoga, Ohio (the “County”), a county and political subdivision of the State of Ohio (the “State”), is authorized and empowered, by virtue of the laws of the State of Ohio, including, without limitation, Article VIII, Section 13 of the Ohio Constitution and Ohio Revised Code Chapter 165 (the “Act”), among other things, to issue its revenue bonds for the purpose of financing “projects” as defined in the Act, that create or preserve jobs and employment opportunities and improve the economic welfare of the people of the County and of the State; and

**WHEREAS**, the County has determined that it is necessary and desirable to issue its Taxable Economic Development Revenue Bonds, Series 2014B (Western Reserve Fund Project) (the “Bonds”) to create and preserve jobs and employment opportunities and improve the economic welfare of the people of the County and the State, by providing funding to make loans, and to reimburse the County for loans made, to finance “Projects” (as such term is defined in the Act) (the “Projects”), fund a reserve account (if determined to be necessary) and pay certain costs of issuance in connection with such Bonds; and

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

**SECTION 1. DEFINITIONS AND INTERPRETATION.** In addition to the words and terms elsewhere in this Resolution, unless the context or use clearly indicates another or different meaning or intent:

“*Act*” means Ohio Revised Code Chapter 165.

“*Authorized Denominations*” means the denomination of \$5,000 or any integral multiple thereof.

“*Bond Counsel*” means Calfee, Halter & Griswold LLP.

“*Bond proceedings*” means, collectively, this Resolution, the Final Terms Certificate, the Bond Purchase Agreement, the Bond Registrar Agreement, the Continuing Disclosure Agreement and such other proceedings of the County, including the Bonds, that provide collectively for, among other things, the rights of registered owners of the Bonds.

“*Bond Purchase Agreement*” means the Bond Purchase Agreement between the County and the Original Purchaser authorized by this Resolution.

“*Bond Register*” means all the books and records necessary for the registration, exchange and transfer of the Bonds as provided in this Resolution and the Bond Registrar Agreement.

“*Bond Registrar*” means a bank or trust company authorized to do business in the State and designated by the Fiscal Officer in the Final Terms Certificate as the initial authenticating agent, bond registrar, transfer agent and paying agent until a successor Bond Registrar shall have become such pursuant to the provisions of this Resolution and the Bond Registrar Agreement and, thereafter, “*Bond Registrar*” shall mean the successor Bond Registrar.

“*Bond Registrar Agreement*” means the Bond Registrar Agreement between the County and the Bond Registrar as authorized by this Resolution.

“*Bond Service Charges*” means the principal (at stated maturity or by redemption), premium (if any) and interest required to be paid by the County on the Bonds.

“*Bond Service Fund*” means the Western Reserve Fund Bond Service Fund, and the Bond Service Account and the Bond Reserve Account therein, authorized and established by this Resolution and any additional accounts created therein.

“*Bonds*” means the Taxable Economic Development Revenue Bonds, Series 2014B (Western Reserve Fund) authorized by this Resolution.

“*Book entry form*” or “*book entry system*” means a form or system under which (a) the ownership of beneficial interests in Bonds and the Bond Service Charges on the Bonds may be transferred only through a book entry, and (b) physical Bond certificates in fully registered form are issued by the County only to a Depository or its nominee as registered owner, with the Bonds “immobilized” in the custody of the Depository. The book entry maintained by an entity other than the County is the record that identifies the owners of beneficial interests in those Bonds and that principal and interest.

[“*Brownfield Bonds*” means, collectively, the County’s Taxable Economic Development Revenue Refunding Bonds, Series 2004C (Brownfield Redevelopment Project) and Taxable Economic Development Revenue Bonds, Series 2010A (Brownfield Redevelopment Project), all issued pursuant to the Brownfield Indenture.

“*Brownfield Indenture*” means the Trust Indenture dated as of October 1, 1988, as amended by the First Supplemental Trust Indenture dated as of February 1, 2004 and the Second Supplemental Trust Indenture dated as of September 1, 2010, each between the County and the Brownfield Trustee.

“*Brownfield Revenues*” means the Project Revenues as defined in the Brownfield Indenture.

“*Brownfield Trustee*” means The Huntington National Bank, as trustee under the Brownfield Indenture, and its successors and assigns.]

“*Charter*” means the Charter of the County.

“*Clerk*” means the Clerk of the Council.

“*Closing Date*” means the date of physical delivery of, and payment of the purchase price for, the Series 2014B Bonds.

“*Code*” means the Internal Revenue Code of 1986, the regulations (whether temporary or final) under that Code or the statutory predecessor of that Code, and any amendments of, or successor provisions to, the foregoing and any official rulings, announcements, notices, procedures and judicial determinations regarding any of the foregoing, all as and to the extent applicable. Unless otherwise indicated, reference to a Section of the Code includes any applicable successor section or provision and such applicable Regulations, rulings, announcements, notices, procedures and determinations pertinent to that Section.

“*Commercial Redevelopment Bonds*” means the County’s Taxable Economic Development Revenue Bonds, Series 2010B (Commercial Redevelopment Fund Project), issued pursuant to the Commercial Redevelopment Indenture.

“*Commercial Redevelopment Indenture*” means the Trust Indenture dated as of September 1, 2010 between the County and the Commercial Redevelopment Trustee.

“*Commercial Redevelopment Revenues*” means the Project Revenues as defined in the Commercial Redevelopment Indenture.

“*Commercial Redevelopment Trustee*” means The Huntington National Bank, as trustee under the Commercial Redevelopment Indenture, and its successors and assigns.

“*Continuing Disclosure Agreement*” means, the Continuing Disclosure Agreement authorized by this Resolution.

“*Council*” means the County Council of the County.

“*County*” means the County of Cuyahoga, Ohio.

“*County Executive*” means the County Executive of the County; provided, for purposes of the signing of documents, certificates and other instruments other than the Bonds and the Official Statement, County Executive includes the County Executive’s Chief of Staff as the County Executive’s designee pursuant to Executive Order No. 02011-0002 and any other person duly designated by the County Executive.

“*Coverage Computation Period*” means the three most recent calendar years preceding the date of the certification required by Section 9(b).

“*Coverage Ratio*” means 150%.

“*Depository*” means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in Bonds or the principal and interest, and to effect transfers of Bonds, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

“*Director of Law*” means the Director of Law of the County and his or her duly authorized designee.

“*Fiduciary Fund*” means the Western Reserve Fund authorized and established by this Resolution.

“*Final Terms Certificate*” means the Final Terms Certificate authorized by this Resolution to be signed by the Fiscal Officer.

“*Fiscal Officer*” means the Fiscal Officer of the County, including an interim or acting Fiscal Officer.

“*Flats Bonds*” means the County’s Taxable Economic Development Revenue Bonds, Series 2014 A (Flats East Development LLC Project), all issued pursuant to the Flats Indenture.

“*Flats Indenture*” means the Trust Indenture dated as of April 1, 2014 between the County and the Flats.

“*Flats Revenues*” means the Project Revenues as defined in the Flats Indenture.

“*Flats Trustee*” means The Huntington National Bank, as trustee under the Flats Indenture, and its successors and assigns.

“*Funds*” means, collectively, the Treasurer Account and the Bond Service Fund.

“*Gateway Bonds*” means, collectively, the County’s Taxable Economic Development Revenue Bonds, Series 1992A (Gateway Arena Project), Taxable Economic Development Revenue Refunding Bonds, Series 2004A (Gateway Arena Project) and Taxable Economic Development Revenue Refunding Bonds, Series 2010C (Gateway Arena Project), all issued pursuant to the Gateway Indenture.

“*Gateway Indenture*” means the Master Indenture dated as of September 15, 1992, as amended and supplemented by the First Supplemental Trust Indenture dated as of September 15, 1992, the Second Supplemental Trust Indenture dated as of September 15, 1992, the Third Supplemental Trust Indenture dated as of February 1, 1994, the Fourth Supplemental Trust Indenture dated as of February 1, 2004 and the Fifth Supplemental Trust Indenture dated as of September 1, 2010, each between the County and the Gateway Trustee.

“*Gateway Revenues*” means the Revenues as defined in the Gateway Indenture.

“*Gateway Trustee*” means The Bank of New York Mellon Trust Company, N.A., as trustee under the Gateway Indenture, and its successors and assigns.

“*Interest Payment Dates*” means June 1 and December 1 of each year that the Bonds are outstanding, commencing June 1, 2015 unless otherwise determined by the Fiscal Officer in the Final Terms Certificate.

“*Mandatory Redemption*” means the obligation to redeem Term Bonds as provided in Section 4(e)(i) and the Final Terms Certificate.

“*Medical Mart/Convention Center Bonds*” means, collectively, the County’s Recovery Zone Facility Economic Development Revenue Bonds, Series 2010F (Medical Mart/Convention Center Project) and Taxable Economic Development Revenue Bonds, Series 2010G (Medical Mart/Convention Center Project), all issued pursuant to the Medical Mart/Convention Center Indenture.



“*Medical Mart/Convention Center Indenture*” means the Trust Indenture dated as of December 1, 2010 between the County and the Medical Mart/Convention Center Trustee.

“*Medical Mart/Convention Center Revenues*” means the Project Revenues as defined in the Medical Mart/Convention Center Indenture.

“*Medical Mart/Convention Center Trustee*” means U.S. Bank National Association as trustee under the Medical Mart/Convention Center Indenture, and its successors and assigns.

“*Nontax Revenues*” means all moneys of the County that are not raised by taxation, to the extent available for payment of Bond Service Charges on the Bonds, including, but not limited to the following: (a) charges for services and payments received in reimbursement for services; (b) payments in lieu of taxes now or hereafter authorized by State statute; (c) fines and forfeitures; (d) fees from properly imposed licenses and permits; (e) investment earnings on any funds of the County that are credited to the County’s General Fund; (f) proceeds from the sale of assets; (g) rental income; (h) grants from the United States of America and the State; (i) gifts and donations; and (j) Project Revenues; provided that Nontax Revenues do not include the Brownfield Revenues, the Commercial Redevelopment Revenues, the Gateway Revenues, the Medical Mart/Convention Center Revenues, the Westin Revenues, the Steelyard Revenues or the Flats Revenues.

“*Official Statement*” means, as appropriate, the preliminary official statement or the final official statement authorized by this Resolution.

“*Original Purchaser*” means KeyBanc Capital Markets, Inc., Wells Fargo & Company and Loop Capital Markets.

“*Parity Obligations*” means, collectively, the Brownfield Bonds, the Commercial Redevelopment Bonds, the Gateway Bonds and the Medical Mart/Convention Center Bonds, the Steelyard Bonds, the Westin Bonds, the Flats Bonds and any bonds, notes or other obligations of or guaranties by the County secured by a pledge of the Nontax Revenues on a parity with or prior to the Bonds.

“*Participant*” means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

“*Principal Payment Dates*” means the Principal Payment Dates determined by the Fiscal Officer in the Final Terms Certificate.

“*Payment Dates*” means the Interest Payment Dates and the Principal Payment Dates.

“*Project Purposes*” means the making of loans, or the reimbursement of the County of loans already made, for various Projects within the County.

“*Projects*” means the acquisition, construction, improvement, furnishing and equipping of real and personal property for industry, commerce, research and distribution, each of which constitutes a “project” within the meaning of the Act.

“*Project Revenues*” means any money and investments on deposit in the Funds and all income and profit from the investment thereof.

“*Register*” means all books and records necessary for the registration, exchange and transfer of Bonds as provided by this Resolution.

“*Rule*” means Rule 15c2-12 promulgated by the SEC pursuant to the Securities Exchange Act of 1934.

“*SEC*” means the Securities and Exchange Commission.

“*Serial Bonds*” means those Bonds, if any, designated as such and maturing on the Principal Payment Dates set forth in the Final Terms Certificate.

“*State*” means the State of Ohio.

“*Steelyard Bonds*” means the County’s Taxable Economic Development Revenue Bonds, Series 2013A (Steelyard Commons Project), all issued pursuant to the Steelyard Resolution.

“*Steelyard Resolution*” means Resolution No. 2013-0199 adopted by the Council on September 24, 2013.

“*Steelyard Revenues*” means the Project Revenues as defined in the Steelyard Resolution.

“*Term Bonds*” means those Bonds designated as such and maturing on the Principal Payment Dates set forth in the Final Terms Certificate.

“*Treasurer Account*” means the Western Reserve Fund Treasurer Account authorized and established by this Resolution.

“*Westin Bonds*” means the County’s Taxable Economic Development Revenue Bonds, Series 2013B (Westin Cleveland Hotel Project), all issued pursuant to the Westin Resolution.

“*Westin Resolution*” means Resolution No. R2013-0224 adopted by the Council on December 10, 2013.

“*Westin Revenues*” means the Project Revenues as defined in the Westin Resolution.

**SECTION 2. DETERMINATIONS BY COUNCIL.** This Council finds and determines that (i) based on the certification of the CIC, each of the loans made or to be made is for a “project” as defined in the Act and is consistent with the purposes of Article VIII, Section 13 of the Ohio Constitution and (ii) will benefit the people of the County and of the State by creating and preserving jobs and employment opportunities and improving the economic welfare of the people of the County and the State.

**SECTION 3. AUTHORIZED PRINCIPAL AMOUNT AND PURPOSE; APPLICATION OF PROCEEDS.** It is necessary and determined to be in the County’s best interest to issue the Bonds in an aggregate principal amount not to exceed \$24,500,000 to pay costs of the Projects, fund a reserve account, if determined to be necessary, and pay costs of the issuance of the Bonds. The aggregate principal amount of the Bonds to be issued to provide sufficient funds for those purposes (not to exceed \$24,500,000) shall be determined by the Fiscal Officer in the Final Terms Certificate. The Bonds shall be issued pursuant to this Resolution, the Final Terms Certificate, Article VIII, Section 13 of the Ohio Constitution and the Act. The proceeds from the sale of the Bonds received by the County shall be deposited into the Treasurer Account and shall be used for the Project Purposes. The proceeds of the sale of the Bonds are appropriated for such purposes.

**SECTION 4. DENOMINATIONS; DATING; PRINCIPAL AND INTEREST PAYMENT AND REDEMPTION PROVISIONS.** The Bonds shall be issued in one lot and only as fully registered bonds, in Authorized Denominations, but in no case as to a particular maturity date exceeding the principal amount maturing on that date. The Bonds shall be dated as of the Closing Date.

(a) Interest Rates and Payment Dates. The Bonds shall bear interest at the rate or rates (computed on a twelve 30-day months/360-day year basis), as shall be determined by the Fiscal Officer in the Final Terms Certificate, subject to subsection (c) of this Section. Interest on the Bonds shall be payable at such rate or rates on the Interest Payment Dates until the principal amount has been paid or provided for in full. The Bonds shall bear interest from the most recent date to which interest has been paid or provided for or, if no interest has been paid or provided for, from their date.

(b) Principal Payment Schedule. The Bonds shall mature on the Principal Payment Dates determined by the Fiscal Officer in the Final Terms Certificate.

Consistent with the foregoing and in accordance with his determination of the best interest of and financial advantages to the County, the Fiscal Officer shall specify in the Final Terms Certificate (i) the aggregate principal amount of Bonds, to be issued as Serial Bonds, the Principal Payment Date or Dates on which those Serial Bonds, if any, shall be stated to mature and the principal amount thereof that shall be stated to mature on each such Principal Payment Date and (ii) the aggregate principal amount of

the Bonds, to be issued as Term Bonds, if any, the Principal Payment Date or Dates on which those Term Bonds shall be stated to mature and the dates and amounts of Mandatory Redemption applicable to those Term Bonds.

(c) Condition for Establishment of Interest Rates. The net interest rate for the Bonds determined by taking into account the Principal Payment Dates and the principal amounts due on the Bonds (at stated maturity or by Mandatory Redemption) shall not exceed 9% per year.

(d) Payment of Bond Service Charges. The principal of and interest on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. Principal of the Bonds shall be payable when due upon presentation and surrender of the Bonds at the designated office of the Bond Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing, on the Bond Register at the close of business on the 15th day of the calendar month next preceding that Interest Payment Date. Notwithstanding the foregoing, if and so long as the Bonds are issued in a book entry system, principal of and interest and any premium on the Bonds shall be payable in the manner provided in any agreement entered into by the Fiscal Officer or the County Executive, in the name and on behalf of the County, in connection with the book entry system.

(e) Redemption Provisions. The Bonds shall be subject to redemption prior to stated maturity as follows:

(i) *Mandatory Redemption.* If any of the Bonds are issued as Term Bonds, the Term Bonds shall be subject to and redeemed pursuant to mandatory redemption on the Principal Payment Dates set forth in the Final Terms Certificate at a price equal to 100% of the principal amount of the Term Bonds to be redeemed.

The County shall have the option to deliver to the Bond Registrar for cancellation Term Bonds in any aggregate principal amount and to receive a credit against the then current or any subsequent Mandatory Redemption for the Term Bonds so delivered. That option shall be exercised by the County on or before the 15th day preceding any Mandatory Redemption with respect to which the County wishes to obtain a credit, by furnishing the Bond Registrar a certificate, signed by the Fiscal Officer, setting forth the extent of the credit to be applied with respect to the current or any subsequent Mandatory Redemption for the Term Bonds. If the certificate is not timely furnished to the Bond Registrar, the current Mandatory Redemption shall not be reduced. A credit against the then current or any subsequent Mandatory Redemption also shall be received by the County for any Term Bonds which prior thereto have been redeemed (other than by Mandatory Redemption) or purchased for cancellation and canceled by the Bond Registrar, to the extent not applied theretofore as a credit against any

Mandatory Redemption for the Term Bonds so redeemed or purchased and canceled.

Each Term Bond so delivered, or previously redeemed, or purchased and canceled, shall be credited by the Bond Registrar at 100% of the principal amount thereof against the then current or subsequent Mandatory Redemption for the Term Bonds so delivered, redeemed or purchased and canceled.

(ii) *Optional Redemption.* Certain maturities of Bonds may be subject to redemption by and at the sole option of the County, in whole or in part, on the dates, in the years and at the redemption prices (expressed as a percentage of the principal amount to be redeemed), plus accrued interest to the redemption date, all to be determined by the Fiscal Officer in the Final Terms Certificate.

Certain maturities of the Bonds may be subject to redemption by and at the sole option of the County, in whole or in part, on the dates, in the years and at a redemption price that will make the owner of such Bonds whole for the early redemption, all to be determined by the Fiscal Officer in the Final Terms Certificate.

If optional redemption of Term Bonds is to take place as of the date of any Mandatory Redemption applicable to those Term Bonds, the Term Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Term Bonds of the same maturity to be redeemed by operation of the Mandatory Redemption on that date. The Bonds to be redeemed pursuant to this paragraph shall be redeemed only upon written notice from the Fiscal Officer to the Bond Registrar, given upon the direction of this Council by adoption of a resolution. That notice shall specify the redemption date and the principal amount of each maturity of Bonds to be redeemed, and shall be given at least 45 days prior to the redemption date or such shorter period as shall be acceptable to the Bond Registrar.

There shall be deposited with the Bond Registrar on or prior to the redemption date, money that, in addition to any other money available therefore and held by the Bond Registrar, will be sufficient to redeem the Bonds for which notice of redemption has been given.

(iii) *Partial Redemption.* If fewer than all of the Bonds are called for optional redemption at one time, they shall be called as selected by, and in a manner determined by the County. If fewer than all Bonds of a single maturity are to be redeemed, the selection of the Bonds to be redeemed, or portions thereof in Authorized Denominations, shall be made by the Bond Registrar by lot in a manner determined by the Bond Registrar. In the case of partial redemption of Bonds by lot when Bonds in denominations greater than \$5,000 are then outstanding, each \$5,000 unit of principal shall be treated as if it were a separate Bond of the denomination of \$5,000. If it is determined that one or more, but not

all, of the \$5,000 units of principal amount represented by a Bond are to be called for redemption, then upon notice of a redemption of a \$5,000 unit or units, the registered owner of that Bond shall surrender the Bond to the Bond Registrar (i) for payment of the redemption price of the \$5,000 unit or units called for redemption (including accrued interest to the redemption date), and (ii) issuance, without charge to the registered owner, of a new Bond or Bonds of any Authorized Denomination in an aggregate principal amount equal to the unmatured and unredeemed portion, and bearing interest at the same rate and maturing on the same date as, the Bond surrendered.

(iv) *Notice of Redemption.* The notice of the call for redemption of Bonds shall identify (A) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (B) the redemption price to be paid, (C) the date fixed for redemption, and (D) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Bond Registrar on behalf of the County by mailing a copy of the redemption notice by first class mail, postage prepaid, at least 30 days prior to the date fixed for redemption, to the registered owner of each Bond subject to redemption in whole or in part at the registered owner's address shown on the Bond Register at the close of business on the fifteenth day preceding that mailing. Failure to receive notice by mail or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond.

(v) *Payment of Redeemed Bonds.* Notice having been mailed in the manner provided in the preceding paragraph hereof, the Bonds and portions thereof called for redemption shall become due and payable on the redemption date, and, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus interest accrued to the redemption date. If money for the redemption of all of the Bonds and portions thereof to be redeemed, together with interest accrued thereon to the redemption date, is held by the Bond Registrar on the redemption date, so as to be available therefore on that date and, if notice of redemption has been deposited in the mail as aforesaid, then from and after the redemption date those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If that money shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those Bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All money held by the Bond Registrar for the redemption of particular Bonds shall be held in trust for the account of the registered owners thereof and shall be paid to them, respectively, upon presentation and surrender of those Bonds.

**SECTION 5. SIGNING AND AUTHENTICATION OF BONDS; APPOINTMENT AND DUTIES OF BOND REGISTRAR.**

The Bonds shall be signed by the Fiscal Officer and the County Executive, in the name of the County and in their official capacities, provided that any or all of those signatures may be a facsimile. The Bonds shall be issued in the Authorized Denominations and numbers as requested by the Original Purchaser and approved by the Fiscal Officer, shall be numbered as determined by the Fiscal Officer, and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Resolution.

The Fiscal Officer and the County Executive are hereby authorized to sign and deliver, in the name and on behalf of the County, the Bond Registrar Agreement in the form approved by the Director of Law, which approval shall be conclusively evidenced by the signing of the Bond Registrar Agreement by the Fiscal Officer and the County Executive and the approval of the Director of Law thereon.

No Bond shall be valid or obligatory for any purpose or shall be entitled to any security or benefit under the Bond proceedings unless and until the certificate of authentication printed on the Bond is signed by the Bond Registrar as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Bond so authenticated has been duly issued, signed and delivered under, and is entitled to the security and benefit of, the Bond proceedings. The certificate of authentication may be signed by any authorized officer or employee of the Bond Registrar or by any other person acting as an agent of the Bond Registrar and approved by the Fiscal Officer on behalf of the County. The same person need not sign the certificate of authentication on all of the Bonds.

**SECTION 6. REGISTRATION; TRANSFER AND EXCHANGE; BOOK ENTRY SYSTEM.**

(a) Register. So long as any of the Bonds remain outstanding, the County will cause the Bond Registrar to maintain and keep at its designated corporate trust office, the Register. Except for purposes of the Continuing Disclosure Agreement, the person in whose name a Bond is registered on the Register shall be regarded as the absolute owner of that Bond for all purposes of the Bond proceedings. Payment of the Bond Service Charges on any Bond shall be made only to or upon the order of that person; neither the County nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the County's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

(b) Transfer and Exchange. Any Bond may be exchanged for Bonds of any Authorized Denomination upon presentation and surrender at the office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. A Bond may be transferred only on the Bond Register upon presentation and surrender of

the Bond at that office of the Bond Registrar, together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. Upon exchange or transfer the Bond Registrar shall complete, authenticate and deliver a new Bond or Bonds of any authorized denomination or denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the County are required, the Bond Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the County. In all cases of Bonds exchanged or transferred, the County shall provide for the signing and the Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of the Bond proceedings. The exchange or transfer shall be without charge to the owner, except that the County and Bond Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The County or the Bond Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the County, evidencing the same debt, and entitled to the same security and benefit under the Bond proceedings, as the Bonds surrendered upon that exchange or transfer. Neither the County nor the Bond Registrar shall be required to make any exchange or transfer of (i) Bonds then subject to call for redemption between the 15<sup>th</sup> day preceding the mailing of notice by the Bond Registrar of Bonds to be redeemed and the date of that mailing, or (ii) any Bond selected for redemption, in whole or in part.

(c) Book Entry System. The Bonds may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized, (i) the Bonds may be issued in the form of a single, fully registered Bond representing each maturity and registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (ii) the book entry interest owners in book entry form shall have no right to receive Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the County.

If any Depository determines not to continue to act as a Depository for the Bonds for use in a book entry system, the Fiscal Officer and the Bond Registrar may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Fiscal Officer and the Bond Registrar do not or are unable to do so, the Fiscal Officer and the Bond Registrar, after making provision for notification of the book entry interest owners by the then Depository and any other arrangements



deemed necessary, shall permit withdrawal of the Bonds from the Depository, and shall cause bond certificates in registered form and Authorized Denominations to be authenticated by the Bond Registrar and delivered to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of County action or inaction, of those persons requesting such issuance.

The Fiscal Officer and the Bond Registrar are hereby authorized and directed, to the extent necessary or required, to enter into any agreements, in the name and on behalf of the County, that the Fiscal Officer determines to be necessary in connection with a book entry system for the Bonds, after determining that the signing thereof will not endanger the funds or securities of the County.

**SECTION 7. SALE OF THE BONDS.** The Fiscal Officer is hereby authorized to sell the Bonds at a private sale to the Original Purchaser for a purchase price of not less than 95% of the aggregate principal amount of the Bonds, and with and upon such other terms as are required or authorized by this Resolution to be specified in the Final Terms Certificate, in accordance with law, the provisions of this Resolution and the Bond Purchase Agreement.

The Fiscal Officer and County Executive are hereby authorized to sign and deliver, in the name and on behalf of the County, the Bond Purchase Agreement in the form approved by the Director of Law, which approval shall be conclusively evidenced by the signing of the Bond Purchase Agreement by the Fiscal Officer and the County Executive and the approval of the Director of Law thereon.

The Fiscal Officer shall sign and deliver the Final Terms Certificate and shall cause the Bonds to be prepared and signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Bonds, to the Original Purchaser upon payment of the purchase price. Any member of this Council, the County Executive, the Clerk, the Fiscal Officer, the Director of Law and other County officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Resolution.

**SECTION 8. OFFICIAL STATEMENT, RATING AND CONTINUING DISCLOSURE.**

(a) Official Statement. The County Executive, the Fiscal Officer and other officials of the County are authorized, on behalf of the County and in their official capacities, to prepare or cause to be prepared a preliminary official statement in connection with the original issuance of the Bonds, and to determine and certify or otherwise represent when that preliminary official statement is to be “deemed final” (except for permitted omissions) for purposes of paragraph (b)(i) of the Rule and authorize the use and distribution of the preliminary official statement. Those officials are further authorized to modify and change the preliminary official statement in order

for it to be a final official statement for purposes of paragraphs (b)(3) and (4) of the Rule and to certify or represent such, use and distribute the final official statement and modify, change or supplement the final official statement as necessary or desirable. The County Executive and the Fiscal Officer are further authorized to sign, on behalf of the County and in their official capacities, the final official statement.

(b) Application for Rating, or Credit Enhancement. If, in the judgment of the Fiscal Officer, the filing of an application for (i) a rating on the Bonds by one or more nationally recognized rating agencies, or (ii) credit enhancement facility from a company or companies to better assure the payment of the Bond Service Charges on the Bonds, is in the best interest of and financially advantageous to the County, the Fiscal Officer is authorized to prepare and submit those applications, to provide to each such agency or company such information as may be required for that purpose, to determine whether to obtain such rating or credit enhancement facility, and to provide for the payment of the cost of obtaining each such rating or credit enhancement facility, except to the extent paid by the Original Purchaser in accordance with the Bond Purchase Agreement, from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available and that are appropriated or shall be appropriated for that purpose. To the extent the Fiscal Officer has taken such actions, those actions are hereby ratified and confirmed.

(c) Continuing Disclosure Agreement. For the benefit of the owners and beneficial owners from time to time of the Bonds, the County agrees, as the only obligated person with respect to the Bonds under the Rule, to provide or cause to be provided such financial information and operating data, audited financial statements and notices, in such manner, as may be required for purposes of the Rule.

The Fiscal Officer is hereby authorized and directed to complete, sign and deliver, in the name and on behalf of the County, the Continuing Disclosure Agreement in the form approved by the Director of Law, which approval shall be conclusively evidenced by the signing of the Continuing Disclosure Agreement by the Fiscal Officer and the approval of the Director of Law thereon.

The Fiscal Officer is further authorized and directed to establish procedures in order to ensure compliance by the County with its Continuing Disclosure Agreement, including timely provision of information and notices as described above. Prior to making any filing in accordance with the Continuing Disclosure Agreement or providing notice of the occurrence of any other events pursuant to the Continuing Disclosure Agreement, the Fiscal Officer shall consult with and obtain legal advice from, as appropriate, the Director of Law and bond or other qualified independent special counsel selected by the County. The Fiscal Officer, acting in the name and on behalf of the County, shall be entitled to rely upon any such legal advice in determining whether a filing should be made.

The performance by the County of its obligations pursuant to the Continuing Disclosure Agreement shall be subject to the appropriation of funds necessary for such performance.

**SECTION 9. SECURITY FOR THE BONDS; COVENANTS AND REPRESENTATIONS.**

(a) Special Obligations. The Bonds are special obligations of the County, and the Bond Service Charges are payable solely from the Nontax Revenues, and such payment is secured by a pledge of the Nontax Revenues. The County hereby covenants and agrees that it shall appropriate in its appropriation measure for each year the Bonds are outstanding Nontax Revenues in an amount sufficient to pay all Bond Service Charges due and payable in that year. The County further covenants and agrees that it shall deposit from time to time Nontax Revenues into the Bond Service Fund sufficient, together with amounts then on deposit in the Bond Service Fund, to pay the Bond Service Charges when due.

The payments due hereunder and under the Bonds are payable solely from Nontax Revenues, which Nontax Revenues are determined by this Council as money that is not raised by taxation. The Bonds are not secured by an obligation or pledge of any money raised by taxation. The Bonds do not and shall not represent or constitute a debt or pledge of the faith or credit or taxing power of the County, and the owners of the Bonds have no right to have taxes levied by the County for the payment of the Bond Service Charges.

Nothing herein shall be construed as requiring the County to use or apply to the payment of principal and interest on the Bonds any funds or revenues from any source other than Nontax Revenues. Nothing herein, however, shall be deemed to prohibit the County, of its own volition, from using, to the extent that it is authorized by law to do so, any other resources for the fulfillment of any of the terms, conditions or obligations of this Resolution or of the Bonds.

(b) Covenant Regarding Parity Obligations. The County covenants that, so long as any of the Bonds are outstanding, it shall not issue any Parity Obligations unless prior to the enactment of legislation authorizing such Parity Obligations the Fiscal Officer shall have certified to this Council that the average Nontax Revenues during the Coverage Computation Period, adjusted to reflect, if appropriate or necessary, changes in the rates or charges resulting in the Nontax Revenues, will aggregate in amount not less than the Coverage Ratio of the highest amount due in any succeeding year of (i) Bond Service Charges and (ii) required payments on the proposed Parity Obligations and all outstanding Parity Obligations.

(c) Funds and Accounts. There is hereby created the Fiduciary Fund, the Treasurer Account and the Bond Service Fund, including the Bond Service Account and the Bond Reserve Account therein, in the custody of the Fiscal Officer. The Fiscal

Officer is authorized to create such accounts or subaccounts in the Fiduciary Fund, the Treasurer Account and the Bond Service Fund as the Fiscal Officer deems appropriate.

(d) Other Covenants. The County will at all times faithfully observe and perform all agreements, covenants, undertakings, stipulations and provisions to be performed on its part under this Resolution, the Continuing Disclosure Agreement and the Bonds and under all proceedings of this Council pertaining thereto. The County represents that (i) it is, and upon delivery of the Bonds covenants that it will be, duly authorized by the Constitution and laws of the State including particularly and without limitation the Act, to issue the Bonds and to provide the security for payment of the Bond Service Charges in the manner and to the extent set forth herein and in the Bonds; (ii) all actions on its part for the issuance of the Bonds have been or will be taken duly and effectively; and (iii) the Bonds will be valid and enforceable special obligations of the County according to their terms. Each obligation of the County required to be undertaken pursuant to this Resolution and the Bonds is binding upon the County, and upon each officer or employee of the County as may from time to time have the authority under law to take any action on behalf of the County as may be necessary to perform all or any part of such obligation, as a duty of the County and of each of those officers and employee resulting from an office, trust or station within the meaning of Section 2731.01, Ohio Revised Code, providing for enforcement by writ of mandamus.

All books and documents in the County's possession relating to the Nontax Revenues shall be open at all times during the County's regular business hours to inspection by such accountants or other agents of the owners of the Bonds as the owners may from time to time designate.

The Clerk, or another appropriate officer of the County, shall furnish to the Original Purchaser a true transcript of proceedings, certified by that officer, of all proceedings had with reference to the issuance of the Bonds along with such information from the records as is necessary to determine the regularity and validity of the issuance of the Bonds.

**SECTION 10. BOND COUNSEL**. This Council hereby retains Bond Counsel in connection with the authorization, sale, issuance and delivery of the Bonds. Payment for the services of Bond Counsel shall be a cost of the issuance of the Bonds to be paid from the proceeds from the sale of the Bonds. In providing its services, as an independent contractor and in an attorney-client relationship, Bond Counsel shall not exercise any administrative discretion on behalf of the County in the formation of public policy, expenditure of funds, enforcement of laws, rules and regulations of the State or the County, or of any other political subdivision of the State, or the execution of public trusts.



First Reading/Referred to Committee: October 28, 2014  
Committee(s) Assigned: Finance & Budgeting

Journal CC016  
November 25, 2014

# County Council of Cuyahoga County, Ohio

## Resolution No. R2014-0275

<p>Sponsored by: <b>County Executive FitzGerald/Department of Health and Human Services/Cuyahoga Job and Family Services</b></p>	<p><b>A Resolution</b> making an award on RQ31067 to United Way Services of Greater Cleveland in the amount not-to-exceed \$1,095,450.00 for fiscal agent services for emergency food purchases for Cuyahoga County residents for the period 1/1/2015 - 12/31/2015; 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>
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WHEREAS, the County Executive/Department of Health and Human Services/Cuyahoga Job and Family Services has recommended an award on RQ31067 to United Way Services of Greater Cleveland, Inc. in the amount not-to-exceed \$1,095,450.00 for fiscal agent services for emergency food purchases for Cuyahoga County residents for the period 1/1/2015 – 12/31/2015; and

WHEREAS, the primary goal of the project is to serve as the fiscal agent to perform the administrative duties related to the distribution, monitoring and oversight of Cuyahoga County funds to meet the emergency food needs of residents in the County; and

WHEREAS, this project is funded 100% by Health and Human Services Levy 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 makes an award on RQ31067 to United Way Services of Greater Cleveland, Inc. in the amount not-to-exceed \$1,095,450.00 for fiscal agent services for emergency food purchases for Cuyahoga County residents for the period 1/1/2015 – 12/31/2015.

