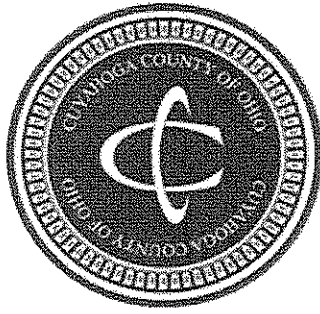


**AGENDA**  
**CUYAHOGA COUNTY JUSTICE AFFAIRS COMMITTEE MEETING**  
**FRIDAY, AUGUST 5, 2011**  
**CUYAHOGA COUNTY JUSTICE CENTER**  
**COUNCIL CHAMBERS – 1<sup>ST</sup> FLOOR**  
**11:30 AM**

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF MINUTES FROM THE JULY 15, 2011 MEETING
4. PUBLIC COMMENT RELATED TO THE AGENDA
5. MATTERS REFERRED TO COMMITTEE
  - a) O2011-0033: An Ordinance establishing the procedures for authorization of settlement of litigation by or against the County or any of its officers, employees, departments, offices, agencies, boards, commissions, or other authorities; and declaring the necessity that this Ordinance become immediately effective.
  - b) Presentation by Mr. Keith Hurley, Chief Deputy of the Cuyahoga County Clerk of Courts, regarding records retention.
6. MISCELLANEOUS BUSINESS
7. OTHER PUBLIC COMMENT
8. ADJOURNMENT

In accordance with Ordinance No. O2011-0020, complimentary parking for the public will be available **beginning at 4:00 p.m.** on any day when the Council or any of its committees holds evening meetings. Please see the Clerk to obtain a parking pass.



MINUTES  
CUYAHOGA COUNTY JUSTICE AFFAIRS COMMITTEE MEETING  
FRIDAY, JULY 15, 2011  
CUYAHOGA COUNTY JUSTICE CENTER  
COUNCIL CHAMBERS – 1<sup>ST</sup> FLOOR  
11:30 AM

1. CALL TO ORDER

The meeting was called to order by Chairwoman Simon at 11:35am.

2. ROLL CALL

Chairwoman Simon asked that the Clerk call the roll. Committee members Simon, Connally and Jones, Jr. were in attendance and a quorum was determined. Councilmembers Miller and Germana were also in attendance.

3. APPROVAL OF MINUTES FROM THE JUNE 24, 2011 MEETING

A motion was made by Mr. Jones, seconded by Ms. Connally and approved by unanimous vote to approve the minutes of the June 24, 2011 meeting.

4. PUBLIC COMMENT RELATED TO THE AGENDA

There was no public comment related to the agenda.

5. MATTERS REFERRED TO COMMITTEE

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

Marita Kavalec of the Juvenile Court and Tim McDivitt of the Probation Services Department addressed the Committee regarding this item. Discussion ensued.

On a motion by Ms. Simon with a second by Mr. Jones, Resolution No. R2011-0233 was considered and approved by unanimous vote to be referred to the full Council agenda under second reading suspension of rules.

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

**Prior to the presentations Mr. Miller gave a brief overview of the budget process.**

**1) PROSECUTOR'S OFFICE – BILL MASON OR MIKE O'MALLEY**

**Mr. Bill Mason, County Prosecutor and Mr. David Lambert addressed the Committee regarding the responsibilities and priorities of the Prosecutor's Office, the organizational structure and the budget. Discussion ensued.**

**2) DEPARTMENT OF LAW – MAJEED MAKHLOOF**

**Mr. Majeed Makhloof, Law Director, addressed the Committee regarding the responsibilities and priorities of the Department of Law, the organizational structure and the budget. Discussion ensued.**

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

**On a motion by Ms. Simon with a second by Ms. Connally, Ordinance No. O2011-0029 was considered and approved by unanimous vote to be referred to the full Council agenda under second reading suspension of rules.**

**6. MISCELLANEOUS BUSINESS**

**There was no miscellaneous business.**

**7. OTHER PUBLIC COMMENT**

**There was no other public comment**

**8. ADJOURNMENT**

**With no further business to discuss and on a motion by Ms. Simon and second by Ms. Connally, meeting was adjourned at 2:00pm without objection.**

# County Council of Cuyahoga County, Ohio

## Ordinance No. O2011-0033

Sponsored by: <b>County Executive FitzGerald/Department of Law and Council President Connally</b>	<b>An Ordinance</b> establishing procedures for authorization of settlement of litigation by or against the County or any of its officers, employees, departments, offices, agencies, boards, commissions, or other authorities; and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, there is currently pending, and will be in the future, various actions, claims, disputes, and lawsuits against and on behalf of Cuyahoga County which necessitate settlement; and,

WHEREAS, the Cuyahoga County Charter vests the County Executive with the authority to execute contracts on behalf of Cuyahoga County pursuant to Article II, Section 2.03, Subsection 6; and,

WHEREAS, pursuant to the Cuyahoga County Charter Article III, Section 9, Subsection 4, the County Council has enacted Ordinance 2011-014 which provides the procedures for making contracts and therein has provided specific monetary thresholds for those contracts that can be executed by the County Executive without Council approval, those that can be executed upon approval of the Board of Control, and those contracts that must first receive Council approval; and,

WHEREAS, Council made the legislative decision in Ordinance 2011-014 to separately establish the procedures governing the settlement of litigation through a separate ordinance; and,

WHEREAS, in order to ensure the efficient disposition of litigation and to improve the operation of County government, it is necessary to authorize the County Executive to adjust, settle, or compromise any action, cause of action, account, debt, claim, demand, dispute, grievance, arbitration, lawsuit, or any other matter in favor of or against the County or any of its officers, employees, departments, offices, agencies, boards, commissions, or other authorities of the County within the monetary thresholds established by Council; and,

WHEREAS, for the proper and efficient functioning of the new Cuyahoga County government, it is necessary that this Ordinance become immediately effective in order that pending and future claims, disputes, demands, and lawsuits may be resolved expeditiously.

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

**SECTION 1.** The Cuyahoga County Executive is hereby authorized to adjust, settle, or compromise any action, cause of action, account, debt, claim, demand, dispute, grievance, arbitration, lawsuit, or any other matter in favor of or against the County or any of its officers, employees, departments, offices, agencies, boards, commissions, or other authorities of the County, except as follows:

1. Settlements resulting in the County's expenditure of an amount in excess of \$50,000.00 for the voluntary acquisition, or taking through the power of eminent domain, of any real estate interest shall require prior approval of County Council; and
2. Any other settlements resulting in the County's expenditure of an amount in excess of \$100,000.00 shall require prior approval of County Council.

**SECTION 2.** The County Executive is hereby authorized to execute all settlement agreements, releases, and any other documents necessary to effectuate the adjustment, settlement, or compromise of any action, cause of action, account, debt, claim, demand, dispute, grievance, arbitration, lawsuit, or any other matter in favor of or against the County or any of its officers, employees, departments, offices, agencies, boards, commissions, or other authorities of the County authorized in accordance with this Ordinance.

**SECTION 3.** The Fiscal Officer is hereby authorized and directed to pay the amount of any settlement or compromise authorized in accordance with this Ordinance.

**SECTION 4.** Provided that this Ordinance receives the affirmative vote of eight members of Council, it shall become immediately effective upon the signature of the County Executive. It is hereby determined to be necessary that this Ordinance become immediately effective in order that pending and future claims, disputes, demands and lawsuits may be resolved expeditiously.

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

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

Yeas:

Nays:

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

First Reading/Referred to Committee: July 26, 2011

Committee(s) Assigned: Justice Affairs

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

# Proposed Substitute Ordinance

## County Council of Cuyahoga County, Ohio

### Ordinance No. O2011-0033

Sponsored by: <b>County Executive FitzGerald/Department of Law and Council President Connally</b>	<b>An Ordinance</b> establishing procedures for authorization of settlement of litigation by or against the County or any of its officers, employees, departments, offices, agencies, boards, commissions, or other authorities, and amending Ordinance No. O2011-0030 to harmonize it with the provisions of this Ordinance; and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, there is currently pending, and will be in the future, various actions, claims, disputes, and lawsuits against and on behalf of Cuyahoga County which necessitate settlement; and,

WHEREAS, the Cuyahoga County Charter vests the County Executive with the authority to execute contracts on behalf of Cuyahoga County pursuant to Article II, Section 2.03, Subsection 6; and,

WHEREAS, pursuant to the Cuyahoga County Charter Article III, Section 9, Subsection 4, the County Council has enacted Ordinance 2011-014, as amended in Ordinance No. O2011-0030, which provides the procedures for making contracts and therein has provided specific monetary thresholds for those contracts that can be executed by the County Executive without Council approval, those that can be executed upon approval of the Board of Control, and those contracts that must first receive Council approval; and,

WHEREAS, Council made the legislative decision in Ordinance 2011-014, as amended in Ordinance O2011-0030, to separately establish the procedures governing the settlement of litigation through a separate ordinance; and,

WHEREAS, in order to ensure the efficient disposition of litigation and to improve the operation of County government, it is necessary to authorize the County Executive to adjust, settle, or compromise any action, cause of action, account, debt, claim, demand, dispute, grievance, arbitration, lawsuit, or any other matter in favor of or against the County or any of its officers, employees, departments, offices, agencies, boards, commissions, or other authorities of the County within the monetary thresholds established by Council; and,

WHEREAS, for the proper and efficient functioning of the new Cuyahoga County government, it is necessary that this Ordinance become immediately effective in order

that pending and future claims, disputes, demands, and lawsuits may be resolved expeditiously.

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

**SECTION 1.** The Cuyahoga County Executive is hereby authorized to adjust, settle, or compromise any action, cause of action, account, debt, claim, demand, dispute, grievance, arbitration, lawsuit, or any other matter in favor of or against the County or any of its officers, employees, departments, offices, agencies, boards, commissions, or other authorities of the County, except as follows:

- a. Settlements resulting in the County's expenditure of an amount in excess of \$50,000.00 for the voluntary acquisition, or taking through the power of eminent domain, of any real estate interest for any purpose other than making or repairing roads, including bridges, shall require prior approval of County Council; and,
- b. Settlements resulting in the County's expenditure of an amount in excess of \$50,000.00 for the voluntary acquisition through the good-faith negotiation process under Ohio Revised Code Chapter 163 prior to the institution of eminent-domain litigation, or taking through the power of eminent domain after institution of litigation, of any real estate interests for the purpose of making or repairing roads, including bridges, shall require prior approval by the Board of Control; and,
- c. Any other settlements than specified in Section 1, subsections (a) and (b) herein resulting in the County's expenditure of an amount in excess of \$100,000.00 shall require prior approval of County Council.

**SECTION 2.** Ordinance No. O2011-0030 is hereby amended to harmonize it with Section 1(b) of this Ordinance as follows (additions are bolded):

- a. Section 2.10(a)(4) of Ordinance No. O2011-0030 is hereby amended as follows to exclude real-estate transactions for the purpose of making or repairing roads, including bridges, from requiring prior Council approval:

All purchases or sales of real estate or real estate interests **for any purpose other than the making or repairing of roads, including bridges**, for more than \$50,000 and all leases of real estate or real estate interests as lessor or lessee in which the value of the purchase, sale, or lease is more than \$50,000.



- b. Ordinance No. O2011-0030 is hereby amended as follows to add Section 2.11(f) to authorize the Board of Control to approve real-estate transactions above \$50,000.00 for the purpose of making or repairing roads:

**All purchases, including, the acquisition through settlement of eminent- domain litigation, of any real estate interests for the purpose of making or repairing roads, including bridges, in excess of \$50,000.00.**

**SECTION 3.** The County Executive is hereby authorized to execute all settlement agreements, releases, conveyance documents, and any other documents necessary to effectuate the adjustment, settlement, or compromise of any action, cause of action, account, debt, claim, demand, dispute, grievance, arbitration, lawsuit, or any other matter in favor of or against the County or any of its officers, employees, departments, offices, agencies, boards, commissions, or other authorities of the County authorized in accordance with this Ordinance.

**SECTION 4.** The Fiscal Officer is hereby authorized and directed to pay the amount of any settlement or compromise authorized in accordance with this Ordinance.

**SECTION 5.** Provided that this Ordinance receives the affirmative vote of eight members of Council, it shall become immediately effective upon the signature of the County Executive. It is hereby determined to be necessary that this Ordinance become immediately effective in order that pending and future claims, disputes, demands and lawsuits may be resolved expeditiously.

**SECTION 6.** It is found and determined that all formal actions of this Council relating to the adoption of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

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

Yeas:

Nays:

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

First Reading/Referred to Committee: July 26, 2011

Committee(s) Assigned: Justice Affairs

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