

AGENDA
CUYAHOGA COUNTY JUSTICE AFFAIRS COMMITTEE MEETING
FRIDAY, JANUARY 13, 2012
CUYAHOGA COUNTY JUSTICE CENTER
COUNCIL CHAMBERS – 1ST FLOOR
11:30 AM

1. CALL TO ORDER
2. ROLL CALL
3. PUBLIC COMMENT RELATED TO THE AGENDA
4. APPROVAL OF MINUTES FROM THE NOVEMBER 18, 2011 MEETING
5. MATTERS REFERRED TO COMMITTEE
 - a) R2012-0009: A Resolution approving an amendment to Contract No. CE1100151-02 with Berea Children's Home for Community-based Treatment Center management services for the period 1/1/2011 - 6/30/2011 to extend the time period to 6/30/2012 and for additional funds in the amount of \$1,153,828.80; 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.
 - b) O2011-0042: An Ordinance directing the Human Resource Commission to prepare and submit to Council a policy providing for health benefits for domestic partners of County employees; and declaring the necessity that this Ordinance become immediately effective.
 - c) O2012-0001: An Ordinance amending Ordinance No. O2011-0016, as amended, which established the organizational structure of the Department of Law.

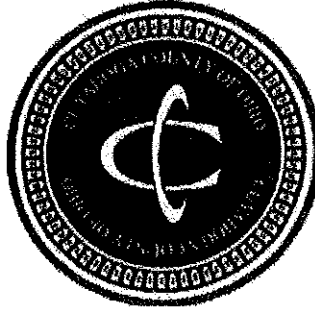
6. MISCELLANEOUS BUSINESS

- a) Presentation by Marita Kavalec, Court Administrator for the Juvenile Court.

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, NOVEMBER 18, 2011
CUYAHOGA COUNTY JUSTICE CENTER
COUNCIL CHAMBERS – 1ST FLOOR
11:30 AM**

1. CALL TO ORDER

The meeting was called to order by Chairwoman Simon at 11:30 a.m.

2. ROLL CALL

The Clerk called the roll. Committee members Connally and Jones were present and a quorum was established. Councilmembers Miller, Brady, Greenspan, and Gallagher were also in attendance.

3. PUBLIC COMMENT RELATED TO THE AGENDA

The following citizens addressed the Committee regarding issues of concern to them regarding Ordinance No. O2011-0042:

- 1. Mark Szabo**
- 2. Rob Rivera**
- 3. Elizabeth Sebian**
- 4. David Green**
- 5. Mary Esendorf**
- 6. Craig Hoffman**
- 7. Steve Bennett**
- 8. Doris Sharika**
- 9. Kate Kennedy**
- 10. Suzanne Redhead**
- 11. Rev. Richmond**
- 12. Shari Bowman**
- 13. Ken Lanci**
- 14. Leslie Huff**

4. APPROVAL OF MINUTES FROM THE OCTOBER 21, 2011 MEETING

A motion was made by Mr. Jones seconded by Ms. Simon and approved by unanimous vote to approve the minutes of the October 21, 2011 meeting.

5. MATTERS REFERRED TO COMMITTEE

- a) R2011-0306: A Resolution authorizing the County Executive to enter into amendments to contracts with various providers for residential treatment services for youth for various time periods ending 1/31/2012, and declaring the necessity that this Resolution become immediately effective:
 - 1) for the period 2/1/2010 – 1/31/2012:
 - i) for a decrease:
 - a. No. CE1000250-01 with Applewood Centers, Inc. in the amount of \$75,000.00.
 - b. No. CE1000251-01 with Beech Brook in the amount of \$59,000.00.
 - c. No. CE1000258-01 with Carrington Youth Academy LLC in the amount of \$75,000.00.
 - d. No. CE100260-01 with The Cleveland Christian Home Incorporated in the amount of \$103,500.00.
 - ii) for additional funds:
 - a. No. CE1000253-01 with Bellefaire Jewish Children's Bureau in the amount not-to-exceed \$68,500.00.
 - b. No. CE1000257-01 with Berea Children's Home in the amount not-to-exceed \$7,000.00.
 - c. No. CE1000259-01 with Catholic Charities Services Corporation (Parmadale) in the amount not-to-exceed \$126,000.00.
 - d. No. CE1000263-01 with The Village Network in the amount not-to-exceed \$27,000.00.
 - 2) for the period 6/1/2010 – 1/31/2012:
 - i) for additional funds:
 - a. No. CE1000724-01 with Glen Mills Schools in the amount not-to-exceed \$590,000.00.
 - b. No. CE1000727-01 with Safehouse Ministries in the amount not-to-exceed \$21,534.98.
 - c. No. CE1000726-01 with Keystone Richland dba Foundations for Living in the amount not-to-exceed \$56,500.00.
 - d. No. CE1000725-01 with The House of Emmanuel, Inc. in the amount not-to-exceed \$165,000.00.

Marita Kavalec, Court Administrator for the Juvenile Court, addressed the Committee regarding resolution No. R2011-0306. Discussion ensued.

On a motion by Ms. Simon with a second by Mr. Jones, Resolution No. R2011-0306 was considered and approved by unanimous vote to be referred to the full Council agenda under second reading suspension of rules.

- b) R2011-0322: A Resolution authorizing an award on RQ21041 to Court Community Service in the amount of \$555,000.00 for court community placement and supervision services for probationers for the period 1/1/2012 - 12/31/2014; authorizing the County Executive to execute a contract consistent with said award; and declaring the necessity that this Resolution become immediately effective.

Greg Popovich, Court Administrator for the Court of Common Pleas, addressed the Committee regarding Resolution No. R2011-0322. Discussion ensued.

On a motion by Ms. Simon with a second by Mr. Jones, Resolution No. R2011-0322 was considered and approved by unanimous vote to be referred to the full Council agenda under second reading suspension of rules.

- c) O2011-0042: An Ordinance providing for adoption of a policy granting health benefits to domestic partners of County employees, and declaring the necessity that this Ordinance become immediately effective.

Mr. Majeed Makhoul, Director of Law; Ms. Elise Hara, Director of Human Resources and Ms. Lisa Durkin, Deputy Director of Operations for Human Resources, addressed the Committee regarding Ordinance No. O2011-0042. Discussion ensued.

A motion was made by Ms. Simon, seconded by Mr. Jones and approved by unanimous vote to amend Section 1 of Ordinance No. O2011-0042 to change the date of submission of the policy to Council from 10/4/2011 to 3/31/2012.

On a motion by Ms. Conwell with a second by Mr. Rogers, Ordinance No. O2011-0042 was considered and approved by unanimous vote to be referred to the full Council agenda for third reading, as amended.

6. MISCELLANEOUS BUSINESS

There was no miscellaneous business.

7. OTHER PUBLIC COMMENT

There was no public comment

8. ADJOURNMENT

With no further business to discuss and on a motion by Mr. Jones with a second by Ms. Simon, the meeting was adjourned at 12:42 p.m., without objection.

County Council of Cuyahoga County, Ohio

Resolution No. R2012-0009

Sponsored by: County Executive FitzGerald on behalf of Juvenile Court	A Resolution approving an amendment to Contract No. CE1100151-02 with Berea Children's Home for Community-based Treatment Center management services for the period 1/1/2011 - 6/30/2011 to extend the time period to 6/30/2012 and for additional funds in the amount of \$1,153,828.80; authorizing the County Executive to execute the amendment and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the County Executive on behalf of Juvenile Court requests approval to amend Contract No. CE1100151-02 with Berea Children's Home for Community-based Treatment Center management services for the period 1/1/2011 - 6/30/2011 to extend the time period to 6/30/2012 and for additional funds in the amount of \$1,153,828.80; and,

WHEREAS, the Community-based Treatment Center implemented by Berea Children's Home is located in a secure residential facility where criminogenic risk factors are addressed through cognitive restructuring and skill acquisition that has been developed by the University of Cincinnati; and,

WHEREAS, the Community-based Treatment Center program allows for juveniles to be diverted from institutional placement and treated closer to where they live; and,

WHEREAS, the Community-based Treatment Center program is funded entirely by the Ohio Department of Youth Services through the Targeted RECLAIM grant (State funding for evidence-based and model programs that reduce commitments to the Ohio Department of Youth Services); and,

WHEREAS, the proposed amendment is necessary due to the increased number of youth participating in the program; and,

WHEREAS, the proposed amendment to the contract is specifically exempt from the Competitive Bid Requirements pursuant to ORC 307.86(J); and,

WHEREAS, it is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County and the Cuyahoga County

Juvenile Court can continue without interruption, and to provide for the usual, daily operation of a county department.

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

SECTION 1. The County Council hereby approves the amendment to Contract No. CE1100151-02 with Berea Children's Home for Community-based Treatment Center management services for the period 1/1/2011 - 6/30/2011 to extend the time period to 6/30/2012 and for additional funds in the amount of \$1,153,828.80.

SECTION 2. The County Council authorizes the County Executive to execute the amendment to Contract No. CE1100151-02 with Berea Children's Home in accordance with this Resolution and to take any other measures necessary to effectuate the amendments authorized herein.

SECTION 3. It is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County and the Cuyahoga County Juvenile Court can continue without interruption, and to provide for the usual, daily operation of a county department; therefore, this Resolution, provided it receives the affirmative vote of at least eight members of County Council, shall become effective immediately upon the signature of the County Executive; otherwise it shall be in full force and effect from and immediately after the earliest time permitted 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 _____
_____, 2012

County Council of Cuyahoga County, Ohio

Ordinance No. O2011-0042

Sponsored by: Councilmembers Simon, Miller, Rogers, Connally, Brady and Conwell	An Ordinance directing the Human Resource Commission to prepare and submit to Council a policy providing for health benefits for domestic partners of County employees; and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, Section 9.01 of the Charter of Cuyahoga County (the "Charter") provides that the County's Human Resources Policies and Systems for County employees shall be established by ordinance while ensuring that persons will be employed in the public service without discrimination on the basis of race, color, religion, sex, national origin, sexual orientation, disability, age or ancestry; and,

WHEREAS, Section 12.07 of the Charter provides that all County employees shall be appointed, employed, promoted and compensated without regard to their race, color, religion, sex, national origin, sexual orientation, disability, age or ancestry; and,

WHEREAS, Section 9.02 of the Charter provides that the Human Resource Commission shall have authority to ensure standardization of benefits and such other functions as may be deemed necessary by the Council for the Human Resource Commission to carry out its mission and purpose; and,

WHEREAS, the County's current health benefits policy specifically restricts family coverage to a legally married spouse of an employee and dependent children; and,

WHEREAS, Adoption of a policy providing health benefits to domestic partners is necessary to create fairness amongst County employees with regard to compensation and to allow the County to be competitive in attracting the "best and brightest" talent to work for Cuyahoga County government; and,

WHEREAS, Offering health benefits to domestic partners is consistent with the County's commitment to social and economic justice, diversity, and inclusiveness; and,

WHEREAS, It is necessary that this Ordinance become immediately effective in order to provide sufficient time for the Human Resource Commission to meet the deadlines set forth herein.

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

SECTION 1. Pursuant to the authority granted in Section 9.02 of the Charter, and in accordance with the mandate in Section 9.01 of the Charter, the Human Resource Commission, with the assistance of the Department of Human Resources, is hereby directed to prepare and submit to Council a policy providing for health benefits for domestic partners of County employees. This policy shall be submitted to Council no later than March 31, 2012. The policy shall be submitted in the form of an amendment to this Ordinance and shall include, but not be limited to, the following elements:

- (A) A clear and distinct definition of a domestic partnership, including eligibility requirements for domestic partners; and
- (B) A domestic partner registration and documentation process for all County employees and their same-sex or opposite-sex domestic partners to include a method for preventing fraud or misuse of the process; and
- (C) Amendment to all applicable County health benefit policies to include all domestic partners registered under the process developed in accordance with subsection (B) above.

SECTION 2. The Human Resource Commission, with the assistance of the Department of Human Resources, is hereby directed to prepare and submit to Council a report on the estimated financial impact on County funds created by the implementation of extending health benefits for domestic partners of County employees based on the survey of County employees collected by the Department of Human Resources, current County health benefits policies and current examples of comparable health benefits policies of other political subdivisions of the State of Ohio. This report shall be submitted to Council no later than March 31, 2012.

SECTION 3. It is necessary that this Ordinance become immediately effective in order to provide sufficient time for the Human Resource Commission to meet the deadlines set forth herein. Provided that this Ordinance receives the affirmative vote of eight members of Council, this Ordinance shall become immediately effective upon the signature of the County Executive.

SECTION 4. 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: August 23, 2011

Committee(s) Assigned: Human Resources, Appointments & Equity and Justice Affairs

Second Reading/Referred to Committee: October 25, 2011

Committee(s) Assigned: Human Resources, Appointments & Equity and Justice Affairs

Third Reading/Tabled: December 6, 2011

Referred to Committee by Council President Connally: December 13, 2011

Journal _____
_____, 2011

County Council of Cuyahoga County, Ohio

Ordinance No. O2012-0001

Sponsored by: County Executive FitzGerald/Departments of Law and Public Works	An Ordinance amending Ordinance No. O2011-0016, as amended, which established the organizational structure of the Department of Law.
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WHEREAS, the County Council established the Department of Law in Ordinance No. O2011-0016, as amended in Ordinance No. O2011-0029; and,

WHEREAS, the County had previously placed the operations of risk management in its then Department of Central Services; and,

WHEREAS, Central Services was placed in the Department of Public Works under the County's new organizational structure; and,

WHEREAS, County Council has determined that handling risk management for the County more properly belongs in the Department of Law; and,

WHEREAS, County Council has determined that the best course to achieve this goal is to establish a Risk Management division in the Department of Law; and,

WHEREAS, the Department of Law, including the newly established Risk Management Division, regularly handles sensitive, often confidential information, including materials and information that are subject to the attorney-client privilege; and,

WHEREAS, County Council has determined that all employees in the Law Department, including the Risk Management Division, hold fiduciary relations and must therefore be at-will, unclassified employees.

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

SECTION 1. Section 1(g) of Ordinance No. O2011-0016, as amended, establishing the Department of Law shall be amended as follows (deletions are stricken out; additions are bolded):

- (g) ~~The Cuyahoga County Department of Law shall be composed of the Director of Law, a Deputy Chief Director of Law, Assistant Law Directors, and, as deemed necessary by the Director of Law, such other assistants and other staff, including paralegals and executive and administrative assistants to serve the Director,~~

~~Deputy Director, and the Assistant Law Directors.~~ **The Department of Law shall contain the following divisions and sections: (1) Legal Division and (2) Risk Management Division. The specific goals, duties, and activities of the Law Department's Divisions, and any sections therein, shall be further determined by the Director of Law. Due to the fact that all Department of Law employees, including all employees who will work in the newly established Risk Management Division, regularly handle sensitive, often confidential information and materials protected by the attorney-client privilege, all employees in the Department hold fiduciary relations and are and shall remain at-will, unclassified employees. Nothing herein is intended to limit the ability of the County Executive and the Director of Law to abolish positions for the purpose of enhancing the efficiency of operations or any other reason permitted by law.**

SECTION 2. Open Meetings. 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: January 10, 2012

Committee(s) Assigned: Human Resources, Appointments & Equity and Justice Affairs

Journal _____
_____, 2012