



AGENDA
CUYAHOGA COUNTY COUNCIL REGULAR MEETING
TUESDAY, OCTOBER 24, 2017
CUYAHOGA COUNTY ADMINISTRATIVE HEADQUARTERS
C. ELLEN CONNALLY COUNCIL CHAMBERS – 4TH FLOOR
5:00 PM

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PLEDGE OF ALLEGIANCE**
- 4. SILENT MEDITATION**
- 5. PUBLIC COMMENT RELATED TO AGENDA**
- 6. APPROVAL OF MINUTES**
 - a) October 10, 2017 Committee of the Whole Meeting (See Page 8)
 - b) October 10, 2017 Regular Meeting (See Page 10)
 - c) October 16, 2017 Committee of the Whole Meeting (See Page 22)
- 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) R2017-0184: A Resolution supporting the application of Icebreaker Windpower, Inc. to the Ohio Power Siting Board for a Certificate of Environmental Compatibility and Public Need;

and declaring the necessity that this Resolution become immediately effective. (See Page 25)

Sponsor: Councilmember Simon

b) CONSIDERATION OF A RESOLUTION OF COUNCIL FOR FIRST READING AND REFERRAL TO COMMITTEE

- 1) R2017-0185: A Resolution authorizing the County Executive to execute a non-binding Joint Statement to address the noise impact of the Cuyahoga County Airport, and declaring the necessity that this Resolution become immediately effective. (See Page 28)

Sponsor: Councilmember Simon

c) CONSIDERATION OF A RESOLUTION OF COUNCIL FOR THIRD READING ADOPTION

- 1) R2017-0168: A Resolution adopting the 2017 Cuyahoga County Sustainability Plan in accordance with Section 202.18 of the Cuyahoga County Code, and declaring the necessity that this Resolution become immediately effective. (See Page 35)

Sponsors: Councilmembers Miller, Simon and Conwell and County Executive Budish/Department of Sustainability

10. LEGISLATION INTRODUCED BY EXECUTIVE

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

- 1) R2017-0186: A Resolution amending the 2016/2017 Biennial Operating Budget for 2017 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; amending Resolution No. R2017-0179 dated 10/10/2017 to reconcile appropriations for 2017; and declaring the necessity that this Resolution become immediately effective. (See Page 45)

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

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

- 1) R2017-0187: A Resolution authorizing a revenue generating Utility Agreement with City of Broadview Heights for maintenance and repair of storm sewers, sanitary sewers and water lines located in County Sewer District Nos. 13 and 16; 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 54)

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

- 2) R2017-0188: A Resolution authorizing the issuance of not-to-exceed \$15,000,000.00 County of Cuyahoga, Ohio, Economic Development Refunding Revenue Bonds (University School Project) in two series, for the purpose of refunding the remaining outstanding principal amount of the \$15,000,000.00 County of Cuyahoga, Ohio, Economic Development Refunding Revenue Bonds, Series 2012 (University School Project), which were issued to provide funds to assist University School in the refinancing of costs of a "Project" within the meaning of Chapter 165, Ohio Revised Code; authorizing the execution and delivery of a loan agreement pertaining to the project and an assignment of rights securing the payment of the Series 2017 Bonds; authorizing the execution and delivery of a bond purchase agreement, a tax agreement and certain other documents and actions in connection with the issuance of such Series 2017 Bonds; and declaring the necessity that this Resolution become immediately effective. (See Page 57)

Sponsor: County Executive Budish/Department of Development

Bond Counsel: Calfee, Halter & Griswold LLP

- 3) R2017-0189: A Resolution authorizing the issuance and sale of health care and independent living facilities revenue bonds, Series 2017 (Eliza Jennings Senior Care Network Project), in an aggregate principal amount not-to-exceed \$55,000,000.00 for the purposes of currently refunding bonds issued by the County, including paying costs related to certain interest rate

hedge agreements, and paying certain costs of issuance; providing for the assignment of revenues for the payment of those bonds; and authorizing the execution and delivery of a Base Lease, a Lease, a Bond Indenture, Supplemental Bond Indentures, Bond Purchase Agreements, an Assignment of Rights under Lease, an Assignment of Basic Rent and other instruments and documents in connection with the issuance of those bonds; and declaring the necessity that this Resolution become immediately effective. (See Page 70)

Sponsor: County Executive Budish/Department of Development

Bond Counsel: Calfee, Halter & Griswold LLP

- 4) R2017-0190: A Resolution authorizing a state term contract with Hyland Software, Inc. in the amount not-to-exceed \$660,245.05 for software licenses, maintenance services and professional services for development of a case management system for the period 10/1/2017 - 12/31/2018; 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 86)

Sponsor: County Executive Budish/Department of Information Technology on behalf of Department of Health and Human Services/Cuyahoga Job and Family Services/Office of Child Support Services

- 5) R2017-0191: A Resolution authorizing a Cooperative Agreement with Cleveland-Cuyahoga County Port Authority in order to make certain agreements to share the interest rate subsidy to be paid by the United States of America with respect to interest paid on not-to-exceed \$2,775,000.00 of revenue bonds issued by the Port Authority as “qualified energy conservation bonds” for purposes of Section 54D of the Internal Revenue Code, as amended; authorizing the County Executive to execute the Cooperative Agreement and all other documents consistent with the Cooperative Agreement and this Resolution; authorizing the County Executive to make certain designations and representations under the Internal Revenue Code, as amended; and declaring the necessity that this Resolution become immediately effective. (See Page 91)

Sponsor: County Executive Budish/Department of Sustainability

- 6) R2017-0192: A Resolution authorizing an amendment to Contract No. CE1200542-01 with Microgenics Corporation for onsite drug detection services for the period 7/1/2012 - 6/30/2017 to extend the time period to 6/30/2019 and for additional funds in the amount not-to-exceed \$575,712.00; 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 100)

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

- 7) R2017-0193: A Resolution making awards on RQ39706 to various providers for real estate appraisal services in connection with the Sheriff's sale for the period 9/1/2017 - 8/31/2020; 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. (See Page 103)

Sponsor: County Executive Budish/County Sheriff

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

- 1) R2017-0181: A Resolution authorizing an amendment to Contract No. CE1000877-01 with Poli, Inc. for lease of space for the Westside Regional Probation Office, located at 5361 Pearl Road, Parma, for the period 9/1/2010 - 8/31/2017 to extend the time period to 8/31/2022 and for additional funds in the amount not-to-exceed \$264,300.00; 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 109)

Sponsors: County Executive Budish/Department of Public Works on behalf of Cuyahoga County Court of Common Pleas/Juvenile Division

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

d) CONSIDERATION OF A RESOLUTION FOR THIRD READING ADOPTION

- 1) R2017-0176: A Resolution accepting a loan in the amount of \$225,000.00 from Ohio Public Works Commission to finance the Broadrock Drill Drop Project in the City of Parma; authorizing the County Executive to execute the agreement and all other documents required in connection with said loan and this Resolution, and declaring the necessity that this Resolution become immediately effective. (See Page 112)

Sponsor: County Executive Budish/Department of Public Works

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

- 1) O2017-0003: An Ordinance enacting Chapter 720 of the Cuyahoga County Code authorizing Cuyahoga County to levy County Motor Vehicle License Taxes upon the operation of motor vehicles on public roads and highways pursuant to Chapter 4504 of the Ohio Revised Code. (See Page 114)

Sponsor: County Executive Budish/Department of Public Works

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

f) CONSIDERATION OF AN ORDINANCE FOR THIRD READING ADOPTION

- 1) O2017-0004: An Ordinance amending Section 501.15 of the Cuyahoga County Code to modify the requirements of contractors, and declaring the necessity that this Ordinance become immediately effective. (See Page 118)

Sponsor: County Executive Budish/Fiscal Officer

11. MISCELLANEOUS COMMITTEE REPORTS

12. MISCELLANEOUS BUSINESS

13. PUBLIC COMMENT UNRELATED TO AGENDA

14. ADJOURNMENT

NEXT MEETINGS

COMMITTEE OF THE WHOLE
(2018/2019 Budget Session):

MONDAY, OCTOBER 30, 2017
1:00 PM / COUNCIL CHAMBERS

COMMITTEE OF THE WHOLE
(2018/2019 Budget Session):

MONDAY, NOVEMBER 6, 2017
1:00 PM / COUNCIL CHAMBERS

COMMITTEE OF THE WHOLE
(2018/2019 Budget Session):

TUESDAY, NOVEMBER 14, 2017
1:00 PM / COUNCIL CHAMBERS

REGULAR MEETING:

TUESDAY, NOVEMBER 14, 2017
5:00 PM / COUNCIL CHAMBERS

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***Council Chambers is equipped with a hearing assistance system. If needed, please see the Clerk to obtain a receiver.*



MINUTES

CUYAHOGA COUNTY COMMITTEE OF THE WHOLE MEETING
TUESDAY, OCTOBER 10, 2017
CUYAHOGA COUNTY ADMINISTRATIVE HEADQUARTERS
C. ELLEN CONNALLY COUNCIL CHAMBERS – 4TH FLOOR
1:00 PM

1. CALL TO ORDER

Councilmember Miller, Chair of the Finance & Budgeting Committee, called the meeting to order at 1:07 p.m.

2. ROLL CALL

Mr. Miller asked Clerk Schmotzer to call the roll. Councilmembers Brown, Simon, Baker, Miller, Tuma, Gallagher, Conwell, Jones and Brady were in attendance and a quorum was determined. Councilmember Schron was absent from the meeting. Councilmember Hairston entered the meeting after the roll call was taken.

3. PUBLIC COMMENT RELATED TO AGENDA

There were no public comments given related to the agenda.

4. PRESENTATION / DISCUSSION:

- a) Overview of 2018/2019 Biennial Operating Budget and Capital Improvements Program and Debt Schedule – County Executive Armond Budish and Office of Budget and Management Director Maggie Keenan

County Executive Budish gave opening remarks to Council regarding the proposed 2018/2019 Biennial Operating Budget. Discussion ensued.

Councilmembers asked questions of County Executive Budish pertaining to the item, which he answered accordingly.

Ms. Margaret Keenan, Director of the Office of Budget and Management, provided an overview of the 2018/2019 Biennial Operating Budget and Capital Improvements Program and Debt Schedule. Discussion ensued.

Councilmembers asked questions of Ms. Keenan pertaining to the item, which she answered accordingly.

Mr. Dennis Kennedy, Fiscal Officer, addressed Council regarding unclaimed funds. Discussion ensued.

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

5. MISCELLANEOUS BUSINESS

There was no miscellaneous business.

6. PUBLIC COMMENT UNRELATED TO AGENDA

There were no public comments given unrelated to the agenda.

7. ADJOURNMENT

With no further business to discuss, Mr. Miller adjourned the meeting at 3:45 p.m., without objection.



MINUTES

**CUYAHOGA COUNTY COUNCIL REGULAR MEETING
TUESDAY, OCTOBER 10, 2017
CUYAHOGA COUNTY ADMINISTRATIVE HEADQUARTERS
C. ELLEN CONNALLY COUNCIL CHAMBERS – 4TH FLOOR
5:00 PM**

1. CALL TO ORDER

Council President Brady called the meeting to order at 5:00 p.m.

2. ROLL CALL

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

A motion was made by Mr. Miller, seconded by Ms. Conwell and approved by unanimous vote to excuse Mr. Schron from the meeting.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

4. SILENT MEDITATION

Council President Brady requested a moment of silent meditation be dedicated to victims of the tragedy in Las Vegas, Nevada and their families.

5. PUBLIC COMMENT RELATED TO AGENDA

The following individuals addressed Council regarding Ordinance No. O2017-0006, an Ordinance enacting Chapter 721 of the Cuyahoga County Code to authorize a Carryout Bag Fee for Environmental Remediation:

- a) Ms. Anne Caruso
- b) Ms. Destinee Henton
- c) Ms. Cindy Demsey
- d) Ms. Diane Bickett
- e) Ms. Erin Huber
- f) Mr. Meiring Borchers
- g) Mr. Scott Williams-Riseng

6. APPROVAL OF MINUTES

- a) September 26, 2017 Committee of the Whole Meeting
- b) September 26, 2017 Regular Meeting

A motion was made by Mr. Hairston, seconded by Ms. Conwell and approved by unanimous vote to approve the minutes of the September 26, 2017 Committee of the Whole and Regular meetings.

7. ANNOUNCEMENTS FROM THE COUNCIL PRESIDENT

Council President Brady commented that there is a need for common sense gun control in our Country after the many senseless tragedies that have occurred in recent months.

8. MESSAGES FROM THE COUNTY EXECUTIVE

County Executive Budish reported that bonds for the Quicken Loans Transformation Project were sold last week. The County's bond ratings were reaffirmed and are very favorable.

9. LEGISLATION INTRODUCED BY COUNCIL

- a) COMMITTEE REPORT AND CONSIDERATION OF A RESOLUTION OF COUNCIL FOR SECOND READING

- 1) R2017-0168: A Resolution adopting the 2017 Cuyahoga County Sustainability Plan in accordance with Section 202.18 of the Cuyahoga County Code, and declaring the necessity that this Resolution become immediately effective.

Sponsors: Councilmembers Miller, Simon and Conwell and County Executive Budish/Department of Sustainability

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

Clerk Schmotzer read Resolution No. R2017-0168 into the record.

Ms. Simon introduced a proposed substitute on the floor to Resolution No. R2017-0168 to amend Department Strategy 7 of the County Sustainability Plan. Discussion ensued.

A motion was then made by Ms. Simon, seconded by Mr. Miller and approved by unanimous vote to accept the proposed substitute.

This item will move to the October 24, 2017 Council meeting agenda for consideration for third reading adoption, as substituted.

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

A motion was made by Mr. Gallagher, seconded by Ms. Brown and approved by unanimous vote to suspend Rule 9D and to place on final passage Resolution Nos. R2017-0167, R2017-0169, R2017-0170 and R2017-0171.

- 1) R2017-0167: A Resolution authorizing the Veterans Service Commission to issue Ohio veterans identification cards to qualified individuals, and declaring the necessity that this Resolution become immediately effective.

Sponsors: Councilmembers Brady, Tuma, Miller, Schron, Gallagher, Brown, Hairston, Baker, Jones **and Simon**

Committee Assignment and Chair: Finance & Budgeting – Miller

On a motion by Mr. Brady with a second by Ms. Brown, Resolution No. R2017-0167 was considered and adopted by unanimous vote.

- 2) R2017-0169: A Resolution authorizing a Casino Revenue Fund loan in the amount not-to-exceed \$250,000.00 and awarding a Casino Revenue Fund grant in the amount of \$500,000.00 to Northeast Ohio Neighborhood Health Services, Inc. for the benefit of the New Eastside Market Project, located at 10505 St. Clair Avenue in the City of Cleveland; authorizing the County Executive and Director of Development or his/her designee to prepare all documents to effectuate said loan and grant; authorizing the County Executive and/or Director of Development to execute all documents consistent with said

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

Sponsors: Councilmembers Conwell, Hairston, Simon, Jones, Brady and Gallagher

Committee Assignment and Chair: Community Development – Hairston

On a motion by Mr. Hairston with a second by Mr. Brady, Resolution No. R2017-0169 was considered and adopted by majority vote, with Ms. Conwell recusing herself from the vote.

- 3) R2017-0170: 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 located within the Cuyahoga River Valley, and declaring the necessity that this Resolution become immediately effective.

Sponsors: Councilmember Simon on behalf of Cuyahoga County Planning Commission

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

On a motion by Ms. Simon with a second by Ms. Brown, Resolution No. R2017-0170 was considered and adopted by unanimous vote.

- 4) R2017-0171: 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 Brook Park for the conservation of ecologically significant areas in the Abram Creek City-wide Greenway Trail – Phase I in the City of Brook Park, and declaring the necessity that this Resolution become immediately effective.

Sponsors: Councilmembers Simon and Miller on behalf of Cuyahoga County Planning Commission

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

On a motion by Mr. Miller with a second by Ms. Simon, Resolution No. R2017-0171 was considered and adopted by unanimous vote.

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

- 1) O2017-0005: An Ordinance amending Section 303.05 of the Cuyahoga County Code to establish the process for promotional appointments.

Sponsors: Councilmembers Brown and Miller

Council President Brady referred Ordinance No. O2017-0005 to the Human Resources, Appointments & Equity Committee.

- 2) O2017-0006: An Ordinance enacting Chapter 721 of the Cuyahoga County Code to authorize a Carryout Bag Fee for Environmental Remediation.

Sponsors: Councilmembers Simon and Miller

Council President Brady referred Ordinance No. O2017-0006 to the Education, Environment & Sustainability Committee.

10. LEGISLATION INTRODUCED BY EXECUTIVE

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

A motion was made by Mr. Gallagher, seconded by Ms. Brown and approved by unanimous vote to suspend Rules 9D and 12A and to place on final passage Resolution No. R2017-0179.

- 1) R2017-0179: A Resolution amending the 2016/2017 Biennial Operating Budget for 2017 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 Budish/Fiscal Officer/Office of Budget and Management

On a motion by Mr. Miller with a second by Ms. Conwell, Resolution No. R2017-0179 was considered and adopted by unanimous vote.

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

- 1) R2017-0180: A Resolution authorizing an amendment to an agreement with Cleveland Thermal, LLC for central heating and cooling services (steam and chilled water) and other related services at various County facilities for the period 10/24/2017 - 12/31/2033 to add steam and chilled water services for the Virgil E. Brown Building, located at 1641 Payne Avenue, Cleveland, effective 10/24/2017; 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 Budish/Department of Public Works

Council President Brady referred Resolution No. R2017-0180 to the Public Works, Procurement & Contracting Committee.

- 2) R2017-0181: A Resolution authorizing an amendment to Contract No. CE1000877-01 with Poli, Inc. for lease of space for the Westside Regional Probation Office, located at 5361 Pearl Road, Parma, for the period 9/1/2010 - 8/31/2017 to extend the time period to 8/31/2022 and for additional funds in the amount not-to-exceed \$264,300.00; 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.

Sponsors: County Executive Budish/Department of Public Works on behalf of Cuyahoga County Court of Common Pleas/Juvenile Division

Council President Brady referred Resolution No. R2017-0181 to the Public Works, Procurement & Contracting Committee.

- 3) R2017-0182: A Resolution adopting the 2018/2019 Biennial Operating Budget and Capital Improvements Program, and declaring the necessity that this Resolution become immediately effective.

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

Mr. Miller introduced a proposed substitute on the floor to Resolution No. R2017-0182 to add the 2018/2019 Biennial Operating Budget and Capital Improvements Program document into the Resolution. Discussion ensued.

A motion was then made by Mr. Miller, seconded by Ms. Conwell and approved by unanimous vote to accept the proposed substitute.

Council President Brady referred Resolution No. R2017-0182 to the Committee of the Whole, as substituted.

- 4) R2017-0183: A Resolution accepting the rates as determined by the Budget Commission; authorizing the necessary tax levies and certifying them to the County Fiscal Officer; and declaring the necessity that this Resolution become immediately effective.

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

A motion was made by Mr. Gallagher, seconded by Ms. Brown and approved by unanimous vote to suspend Rules 9D and 12A and to place on final passage Resolution No. R2017-0183.

On a motion by Mr. Miller with a second by Ms. Brown, Resolution No. R2017-0183 was considered and adopted by unanimous vote.

c) COMMITTEE REPORT AND CONSIDERATION OF A RESOLUTION FOR SECOND READING

- 1) R2017-0176: A Resolution accepting a loan in the amount of \$225,000.00 from Ohio Public Works Commission to finance the Broadrock Drill Drop Project in the City of Parma; authorizing the County Executive to execute the agreement and all other documents required in connection with said loan and this Resolution, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive Budish/Department of Public Works

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

Clerk Schmotzer read Resolution No. R2017-0176 into the record.

This item will move to the October 24, 2017 Council meeting agenda for consideration for third reading adoption.

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

A motion was made by Mr. Gallagher, seconded by Ms. Brown and approved by unanimous vote to suspend Rule 9D and to place on final passage Resolution Nos. R2017-0174, R2017-0175, R2017-0177 and R2017-0178.

- 1) R2017-0174: A Resolution authorizing the County Executive to accept and approve various dedications of land in connection with Permanent Parcel No. 736-12-011 located in the City of Shaker Heights; authorizing the County Executive to execute the final Plat in connection with said dedications; and declaring the necessity that this Resolution become immediately effective.

Sponsors: County Executive Budish/Department of Public Works **and Councilmember Brown**

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

On a motion by Mr. Tuma with a second by Ms. Brown, Resolution No. R2017-0174 was considered and adopted by unanimous vote.

- 2) R2017-0175: A Resolution authorizing a second amendment to Contract No. CE1300548-01 with MariSupHam, LLC for lease of office space in the Marion Building, located at 1276 West 3rd Street, Cleveland, for the period 12/1/2013 - 10/31/2017 to extend the time period to 10/31/2018 and for additional funds in the amount not-to-exceed \$1,219,536.00; 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.

Sponsors: County Executive Budish/Department of Public Works **and Councilmember Conwell**

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

On a motion by Mr. Tuma with a second by Mr. Miller, Resolution No. R2017-0175 was considered and adopted by unanimous vote.

- 3) R2017-0177: A Resolution making awards on RQ39790 to various providers, in the total amount not-to-exceed \$2,328,000.00, for various real estate review and appraisal services in connection with the 2018 Sexennial Reappraisal for the period 7/17/2017 - 5/31/2018; authorizing the County Executive to execute the master contracts and all other documents consistent with said awards and this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive Budish/Fiscal Officer

Committee Assignment and Chair: Finance & Budgeting – Miller

On a motion by Mr. Miller with a second by Ms. Conwell, Resolution No. R2017-0177 was considered and adopted by unanimous vote.

- 4) R2017-0178: A Resolution authorizing an amendment to Contract No. CE1400326-01 with United Healthcare Services, Inc. for group healthcare benefits including medical benefit management services for County employees and their eligible dependents and for Cuyahoga County Benefits Regionalization Program participants' employees and their eligible dependents for the period 1/1/2015 - 12/31/2017 for additional funds in the amount not-to-exceed \$12,200,000.00; authorizing the County Executive to execute the amendment and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive Budish/Department of Human Resources

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

On a motion by Ms. Brown with a second by Ms. Conwell, Resolution No. R2017-0178 was considered and adopted by unanimous vote.

e) CONSIDERATION OF RESOLUTIONS FOR THIRD READING ADOPTION

- 1) R2017-0154: A Resolution confirming the County Executive's appointment of Michael P. Foley to serve on the Cuyahoga County Natural Resources Assistance Council for the term 10/16/2017 - 10/15/2020, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive Budish

On a motion by Ms. Brown with a second by Ms. Conwell, Resolution No. R2017-0154 was considered and adopted by unanimous vote.

- 2) R2017-0155: A Resolution confirming the County Executive's appointment or reappointment of various individuals to serve on the City of Cleveland/Cuyahoga County Workforce Development Board for various terms, and declaring the necessity that this Resolution become immediately effective:

- i) Appointments for an unexpired term ending 6/30/2020:

- a) Sheila Wright
- b) Grace Gallucci
- c) C. Jay Matthews

- ii) Reappointment:

- a) Kim Shelnick for the term 7/1/2017 - 6/30/2020

Sponsor: County Executive Budish

On a motion by Ms. Brown with a second by Ms. Conwell, Resolution No. R2017-0155 was considered and adopted by unanimous vote.

- 3) R2017-0159: A Resolution authorizing a First Amendment to a Memorandum of Agreement with Village of Woodmere for Construction, Operation and Maintenance of Sanitary Sewerage Systems, located in County Sewer District No. 21; 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 Budish/Department of Public Works/Division of County Engineer **and Councilmember Brown**

On a motion by Mr. Brady with a second by Ms. Brown, Resolution No. R2017-0159 was considered and adopted by unanimous vote.

f) COMMITTEE REPORT AND CONSIDERATION OF AN ORDINANCE FOR SECOND READING

- 1) O2017-0004: An Ordinance amending Section 501.15 of the Cuyahoga County Code to modify the requirements of contractors, and declaring the necessity that this Ordinance become immediately effective.

Sponsor: County Executive Budish/Fiscal Officer

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

Clerk Schmotzer read Ordinance No. O2017-0004 into the record.

This item will move to the October 24, 2017 Council meeting agenda for consideration for third reading adoption.

11. MISCELLANEOUS COMMITTEE REPORTS

Ms. Brown reported that the Human Resources, Appointments & Equity Committee will meet on Tuesday, October 17, 2017 at 10:00 a.m.

Mr. Tuma reported that the Public Works, Procurement & Contracting Committee will meet on Wednesday, October 11, 2017 at 10:00 a.m.

Ms. Conwell reported that the Health, Human Services & Aging Committee will meet on Wednesday, October 18, 2017 at 1:00 p.m.

Ms. Simon reported that the Education, Environment & Sustainability Committee will meet on Wednesday, October 18, 2017 at 3:00 p.m.

Mr. Miller reported that the Committee of the Whole will discuss the 2018/2019 Biennial Operating Budget on the following dates and times:

- a) **Monday, October 16, 2017 at 1:00 p.m.**
- b) **Thursday, October 19, 2017 at 10:00 a.m.**

c) Monday, October 23, 2017 at 1:00 p.m.

d) Tuesday, October 24, 2017 at 1:00 p.m.

12. MISCELLANEOUS BUSINESS

There was no miscellaneous business.

13. PUBLIC COMMENT UNRELATED TO AGENDA

Mr. Dwight Yancy addressed Council regarding his elderly father.

Ms. Paula Harris addressed Council regarding a legal issue pending with the County.

Mr. Christopher Knestrick addressed Council regarding a request for proposals for operation of the Norma Herr Women's Shelter.

Ms. Paula Price addressed Council regarding a legal issue pending with the County.

Ms. Loh addressed Council regarding the Norma Herr Women's Shelter.

14. ADJOURNMENT

With no further business to discuss, Council President Brady adjourned the meeting at 5:53 p.m., without objection.



MINUTES

CUYAHOGA COUNTY COMMITTEE OF THE WHOLE MEETING
MONDAY, OCTOBER 16, 2017
CUYAHOGA COUNTY ADMINISTRATIVE HEADQUARTERS
C. ELLEN CONNALLY COUNCIL CHAMBERS – 4TH FLOOR
1:00 PM

1. CALL TO ORDER

Councilmember Miller, Chair of the Finance & Budgeting Committee, called the meeting to order at 1:05 p.m.

2. ROLL CALL

Mr. Miller asked Clerk Schmotzer to call the roll. Councilmembers Baker, Miller, Tuma, Gallagher, Schron, Conwell, Jones, Hairston and Brady were in attendance and a quorum was determined. Councilmembers Brown and Simon entered the meeting shortly after the roll call was taken.

3. PUBLIC COMMENT RELATED TO AGENDA

There were no public comments given related to the agenda.

4. MATTER REFERRED TO COMMITTEE / DISCUSSION:

- a) R2017-0182: A Resolution adopting the 2018/2019 Biennial Operating Budget and Capital Improvements Program, and declaring the necessity that this Resolution become immediately effective:

- 1) Budget Overview and Summary – Director Maggie Keenan
- 2) Budget Reductions/Additions – Director Maggie Keenan
- 3) Capital Improvements Program – Director Maggie Keenan
- 4) Policy Initiatives – Chief of Staff Sharon Sobol Jordan
- 5) Overview of Various Departmental Budgets – Director Maggie Keenan:

- a. Cuyahoga County Board of Developmental Disabilities
- b. Cuyahoga County Veterans Service Commission
- c. Department of Workforce Development
- d. Cuyahoga County Law Library Resources Board
- e. Cuyahoga County Solid Waste District
- f. Department of Regional Collaboration
- g. Department of Sustainability
- h. The Ohio State University Extension
- i. Department of Internal Audit
- j. Miscellaneous Payments and Obligations
- k. Cuyahoga County Court of Common Pleas/Domestic Relations Division
- l. Cuyahoga County Board of Revision

Mr. Miller introduced a proposed substitute to Resolution No. R2017-0182 to include a revised budget document. Discussion ensued.

Ms. Margaret Keenan, Director of the Office of Budget and Management, addressed Council regarding the proposed substitute to Resolution No. R2017-0182. Discussion ensued.

A motion was made by Mr. Schron, seconded by Ms. Conwell and approved by unanimous vote to accept the proposed substitute.

Ms. Keenan then continued to address Council regarding Resolution No. R2017-0182 and provided a budget overview and summary including budget reductions and additions.

A brief recess was taken by Council, after which, Mr. Miller reconvened the meeting.

Ms. Keenan then continued to address Council regarding Resolution No. R2017-0182 and provided an overview of various departmental budgets. Discussion ensued.

Councilmembers asked questions of Ms. Keenan pertaining to the item, which she answered accordingly.

There was no further legislative action taken on Resolution No. R2017-0182.

5. MISCELLANEOUS BUSINESS

There was no miscellaneous business.

6. PUBLIC COMMENT UNRELATED TO AGENDA

Mr. Rico Dancy addressed Council regarding a proposed carryout bag fee and how this could impact persons who receive assistance.

7. ADJOURNMENT

With no further business to discuss, Chair Miller adjourned the meeting at 3:58 p.m., without objection.

County Council of Cuyahoga County, Ohio

Resolution No. R2017-0184

Sponsored by: Councilmember Simon	A Resolution supporting the application of Icebreaker Windpower, Inc. to the Ohio Power Siting Board for a Certificate of Environmental Compatibility and Public Need; and declaring the necessity that this Resolution become immediately effective.
--	--

WHEREAS, the Icebreaker Wind Farm will be the first freshwater offshore wind project in North America and only the second offshore wind project in the United States, and;

WHEREAS, Icebreaker Wind is a 20.7 megawatt, six turbine project that will be located eight to ten miles off the shore of Cleveland, Ohio, and;

WHEREAS, there is a critical need to develop more domestic clean energy to protect our environment and create new industries in the region, and;

WHEREAS, the Great Lakes region has the technical potential to provide over 700 gigawatts of offshore wind generation, including in the waters off of Cuyahoga County, and;

WHEREAS, Icebreaker will be a small demonstration project that will allow us to advance the development of this huge clean energy resource in Lake Erie and the other Great Lakes, and;

WHEREAS, the Icebreaker Wind project alone will create over five hundred (500) jobs and provide \$168 million in local economic impact over the project life, and;

WHEREAS, Icebreaker is committed to hiring workers from the local labor force and sourcing materials from the region, to the greatest extent possible, and;

WHEREAS, the vast offshore wind industry potential in Northeast Ohio would provide thousands of jobs and significantly boost the local economies, including the economy of Cuyahoga County, and;

WHEREAS, the region's air quality is among the worst in the nation, which air pollution leads to increases in respiratory disease including asthma, heart attacks, and premature death. Clean energy will help improve the County's air quality, and;

WHEREAS, Ohio depends on fossil fuels for over eighty (80) percent of its electric energy mix while clean renewable energy accounts for less than three (3) percent of Ohio's electric energy mix. Developing an offshore wind industry will provide greater fuel diversity, which can serve as an insurance policy against price volatility and/or shortages, and;

WHEREAS, Icebreaker Windpower has received strong community support from residents, businesses and local governments, and;

WHEREAS, Icebreaker Windpower has secured \$10 million from the U.S. Department of Energy to date, with a commitment to provide an additional \$40 million in funding if certain milestones are met, and;

WHEREAS, the Lake Erie Energy Development Corporation (LEEDCo) has attracted a private investor in Fred. Olsen Renewables, a leader in the European wind industry, to own, construct, and operate the project, and;

WHEREAS, two-thirds of the power output from Icebreaker Wind has been purchased by American Municipal Power (AMP), Cleveland Public Power (CPP), and Cuyahoga County, and;

WHEREAS, Icebreaker Windpower Inc. submitted an Application for a Certificate of Environmental Compatibility and Public Need to the Ohio Power Siting Board on February 1, 2017, and;

WHEREAS, the Ohio Power Siting Board will be considering this Application in the coming months, and;

WHEREAS, this Application shows that Icebreaker Wind will have minimal adverse impact on fish, wildlife, or the Lake Erie shore viewshed.

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 supports the application of Icebreaker Windpower, Inc. to the Ohio Power Siting Board for a Certificate of Environmental Compatibility and Public Need.

SECTION 2. That Cuyahoga County urges the Ohio Power Siting Board to act favorably and expeditiously on said application.

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

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

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

Yeas:

Nays:

_____	_____
County Council President	Date

_____	_____
County Executive	Date

_____	_____
Clerk of Council	Date

Journal CC028
October 24, 2017

County Council of Cuyahoga County, Ohio

Resolution No. R2017-0185

Sponsored by: Councilmember Simon	A Resolution authorizing the County Executive to execute a non-binding Joint Statement to address the noise impact of the Cuyahoga County Airport, and declaring the necessity that this Resolution become immediately effective.
--	--

WHEREAS, the County owns and operates a public airport known as the Cuyahoga County Airport for the convenience and necessity of the citizens of its County; and

WHEREAS, the Airport is located at 26300 Curtiss Wright Parkway, Richmond Heights, Ohio 44143 and situated in the cities of Richmond Heights, Highland Heights, and Willoughby Hills, and in both Cuyahoga and Lake Counties; and

WHEREAS, there is an awareness on the part of the County and the communities surrounding the Airport that the operation and activity at the Airport may generate an adverse noise impact on the surrounding areas; 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 County Council hereby authorizes the County Executive to execute a non-binding Joint Statement, attached herein as Exhibit A, to address the noise impact of the Cuyahoga County Airport.

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

JOINT STATEMENT FOR THE CUYAHOGA COUNTY AIRPORT

This is a Joint Statement (“Joint Statement”) made this July 13, 2017 (the “Effective Date”) by and among the County of Cuyahoga, a body corporate and politic and a political subdivision of the State of Ohio organized and existing under the Charter of Cuyahoga County effective January 1, 2010, as same may have been amended, modified, and supplemented to the date hereof (the “County”), on behalf of the Airport Administration (AA), the Federal Aviation Administration Air Traffic Control Facility (“ATC”), the Airport tenants and users as identified on the signature page (“Tenants and Users”), the city of Highland Heights, the city of Richmond Heights and the city of Willoughby Hills, collectively the Noise Abatement Council (NAC) to address the noise impact of Cuyahoga County Airport:

WITNESSETH:

WHEREAS, the County owns and operates a public airport known as the Cuyahoga County Airport (the Airport) for the convenience and necessity of the citizens of its County;

WHEREAS, the Airport is located at 26300 Curtiss Wright Parkway, Richmond Heights, Ohio 44143 and situated in the cities of Richmond Heights, Highland Heights and Willoughby Hills and also in both Cuyahoga and Lake Counties;

WHEREAS, there is an awareness on the part of the County and the communities surrounding the Airport that the operation and activity at the Airport may generate an adverse noise impact on the surrounding areas; and

NOW, THEREFORE, be it resolved that the County, the AA, the ATC, and the Tenants and Users of the Airport, hereby commit to minimize the noise impact on the environment in the vicinity of the Airport by agreeing to abide by, to the greatest extent possible, the following conditions, procedures and policies:

- 1 Encourage all classes of aircraft to abide by the 2015 National Business Aircraft Association’s (“NBAA”) Noise Abatement Procedures published on the effective date of this agreement, and other local procedures as applicable and adopted from time-to-time by the Noise Abatement Council (“NAC”) through education and coordination with the ATC. These procedures are recommended as a standard for operations where aircraft manufacturers have not recommended specific procedures. Said procedures are attached hereto as Exhibit I and Exhibit II.
- 2 Initiate and monitor voluntary Airport procedures whereby all aircraft are requested not to schedule take offs or landings at the Airport, between the hours of 11:00 p.m. and 7:00 a.m.:
 - i. Discourage the use of the Airport for flight-training purposes by all turbojet and turboprop aircraft at all times.

- ii. Discourage through education any training flights by any category of aircraft between the hours of 11:00 p.m. to 7:00 a.m.
 - iii. Discourage all flight activity over the school adjacent to the southwest quadrant of the airport, through Notice to Airmen (NOTAMs) and other forms of communication.
- 3 Recommend all Airport departures be initiated from the threshold on runways 24 and 6, except when authorized by the ATC.
- 4 Request the ATC advise all turbojet, turboprop and multi-engine aircraft to climb out to a minimum altitude of 1900 feet MSL (Mean Sea Level) or a minimum distance of two miles before making any turns. Single Engine Aircraft to be allowed earlier turn out as required for safe operations and to afford minimum separation from higher performance aircraft.
- 5 Recommend a pattern altitude for turbine aircraft of 2400' MSL and 1900' MSL for piston aircraft. The ATC reserves the right to specify departure and arrival instruction with respect to separation and safety.
- 6 Encourage minimal use of reverse thrust consistent with safe flight operations and runway conditions.
- 7 Discontinue aircraft engine maintenance run-ups between the hours of 9:00 p.m. and 9:00 a.m.
- 8 Recommend full power aircraft engine run-ups be conducted at a designated remote run-up area.
- 9 Maintain appropriate signage adjacent to takeoff points to remind pilots when they are in a noise sensitive area.
- 10 Schedule, at minimum, semi-annual meetings of the NAC for the purpose of reviewing factual data and related information gathered by the NAC, enhance citizen understanding, and to make recommendations to the County with noise reduction as a goal. The NAC is comprised of one (1) representative from each of the AA, the ATC, the Tenants and Users, the city of Richmond Heights, the city of Highland Heights, and city of Willoughby Hills.
- 11 The NAC will periodically review procedures and operations relative to their impact on the community and make recommendations to the County for consideration.

- 12 This Joint Statement is not a binding contract, ordinance, regulation or operational restriction.
- 13 The Joint Statement is voluntary and does not create any liability including joint or several liability for act(s) of non-compliance with this Joint Statement.
- 14 BY ENTERING INTO THIS AGREEMENT, THE PARTIES HERETO AGREE ON, TO CONDUCT THIS TRANSACTION BY ELECTRONIC MEANS BY AGREEING THAT ALL DOCUMENTS REQUIRING COUNTY SIGNATURES MAY BE EXECUTED BY ELECTRONIC MEANS, AND THAT THE ELECTRONIC SIGNATURES AFFIXED BY THE COUNTY TO SAID DOCUMENTS SHALL HAVE THE SAME LEGAL EFFECT AS IF THAT SIGNATURE WAS MANUALLY AFFIXED TO A PAPER VERSION OF THE DOCUMENT. THE PARTIES ALSO AGREE, TO BE BOUND BY THE PROVISIONS OF CHAPTERS 304 AND 1306 OF THE OHIO REVISED CODE AS THEY PERTAIN TO ELECTRONIC TRANSACTIONS, AND TO COMPLY WITH THE ELECTRONIC SIGNATURES POLICY OF CUYAHOGA COUNTY.

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, this Joint Statement has been executed by the undersigned as of the Effective Date.

COUNTY OF CUYAHOGA, OHIO

By: _____
Armond Budish, County Executive

The legal form and correctness
of this Contract is hereby approved:
Law Department
County of Cuyahoga, Ohio
Robert J. Triozzi, Director of Law

By: _____
Assistant Director of Law

Date: _____

CUYAHOGA COUNTY
AIRPORT ADMINISTRATION
By: _____
Name: _____
Title: Airport Manager

FEDERAL AVIATION ADMINISTRATION
AIR TRAFFIC CONTROL TOWER
By: _____
Name: _____
Title: _____

CITY OF HIGHLAND HEIGHTS
By: _____
Name: _____
Title: _____

CITY OF RICHMOND HEIGHTS
By: _____
Name: _____
Title: _____

CITY OF WILLOUGHBY HILLS
By: _____
Name: _____
Title: _____

THE CLEVELAND JET CENTER
By: _____
Name: _____
Title: _____

CORPORATE WINGS – CLEVELAND LLC
By: _____
Name: _____
Title: _____

EATON CORPORATION
By: _____
Name: _____
Title: _____

FIVE STAR AVIATION LLC

By: _____
Name: _____
Title: _____

FLEXJET, LLC

By: _____
Name: _____
Title: _____

LONE RANGER JETS LLC

By: _____
Name: _____
Title: _____

NEXTANT AEROSPACE, LLC

By: _____
Name: _____
Title: _____

PACE AVIATION

By: _____
Name: _____
Title: _____

PROGRESSIVE CASUALTY
INSURANCE COMPANY

By: _____
Name: _____
Title: _____

SWAGELOK COMPANY

By: _____
Name: _____
Title: _____

T&G FLYING CLUB, INC

By: _____
Name: _____
Title: _____

ZOMAR

By: _____
Name: _____
Title: _____

County Council of Cuyahoga County, Ohio

Resolution No. R2017-0168

Sponsored by: Councilmembers Miller, Simon and Conwell	A Resolution adopting the 2017 Cuyahoga County Sustainability Plan in accordance with Section 202.18 of the Cuyahoga County Code, and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, Section 202.18 of the Cuyahoga County Code requires the Director of Sustainability to prepare and present to Council a proposed five-year Sustainability Plan for actions to be carried out by the County itself, and in partnership with other public and private agencies and organizations, for the purpose of achieving the objectives outlined in Subsection 202.18(A)(2); and,

WHEREAS, Section 202.18 further requires the Director of Sustainability to review and revise the Sustainability Plan as needed but not less than once every five years in accordance with the Cuyahoga County Code; and,

WHEREAS, it is necessary that this Resolution become immediately effective in order to efficiently begin implementation of the plan for sustainability throughout Cuyahoga County.

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

SECTION 1. The 2017 Cuyahoga County Sustainability Plan, including all changes thereto approved by Council, is hereby adopted in accordance with Section 202.18 of the Cuyahoga County Code. The final plan adopted herein includes such changes the Council and the County Executive have agreed upon prior to adoption.

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



Department of Sustainability Proposed 5 year Strategic Plan

Dear Council President Brady, Sustainability Chair Simon and members of Council,

In April, 2016, County Council passed Ordinance # 2016-0008 requiring the creation of a 5-year Sustainability Strategic Plan. We in the Department of Sustainability and the Administration wholeheartedly supported this idea. especially as the Department was a relatively new entity in County government, had a fairly large and broad mandate, but with a small, yet passionate staff.

We know that in order to be successful, we need to leverage as many resources as possible, cooperate with as many agencies, businesses and members of the community as we can and generally organize ourselves in a way that collaborates with the great array of partners in Cuyahoga County who seek environmentally sustainable solutions to climate change, clean energy development, water quality safety, transportation alternatives and overall more green environs.

In our first 2.5 years of existence we think have worked in that manner, but also believe that the process of developing this plan has been helpful in honing the work we should be engaged in for the next phase of our Department's life.

I am available for any individual meetings or calls regarding this proposal and of course for hearings you may have regarding the project.

Thanks for your time, consideration and insights,

Sincerely,

Mike Foley

September 1, 2017

Department Strategy 1: Work collaboratively with our partners to reduce greenhouse gas emissions in the geographic confines of Cuyahoga County

Initiatives:

- 1:** Join with other cities and organizations to formulate a comprehensive Cuyahoga County Climate Change Action Plan that deals with both mitigation and adaptation by August 2018.
- 2:** Join with other cities and organizations by declaring an adherence to the Paris Climate Accords by September 1, 2017.
- 3:** Determine a measurement and reporting protocol by January of 2018.
- 4:** Measure all greenhouse gas emissions in Cuyahoga County by the spring of 2018 and set realistic greenhouse gas reduction goals and strategies by July 2018.
- 5:** Devise a dashboard that details comparative greenhouse gas emissions (by sector and geographically) by September of 2018.

County Goals/Priorities Supported:

- 1.3 Deploy sustainability practices to support our competitive advantage
- 10.3 Strengthen and expand relationships with new and existing community partners
- 11.2 Work with partners to align, scale and sustain efforts to achieve systems-level solutions

Performance Measures

GHG emission levels

Department Strategy 2: Increase resources for clean energy and environmentally sustainable programs, projects, and practices in Cuyahoga County

Initiatives:

- 1:** Devise a variety of streams of funding for programs, projects, and practices
 - a. Convene a stakeholders group with the goal of establishing an ongoing Sustainability fund with adequate resources similar to the **Arts and Culture Fund** which has a consistent source of revenue and governance.
 - b. Help create a **Clean Energy Pre-Development Fund** for business/local government/institutional/residential sectors to affordably help analyze, measure and communicate renewable and energy efficiency measures.
 - c. Rethink/re-develop a **clean energy loan and/or grant program** for business/local government/institutional/residential use.

- 2:** Utilize devised funding streams to support a variety of programs, projects, and services that address at least one of the following three anticipated outcomes:
 - a. Reduction in greenhouse gas emissions within Cuyahoga County
 - b. Reduction in cost of clean energy
 - c. Increased business and workforce opportunities in sustainability-related industries (e.g. solar, wind, energy efficiency)

County Goals/Priorities Supported:

- 1.3 Deploy sustainability practices to support our competitive advantage
- 10.3 Strengthen and expand relationships with new and existing community partners
- 11.2 Work with partners to align, scale and sustain efforts to achieve systems-level solutions

Performance Measures

Amount of funding available (\$)

of projects proposed

of projects funded

of projects in process of being completed (What does this mean?)

of projects completed

Department Strategy 3: Increase access to alternative methods of transportation for residents and visitors to Cuyahoga County to enhance air quality and the environmental health of the community

Initiatives:

- 1:** Work with NOACA, RTA, Clevelanders for Public Transportation and others to help create a bigger vision for transportation alternatives and help municipalities develop more projects to transform the transportation system.
- 2:** Encourage bike and pedestrian infrastructure on County-funded projects (e.g. bike lanes, signal systems, timing).
- 3:** Encourage bike and pedestrian infrastructure in private developments where new construction or renovation occurs.
- 4:** Apply for and leverage grant funding and existing county resources to increase the accessibility to and utilization of bike share in low-income areas.
- 5:** Encourage the development of electric vehicle infrastructure throughout the county

County Goals/Priorities Supported:

- 1.3 Deploy sustainability practices to support our competitive advantage
- 10.3 Strengthen and expand relationships with new and existing community partners
- 11.2 Work with partners to align, scale and sustain efforts to achieve systems-level solutions

Performance Measures

- Miles of pedestrian trails and bike lanes
- Bike share utilization (riders and # of miles traveled, CO₂ reduced)
- Reduction in GHG emissions resulting from bike share riding
- EV infrastructure – amount of charging stations
- E.V.'s – amount of vehicles licensed in the county

Department Strategy 4: Increase community awareness, knowledge, and advocacy regarding environmental issues, policies, and initiatives

Initiatives:

- 1:** Develop an effective and measurable educational campaign to inform citizens and the community about climate change and sustainability issues for residents of Cuyahoga County.
- 2:** Continue to coordinate local clean energy brown bags for Cuyahoga County environmental and sustainability leaders.
- 3:** Help organize policy advocacy across the County for environmental and sustainability leaders in order to positively affect state and national changes.
- 4:** Measure and track equity and inclusion for sustainability initiatives for Cuyahoga County residents.
- 5:** Convene a regional consortium of county sustainability leaders to increase best practice information sharing and opportunities for collaboration.
- 6:** Create and continuously enhance a best management practices information repository for use by all of our partners

County Goals/Priorities Supported:

- 1.3 Deploy sustainability practices to support our competitive advantage
- 10.3 Strengthen and expand relationships with new and existing community partners
- 11.2 Work with partners to align, scale and sustain efforts to achieve systems-level solutions
- 11.5 Speak out on issues, policies and decisions at the state and federal level

Performance Measures

Measure of outreach-Number of participants in outreach events (if discernible)

Utilization of BMP repository (site hits, etc.)

Process metric (for first several years): What you are doing (# of events held, # of attendees)

Department Strategy 5: Convene and collaborate with partners to advocate for improvements to water quality for Cuyahoga County residents and visitors

Initiatives:

- 1:** Assist in discerning and describing our region’s fresh water advantage. Understand its ecological and economic value to the County and work with others including NEOPIPE, Cleveland Water Alliance, CRWP, Port of Cleveland, and others in appropriate promotion and protection.
- 2:** Assist the Port of Cleveland, Ohio EPA and others in developing strategies for the beneficial re-use of dredged materials from the Cuyahoga River in order to reduce the need for Combined Disposal Facilities and keep materials out of Lake Erie.
- 3:** Work with and assist NEORSD in overall water quality work and in the development of a larger green infrastructure program for the County.
 - a.** Support/encourage cities to use NEORSD Member Community Infrastructure Program funds to support green infrastructure
- 4:** Work with County Planning to devise an environmentally sustainable land use strategy

County Goals/Priorities Supported:

- 1.3 Deploy sustainability practices to support our competitive advantage
- 10.3 Strengthen and expand relationships with new and existing community partners
- 11.2 Work with partners to align, scale and sustain efforts to achieve systems-level solutions

Performance Measures

- Measure of improvements in water quality
- Reduction in watershed Beneficial Use Impairments
- # of Projects using NEORSD storm water infrastructure funding

Department Strategy 6: Demonstrate the county’s leadership in environmental stewardship by increasing the utilization of sustainable, green practices throughout the organization

Initiatives:

- 1:** Have the county install renewable energy systems and storage in as many of its facilities as feasible and reduce usage in its buildings through energy efficiency measures
- 2:** Create and spearhead an internal council to drive intra-organizational sustainability efforts
- 3:** Develop a protocol/policy for procurement practices which incorporates environmental sustainability as a metric for determining County vendors.
- 4:** Work with our County departments and resources to develop green storm water infrastructure policies for Cuyahoga County related projects to lessen storm water runoff and gain benefits from greater amounts of green infrastructure.
- 5:** Work with Cuyahoga County Public Works to create a sustainable vehicle replacement plan that includes both hybrid and electric vehicles
- 6:** Determine and assist in implementing additional pre-tax incentives to encourage utilization of alternative transportation

County Goals/Priorities Supported:

- 1.3 Deploy sustainability practices to support our competitive advantage
- 10.3 Strengthen and expand relationships with new and existing community partners
- 11.1 Align and enhance internal resources to build a strong foundation for operational and strategic success
- 11.2 Work with partners to align, scale and sustain efforts to achieve systems-level solutions

Performance Measures

- % reduction in electricity usage for county buildings
- % of vehicle fleet replaced with hybrid and electric vehicles
- % of departments implementing internal sustainability policies

Department Strategy 7: Enhance land use practices to spur greater clean energy development, reduce local greenhouse gas emissions and, ultimately, positively impact local air quality

Initiatives:

- 1:** Support development of the ten most suitable landfill sites for large scale solar farms in Cuyahoga County
- 2:** In collaboration with municipalities and partner organizations, devise a comprehensive tree canopy enhancement plan for the county at large
- 3:** Encourage the use of integrative planning strategies wherever possible
- 4:** Continue to partner with CSU, CWRU, the City of Cleveland and others on a local MicroGrid project for Cuyahoga County.
- 5:** Work with groups like the Metroparks, County Planning, the Trust for Public Land, the Cuyahoga Greenways Partnership and others on increasing the amount of trails and greenspace in the County for hiking, biking, recreational and passive uses.

County Goals/Priorities Supported:

- 1.3 Deploy sustainability practices to support our competitive advantage
- 10.3 Strengthen and expand relationships with new and existing community partners
- 11.2 Work with partners to align, scale and sustain efforts to achieve systems-level solutions

Potential Metrics

- Estimated CO₂ sequestration attributable to enhanced tree canopy
- % tree canopy in Cuyahoga County
- # of new trees added
- # of landfill solar sites developed
- # of trails in the County

County Council of Cuyahoga County, Ohio

Resolution No. R2017-0186

Sponsored by: County Executive Budish/Fiscal Officer/Office of Budget and Management	A Resolution amending the 2016/2017 Biennial Operating Budget for 2017 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; amending Resolution No. R2017-0179 dated 10/10/2017 to reconcile appropriations for 2017; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, on December 8, 2015, the Cuyahoga County Council adopted the Biennial Operating Budget and Capital Improvements Program for 2016/2017 (Resolution No. R2015-0209) establishing the 2016/2017 biennial budget for all County departments, offices and agencies; and

WHEREAS, on December 28, 2016, the Cuyahoga County Council adopted the 2016/2017 Biennial Operating Budget and Capital Improvements Program Update for 2017 (Resolution No. R2016-0216) establishing the 2017 biennial budget update for all County departments, offices and agencies; and

WHEREAS, it is necessary to adjust the Biennial Operating Budget for 2017 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 2016/2017 Biennial Operating Budget for 2017 be amended to provide for the following additional appropriation increases and decreases:

<u>Fund Nos./Budget Accounts</u>	<u>Journal Nos.</u>
A. 20D448 – Casino Tax Revenue Fund	BA1700127
DV520791 – Casino Tax Revenue Fund	
Other Expenses	\$ 750,000.00

Increasing appropriations for new Eastside Market Project located at 10505 St. Clair Avenue to execute a loan in the amount of \$250,000.00 and a grant in the amount of \$500,000.00 for a total of \$750,000.00 to the Northeast Ohio Neighborhood Health Services, Inc pursuant to Resolution R2017-0169. The cash balance in the Casino Revenue Fund as of 10/4/2017 is \$8,291,565.67 with \$5,000,000 for committed projects leaving an available balance of \$3,291,565.57. Funding source is the Casino Revenue Fund for the period 1/1/2017 through 12/31/2017.

B. 68A100 – Hospitalization – Self Insurance	BA1701541
HR499061 – Hospitalization – Self Insurance Fund	
Other Expenses	\$ 6,400,000.00

Increase appropriation to allow for estimated United Healthcare claims and admin costs through year end and run-out. Funding comes from charges to user agencies and employees for health insurance premiums.

C. 01A001 – General Fund	BA1707698
FS109660 – Treasury Management	
Other Expenses	\$ (32,333.33)

An appropriation decrease is requested in account FS109660. This account was closed in 2016. There was a carry over on a contract that has since been decertified. The funding source was the General Fund.

D. 40A069 – Capital Projects	BA1707702
CC769349 – Halle Bldg 4 th Fl HVAC/Sprinkler Repair	
Other Expenses	\$ 275,000.00

To set up new project for Halle Bldg 4th Floor HVAC and Sprinkler Repair Project. These repairs will improve the operation of the two systems in the Halle Building. Where the Children and Family Services are currently located. Funding for this project will be from Public Assistance (PA) Funds in the amount of \$200,000.00 and \$75,000.00 from the 2017 CIP. The PA Funds will be coming from the 2016 CIP VEB Boiler and Pumps Project (see BA1707703 and JT1707704) since Cleveland Thermal is picking up some of the costs on that project. The remaining \$75,000.00 will be using 2017 CIP Special Projects Request/Emergency/Time Sensitive line item. After adding this project to the Special Project Request/Emergency/Time Sensitive line item, there is \$55,426.82 remaining. Both BA1707711 and JT1707704 are on this 10/24/2017 agenda.

E.	40A069 – Capital Projects		BA1707707
	CC769356 – VEB Roof Replacement and Skylight Repair		
	Other Expenses	\$	5,000.00

To set up a new project for VEB Roof Replacement and Skylight Repairs. This roof is past its functional life and requires being replaced along with repairs to the skylight. Although the total cost of the project is estimated to be \$2,350,965.00, an appropriation \$5,000.00 is needed for 2017. This appropriation will allow for the project to go out to bid. The remaining appropriations will be requested in 2018 when the bids come in and a more accurate cost is received. The project is funded by Public Assistance Funds and is on the 2017 CIP.

F.	01A004 – .25% Sales Tax Fund		BA1707709
	MI512699 – .25% Sales Tax		
	Other Expenses	\$	8,174,476.00

To increase appropriations in the .25% Sales Tax Fund for the Quicken Loans Arena Reformation Sales Tax Bonds, Reserve Fund deposit payment to Huntington National Bank for Cuyahoga County’s Sales Tax Revenue Bonds, Series 2017A, Series 2017B, and Series 2017C payments. There is sufficient cash in this fund for this request.

G.	01A001 – General Fund		BA1712201
	IG030411 – Inspector General		
	Other Expenses	\$	(5,296.00)

The Office of Budget and Management is requesting an appropriation reduction in the amount of \$5,296.00, These unused funds were encumbered within contract CE1300299-02 that is no longer needed and has since been decertified.

H.	01A001 – General Fund		BA1712202
	IG030411 – Inspector General		
	Other Expenses	\$	(250.00)

The Office of Budget and Management is requesting an appropriation reduction in the amount of \$250.00, These unused funds were encumbered within contract CE1200246-01 that is no longer needed and has since been decertified.

I.	01A001 – General Fund		BA1717078
	IT601021 – Information Technology Administration		
	Other Expenses	\$	(541.00)

	01A001 – General Fund		
	IT601054 – Web Application Development		
	Other Expenses	\$	(45,735.87)

	01A001 – General Fund		
	IT601096 – Engineering Services		
	Other Expenses	\$	(8,313.39)

	01A001 – General Fund		
	IT601112 – Operations Support		
	Other Expenses	\$	(7,703.63)

20A819 – Geographic Information System
 IT470591 – Geographic Information System
 Other Expenses \$ (1,351.05)

24A430 – Executive Office of HHS
 HS157396 – Human Services Applications
 Other Expenses \$ (2,558.42)

Old encumbrances that have now been decertified, reducing appropriations to reflect this.

SECTION 2. That the 2016/2017 Biennial Operating Budget for 2017 be amended to provide for the following appropriation transfers:

<u>Fund Nos./Budget Accounts</u>	<u>Journal Nos.</u>
A. FROM: 01A001 – General Fund	BA1707701
FS109678 – Office of Procurement and Diversity	
Other Expenses \$	60,000.00
TO: 01A001 – General Fund	
FS109678 – Office of Procurement and Diversity	
Personal Services \$	60,000.00

To request an appropriation transfer to realign appropriations in the Office of Procurement and Diversity to cover flex/benefits for the remaining year. The funding source is the General Fund.

B. FROM: 40A069 – Capital Projects	BA1707711
CC768739 – New Boiler and Pumps - VEB	
Capital Outlays \$	200,000.00
TO: 40A069– Capital Projects	
CC768739 – New Boiler and Pumps - VEB	
Other Expenses \$	200,000.00

To transfer appropriations in the VEB New Boiler and Pump Project in preparation to transfer cash to the 2017 Halle Building 4th Floor HVAC Sprinkler Repair Project (see BA1707702 and JT1707704). This VEB New Boiler and Pump Project was set up in 2015 where 14.38% of the project has been expended to date and has a cash balance of \$563,910.40. Both projects are funded by Public Assistance (PA) Funds. The appropriations and cash from this project will be transferred to the 2017 Halle Building 4th Floor HVAC Sprinkler Repair Project since Children and Family Services are located in that building and repairs are needed. Both BA1707702 and JT1707704 are on this 10/24/2017 agenda.

C. FROM: 01A001 – General Fund	BA1707705
FS109611 – Fiscal Office Administration	
Other Expenses \$	111,983.06

TO: 01A001 – General Fund
 FS109629 – Office of Budget and Management
 Other Expenses \$ 111,983.06

To reduce appropriation in Fiscal Administration (FS109611) and increase appropriation in the Office of Budget and Management in the amount of \$111,983.06. Stifel’s contract CE1600243 has a balance as of 10/3/17 and will now be paid out of OBM’s budget effective immediately. Funding comes from the General Fund. The funding source is the General Fund.

D. FROM: 20A600 – Cuyahoga Support Enforcement Agency **BA1715134**
 SE496000 – Child Support Enforc Agency
 Other Expenses \$ 700,000.00

TO: 20A600 – Cuyahoga Support Enforcement Agency
 SE496000 – Child Support Enforc Agency
 Capital Outlays \$ 700,000.00

Requesting to transfer appropriations to cover the cost of upgrades to the Case Management System. This is funded by Title IV-D Reimbursements (66%) and Health and Human Service Levy Funds (34%).

E. FROM: 24A510 – Work & Training Admin **BA1715135**
 WT137315 – Work First Services
 Personal Services \$ 700,000.00
 Other Expenses \$ 245,000.00

24A510 – Work & Training Admin
 WT137463 – VEB Building NFSC
 Personal Services \$ 800,000.00
 Other Expenses \$ 100,000.00

TO: 24A510 – Work & Training Admin
 WT137109 – Admin Services – General Manager
 Personal Services \$ 15,000.00

24A510 – Work & Training Admin
 WT137943 – Information Services
 Personal Services \$ 110,000.00

24A510 – Work & Training Admin
 WT137414 – Southgate NFSC
 Personal Services \$ 525,000.00

24A510 – Work & Training Admin
 WT137430 – Ohio City NFSC
 Personal Services \$ 405,000.00

24A510 – Work & Training Admin
 WT137455 – Quincy Place NFSC
 Personal Services \$ 465,000.00

24A510 – Work & Training Admin
 WT137539 – West Shore NFSC
 Personal Services \$ 240,000.00

24A510 – Work & Training Admin
 WT137141 – Client Support Services
 Personal Services \$ 85,000.00

Requesting an appropriation transfer to cover future expenditures for 2017. This expense is funded by the Public Assistance Funds and Health and Human Service Levy Funds.

F. FROM: 21A598 – State Homeland Security Projects **BA1715138**
 JA741744 – SHSP FY15-USAR Reg 2 Team Sustainment
 Capital Outlays \$ 2,499.74

TO: 21A598 – State Homeland Security Projects
 JA741744 – SHSP FY15-USAR Reg 2 Team Sustainment
 Other Expenses \$ 2,499.74

This appropriation transfer is being requested to allow 4 members of the Regional Urban Search and Rescue (USAR) team to attend an advanced skills workshop. The funding for this grant comes from the Ohio Emergency Management Agency for the period 9/1/2015 through 3/31/2018.

SECTION 3. That the 2016/2017 Biennial Operating Budget for 2017 be amended to provide for the following cash transfers between County funds:

<u>Fund Nos./Budget Accounts</u>	<u>Journal Nos.</u>
A. FROM: 26A651 – \$7.50 R & B Registration Tax	JT1703138
CE417477 – \$7.50 Lic Tx Fnd Cap Imp	
Transfer Out \$ 2,000,000.00	
TO: 01A004 – .25% Sales Tax Fund	
MI512699 – .25% Sales Tax	
Revenue Transfer \$ 2,000,000.00	

The cash transfer would use Road & Bridge funds to repay the .25% General Fund for expense incurred for road improvements at Lakeside and Ontario streets. Revenues to the \$7.50 Road & Bridge fund come from motor vehicle license taxes and miscellaneous fines. As of September 30, 2017, this fund had a cash balance of \$19,167,496.00.

B. FROM: 40A069 – Capital Projects	JT1707704
CC768739 – New Boiler and Pumps - VEB	
Transfer Out \$ 200,000.00	
TO: 40A069 – Capital Projects	
CC769349 – Halle Bldg 4 th Fl HVAC/Sprinkler Repair	
Revenue Transfer \$ 200,000.00	

To transfer cash from Virgil E. Brown New Boiler and Pumps Project to the Halle Building 4th Floor HVAC/Sprinkler Repair Project. Both projects are funded by Public Assistance Funds. The VEB Boiler and Pump Project was set up in 2015 and 14.38% of the project has been expended. This project is being reduced by \$200,000.00 since Cleveland Thermal is now going to pick up some of the project costs. The Halle Building 4th Floor HVAC/Sprinkler Repair Project is a new 2017 CIP project (see BA1707702). Children and Family Services is being located at the Halle Building and the HVAC and Sprinkler Systems need to be repaired. BA1707702 is on this 10/24/17 agenda.

SECTION 4. That items approved in Resolution No. R2017-0153 dated September 12, 2017 be amended as follows to reconcile appropriations for 2017 in the County's financial system:

Resolution No. R2017-0179 dated 10/10/2017:

Original Item – Section 3

<u>Fund Nos./Budget Accounts</u>	<u>Journal Nos.</u>
D. FROM: 29A392 – Health & Human Services Levy 3.9	JT1706085
SU514737 – Employment & Family Subsidy 3.9	
Transfer Out	\$ 654,500.13
29A392 – Health & Human Services Levy 3.9	
SU514638 – Senior & Adult Subsidy 3.9	
Transfer Out	\$ 1,067,868.63
TO: 24A510 – Work & Training Admin	
WT137109 – Admin Services – General Manager	
Revenue Transfer	\$ 1,722,368.76

In accordance with Ohio Revised Code (ORC) Section 5101.16 the county is required to pay a share of TANF related administration (\$5,430,662) and Non-TANF (\$1,458,813) related administration for Medicaid, Food related expenditures during a calendar year. This represents ¼ of the total required mandated share that generally is transferred to the corresponding fund on a quarterly basis. This transfer is for July through September 2017. The amount is based on the current State Fiscal Year's requirement. The funding source is the Health and Human Services Levy.

Corrected Item – Section 3

<u>Fund Nos./Budget Accounts</u>	<u>Journal Nos.</u>
D. FROM: 29A392 – Health & Human Services Levy 3.9	JT1706085
SU514737 – Employment & Family Subsidy 3.9	
Transfer Out	\$ 654,500.13
29A391 – Health & Human Services Levy 4.8	
SU514430 – Employment & Family Svs Subsidy	
Transfer Out	\$ 1,067,868.63

TO: 24A510 – Work & Training Admin
 WT137109 – Admin Services – General Manager
 Revenue Transfer \$ 1,722,368.76

In accordance with Ohio Revised Code (ORC) Section 5101.16 the county is required to pay a share of TANF related administration (\$5,430,662) and Non-TANF (\$1,458,813) related administration for Medicaid, Food related expenditures during a calendar year. This represents ¼ of the total required mandated share that generally is transferred to the corresponding fund on a quarterly basis. This transfer is for July through September 2017. The amount is based on the current State Fiscal Year’s requirement. The funding source is the Health and Human Services Levy.

[Document No. JT1706085 was approved by Council on Resolution No. R2017-0179 dated October 10, 2017. This request would correct the Index Code only and make no other changes.]

SECTION 5. 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 6. It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

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

Yeas:

Nays:

 County Council President

 Date

County Executive

Date

Clerk of Council

Date

Journal CC028
October 24, 2017

County Council of Cuyahoga County, Ohio

Resolution No. R2017-0187

Sponsored by: County Executive Budish/Department of Public Works/Division of County Engineer	A Resolution authorizing a revenue generating Utility Agreement with City of Broadview Heights for maintenance and repair of storm sewers, sanitary sewers and water lines located in County Sewer District Nos. 13 and 16; 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 Public Works/Division of County Engineer recommends a revenue generating Utility Agreement with City of Broadview Heights for maintenance and repair of storm sewers, sanitary sewers and water lines located in County Sewer District Nos. 13 and 16; and

WHEREAS, the City of Broadview Heights desires to retain Cuyahoga County to perform certain services for the City of Broadview Heights to aid with the maintenance and repair of storm sewers, sanitary sewers and water lines located in Sewer District Nos. 13 and 16; and

WHEREAS, pursuant to R.C. §307.15, a county may contract with any municipal corporation to render any service, on behalf of the municipal corporation; and

WHEREAS, it is necessary that this Resolution become immediately effective in order that critical sewer maintenance and repair services can be provided by Cuyahoga County for the City of Broadview Heights' sewer system.

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

SECTION 1. The County Council hereby authorizes a revenue generating Utility Agreement with City of Broadview Heights for maintenance and repair of storm sewers, sanitary sewers and water lines located in County Sewer District Nos. 13 and 16.

SECTION 2. That the County Executive is authorized to execute the agreement 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; 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 Assigned:

Journal _____
_____, 20____

Item No. 1

Department of Public Works is requesting approval to enter into this Sewer Maintenance Utility Agreement between the City of Broadview Heights and the County of Cuyahoga pursuant to the authority of Resolution No. 2017-85 passed by Broadview Heights Council on September 18, 2017. This Utility Agreement pertains to the Memorandum of Sewer Maintenance Agreement from April 2001 between the City of Broadview Heights and the County.

The primary goal is for the City of Broadview Heights and the County to enter into this Sewer Maintenance Utility Agreement to have the County continue to maintain its sewers and collect funds for the completion of capital improvements projects through sanitary engineer assessments collected on tax duplicates from the City of Broadview Heights residents.

The location of the project is the City of Broadview Heights.

The project is located in Council District 6.

Procurement

Identify the original procurement method on contract/purchase

This Utility Agreement is an update to the Memorandum of Sewer Maintenance Agreement between the City of Broadview Heights and the County of Cuyahoga which was entered into April 2001.

Contractor and Project Information

The address is:

City of Broadview Heights

9543 Broadview Road
Broadview Heights, Ohio 44147
Council District 6
Funding

This is a Revenue Generating Agreement- Sanitary Sewer District Funds- Sewer District 13.

The schedule of payments is through Sanitary Sewer District Funds- Sewer District 13.

County Council of Cuyahoga County, Ohio

Resolution No. R2017-0188

Sponsored by: **County Executive Budish/Department of Development**

A Resolution authorizing the issuance of not-to-exceed \$15,000,000.00 County of Cuyahoga, Ohio, Economic Development Refunding Revenue Bonds (University School Project) in two series, for the purpose of refunding the remaining outstanding principal amount of the \$15,000,000.00 County of Cuyahoga, Ohio, Economic Development Refunding Revenue Bonds, Series 2012 (University School Project), which were issued to provide funds to assist University School in the refinancing of costs of a "Project" within the meaning of Chapter 165, Ohio Revised Code; authorizing the execution and delivery of a loan agreement pertaining to the project and an assignment of rights securing the payment of the Series 2017 Bonds; authorizing the execution and delivery of a bond purchase agreement, a tax agreement and certain other documents and actions in connection with the issuance of such Series 2017 Bonds; and declaring the necessity that this Resolution become immediately effective.

WHEREAS, the County of Cuyahoga, Ohio (the "County"), a county and political subdivision duly organized and validly existing under the laws of the State of Ohio, is authorized and empowered, by virtue of the laws of the State of Ohio, including without limitation, Section 13 of Article VIII, Ohio Constitution, and Chapter 165, as amended, Ohio Revised Code (the "Act"), (a) to issue its revenue bonds for the purpose of making a loan to assist in the financing or refinancing of costs of acquiring, constructing, equipping and improving a "project", as defined in Section 165.01, as amended, Ohio Revised Code, (b) to enter into a loan agreement and to provide for "revenues" sufficient to pay the principal of and interest and any premium on those revenue bonds, (c) to secure those revenue bonds by an assignment of amounts payable pursuant to a loan agreement, as provided herein, and (d) to enact this Resolution and to enter into the Loan Agreement,

the Tax Agreement and the Bond Purchase Agreement, all as defined herein, upon the terms and conditions provided herein and therein; and

WHEREAS, University School (the "Borrower") has requested that the County issue revenue bonds (the "Series 2017 Bonds") pursuant to the Act, and in two series, to assist it in refinancing the costs of acquiring, constructing, equipping and improving real and personal property located within the boundaries of the County (the "Project"), by refunding the outstanding principal amount of the County's Series 2012 Bonds, which were previously issued to refund the County's Series 2009 Bonds, which were previously issued to refund the County's \$28,000,000 Variable Rate Economic Development Revenue Bonds (University School Project), Series 1999; and

WHEREAS, the Cuyahoga County Community Improvement Corporation ("CIC") previously certified to the County that the Project is in accordance with the plan for the industrial, commercial, distribution and research development of the County heretofore confirmed by the CIC Board pursuant to Section 1724.10, Ohio Revised Code; and

WHEREAS, the Series 2017 Bonds shall not represent or constitute a general obligation, debt or bonded indebtedness, or a pledge of moneys raised by taxation or the faith and credit of the County, the State or any political subdivision thereof, and the holders of the Series 2017 Bonds shall not be given and shall not have any right to have excises or taxes levied by this Council or the County, or the State or the taxing authority of any political subdivision thereof, for the payment of bond service charges or any other costs of the Project, and the Series 2017 Bonds will be payable solely from revenues of the Project and other monies available to the Borrower;

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

SECTION 1. Definitions and Interpretations. In addition to the words and terms elsewhere defined in this resolution, or by reference to the Loan Agreement, unless the context or use indicates clearly another meaning or intent:

“Act” means Chapter 165 of the Ohio Revised Code, as enacted and amended from time to time pursuant to Section 13 of Article VIII of the Ohio Constitution.

“Assignment” means the Assignment of Rights by the County of the benefit of the Loan Agreement to the Holder, as the same may be amended or supplemented from time to time in accordance with its terms.

“Authorized Denominations” means minimum denominations of \$100,000 and integral multiples of \$1 in excess thereof.

“Bond Counsel” means Calfee, Halter & Griswold LLP.

“Bond Documents” means this Bond Resolution, the Series 2017 Bonds, the Loan Agreement, the Tax Agreement, the Assignment, the Bond Purchase Agreement, and any

other instruments or documents entered into by the County to consummate or secure the transactions contemplated by the foregoing documents.

“Bond Purchase Agreement” means, as to the Series 2017A Bonds, the Bond Purchase Agreement between the County and the Original Purchaser relating to the original purchase of the Series 2017A Bonds, as the same may be amended, restated, supplemented or otherwise modified from time to time, and as to the Series 2017B Bonds, the Bond Purchase Agreement between the County and the Original Purchaser relating to the original purchase of the Series 2017B Bonds, as the same may be amended, restated, supplemented or otherwise modified from time to time.

“Bond Register” means all books and records necessary for the registration, exchange and transfer of the Series 2017 Bonds as provided in Section 5.

“Bond Registrar” means the Fiscal Officer, as registrar, paying agent and authenticating agent for the Series 2017 Bonds.

“Bond Resolution” means this resolution, including without limitation, any Certificate of Award contemplated herein, all as duly amended or supplemented from time to time.

“Bond Service Charges” means, for any period or payable at any time, the principal of and interest and any premium due on the Series 2017 Bonds for that period or payable at that time whether due at maturity or upon acceleration, redemption or purchase.

“Bonds” means the Series 2017 Bonds.

“Borrower” means University School, an Ohio nonprofit corporation.

“Certificate of Award” means each of the Series 2017A Certificate of Award and the Series 2017B Certificate of Award authorized by Section 3 of this Bond Resolution to be completed and executed by the Fiscal Officer pursuant to Section 3, determining such terms, details or other matters pertaining to each series of the Series 2017 Bonds, their issuance, sale or delivery, and the security therefor, as are directed hereby to be determined in that certificate or certificates.

“Clerk” means the Clerk of the Legislative Authority.

“Closing Date” means the date of original issuance and delivery of the Series 2017 Bonds.

“Code” means the Internal Revenue Code of 1986, the regulations (whether proposed, 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.

“County Executive” means the County Executive of the County; provided, for purposes of the signing of documents, certificates and other instruments other than the Series 2017 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. EO2015-0001 and any other person duly designated by the County Executive.

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

“Holder” means the person in whose name the Series 2017 Bonds are registered on the Bond Register.

“Legislative Authority” means the County Council of the County.

“Loan Agreement” means the Loan Agreement between the County and the Borrower, as the same may be amended or supplemented from time to time in accordance with its terms.

“Original Project” means the acquisition, construction, renovation, installation, furnishing or equipping of real and/or personal property comprising (a) an addition to the auditorium at the Borrower’s campus at 20701 Brantley Road, Shaker Heights, Ohio, and (b) a new athletic fieldhouse at the Borrower’s campus at 2785 S.O.M. Center Road, Hunting Valley.

“Original Purchaser” means First National Bank of Pennsylvania, or such other Original Purchaser designated in a Certificate of Award.

“Purchase Price” means the amount specified as such in a Certificate of Award.

“Revenues” means the amounts required to be paid by the Borrower under the Loan Agreement in repayment of the loan made by the County to the Borrower, other than amounts payable to the County pursuant to Unassigned Issuer’s Rights.

“Series 2009 Bonds” means the County’s Economic Development Refunding Revenue Bonds, Series 2009 (University School Project), originally issued in the aggregate principal amount of \$15,485,000.

“Series 2012 Bonds” means, collectively, the Series 2012A Bonds and the Series 2012B Bonds.

“Series 2012A Bonds” means the County’s Economic Development Refunding Revenue Bonds, Series 2012 (University School) originally issued in the aggregate principal amount of \$7,500,000.

“Series 2012B Bonds” means the County’s Economic Development Bonds, Series 2012 (University School Project) originally issued in the aggregate principal amount of \$7,500,000.

“Series 2017 Bonds” means the Series 2017A Bonds and the Series 2017B Bonds.

“Series 2017A Bonds” means the County’s Economic Development Refunding Revenue Bonds, Series 2017A (University School Project) in an amount not to exceed \$7,500,000, authorized and issued pursuant to this Bond Resolution.

“Series 2017A Certificate of Award” means the Certificate of Award relating to the Series 2017A Bonds.

“Series 2017B Bonds” means the County’s Economic Development Revenue Bonds, Series 2017B (University School Project) in an aggregate principal amount not to exceed \$7,500,000, authorized and issued pursuant to this Bond Resolution.

“Series 2017B Certificate of Award” means the Certificate of Award relating to the Series 2017B Bonds.

“State” means the State of Ohio.

“Tax Agreement” means the Tax Certificate and Agreement dated as of the date of issuance of the Series 2017 Bonds, between the County and the Borrower.

“Unassigned Issuer’s Rights” means such term as defined in the Loan Agreement.

Any reference to this Council, the County or to its members or officers, or to other public officers, boards, commissions, departments, institutions, agencies, bodies or entities, shall include those which succeed to their functions, duties or responsibilities by operation of law and also those who at the time may legally act in their place.

The captions and headings in this Bond 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.

SECTION 2. Authorizations and Determinations.

(a) It is necessary to, and the County shall, issue, sell and deliver, as provided herein and pursuant to the authority of the Act, the Series 2017 Bonds in the principal amount that shall be determined in the Bond Purchase Agreement not to exceed \$15,000,000, in two series, each series to be less than \$10,000,000 in aggregate principal amount, for the purpose of making a loan to assist the Borrower in refinancing the costs of the Original Project, including paying a portion of the costs of the issuance of the Series 2017 Bonds, all in accordance with the provisions of the Loan Agreement.

(b) This Council finds and determines that the Original Project constituted a "project" within the meaning of that term as defined in Section 165.01(H), Ohio Revised Code and was consistent with the purposes of Section 13 of Article VIII, Ohio Constitution, to 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 of the State.

SECTION 3. Bond Terms; Certificates of Award. The Series 2017 Bonds shall be issued as two series of bonds, each only in fully registered form, shall be issued in Authorized Denominations requested by the Original Purchaser of not less than \$100,000 and shall be dated as of the date of issuance of the respective series of Series 2017 Bonds as set forth in this Bond Resolution and in accordance with the following terms and provisions:

(a) Principal Amount; Payment Dates. The principal amount of the Series 2017A Bonds, which will provide the moneys necessary, together with other moneys available or to be available therefor, to pay costs of refunding the Series 2012A Bonds, together with those amounts required to make the deposits and payments required by the Bond Purchase Agreement and the Loan Agreement to be made from proceeds of the Series 2017A Bonds, shall be such amount as determined in the Series 2017A Certificate of Award. The principal amount of the Series 2017A Bonds shall be applied to the refunding of the Series 2012A Bonds and paying the costs associated with the issuance of the Series 2017A Bonds.

The principal amount of the Series 2017B Bonds, which will provide the moneys necessary, together with other moneys available or to be available therefor, to pay costs of refunding the Series 2012B Bonds, together with those amounts required to make the deposits and payments required by the Bond Purchase Agreement and the Loan Agreement to be made from proceeds of the Series 2017B Bonds, shall be such amount as determined in the Series 2017B Certificate of Award. The principal amount of the Series 2017B Bonds shall be applied to the refunding of the Series 2012B Bonds and paying the cost associated with the issuance of the Series 2017B Bonds. The principal amounts of the Series 2017 Bonds shall be payable in the amounts and on the dates set forth in the Certificates of Award.

(b) Maturity Date. The Series 2017 Bonds shall mature on the respective maturity dates set forth in the respective Certificates of Award; provided, the maximum maturity date shall not exceed 20 years.

(c) Interest; Payment Dates. The Series 2017 Bonds shall bear the rate or rates of interest per year set forth in the respective Certificates of Award, not exceeding 25% per year, and shall be payable on the payment dates set forth in the Series 2017 Bonds. The Series 2017 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 dates.

(d) Redemption and Tender. The Series 2017 Bonds shall be subject to prior redemption and tender as set forth in the Certificates of Award.

(e) Certificates of Award. On or before the date of issuance of the Series 2017 Bonds, the Fiscal Officer shall execute and deliver the Certificates of Award on behalf of the County establishing such terms of the respective series of the Series 2017 Bonds as set forth in this Section 6 and as otherwise required by this Bond Resolution. All matters determined in the Certificates of Award shall be conclusive and binding.

SECTION 4. Execution and Authentication of the Bonds; Appointment of Bond Registrar. The Series 2017 Bonds shall be designated “Cuyahoga County Economic Development Refunding Revenue Bonds, Series 2017 (University School Project)”, or such other name as may be designated in the respective Certificate of Award, and shall include the respective series denomination. The Series 2017 Bonds shall contain a summary statement of the purposes for which they are issued; shall state that they are issued pursuant to this Bond Resolution; shall be executed by the County Executive and the Fiscal Officer, in the name and on behalf of the County and in their official capacities, provided that either or both of those signatures may be a facsimile. The Series 2017 Bonds shall be numbered as determined by the Fiscal Officer.

The Fiscal Officer is hereby designated as the Bond Registrar and in that capacity shall act as registrar, paying agent and authenticating agent for the Series 2017 Bonds as further described in this Bond Resolution.

No Bond shall be valid or obligatory for any purpose or shall be entitled to any security or benefit under this Bond Resolution unless and until the certificate of authentication printed on the Bond is signed by the Bond Registrar. 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, this Bond Resolution.

SECTION 5. Transfer and Exchange.

(a) Bond Register. So long as any of the Series 2017 Bonds remain outstanding, the Bond Registrar shall maintain and keep the Bond Register at the principal office of the County on which the accurate record of the names and addresses of the registered owners of the Series 2017 Bonds shall be maintained. The person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of the Bond proceedings. Payment of or on account of the debt 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 Series 2017 Bond may be exchanged for Series 2017 Bonds of the same series of any Authorized Denomination or

denominations requested by the Holders upon presentation and surrender to the Bond Registrar at the principal office of the County. A Bond may be transferred only on the Bond Register upon presentation and surrender of the Bond to the Bond Registrar at the principal office of the County 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. Notwithstanding the foregoing, no Bond may be transferred unless the Holder requesting such transfer first delivers to the County and the Bond Registrar an opinion of counsel selected by the Holders and acceptable to the County that such transfer does not violate the Securities Act of 1933 and the Indenture Act of 1939, as amended, and the regulations issued pursuant thereto. Upon exchange or transfer the Bond Registrar shall complete, authenticate and deliver a new Series 2017 Bond of the same series of any Authorized Denomination or Denominations requested by the Holders 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 Series 2017 Bonds only after the new Series 2017 Bonds are signed by the authorized officers of the County. In all cases of Series 2017 Bonds exchanged or transferred, the County shall sign and the Bond Registrar shall authenticate and deliver Series 2017 Bonds of the same series in accordance with the provisions of this Bond Resolution. The exchange or transfer shall be without charge to the owner, except that the County and the 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 Series 2017 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 Series 2017 Bonds surrendered upon that exchange or transfer. Neither the County nor the Bond Registrar shall be required to make any exchange or transfer of any Bond selected for redemption, in whole or in part.

(c) Lost, Mutilated or Destroyed Bonds. The Bond Registrar shall complete, authenticate, deliver and register new Series 2017 Bonds to replace Series 2017 Bonds of the same series lost, stolen, destroyed or mutilated upon receiving written instructions from the Fiscal Officer to do so together with evidence of indemnification of the County by the Holder(s) thereof in a form satisfactory to the County.

SECTION 6. Award and Sale of the Bonds. The Series 2017 Bonds shall be sold and awarded by the County to the Original Purchaser for the Purchase Price, in accordance with this Bond Resolution, the Certificates of Award and the Bond Purchase Agreement. It is hereby determined that the Purchase Price and the manner of sale and the terms of the Series 2017 Bonds, as provided in this Bond Resolution, the Certificates of Award and the Bond Purchase Agreement, are consistent with all legal requirements and will carry out the public purposes of the Act. The Fiscal Officer shall sign the Certificates of Award evidencing that sale to the Original Purchaser, with the final purchase prices, interest rate or rates, aggregate principal amounts, principal amounts

payable at each stated maturity, the amount of any capitalized interest, being set forth in the respective Certificate of Award, at a purchase price not less than 97% of par plus any accrued interest to their dates of delivery. The Fiscal Officer shall cause the Series 2017 Bonds to be prepared, and have the Series 2017 Bonds signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Series 2017 Bonds, to the Original Purchaser upon payment of the purchase price. The Fiscal Officer, the County Executive, the 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.

The Certificates of Award shall also specify the number of series in which the Series 2017 Bonds will be issued and the designation of each. The Series 2017 Bonds of each series shall conform to the limitations and requirements of this Resolution, and the Series 2017 Bonds as a whole shall conform to the limitations and requirements of this Resolution. The County Executive and the Fiscal Officer are, and each of them is, hereby authorized to execute and deliver, in the name and on behalf of the County, a Bond Purchase Agreement for each series of Series 2017 Bonds, with the Original Purchaser for that Series, dated as of a date to be specified in the applicable Certificate of Award, incorporating or reflecting the provisions of the Certificate of Award for that series and setting forth the terms and conditions for the sale and delivery of the Series 2017 Bonds of that series to the Original Purchaser thereof, which the official or officials executing the Bond Purchase Agreement and the Director of Law shall have determined to be consistent with the purposes and requirements of this Resolution and otherwise in the best interests of the County, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement by those officials.

SECTION 7. Allocation of Proceeds of the Bonds. The proceeds of the Series 2017A Bonds shall be paid by the Original Purchaser to the County pursuant to the terms of the Series 2017A Bonds, the Bond Purchase Agreement and the Certificate of Award and used to pay (i) costs of refunding the Series 2012A Bonds and (ii) costs associated therewith and with the issuance of the Series 2017A Bonds, and the proceeds of the Series 2017B Bonds shall be paid by the Original Purchaser to the County pursuant to the terms of the Series 2017B Bonds, the Bond Purchase Agreement and the Certificate of Award and used to pay (i) costs of refunding the Series 2012B Bonds and (ii) costs associated therewith and with the issuance of the Series 2017B Bonds,

SECTION 8. Security for the Bonds. The Bond Service Charges on the Series 2017 Bonds shall be equally and ratably payable solely from the Revenues. The County hereby absolutely and irrevocably pledges and assigns to and grants a lien in favor of, the Holders of the Series 2017 Bonds, ratably, all of its right, title and interest in and to the Revenues, pursuant to the Assignment, for the payment of the Bond Service Charges. Pursuant the Act, the pledge and assignment of, and lien on, the Revenues shall be valid and binding from the date of this Bond Resolution and the Revenues and interest so pledged and hereafter received by the County are immediately subject to such pledge, assignment and lien without any physical delivery thereof or further act, and the pledge,

assignment and lien is valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the County, irrespective of whether those parties have notice thereof.

Anything in this Resolution, the Bonds or the Bond Indenture to the contrary notwithstanding, the Series 2017 Bonds do not and shall not represent or constitute a general obligation, debt or bonded indebtedness of the County, or a pledge of the faith and credit or moneys of the County, and the Holders of the Series 2017 Bonds shall not be given and shall not have any right to have excises or taxes levied by the County for the payment of Bond Service Charges thereon. The Series 2017 Bonds shall contain a statement to that effect and to the effect that the Bonds are payable solely from moneys paid by the Borrower.

SECTION 9. 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.

SECTION 10. Certification of Project. The Cuyahoga County Community Improvement Corporation shall certify to the County that the Original Project is in accordance with the plan for the industrial, commercial, distribution and research development of the County heretofore confirmed by the County pursuant to Section 1724.10, Ohio Revised Code.

SECTION 11. 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 Series 2017 Bonds in order to make them legal, valid and binding obligations of the County have been performed and have been met, or will at the time of delivery of the Series 2017 Bonds have been performed and have been met, in regular and due form as required by law.

SECTION 12. Bond Documents and Other Documents. The County Executive, the Fiscal Officer, the Director of Law and the Clerk of Council are each hereby authorized and directed to take any and all other actions and to execute the Bond Documents and any and all other instruments, certificates and documents as may in their judgment be necessary, desirable, advisable or appropriate in connection with the issuance of the Series 2017 Bonds in order to give effect to the transactions contemplated to be performed on the part of the County under this Bond Resolution or to revenues that may be available for payment of Bond Service Charges on the Series 2017 Bonds that the official or officials executing such document and the Director of Law shall have determined to be necessary and appropriate in connection with the issuance and delivery of the Series 2017 Bonds and otherwise in the best interests of the County, all of which shall be conclusively evidenced by the signing thereof by those officials.

SECTION 13. Retention of Bond Counsel. This Council hereby retains the legal services of Calfee, Halter & Griswold LLP as Bond Counsel to the County, in connection with the authorization, sale, issuance and delivery of the Series 2017 Bonds, pursuant to the authority in Ohio Revised Code Section 165.02. In providing those legal 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 formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, or of the County, or of any other political subdivision of the State, or the execution of public trusts.

SECTION 14. Compliance with Open Meetings. 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.

SECTION 15. 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. References to a Section are to a section of this Resolution.

SECTION 16. Severability. Each section of this Resolution and each subdivision or paragraph of any section thereof is declared to be independent and the finding or holding of any section or any subdivision or paragraph of any section thereof to be invalid or void shall not be deemed or held to affect the validity of any other section, subdivision or paragraph of this Resolution.

SECTION 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 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.

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:

Bond Counsel: Calfee, Halter & Griswold LLP

Journal _____
_____, 2017

ADDITIONAL ITEM

October 24, 2017 Council Agenda

County Executive/Department of Development,

Requesting approval of the issuance of not-to-exceed \$15,000,000 County of Cuyahoga, Ohio, Economic Development Refunding Revenue Bonds (University School Project) in two series, for the purpose of refunding the remaining outstanding principal amount of the \$15,000,000 County of Cuyahoga, Ohio, Economic Development Refunding Revenue Bonds, Series 2012 (University School project), which were issued to provide funds to assist University School in the refinancing of costs of a "Project" within the meaning of Chapter 165, Ohio Revised Code; authorizing the execution and delivery of a loan agreement pertaining to the project and an assignment of rights securing the payment of the Series 2017 Bonds; authorizing the execution and delivery of a bond purchase agreement, a tax agreement certain other documents and actions in connection with the issuance of such Series 2017 Bonds; and declaring the necessity that this Resolution become immediately effective.

Funding Source: N/A

In 1999, the County issued its \$28,000,000 Variable Rate Economic Development Revenue Bonds (University School Project) Series 1999A and 1999B (the "Original Bonds"). The proceeds of the Original Bonds were loaned to University School (the "Borrower") and used for the acquisition, construction, installation and equipping of equipping of (a) an addition to the auditorium at the Borrower's Shaker Heights campus and a new athletic field house at the Borrower's Hunting Valley campus. In 2012 Cuyahoga County approved a refinancing of the Bonds.

University School is asking again to refinance its Industrial Revenue 2012 Bonds, originally issued in the amount of \$15,000,000. This refinancing is related to two additions built in 1999 and 2001. The total being refinanced is \$14,000,000. The School is undertaking the refunding to restructure its debt obligations through a combination of fixed and variable debt (which may be synthetic) to achieve a lower overall cost of funds. In addition, University School is utilizing short-term debt to prepay the outstanding 2010 Bonds.

County Council of Cuyahoga County, Ohio

Resolution No. R2017-0189

<p>Sponsored by: County Executive Budish/Department of Development</p>	<p>A Resolution authorizing the issuance and sale of health care and independent living facilities revenue bonds, Series 2017 (Eliza Jennings Senior Care Network Project), in an aggregate principal amount not-to-exceed \$55,000,000.00 for the purposes of currently refunding bonds issued by the County, including paying costs related to certain interest rate hedge agreements, and paying certain costs of issuance; providing for the assignment of revenues for the payment of those bonds; and authorizing the execution and delivery of a Base Lease, a Lease, a Bond Indenture, Supplemental Bond Indentures, Bond Purchase Agreements, an Assignment of Rights under Lease, an Assignment of Basic Rent and other instruments and documents in connection with the issuance of those bonds; and declaring the necessity that this Resolution become immediately effective.</p>
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WHEREAS, the County of Cuyahoga, Ohio (the “Issuer”), a county and political subdivision in and of the State of Ohio (the “State”), is authorized and empowered by virtue of the laws of the State, including without limitation, Chapter 140 of the Ohio Revised Code and Section 133.51 of the Ohio Revised Code, as enacted pursuant to the provisions of Article VIII, Section 16 of the Ohio Constitution (together, the “Act”), among other things: (i) to acquire, construct, improve, furnish and equip Hospital Facilities and Independent Living Facilities, and to acquire by lease real estate within the boundaries of the Issuer and interests therein, including without limitation, improvements situated thereon comprising Hospital Facilities and Independent Living Facilities; (ii) to refund revenue bonds previously issued by the Issuer to reimburse the Borrower (defined herein) for, and to pay, the “costs of hospital facilities,” as defined in the Act, including the cost of independent living facilities, within the boundaries of the Issuer; (iii) to enter into a lease agreement to provide revenues to pay the principal of and interest and any premium on those revenue bonds; (iv) to secure those revenue bonds by a trust indenture and a separate supplemental trust indenture for each series of those revenue bonds, by the pledge and assignment of its rights under a lease agreement, by a pledge and lien on the hospital receipts and by an absolute and irrevocable assignment of certain funds to be held by the trustee under such trust indentures and (v) to enact this Resolution, to enter

into the Bond Indenture, the Supplemental Bond Indentures, the Base Lease, the Lease, the Assignment of Rights Under Lease, the Assignment of Basic Rent and the Bond Purchase Agreements, all as hereinafter defined, and to execute and deliver certain other documents and instruments upon the terms and conditions provided herein and therein; and

WHEREAS, this Council, pursuant to the foregoing authority and at the request of the Borrower, has heretofore determined and hereby determines to assist in refunding the revenue bonds previously issued by the Issuer for the purpose of acquiring, constructing, improving, furnishing and equipping real and personal property used for Hospital Facilities, all for the purposes of better providing for the health and welfare of the people of the State and the Issuer by enhancing the availability, efficiency and economy of Hospital Facilities, and the services rendered thereby and of providing efficient operation of Hospital Facilities, by leasing them to the Borrower and facilitating the financing of Hospital Facilities, to be available to or for the service of the general public without discrimination by reason of race, creed, religion, color, national origin or age;

WHEREAS, a public hearing was held on _____, 2017 pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended, for the purpose of informing interested parties of the proposed issuance of the Series 2017 Bonds (as hereinafter defined) and to afford those parties an opportunity to express their views on the subject both orally and in writing;

WHEREAS, it is necessary that this Resolution become immediately effective in order to refund the Series 2007A Bonds and the Series 2012 Bonds (each as hereinafter defined) at favorable interest rates.

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

Section 1. Definitions. In addition to the words and terms defined elsewhere in this Resolution, or by reference to the Lease or the Bond Indenture, unless the context or use indicates clearly another meaning or intent:

“Act” means Chapter 140 of the Ohio Revised Code, as enacted or amended from time to time, and Section 133.51 of the Ohio Revised Code, as enacted pursuant to the provisions of Article VIII, Section 16 of the Ohio Constitution, as enacted or amended from time to time.

“Assignment of Rights Under Lease” means the Assignment of Rights Under Lease dated as of the Dated Date, between the Issuer and the Bond Trustee, as the same may be amended or supplemented.

“Assignment of Basic Rent” means the Assignment of Basic Rent dated as of the Dated Date, from the Issuer to the Bond Trustee, as the same may be amended and supplemented.

“Authorized Borrower Representative” means the person designated from time to time by the Borrower as its representative.

“Bank Rate” means the respective Bank Rates as defined in Supplemental Bond Indentures Nos. 1, 2, 3 and 4.

“Base Lease” means, the Base Lease, dated as the Dated Date, between Eliza Jennings Senior Care Network, as lessor, and the Issuer, as lessee, as amended or supplemented from time to time in accordance with its terms.

“Basic Rent” means the amounts necessary to make the deposits required in the Bond Indenture to be made to the Special Funds and any other amounts required under the Lease to be paid as Basic Rent on or prior to the date set forth in the Lease.

“Beneficial Owner” means, with respect to the Bonds, a Person owning a Beneficial Ownership Interest therein, as evidenced to the satisfaction of the Bond Trustee.

“Beneficial Ownership Interest” means the beneficial right to receive payments and notices with respect to the Bonds which are held by the Depository under a book entry system.

“Bond Fund” means the Bond Fund created in Section 5.01 of the Bond Indenture.

“Bond Indenture” means the Trust Indenture dated as of the Dated Date between the Issuer and the Bond Trustee, as the same may be amended and supplemented from time to time, including, but not limited to, by Supplemental Bond Indentures Nos. 1, 2, 3 and 4.

“Bond Purchase Agreements” means the HPCC Bond Purchase Agreement, the Huntington Bond Purchase Agreement and the Northwest Bond Purchase Agreement.

“Bond Service Charges” means, for any applicable time period or date, the principal (including any Mandatory Sinking Fund Requirements), interest, and redemption premium, if any, required to be paid by the Issuer on the Bonds pursuant to the Bond Indenture. In determining Bond Service Charges accruing for any period or due and payable on any date, Mandatory Sinking Fund Requirements accruing for that period or due on that date shall be included and principal maturities for which, and to the extent, Mandatory Sinking Fund Requirements were imposed in a prior period or for a prior date shall be excluded.

“Bond Trustee” means U.S. Bank National Association, and any successor Bond Trustee, as determined or designated under or pursuant to the Bond Indenture.

“Bonds” means the Series 2017 Bonds.

“Book entry form” or “book entry system” means, with respect to the Bonds, a form or system, as applicable, under which (i) the Beneficial Ownership Interests may be transferred only through a book entry and (ii) physical Bond certificates in fully registered form are registered only in the name of a Depository or its nominee as Holder, with the physical Bond certificates “immobilized” in the custody of the Depository. The book entry system, maintained by and the responsibility of the Depository and not maintained by or the responsibility of the Issuer or the Bond Trustee, is the record that identifies, and records the transfer of the interests of, the owners of book entry interests in the Bonds.

“Borrower” means, Eliza Jennings Senior Care Network, an Ohio nonprofit corporation, no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual and which has authority to own or operate Hospital Facilities, or which provides services to one or more other hospital agencies and which is qualified to do business in the State, and its lawful successors and assigns, including any surviving, resulting or transferee corporations as provided in the Lease, as a lessee thereunder.

“Borrower Documents” means the Base Lease, the Lease, the Bond Purchase Agreements, the Master Indenture and the Master Indenture Security Documents.

“Business Day” means (A) any day other than (1) a Saturday, Sunday or other day on which banks in the city in which the Corporate Trust Office of the Bond Trustee, any Paying Agent, the Registrar, the Tender Agent or any of the Original Purchasers is located or in New York, New York are authorized to be closed for commercial banking purposes or (2) a day on which the New York Stock Exchange is closed, or (B) as such term may be defined in the Bond Indenture or Lease, but for which no days shall be included that are not consistent with the terms of (A) above.

“Certificate of Award” means the Series 2017 Certificate of Award, defined in Section 3 hereof and authorized pursuant to Section 4 hereof.

“Clerk” means the Clerk of the County Council of the Issuer.

“Code” means the Internal Revenue Code of 1986, the applicable regulations (whether proposed, 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.

“Dated Date” means the first day of the calendar month in which the Series 2017 Bonds are issued.

“Depository” means any securities depository that is a clearing agency under federal law operating and maintaining, with its participants or otherwise, a book entry system to record ownership of book entry interests in Bonds, and to effect transfers of book entry

interests in Bonds in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

“Devon Oaks Project” means the assisted living facility located in the City of Westlake, Ohio constituting “Hospital Facilities” originally financed with the proceeds of hospital revenue bonds issued by the Issuer in 2004 and refunded by the Refunded Bonds.

“Eliza Jennings Home Project” means the senior care facility located in the City of Cleveland, Ohio constituting “hospital facilities” originally financed with the proceeds of hospital revenue bonds issued by the Issuer and refunded with the Refunded Bonds.

“Executive” means the County Executive.

“Fiscal Officer” means the County Fiscal Officer or his duly appointed deputy.

“Holder” means the person in whose name a Bond is registered on the Register for which provision is made in the Bond Indenture.

“Hospital Facilities” means the buildings, structures and other improvements, additions thereto and extensions thereof, furnishings, equipment and real estate and interests therein, all or any part of the Costs of which are at any time authorized by the Act to be financed by the issuance of Bonds or other obligations of the Issuer thereunder, together with all appurtenant facilities and properties in which the Issuer has acquired an interest or hereafter shall acquire an interest, including Independent Living Facilities.

“Hospital Receipts” means Hospital Receipts as defined in the Bond Indenture.

“HPCC” means Huntington Public Capital Corporation, a Nevada corporation, the original purchaser of the Series 2017A Bonds.

“HPCC Bond Purchase Agreement” means the Bond Purchase Agreement for the Series 2017A Bonds between the Issuer and HPCC, and approved by the Borrower.

“Huntington” means The Huntington National Bank, a national banking association, the original purchaser of the Series 2017C Bonds.

“Huntington Bond Purchase Agreement” means the Bond Purchase Agreement for the Series 2017C Bonds between the Issuer and Huntington, and approved by the Borrower.

“Independent Living Facilities” means “independent living facilities” as defined in Section 140.01, Ohio Revised Code.

“Issuer” means the County of Cuyahoga, Ohio, a county and political subdivision in and of the State.

“Issuer Documents” means this Bond Legislation, the Lease, the Base Lease, the Bond Indenture, Supplemental Bond Indentures Nos. 1, 2, 3 and 4, the Letter of Representations, the Assignment of Rights Under Lease, the Assignment of Basic Rents, the Bond Purchase Agreement and the Certificate of Award; provided that when reference is made herein to the execution and delivery of the Issuer Documents, with respect to this Resolution, that reference means instead its adoption.

“Lease” means the Lease dated as of the Dated Date, between the Issuer, as lessor, and Eliza Jennings Senior Care Network, as lessee, as the same may be amended or supplemented from time to time in accordance with the terms thereof.

“Leased Premises” means the Leased Real Property and the Project, collectively constituting Hospital Facilities.

“Leased Real Property” means the real property described in the Lease, together with any substitutions therefor or additions thereto, less any removals therefrom from time to time as provided for and permitted by the Lease.

“Legislative Authority” means the County Council of the Issuer.

“Letter of Representations” means a blanket letter of representations from the Issuer to the Depository.

“Master Indenture” means the Master Open-End Indenture of Mortgage and Security Agreement between the members of the Obligated Group and the Master Trustee, dated as of October 1, 2017, as amended and supplemented from time to time, including by Supplemental Master Indenture Nos. 1 and 2.

“Master Indenture Security Documents” means any mortgage on, security interest in, or pledge, hypothecation, assignment or other transfer of any real, personal or real and personal property, tangible or intangible, given from time to time to the Master Trustee by the Borrower or other members of the Obligated Group as security for the obligations under the Master Indenture.

“Master Trustee” means U.S. Bank National Association, and any successor Master Trustee, as determined or designated under or pursuant to the Master Indenture.

“Maximum Rate” means, with respect to the Series 2017 Bonds, fifteen percent (15.0%) per annum.

“Northwest” means Northwest Bank, a national banking association.

“Northwest Bond Purchase Agreement” means the Bond Purchase Agreement for the Series 2017B and Series 2017D Bonds between the Issuer and Northwest, and approved by the Borrower.

“Obligated Group” means the Obligated Group as defined in the Master Indenture.

“Original Purchaser” means, as to the Series 2017A Bonds, HPCC, as to the Series 2017B Bonds and the Series 2017D Bonds, Northwest, and as to the Series 2017C Bonds, Huntington.

“Project” means collectively, the Devon Oaks Project, the Eliza Jennings Home Project and the Renaissance Project.

“Purchase Price” means the purchase price of the Bonds specified in the Certificate of Award, which shall be no less than the par amount thereof, plus accrued interest from the dated date of the Bonds to the date of delivery and payment for the Bonds by the Original Purchasers.

“Refunded Bonds” has the meaning set forth in Section 2 hereof.

“Remarketing Agent” means, as to the Bonds, any Person meeting the qualifications of and designated from time to time to act as Remarketing Agent under the Bond Indenture.

“Renaissance Project” means the assisted living, health center and independent living facilities located in Olmsted Township, Ohio constituting “Hospital Facilities” and “Independent Living Facilities” originally financed with the proceeds of hospital and independent living facility revenue bonds issued by the Issuer and refunded with the Refunded Bonds.

“Series 2007A Bonds” means the Issuer’s Health Care and Independent Living Facilities Fixed Rate Revenue Bonds, Series 2007A (Eliza Jennings Senior Care Network Project).

“Series 2012 Bonds” means the Issuer’s Health Care Facilities Variable Rate Demand Refunding Revenue Bonds, Series 2012 (Eliza Jennings Senior Care Network Project).

“Series 2017A Bonds” means the Issuer’s Health Care and Independent Living Facilities Revenue Bonds, Series 2017A (Eliza Jennings Senior Care Network Project).

“Series 2017B Bonds” means the Issuer’s Health Care and Independent Living Facilities Revenue Bonds, Series 2017B (Eliza Jennings Senior Care Network Project).

“Series 2017C Bonds” means the Issuer’s Taxable Health Care and Independent Living Facilities Revenue Bonds, Series 2017C (Eliza Jennings Senior Care Network Project).

“Series 2017D Bonds” means the Issuer’s Taxable Health Care and Independent Living Facilities Revenue Bonds, Series 2017D (Eliza Jennings Senior Care Network Project).

“Supplemental Bond Indenture No. 1” means Supplemental Trust Indenture No. 1, dated as of the Dated Date, by and between the Issuer and the Bond Trustee and relating to the issuance of the Series 2017A Bonds, and any amendment or supplement thereto.

“Supplemental Bond Indenture No. 2” means Supplemental Trust Indenture No. 1, dated as of October 1, 2017, by and between the Issuer and the Bond Trustee and relating to the issuance of the Series 2017B Bonds, and any amendment or supplement thereto.

“Supplemental Bond Indenture No. 3” means Supplemental Trust Indenture No. 1, dated as of October 1, 2017, by and between the Issuer and the Bond Trustee and relating to the issuance of the Series 2017C Bonds, and any amendment or supplement thereto.

“Supplemental Bond Indenture No. 4” means Supplemental Trust Indenture No. 1, dated as of October 1, 2017, by and between the Issuer and the Bond Trustee and relating to the issuance of the Series 2017D Bonds, and any amendment or supplement thereto.

“Supplemental Bond Indentures” means, collectively, Supplemental Bond Indenture No. 1, Supplemental Bond Indenture No. 2, Supplemental Bond Indenture No. 3 and Supplemental Bond Indenture No. 4.

“Supplemental Master Indenture No. 1” means Supplemental Master Indenture No. 1, dated as of October 1, 2017, by and between the Obligated Group and the Master Trustee, relating to the Series 2017A and Series 2017C Bonds.

“Supplemental Master Indenture No. 2” means Supplemental Master Indenture No. 2, dated as of October 1, 2017, by and between the Obligated Group and the Master Trustee, relating to the Series 2017B and Series 2017D Bonds.

“Special Fund” means the Bond Fund established under the Indenture.

“State” means the State of Ohio.

“Tender Agent” means the Person designated in the applicable Resolution, Certificate of Award or Supplemental Indenture, and any successor Tender Agent as determined or designated under or pursuant to the Indenture.

Words and terms used herein with initial capital letters and not herein defined have the meaning given to them in the Bond Indenture.

The captions and headings in this Resolution are solely for convenience of reference and do not define, limit or describe the scope or intent of any provisions or Sections of this Resolution.

Section 2. Findings and Determinations; Authorization of the Bonds. This Council finds and determines based upon representations of the Borrower and the advice of Bond Counsel, that: (a) there is a substantial need within the Issuer to better provide for the health and welfare of the people of the State and the Issuer by enhancing the availability, efficiency and economy of Hospital Facilities and the services rendered thereby, and to facilitate the financing of those Hospital Facilities, to provide health care and other services to the residents of the Issuer available for the service of the general public without discrimination by reason of race, creed, color or national origin, religion or age and at the lowest practicable cost; (b) the Base Lease and the Lease and the Issuer's execution and delivery, will promote the public purpose stated in Section 140.02 of the Ohio Revised Code and restated in the preceding clause (a), and the Issuer will be duly benefited thereby, (c) the Project consists of Hospital Facilities and (d) it is necessary to, and the Issuer shall, issue, sell and deliver, as provided and authorized herein and in the Bond Indenture, pursuant to the authority of the Act, Series 2017 Bonds in an aggregate principal amount not to exceed \$55,000,000, for the purpose of providing funds to (i) currently refund the outstanding principal amount of the Issuer's Series 2007A Bonds and the Issuer's Series 2012 Bonds (together, the "Refunded Bonds"), (ii) to pay certain costs related to termination of interest rate hedges entered into in connection with the Series 2012 Bonds, and (iii) to pay certain expenses incurred in connection with the issuance of the Bonds.

Section 3. Terms and Provisions of the Bonds.

(a) Generally. The Bonds shall be designated "County of Cuyahoga, Ohio Health Care and Independent Living Facilities Refunding Revenue Bonds, Series 2017 (Eliza Jennings Senior Care Network Project)".

(b) Form of Bonds. The Series 2017 Bonds (i) shall be issuable in one or more series only in fully registered form and substantially as set forth in Exhibit A attached to each applicable Supplemental Bond Indenture, (ii) shall be exchangeable only for Series 2017 Bonds of the same series of authorized denominations, as provided in the Bond Indenture; (iii) shall be numbered in a manner determined by the Bond Trustee which will distinguish each Series 2017 Bond of a series from each other Series 2017 Bond; (iv) shall be in the denominations for which provision is made and which are permitted by the Bond Indenture; (v) shall be dated as specified in the Certificate of Award, provided that such date or dates shall be no later than December 31, 2017; (vi) if requested by the Original Purchaser, shall be initially issued only to a Depository for holding in a book entry system; (vii) shall mature on such dates and in such principal amounts as may be fixed by the Fiscal Officer in the 2017 Certificate of Award, provided that the final maturity shall not be later than May 15, 2043; (viii) shall be subject to optional redemption, extraordinary optional redemption and mandatory redemption as provided in the Bond Indenture; and (ix) shall bear interest, payable 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 the date of the Series 2017 Bonds.

Principal of and premium, if any, and interest on the Bonds shall be payable as provided in the Bond Indenture. The Bonds shall be registered in the name of the Holder or, if requested by the Holder, in the name of the Depository or its nominee, as Holder, and immobilized in the custody of the Depository, and the Bonds shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository as referred to in subsection (e) of this Section 3, without further action by the Borrower.

(c) Execution. The Bonds shall be signed by the Executive and/or the Fiscal Officer or their designees in their official capacities (provided that either or both of those signatures may be facsimiles). In case any officer, whose signature or facsimile thereof shall appear on the Bonds, shall leave office prior to the issuance of the Bonds, such signature or facsimile thereof shall nevertheless be valid and sufficient for all purposes, the same as if he or she had remained in office until after that time.

(d) Interest Rates. The initial interest rates on each series of the Series 2017 Bonds shall be the Bank Rate determined as provided in the related Supplemental Bond Indenture, each of which interest rates shall not exceed the Maximum Rate established for the Bonds. While the Series 2017 Bonds of a series bear interest at the Bank Rate, interest shall be payable on the day of each month set forth in the related Supplemental Bond Indenture.

Pursuant to each Supplemental Bond Indenture, the Authorized Borrower Representative, on behalf of the Issuer, has the option to convert the interest rate mode on each series of the Series 2017 Bonds to other interest rate modes, including (each as defined in the applicable Supplemental Bond Indenture) another Bank Rate, the Weekly Rate, One Month Rate, Three Month Rate, the Flexible Interest Rate or the Fixed Interest Rate. Interest on the Series 2017 Bonds of each series in an interest rate mode is payable on the interest payment dates specified in the applicable Supplemental Bond Indenture for that interest rate mode.

(e) Book-entry System. If the Bonds are issued to a Depository and the Depository determines not to continue or if the Borrower determine it is not in its best interest or the best interest of the Beneficial Owners for the Depository to continue to act as a Depository for the Bonds for use in a book entry system, the Borrower, after written notice to the Issuer, may attempt to have established a securities depository/book entry system relationship with another Depository under this Resolution. If the Borrower does not or is unable to do so, the Issuer and the Bond Trustee, after the Bond Trustee has made provision for notification of the Beneficial Owners by appropriate notice to the then Depository, shall permit withdrawal of the Bonds from the Depository, and authenticate and deliver Bond certificates, in fully registered form and in the authorized denomination to the assignees of the Depository or its nominee or the Beneficial Owner, all at the cost and expense (including costs of printing or otherwise preparing, and delivering, replacement Bonds) of the Borrower.

Section 4. Sale of the Bonds; Certificate of Award; Official Statement. The Series 2017 Bonds of each series shall be sold and awarded to the Original Purchasers, in accordance with the terms of this Resolution, the Bond Indenture, the Supplemental Bond Indentures and the Bond Purchase Agreements, at the Purchase Prices, as defined in the Certificate of Award, provided that no Purchase Price shall be less than the principal amount of the Series 2017 Bonds, together with accrued interest on the Bonds from their date to the date of their delivery and payment therefor.

It is determined hereby, based upon the advice of Bond Counsel and representations of the Borrower that the Purchase Price and the manner of sale and the terms of the Bonds as provided in this Resolution, the Bond Purchase Agreement, and the Bond Indenture, are consistent with all legal requirements and will carry out the public purposes of the Act.

The award shall be further evidenced by one or more Certificates of Award which shall determine and state (i) the Purchase Prices of Bonds to be issued, (ii) the principal maturities of each series of the Series 2017 Bonds, (iii) the mandatory sinking fund requirements of each series of the Series 2012 Bonds, if any, and (iv) any other provisions of a series of the Series 2017 Bonds deemed necessary or appropriate by the officer or officers of the Issuer executing and delivering the Certificate of Award, and the Issuer's legal counsel, and not contrary to this Resolution or adverse to the Issuer. The Certificate of Award shall be executed by the Executive or the Fiscal Officer, alone or in conjunction with the other, and execution and delivery of the Certificate of Award by any such officer or officers shall be deemed as conclusive that all matters set forth in the Certificate of Award are not contrary to this Resolution or adverse to the Issuer.

The Executive, the Fiscal Officer or the Clerk or their designees are authorized and directed, alone or together, to make the necessary arrangements with the Original Purchaser to establish the date, location, procedures and conditions for the delivery of the Bonds to the Original Purchaser and to take all steps necessary to effect due execution, authentication and delivery of the Series 2017 Bonds to the Original Purchasers under the terms of this Resolution, the applicable Bond Purchase Agreement and the Certificate of Award.

Section 5. Allocation of Proceeds of Bonds. The proceeds of sale of the Bonds (including, without limitation, premium, if any, and interest accrued thereon) shall be allocated and deposited in accordance with the Bond Indenture.

All funds, accounts and subaccounts contemplated in the Bond Indenture to be created are authorized and directed hereby to be created and shall be used without further legislative action for the purposes specified in the Bond Indenture.

Section 6. Security for the Bonds. To the extent and except as otherwise provided under the Bond Indenture, (i) the Bond Service Charges on the Bonds shall be equally and ratably payable solely from the Hospital Receipts, the Special Funds and from any amounts payable pursuant to the Lease, and (ii) the payment of Bond Service Charges on

the Bonds shall be secured by the absolute and irrevocable assignment of the Hospital Receipts and the Special Funds and secured by the Bond Indenture, including the assignment of the Basic Rent under the Lease. All Basic Rent shall be paid by the Borrower directly to the Bond Trustee or its designee(s) for the account of the Issuer.

Anything in the Resolution, the Bonds or the Bond Indenture to the contrary notwithstanding, the Series 2017 Bonds do not and shall not represent or constitute a general obligation, debt or bonded indebtedness of the Issuer, or a pledge of the faith and credit or moneys of the Issuer, and the Holders of the Series 2017 Bonds shall not be given and shall not have any right to have excises or taxes levied by the Issuer for the payment of Bond Service Charges thereon. The Series 2017 Bonds shall contain a statement to that effect and to the effect that the Bonds are payable, solely from the Hospital Receipts and from any other moneys paid by the Borrower or obtained by the Bond Trustee upon the exercise of rights and remedies under the Issuer Documents.

Section 7. Covenants and Agreements of Issuer. In addition to the other covenants of the Issuer herein and in the Issuer Documents, the Issuer further covenants and agrees as follows:

(a) Authority and Actions. The Issuer is, and upon delivery of the Series 2017 Bonds will be, duly authorized by the laws of the State, particularly and without limitation the Act, to issue the Bonds, to execute and deliver the Issuer Documents, the Bond Purchase Agreement and other instruments and documents to which it is a party, to provide the security for payment of the Bond Service Charges on the Bonds in the manner and to the extent set forth herein and in the Bond Indenture, and to cause the refunding of the Refunded Bonds, all as authorized by this Board. All actions on the part of the Issuer for the issuance of the Bonds and the execution and delivery of the Issuer Documents, the Bond Purchase Agreements and such other instruments and documents have been or will be duly and effectively taken. The Series 2017 Bonds will be valid and enforceable special limited obligations of the Issuer according to the terms thereof. Each duty of the Issuer and of its officers and employees undertaken pursuant to the Bonds, the Issuer Documents and the Bond Purchase Agreements is a duty specifically enjoined by law pursuant to Section 140.06(J), Ohio Revised Code, upon the Issuer and each of those officers and employees having authority thereunder or by provision of law to perform the duty, resulting from an office, trust or station, within the meaning of Section 2731.01, Ohio Revised Code, providing for enforcement by writ of mandamus.

(b) Transcript. The Clerk shall furnish to the Original Purchaser a true transcript of proceedings, certified by the Clerk, of all proceedings had with reference to the issuance of the Series 2017 Bonds, together with such information from the records as is necessary to determine the regularity and validity of the issuance of the Series 2017 Bonds.

(c) Further Assurances. The Issuer shall do all things and take all actions on its part necessary within its legal authority and control to comply with obligations, duties and responsibilities on its part under the Issuer Documents. Nothing herein or in

the Issuer Documents shall be construed as requiring the Issuer to operate the Leased Premises or to use or pledge any moneys from any source other than Hospital Receipts or the Alternate Security as provided in the Bond Indenture.

(d) No Pecuniary Liability of the Issuer. No provision, covenant, or agreement contained in this Resolution, the Issuer Documents, the Bond Purchase Agreements, or other documents, and no obligation herein imposed upon the Issuer, or the breach thereof, shall constitute an indebtedness of the Issuer or the State of Ohio or any political subdivision thereof within the meaning of any Ohio constitutional provision or statutory limitation or shall constitute or give rise to a pecuniary liability of the Issuer or the State of Ohio or any political subdivision thereof or a charge against its general credit or taxing powers. In making the agreements, provisions and covenants set forth in this Resolution, the Issuer Documents, the Bond Purchase Agreements, or other documents, the Issuer has not obligated itself, except to the extent that the Issuer is authorized to act pursuant to Ohio law and except with respect to the Hospital Receipts. The Issuer and any of its officials, officers or employees shall have no monetary liability arising out of the obligations of the Issuer hereunder or in connection with any covenant, representation or warranty made by the Issuer herein or any of the Issuer Documents described in Section 8 of this Resolution, and neither the Issuer nor its officials, officers or employees shall be obligated to pay any amounts in connection with the transactions contemplated hereby other than from Hospital Receipts or other moneys received from the Borrower.

Section 8. Issuer Documents. To provide for the issuance and sale of the Bonds, the refunding of the outstanding principal amounts of the Refunded Bonds, and the consummation of the transactions contemplated herein, the Executive, the Fiscal Officer and any other appropriate officer of the Issuer is authorized and directed to execute, acknowledge and deliver, for and in the name and on behalf of the Issuer, each Issuer Document and the Bond Purchase Agreements in substantially the respective forms thereof submitted to this Legislative Authority (except that with respect to this Resolution, that authority and direction refers to certification of the adoption of this Resolution) subject to such changes as are requested and/or approved by the Issuer.

The Issuer Documents and the Bond Purchase Agreements are approved with changes therein which are not inconsistent with this Resolution, which are not adverse to the Issuer, which are permitted by the Act, and which are approved by the officer or officers executing the respective Issuer Documents and the Bond Purchase Agreements and the Issuer's legal counsel. The approval of those changes by that officer or those officers, and the character of those changes as not being adverse to the Issuer, shall be evidenced conclusively by the execution and delivery of the respective Issuer Documents and the Bond Purchase Agreements by that officer or those officers.

Section 9. Other Documents. The Executive, the Fiscal Officer, the Clerk and any other appropriate officer of the Issuer, alone or in conjunction with any of the foregoing, are authorized and directed to execute, deliver and, if applicable file, for and in the name and on behalf of the Issuer, any certifications, financing statements, assignments and

other instruments and documents which are necessary and appropriate to perfect the assignments contemplated in the Bond Indenture and to consummate the transactions contemplated in the Issuer Documents, the Bond Purchase Agreements and the Series 2017 Bonds. Those certifications and other instruments and documents include, without limitation, as to the Series 2017A and Series 2017B Bonds, an appropriate certificate under Section 149(e) of the Code, a report on Form 8038 and any other certifications and forms necessary or advisable under the Code and, as to all Series 2017 Bonds, a certification by the Clerk of the transcript of proceedings relating to the issuance of the Bonds.

Section 10. Lien of Pledge Hereunder. As provided in Section 140.06 of the Act, the Hospital Receipts are subject to the lien of the pledge hereunder and under the Bond Indenture without any physical delivery of the Hospital Receipts or further act, and the lien of that pledge is valid and binding against all parties having claims of any kind against the Issuer or the Borrower (irrespective of whether those parties have notice of such pledge), and creates a perfected security interest for all purposes of Chapter 1309, Ohio Revised Code, without the necessity for separation or delivery of the Hospital Receipts or for the filing or recording of the Bond Indenture or any other resolution or instrument by which that pledge is created or any certificate, statement or other document with respect to that pledge. The pledge of and lien on the Hospital Receipts under the Bond Indenture shall be effective and the money therefrom and thereof may be applied to the purposes for which pledged without necessity for any further act of appropriation.

Section 11. Release of Leased Premises. Consistent with the provisions of the Base Lease and the Lease, the Base Lease and the Lease may be amended, at any time and from time to time, to effect the release of and removal from the leasehold estates created thereby of any part of or interest in the Leased Premises and the transfer thereof to the applicable Borrower, provided, in the opinion of Bond Counsel, such release shall not cause the Series 2017A Bonds or the Series 2017B Bonds to become taxable.

No further legislative action of the Issuer shall be required to authorize or effect the release or removal of all or portions of the Leased Premises, or granting or modifying interests therein, as contemplated by the Base Lease and the Lease, and the Executive and the Fiscal Officer shall be and they hereby are authorized and directed to execute and deliver, alone or in combination with any other such official, any and all documents or instruments necessary or appropriate, as determined by such official or officials, to effect such release or removal, or such granting or modifying of interests in the Leased Premises.

Section 12. Compliance with Open Meeting Requirements. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Board 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 Section 121.22, Ohio Revised Code.

Section 13. Immediately Effective. It is necessary that this Resolution become immediately effective in order to provide for the refunding of the Refunded Bonds at favorable interest rates. Provided that this Resolution receives the affirmative vote of eight members of Council, this Resolution shall become immediately effective upon the signature of the County Executive.

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

Yeas:

Nays:

_____ Date
County Council President

_____ Date
County Executive

_____ Date
Clerk of Council

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

Bond Counsel: Calfee, Halter & Griswold LLP

Journal _____
_____, 20__

Item No. 2

County Executive/Department of Development, requesting approval of the issuance and sale of health care and independent living facilities revenue bonds, Series 2017 (Eliza Jennings Senior Care Network Project), in an aggregate principal amount not to exceed \$55,000,000 for the purposes of currently refunding bonds issued by the County, including paying costs related to certain interest rate hedge agreements, and (ii) paying certain costs of issuance; providing for the assignment of revenues for the payment of those bonds; and authorizing the execution and delivery of a Base Lease, a Lease, a Bond Indenture, Supplemental Bond Indentures, Bond Purchase Agreements, an Assignment of Rights under Lease, an Assignment of Basic Rent and other instruments and documents in connection with the issuance of those bonds, and declaring the necessity that this Resolution become immediately effective.

County Council of Cuyahoga County, Ohio

Resolution No. R2017-0190

<p>Sponsored by: County Executive Budish/Department of Information Technology on behalf of Department of Health and Human Services/ Cuyahoga Job and Family Services/ Office of Child Support Services</p>	<p>A Resolution authorizing a state term contract with Hyland Software, Inc. in the amount not-to-exceed \$660,245.05 for software licenses, maintenance services and professional services for development of a case management system for the period 10/1/2017 - 12/31/2018; 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, County Executive Budish/Department of Information Technology on behalf of Department of Health and Human Services/Cuyahoga Job and Family Services/Office of Child Support Services has recommended a state term contract with Hyland Software, Inc. in the amount not-to-exceed \$660,245.05 for software licenses, maintenance services and professional services for development of a case management system for the period 10/1/2017 - 12/31/2018; and

WHEREAS, the primary goal of this project is to purchase additional modules and licenses, including professional services for design and build of a new case management system for the Office of Child Support Services; and

WHEREAS, the project is funded 66% Federal Reimbursement and 34% HHS Levy; and

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

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

SECTION 1. That the Cuyahoga County Council hereby authorizes a state term contract with Hyland Software, Inc. in the amount not-to-exceed \$660,245.05 for software licenses, maintenance services and professional services for development of a case management system for the period 10/1/2017 - 12/31/2018.

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

ADDITIONAL ITEM
October 24, 2017 Council Agenda

Department of Information Technology,

a) Submitting an RFP exemption on RQ40981, which will result in an award recommendation to Hyland Software, Inc., in the amount not-to-exceed \$660,245.05 for development of a case management software solution, licenses and maintenance services for the period 11/1/2017 – 12/31/2018 for use by the Department of Health and Human Services/Cuyahoga Job and Family Services/Office of Child Support Services.

b) Recommending an award on RQ40981 and enter into a state contract with Hyland Software, Inc., in the amount not-to-exceed \$660,245.05 for development of a case management software solution, licenses and maintenance services for the period 11/1/2017 – 12/31/2018 for use by the Department of Health and Human Services/Cuyahoga Job and Family Services/Office of Child Support Services.

Funding Source: 66% Federal Reimbursement and 34% HHS Levy

A. Scope of Work Summary

Department of Information Technology,
requesting approval of a contract with Hyland Software, Inc. for use by The Office of Child Support Services (OCSS) for the anticipated cost not-to-exceed \$660,245.05. The anticipated start-completion dates are 11/1/2017 – 12/31/2018.

2. The primary goals of the project are to improve the collection rate of child support obligations by approximately \$25 million per year, improve process efficiency, and improve staff productivity.

B. Procurement

1. The procurement method for this project was RFP Exemption due to State Term Schedule pricing. The total value of the STS contract is \$660,245.05.

C. Contractor and Project Information

1. The address(es) of all vendors and/or contractors is (provide the full address in the following format):

Hyland Software, Inc.

28500 Clemens Road

Westlake, OH 44145

Council District 1

2. The President & CEO for the contractor/vendor is Bill Premier

D. Project Status and Planning

1. The project is an extension of an existing technology in use for OCSS.

2. The project has a software development phase. The development phase is expected to begin in January 2018 and last approximately 6 months.

3. The project is on a critical action path because we are budgeted to use 2017 funds and require County Council approval by the end of the month to secure the vendor's resources in January 2018. Delay in will result in the inability for the vendor to secure dedicated resources in time and could delay this

project another quarter or two. We are targeting this for the County Council meeting on 10/24 and are asking for suspension of 2nd reading.

E. Funding

1. The project is funded 66% Federal Reimbursement and 34% HHS Levy.
2. The schedule of payments is by invoice upon completion of development phase, and for initiation of the licensing in January 2018.

County Council of Cuyahoga County, Ohio

Resolution No. R2017-0191

<p>Sponsored by: County Executive Budish/Department of Sustainability</p>	<p>A Resolution authorizing a Cooperative Agreement with Cleveland-Cuyahoga County Port Authority in order to make certain agreements to share the interest rate subsidy to be paid by the United States of America with respect to interest paid on not-to-exceed \$2,775,000.00 of revenue bonds issued by the Port Authority as “qualified energy conservation bonds” for purposes of Section 54D of the Internal Revenue Code, as amended; authorizing the County Executive to execute the Cooperative Agreement and all other documents consistent with the Cooperative Agreement and this Resolution; authorizing the County Executive to make certain designations and representations under the Internal Revenue Code, as amended; and declaring the necessity that this Resolution become immediately effective.</p>
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WHEREAS, the County has, by Ordinance No. O2016-0009 of the County Council approved on March 22, 2016 (the “County QECB Ordinance”), established the Cuyahoga County Green Community Program to implement Section 54D of the Internal Revenue Code, as amended, within the jurisdiction of the County, including to authorize financing for energy efficiency and alternative energy projects through energy special improvement districts established under Chapter 1710 of the Ohio Revised Code by which property owners are able to pay for the costs of the improvements by an assessment on their property tax bill; and

WHEREAS, the Cleveland-Cuyahoga County Port Authority (the “Port Authority”) has, by Resolution of the Board of Directors of the Port Authority approved on October 12, 2017, authorized the issuance of certain revenue bonds (the “Bonds”) to be designated as “qualified energy conservation bonds” in order to finance the acquisition, construction, installation, equipping, and improvement of certain energy efficiency improvements constituting “port authority facilities” as defined in Section 4582.01(D) of the Ohio Revised Code and “special energy improvement projects” as defined in Section 1710.01(I) of the Ohio Revised Code,

located at certain real property assigned Cuyahoga County Permanent Parcel ID Number 101-03-028 within the jurisdiction of the Port Authority and the County; and

WHEREAS, pursuant to County Council's approval, the County Executive intends to enter into a Cooperative Agreement with the Port Authority in order to make certain agreements to share the interest rate subsidy to be paid by the United States of America with respect to interest paid on not to exceed Two Million Seven Hundred Seventy-Five Thousand Dollars (\$2,775,000.00) of revenue bonds issued by the Port Authority as "qualified energy conservation bonds" for purposes of Section 54D of the Internal Revenue Code, as amended; 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 Cooperative Agreement with the Cleveland-Cuyahoga County Port Authority in order to make certain agreements to share the interest rate subsidy to be paid by the United States of America with respect to interest paid on not-to-exceed Two Million Seven Hundred Seventy-Five Thousand Dollars (\$2,775,000.00) of revenue bonds issued by the Port Authority as "qualified energy conservation bonds" for purposes of Section 54D of the Internal Revenue Code, as amended. The County shall endeavor to spend the subsidy it receives in years 2018 to 2022 on items related to the Cuyahoga County Sustainability Plan and/or for other sustainability programs/expenses. Any subsidy received after year 2022 may be used for any lawful purpose.

SECTION 2. That the County Executive or his designee is authorized to execute the Cooperative Agreement and all other documents consistent with the Cooperative Agreement and this Resolution.

SECTION 3. That the County Executive or his designee is authorized and directed (1) to make or effect any election, selection, designation, choice, approval or waiver on behalf of the County with respect to the Bonds as permitted or required to be made or given under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or the status of the Bonds or the interest on the Bonds or assisting compliance of the Port Authority with requirements for that purpose or to apply for the payment to the Port Authority of any sums in respect of the credit provided in Section 6431 of the Internal Revenue Code, as amended, with respect to the Bonds; (2) to take any and all actions, make or obtain calculations, and make or give reports, covenants and certifications of and on behalf of the County, as may be appropriate to assure the status of some or all of the Bonds as "qualified energy conservation bonds"; and (3) to give an appropriate certificate on behalf of the County, for inclusion in the transcript of proceedings for the Bonds,

setting forth the facts, estimates and circumstances, and reasonable expectations of the County pertaining to Section 148 of the Internal Revenue Code, as amended, and the regulations promulgated thereunder, and the representations, warranties and covenants of the County regarding compliance by the County with Section 54A, Section 54D or Sections 141 through 150 of the Internal Revenue Code, as amended, and the regulations promulgated thereunder, as applicable.

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

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

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

Yeas:

Nays:

_____	_____
County Council President	Date

_____	_____
County Executive	Date

_____	_____
Clerk of Council	Date

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

Journal _____
_____, 20__



Briefing Memo to Council Regarding usage of Qualified Energy Conservation Bonds (QECB's) for the North Coast Harbor Lakefront 1B project

From Mike Foley, Department of Sustainability

Date: 10/20/17

The County was awarded approximately \$8,915,149 in QECB allocation by ARRA in 2009, which to date we have not used. Through this transaction we will allow the Port to use up to \$2,775,000 of our allocation to assist with the development of the Harbor Veranda's housing project which will be located just north of the Rock Hall in Cleveland.

By allowing the project use of this partial allocation, QECB's will help lower the financing costs for energy conservation measures in the project. There is no direct or indirect cost to the County, and the project and the County have agreed to share the proceeds of the QECB subsidy amount, so that the County will receive approximately \$463k over 15 years.

The Harbor Veranda Project development and energy conservation measures are attached at the end of this memo, but basically the project will be 16 lakefront apartments and first floor mixed use development and office space with a total project cost of approximately \$13 million.

Qualified Energy Conservation Bonds

Ohio and federal law permits the County to assist in financing qualified energy conservation projects through the qualified energy conservation bond ("QECB") program authorized as part of the federal American Recovery and Reinvestment Act (ARRA).

The text of Internal Revenue Code Section 54D, the federal QECB law, is here:
<https://www.law.cornell.edu/uscode/text/26/54D>

A helpful summary of the QECB summary produced by a non-profit called DSIRE is here:
<http://programs.dsireusa.org/system/program/detail/3098>

QECBs are revenue bonds issued by an issuer selected by the County that are structured so that the bondholder receives taxable interest on the bond, but the issuer receives a direct subsidy from the U.S. Treasury equal to a significant portion (up to 70% in some cases) of the interest paid on the bond. The issuer then passes the subsidy along 50/50, (i) half to the County in consideration for getting the QECB allocation from the County, and (ii) half to the Borrower to lower the Borrower's cost of financing. The issuer in this case, the Cleveland-Cuyahoga County Port Authority, does not intend to request any portion of the subsidy; the issuer's role is compensated through the bond issue itself and not through the subsidy.

ANALYSIS OF QECB SHARING

Here, the QECB allocation request is for \$2,775,000 of the County's QECB allocation. That allocation will be used by the Port Authority to qualify an equal amount of revenue bonds as qualified energy conservation bonds. The subsidy paid to the Port Authority by the U.S. Treasury will be shared with the County 50/50.

The table below shows the ESTIMATED County payments as a result of the subsidy. This is entirely dependent on the actual interest rate set on the bonds, but this is a good ballpark number of what the County will receive from this arrangement. The County's money can be used for any lawful purpose; there is no further restriction on the funds once received.

Aggregate Debt Service - Series 2017B 1 & 2

Period Ending	Principal	Interest	County Subsidy
11/15/2017			
11/15/2018		175,184	37,185
11/15/2019		165,528	37,185
11/15/2020	80,000	165,528	37,185
11/15/2021	110,000	163,008	37,185
11/15/2022	145,000	159,279	37,185
11/15/2023	180,000	154,001	37,185
11/15/2024	210,000	147,125	37,185
11/15/2025	235,000	138,809	37,185
11/15/2026	270,000	128,845	36,515
11/15/2027	300,000	117,046	32,897
11/15/2028	330,000	103,636	28,877
11/15/2029	365,000	88,357	24,455
11/15/2030	375,000	71,093	19,564
11/15/2031	390,000	53,018	14,539
11/15/2032	695,000	33,986	9,313
	3,685,000	1,864,441	463,640

This subsidy is essentially free money from the U.S. Federal government as a result of ARRA. However, for any party to benefit from the subsidy, entities like the County that have QECB allocations must get them used through bond issues.

LAKEFRONT 1B/HARBOR PROJECT

The Lakefront 1B/Harbor project is the best candidate project for QECB use that has been identified in Cuyahoga County to date – it is supported by the City of Cleveland, the Northeast Ohio Advanced Energy Improvement District (Countywide PACE district), and the Cleveland-Cuyahoga County Port Authority. An attachment shows the energy conservation measures, including the unique building envelope improvements, being used at this project.

Summary of Harbor Verandas Development

- **Project Description:** Harbor Verandas is the second building in a multi-phased development of Cleveland's Downtown Lakefront. It is located on the former Skate Park, facing East 9th Street (north of the Rock & Roll Hall of Fame) and east of the Transient Marina. The site is approximately one half acre and borders the harbor promenade public right of way on the north and west.

- **Project Components:**

- 55,000 mixed-used development
- 16 high-end apartments (for rent)
- 7,000 sqft of office space

- **Total Project Cost:** Approximately \$13 million

- **Construction Start:** Fall 2017

- **Expected Completion:** Summer 2018

- **Developer:** Cumberland Real Estate Development, LLC

- **Developer Website:** <http://www.cumberland-development.com/>



**Preliminary & Subject to Change*

EXHIBIT C
(To Petition)

SPECIAL ENERGY IMPROVEMENT PROJECT

The real property owned by the City of Cleveland, Ohio and described in Exhibit B to the Petition is the location at which the special energy improvements described below shall be constructed and installed, and shall exist (the "Project"). The property will be subject to special assessments for energy improvements in accordance with Ohio Revised Code Chapter 1710.

Project Description

The project consists of the acquisition, construction, installation, equipping, and improvement of the below listed eligible measures, which constitute "energy efficiency improvements" and "special energy improvement projects" pursuant to Ohio Revised Code Section 1710.01(I), to a new mixed-use commercial and residential building to be constructed.

Eligible Measures

The following is a list of eligible measures from the schedule of values.

ECM	Description	Vendor	Useful Life	Cost
Lighting system and controls	LED lighting fixtures are used throughout the building creating a maximum efficiency lighting system in all apartment units, common areas, and garage locations	John G. Johnson Construction Company	25-30 years	\$300,000.00
HVAC system and controls	High efficiency split system	John G. Johnson Construction Company	15-20 years	392,000.00
Building envelope roofing system	White roof membrane reduces the solar heat gain vs. a traditional black membrane roof.	John G. Johnson Construction Company	15 years	262,000.00
Elevator system	Machine-roomless, gearless elevators that eliminate the need for additional space for machine rooms or control rooms. These elevators are also more efficiency because they have regenerative drives, LED lighting, and sleep mode for elevator lights and fans	John G. Johnson Construction Company	40-50 years	96,000.00

Building envelope window system	The window system in residential units will consist of thermally broken aluminum curtainwall with operable and fixed glass windows with insulated argon-filled gas and a low-e coating. Thermally broken aluminum storefront wall systems are located on the first floor commercial spaces and also include insulated argon-filled gas and a low-e coating.	John G. Johnson Construction Company	40-50 years	627,000.00
Building envelope skin system	The wall system consists of 2x6 wood framed walls with R-21 cavity batt insulation. In addition, continuous exterior insulation R-12 covers the exterior walls and are clad with either masonry or cedar	John G. Johnson Construction Company	60+ years	850,000.00
Energy star appliances	All appliances will be Energy Star certified	John G. Johnson Construction Company	8-20 years	128,000.00
Skylights	Skylights in residential corridors will add a daylighting feature to the building allowing less corridor lighting to be turned on during the day	John G. Johnson Construction Company	40-50 years	3,900.00

Total project component costs: \$2,658,900

Total costs to be assessed: \$5,516,449

Estimated average annual special assessments for 13 years: Varies

Number of semi-annual assessments: 26

First semi-annual installment due: approximately January 31, 2019

County Council of Cuyahoga County, Ohio

Resolution No. R2017-0192

<p>Sponsored by: County Executive Budish on behalf of Cuyahoga County Court of Common Pleas/Corrections Planning Board</p>	<p>A Resolution authorizing an amendment to Contract No. CE1200542-01 with Microgenics Corporation for onsite drug detection services for the period 7/1/2012 - 6/30/2017 to extend the time period to 6/30/2019 and for additional funds in the amount not-to-exceed \$575,712.00; 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 on behalf of Cuyahoga County Court of Common Pleas/Corrections Planning Board has recommended an amendment to Contract No. CE1200542-01 with Microgenics Corporation for onsite drug detection services for the period 7/1/2012 – 6/30/2017 to extend the time period to 6/30/2019 and for additional funds in the amount not-to-exceed \$575,712.00; and

WHEREAS, the primary goals of this project are to provide toxicology screening and testing for offenders on probation and defendants during pre-trial investigation in the Cuyahoga County Judicial System; and

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

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

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

SECTION 1. That the Cuyahoga County Council hereby authorizes an amendment to Contract No. CE1200542-01 with Microgenics Corporation for onsite drug detection services for the period 7/1/2012 – 6/30/2017 to extend the time period to 6/30/2019 and for additional funds in the amount not-to-exceed \$575,712.00.

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

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

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

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

Yeas:

Nays:

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

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

Journal _____
_____, 20__

Item No. 3

Corrections Planning Board

Provide all deliverables described in Vendor Proposal RFP which includes providing equipment, reagents, controls and calibrators that will perform qualitative urine tests for numerous drugs (e.g., cocaine, opiates, phencyclidine, amphetamine, marijuana); disposables and consumables (e.g, specimen cups, cuvettes/rotors, reagent containers, instrument printer paper, instrument syringes/plunger, tips, probes); technical support and training. Compliance with Common Pleas Court orders, assessment for Substance Use Disorders. Research is divided on "what works" in community control. Determent theory remains a theory. Concerning SUD assessment, urinalysis is a valid component to determine a diagnosis.

County Council of Cuyahoga County, Ohio

Resolution No. R2017-0193

Sponsored by: County Executive Budish/County Sheriff	A Resolution making awards on RQ39706 to various providers for real estate appraisal services in connection with the Sheriff's sale for the period 9/1/2017 - 8/31/2020; 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 RQ39706 to various providers for real estate appraisal services in connection with the Sheriff's sale for the period 9/1/2017 - 8/31/2020; and

WHEREAS, the primary goal of this project is to award a contract to the twenty-five (25) initial appraisers who possessed the qualifications and experience outlined in the RFQ; and

WHEREAS, 25 Appraisers were pulled from OPD and submitted for review and all 25 were approved as follows:

1. Andrews, John
2. Bailey, Brent
3. Blaze, Lana
4. Blaze, Vernon
5. Butler, Mark
6. Carey, Richard
7. Conte, Gregory
8. Fandrich, Marilyn
9. Hogan, Tom
10. Horton, Edward
11. Kinczel, John
12. Koz, John
13. Lassiter, Ruth
14. Lenehan, John
15. Levering, Wayne
16. Loftus, Chris
17. Lynch, Brian
18. Lynch, John

19. McLaughlin, Paul
20. Paponetti, James
21. Patriski, Stan
22. Rocco, Daniel
23. Wagner, Michael
24. Williams, Crystal
25. Williams, Gregory

WHEREAS, Shaundra Howard, Acting Chief Deputy Civil Division will serve as Supervisor of the Appraisers; and

WHEREAS, the cost for this project is zero dollars because the appraisers will be paid from the proceeds of each individual Sheriff's sale. The estimated dollar amount from sales is \$1,000,000.00; and

WHEREAS, this project is mandated by the ORC Sections 2329.17 through 2329.71 (the Statute) and Cuyahoga County Court of Common Pleas Rule 27 of the Rules of the General Division (The Rule) (Collectively the "Project"); 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 operations 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 awards on RQ39706 to various providers for real estate appraisal services in connection with the Sheriff's sale for the period 9/1/2017 - 8/31/2020 as follows:

1. Andrews, John
2. Bailey, Brent
3. Blaze, Lana
4. Blaze, Vernon
5. Butler, Mark
6. Carey, Richard
7. Conte, Gregory
8. Fandrich, Marilyn
9. Hogan, Tom
10. Horton, Edward
11. Kinczel, John
12. Koz, John
13. Lassiter, Ruth
14. Lenehan, John
15. Levering, Wayne
16. Loftus, Chris

17. Lynch, Brian
18. Lynch, John
19. McLaughlin, Paul
20. Paponetti, James
21. Patriski, Stan
22. Rocco, Daniel
23. Wagner, Michael
24. Williams, Crystal
25. Williams, Gregory

SECTION 2. That the County Executive is authorized to execute the contracts 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; 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__

ADDITIONAL ITEM

October 24, 2017 Council Agenda

County Executive/Sheriff's Department, recommending awards to various providers on RQ39706 for real estate appraisal services for the Sheriff's sale in the total estimated amount of \$1,000,000.00 for the period 09/01/2017 through 08/31/2020:

1. ANDREWS, JOHN
2. BAILEY, BRENT
3. BLAZE, LANA
4. BLAZE, VERNON
5. BUTLER, MARK
6. CAREY, RICHARD
7. CONTE, GREGORY
8. FANDRICH, MARILYN
9. HOGAN, TOM
10. HORTON, EDWARD
11. KINCZEL, PAUL
12. KOZ, JOHN
13. LASSITER, RUTH
14. LENEHAN, JOHN
15. LEVERING, WAYNE
16. LOFTUS, CHRIS
17. LYNCH, BRIAN
18. LYNCH, JOHN
19. MCLAUGHLIN, PAUL
20. PAPONETTI, JAMES
21. PATRISKI, STAN
22. ROCCO, DANIEL
23. WAGNER, MICHAEL
24. WILLIAMS, CRYSTAL
25. WILLIAMS, GREGORY

Funding Source: 100% by the proceeds from each individual parcel sold at the Sheriff's Foreclosure & Tax Sales; there is no general fund impact.

The Cuyahoga County Sheriff's Office is requesting approval to award an agreement to 25 appraisers: The appraisers will be paid from the proceeds of the Sheriff's sale. The estimated dollar is \$1,000,000.00.

The anticipated start and completion dates are 09/01/2017 through 08/31/2020. The primary goal of the project is to award an agreement to the 25 initial appraisers who possessed the qualifications and experience outlined in the RFQ. 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 the General Division

(The Rule) (Collectively, the "Project")

B) Procurement:

1. The procurement method for this project was an RFQ. The total value of the RFQ is zero dollars as the appraisers will be paid from the proceeds of the Sheriff's sale.
2. The RFQ was closed on 06/30/2017
3. There were 25 pulled from OPD, 25 submitted for review, and 25 approved.

C) Contractor and Project Information:

1. The names/addresses of the 25 appraisers is provided in the attachments tab:
2. The Supervisor of the Appraisers will be Shaundra Howard, Acting Chief Deputy Civil Division, however, these appraisers will be contractors for Cuyahoga County. The location of the project is all real estate subject to the Sheriff's Sale within Cuyahoga County.

D) Project Status and Planning:

1. The employment of Real Estate Appraisers is not new to the Sheriff's Office, however, forming an agreement with the Appraisers is new to Cuyahoga County. The project has 2 phases. After the recommendation for award is approved, the agreements will be executed with each Appraiser. The anticipated completion date for both phases is 11/01/2017.

E) Funding:

1. The project is funded 100% This project is fully funded by the proceeds from each individual parcel sold at the Sheriff's Foreclosure & Tax Sales; there is no general fund impact.
2. The payments made to the Appraisers will be determined by the settlement date of each property in the Sheriff's sale.

County Council of Cuyahoga County, Ohio

Resolution No. R2017-0181

<p>Sponsored by: County Executive Budish/Department of Public Works on behalf of Cuyahoga County Court of Common Pleas/Juvenile Division</p>	<p>A Resolution authorizing an amendment to Contract No. CE1000877-01 with Poli, Inc. for lease of space for the Westside Regional Probation Office, located at 5361 Pearl Road, Parma, for the period 9/1/2010 - 8/31/2017 to extend the time period to 8/31/2022 and for additional funds in the amount not-to-exceed \$264,300.00; 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 has recommended an amendment to Contract No. CE1000877-01 with Poli, Inc. for lease of space for the Westside Regional Probation Office, located at 5361 Pearl Road, Parma, for the period 9/1/2010 - 8/31/2017 to extend the time period to 8/31/2022 and for additional funds in the amount not-to-exceed \$264,300.00; and

WHEREAS, the primary goals of the project are: (1) to allow space to accommodate staff currently located at 5361 Pearl Rd., Parma, Ohio and (2) to accommodate the needs in the most expedient and cost effective manner possible for the Westside Regional Probation Office for use by Juvenile Court; and

WHEREAS, this project is funded from 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 authorizes an amendment to Contract No. CE1000877-01 with Poli, Inc. for lease of space for the Westside Regional Probation Office, located at 5361 Pearl Road, Parma, for the period 9/1/2010 - 8/31/2017 to extend the time period to 8/31/2022 and for additional funds in the amount not-to-exceed \$264,300.00.

SECTION 2. That the County Executive is authorized to execute the amendment 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; 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: October 10, 2017
 Committee(s) Assigned: Public Works, Procurement & Contracting

Committee Report/Second Reading: October 24, 2017

Journal _____
_____, 20__

County Council of Cuyahoga County, Ohio

Resolution No. R2017-0176

Sponsored by: County Executive Budish/Department of Public Works/Division of County Engineer	A Resolution accepting a loan in the amount of \$225,000.00 from Ohio Public Works Commission to finance the Broadrock Drill Drop Project in the City of Parma; authorizing the County Executive to execute the agreement and all other documents required in connection with said loan and this Resolution, and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the County Executive/Department of Public Works/Division of County Engineer has recommended to accept a loan in the amount of \$225,000.00 from Ohio Public Works Commission to finance the Broadrock Drill Drop Project in the City of Parma; and

WHEREAS, the purpose of this project is to obtain a loan from the Ohio Public Works Commission in order to assist in financing the costs of the Broadrock Drill Drop Project in the City of Parma, located in Council District 4; and

WHEREAS, the project is anticipated to begin 10/16/2017 and anticipated to be complete 12/20/2018; 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 accepts a loan in the amount of \$225,000.00 from Ohio Public Works Commission to finance the Broadrock Drill Drop Project in the City of Parma.

SECTION 2. That the County Executive is authorized to execute the agreement and all other documents required in connection with said loan 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: September 26, 2017

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

Committee Report/Second Reading: October 10, 2017

Journal CC028

October 24, 2017

County Council of Cuyahoga County, Ohio

Ordinance No. O2017-0003

Sponsored by: County Executive Budish/Department of Public Works	An Ordinance enacting Chapter 720 of the Cuyahoga County Code authorizing Cuyahoga County to levy County Motor Vehicle License Taxes upon the operation of motor vehicles on public roads and highways pursuant to Chapter 4504 of the Ohio Revised Code.
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WHEREAS, Section 4504.02 of the Ohio Revised Code provides that a county may levy an annual license tax for planning, constructing, improving, maintaining, and repairing public roads, highways, and streets; maintaining and repairing bridges and viaducts; paying the county's portion of the costs and expenses of cooperating with the department of transportation in the planning, improvement, and construction of state highways; paying the county's portion of the compensation, damages, cost, and expenses of planning, constructing, reconstructing, improving, maintaining, and repairing roads; purchasing, erecting, and maintaining street and traffic signs and markers; purchasing, erecting, and maintaining traffic lights and signals; and to supplement revenue already available for such purposes; and

WHEREAS, pursuant to Section 4504.02 of the Ohio Revised Code, the Board of County Commissioners of Cuyahoga County adopted a resolution, Journal No. 151, page 141, on June 17, 1968, authorizing the County to levy an annual County Motor Vehicle License Tax for the operation of motor vehicles on public roads and highways at the rate of \$5.00 per motor vehicle on all motor vehicles registered in Cuyahoga County; and

WHEREAS, pursuant to Sections 4504.15 and 4504.16 of the Ohio Revised Code, the Board of County Commissioners of Cuyahoga County adopted Resolution No. 737201 on September 22, 1987, authorizing the County to levy a supplemental annual County Motor Vehicle License Tax for the operation of motor vehicles on public roads and highways at the rate of \$10.00 per motor vehicle on all motor vehicles registered in Cuyahoga County; and

WHEREAS, additional funds are necessary to adequately finance the planning, constructing, improving, maintaining and repairing of public roads, highways and streets, and the maintaining and repairing bridges and viaducts; and

WHEREAS, pursuant to Section 4504.24 of the Ohio Revised Code, the County wishes to levy an annual license tax upon the operation of motor vehicles on the public roads and highways in the County, which tax is in addition to the tax levied by

Sections 4504.02, 4504.15 and 4504.16 the Ohio Revised Code and any other taxes levied under Chapter 4504 of the Ohio Revised Code; and

WHEREAS, the tax collected by the County pursuant to Section 4504.24 of the Ohio Revised Code shall be at the rate of \$5.00 per motor vehicle on all motor vehicles registered in Cuyahoga County; and

WHEREAS, prior to the adoption of any legislation authorizing the County to levy an additional motor vehicle annual license tax under Section 4504.24 of the Ohio Revised Code, the County must conduct two public hearings thereon, the second hearing to be not less than three (3) but not more than ten (10) days after the first hearing; and

WHEREAS, pursuant to the requirements of Section 4504.24 of the Ohio Revised Code, the County is required to provide notice of the date, time, and place of both hearings by publication in a newspaper of general circulation in the County, or as provided in section 7.16 of the Ohio Revised Code, once a week on the same day of the week for two (2) consecutive weeks, the second publication being not less than ten (10) but not more than thirty (30) days prior to the first hearing; and

WHEREAS, the first hearing pursuant to law was held on October 4, 2017, and the second hearing was held on October 11, 2017, at 10:00 A.M., both hearings being held in the C. Ellen Connelly Council Chambers in the Cuyahoga County Administrative Headquarters, located at 2079 East 9th Street, 4th Floor, Cleveland, Ohio, and after proper notice required by law; and

WHEREAS, the County desires to codify in the Cuyahoga County Code all prior levies for County Motor Vehicle License Taxes.

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

SECTION 1. Chapter 720 of the Cuyahoga County Code is hereby enacted as follows:

Chapter 720: County Motor Vehicle License Tax upon the operation of motor vehicles

Section 720.01 County Motor Vehicle License Tax upon the operation of motor vehicles pursuant to Section 4504.02 of the Ohio Revised Code

- A. That for the purpose stated in Section 4504.02 of the Ohio Revised Code and pursuant to such section, there is hereby levied an annual County Motor Vehicle License Tax, in addition to the tax levied by Sections 4503.02, 4503.07 and 4503.18, of the Ohio Revised Code, upon the

operation of motor vehicles on the public roads or highways. Such tax is levied beginning with the registration year commencing April 16, 1969, at the rate of \$5.00 per motor vehicle on all motor vehicles the district of registration of which, as defined in Section 4503.10 of the Ohio Revised Code, is located in Cuyahoga County and shall be in addition to the taxes at the rates specified in Sections 4503.04 and 4503.16 of the Ohio Revised Code, subject to quarterly reductions in the manner provided in Section 4503.13 of the Ohio Revised Code and the exemptions provided in Sections 4503.16, 4503.17, and 4503.171 of the Ohio Revised Code.

Section 720.02 Supplemental County Motor Vehicle License Tax upon the operation of motor vehicles pursuant to Sections 4504.15 and 4504.16 of the Ohio Revised Code

- A. That a supplemental annual County Motor Vehicle License Tax is hereby levied pursuant to Sections 4504.15 and 4504.16 of the Ohio Revised Code; this tax is in addition to any tax levied pursuant to Sections 4503.02, 4503.07, and 4503.18 of the Ohio Revised Code; the tax shall be at the rate of \$10.00 per motor vehicle on all motor vehicles the district of registration of which is in Cuyahoga County, Ohio; the tax shall be in addition to the taxes at the rates specified in Sections 4503.04 and 4503.16 of the Ohio Revised Code, subject to reductions in the manner provided in Section 4503.11 of the Ohio Revised Code and the exemptions provided in Sections 4503.16, 4503.17, 4503.171, 4503.41 and 4503.43 of the Ohio Revised Code.

Section 720.03 Second Supplemental County Motor Vehicle License Tax upon the operation of motor vehicles pursuant to Section 4504.24 of the Ohio Revised Code

- A. That a second supplemental annual County Motor Vehicle Tax is hereby levied pursuant to Section 4504.24 of the Ohio Revised Code; that this tax is in addition to any tax levied pursuant to Sections 4503.02 and 4503.07 of the Ohio Revised Code and any other tax levied under Chapter 4504; the tax shall be at the rate of \$5.00 per motor vehicle on all motor vehicles the district of registration of which is in the County; the tax shall be in addition to the taxes at the rates specified in Sections 4503.04 and 4503.042 of the Ohio Revised Code, subject to reductions in the manner provided in Section 4503.11 of the Ohio Revised Code and the exemptions provided in Sections 4503.16, 4503.17, 4503.172, 4503.173, 4503.18, 4503.41, 4503.43, 4503.46, and 4503.571 of the Ohio Revised Code.

SECTION 2. The Clerk of Council shall provide written notice of the adoption of this Ordinance to the legislative authority of each municipal corporation that is

located in Cuyahoga County, to the board of township trustees of each township that is located in Cuyahoga County, and to the Registrar of the Bureau of Motor Vehicles.

SECTION 3. For the purposes specified in Chapter 720 of the Cuyahoga County Code, the Cuyahoga County Fiscal Officer is hereby authorized to establish one or more special revenue funds for the purpose of depositing moneys distributed to the County by the Registrar of Bureau of Motor Vehicles.

SECTION 4. To the extent this ordinance needs to be considered a resolution, it should be deemed as such.

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: September 12, 2017

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

Committee Report/Second Reading: October 24, 2017

Journal _____
_____, 2017

County Council of Cuyahoga County, Ohio

Ordinance No. O2017-0004

Sponsored by: County Executive Budish/Fiscal Officer	An Ordinance amending Section 501.15 of the Cuyahoga County Code to modify the requirements of contractors, and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, Section 501.15 of the Cuyahoga County Code sets forth certain Required Certifications that shall be made by all Contractors; and

WHEREAS, the amendments proposed are designed to clarify and limit the requirements to applicable contract types; and

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

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

SECTION 1. Section 501.15 of the Cuyahoga County Code is hereby amended to read as follows (additions are bolded and underlined, deletions are stricken):

Section 501.15 ~~Required Certifications by~~ Requirements of Contractors

A. On federally or state funded projects, which require the County to comply with specific federal and/or state criteria or forms for certifications by the successful contractor(s), the County shall comply with the federal and/or state requirements to avoid the loss of federal or state funds, including the use of the federal and/or state certification forms in lieu of the County's mandated certification forms. Where possible on federally or state funded projects and on all other projects, at the time of execution of the contract, the successful contractor shall ~~certify that it:~~

1. **for public improvements contracts, the contractor** shall be in compliance with Ohio's Drug-Free Workplace requirements **as provided in Ohio Revised Code Section 153.03,** ~~including, but not limited to, maintaining~~ **All contractors shall maintain a written** substance abuse policy, ~~that~~ **to which** its personnel are subject ~~to~~ on the contract (the successful contractor shall provide this policy upon request);

2. **for public improvement contracts, the contractor** ~~does~~ **shall** not have an Experience Modification Rating greater than 1.5 with respect to the Bureau of Workers Compensation risk assessment rating;
3. **the contractor** ~~is in~~ **shall be** compliance and will remain in compliance with Federal and Ohio Equal Opportunity Employment Laws;
4. **for public improvement contracts, the contractor** shall pay the prevailing wage rate and comply with other provisions set forth in Sections 4115.03 through 4115.16 of the Ohio Revised Code and Sections 4101:9-4-01 through 4101:9-4-28 of the Ohio Administrative Code, including but not limited to the filing of certified payroll reports;
5. **for public improvement contracts, the contractor** ~~has~~ **shall** not **have** been debarred from public contracts for prevailing wage violations or found or determined by the state to have underpaid the required prevailing wage, whether intentionally or unintentionally, even if settled subsequent to the finding, more than three times in the last ten (~~ten~~) years, provided that, when aggregating for any single project, no finding of an underpaid amount of less than \$1,000.00 shall be considered, and no single finding based upon a journeyman-to-apprenticeship ratio shall be considered a violation of this provision unless as part of multiple, similar findings;
6. **the contractor** ~~has~~ **shall** not **have** been penalized or debarred from any federal, state, or local public contract or falsified certified payroll records, or has otherwise been found, after appeals, to have violated the Fair Labor Standards Act in the past seven years, or during the **contractor's bidder's** entire time of doing business, if less than seven years;
7. **the contractor** ~~has~~ **shall** not **have** violated any unemployment or workers compensation law during the past five years, or during the **contractor's bidder's** entire time of doing business, if less than five years;
8. **the contractor,** at the time of contract award, ~~does~~ **shall** not have final, unsatisfied judgments against it which in total amount to 50% or more of the contract amount;
9. **the contractor** ~~will~~ **shall** utilize, for work performed under the contract supervisory personnel that have three or more years of experience in the specific trade and who maintain the appropriate state license(s), if any;
10. **the contractor** shall be properly licensed to perform all work as follows:
 - a. if performing a trades contract, shall be licensed pursuant to Ohio Revised Code Section 4740 as a heating, ventilating, and air

conditioning contractor, refrigeration contractor, electrical contractor, plumbing contractor, or hydronix contractor.

- b. if performing work regulated under Section 3737.65 of the Ohio Revised Code, be certified by the State Fire Marshall; and
- c. if performing work under any other trade, occupation, or profession licensed under Title 47 of the Ohio Revised Code, be licensed for that trade, occupation, or profession as provided in the Ohio Revised Code;

- 11. **the contractor** shall, if performing a trade contract pursuant to Ohio Revised Code Section 4740, not subcontract more than 25% of the labor, excluding materials, for its awarded contract, unless to subcontractors also licensed pursuant to Ohio Revised Code Section 4740 or certified by the State Fire Marshall pursuant to Ohio Revised Code Section 3737.65;
- 12. **the contractor** shall provide access as needed and allow the Agency of Inspector General to perform the functions provided for in Section 501.21 of the County Code; and
- 13. **the contractor** shall require all of its subcontractors, at the time of execution of a subcontract, to make all of the certifications required in Section 501.15(A) except for subsections 7 and 9, of the County Code.

- B. If any material breach of contractual obligations or the certifications provided for in ~~this Section 501.16 of the County Code~~ occurs during the contract performance by the ~~vendor~~**contractor**, the County may exercise any or all contractual remedies, including but not limited to, contract termination for cause.

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

SECTION 3. It is found and determined that all formal actions of this Council relating to the adoption of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

