



AGENDA
CUYAHOGA COUNTY EDUCATION, ENVIRONMENT & SUSTAINABILITY
COMMITTEE MEETING
WEDNESDAY, NOVEMBER 1, 2017
CUYAHOGA COUNTY ADMINISTRATIVE HEADQUARTERS
C. ELLEN CONNALLY COUNCIL CHAMBERS – 4TH FLOOR
3:00 PM

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PUBLIC COMMENT RELATED TO THE AGENDA**
- 4. APPROVAL OF MINUTES FROM THE OCTOBER 25, 2017 MEETING**
- 5. MATTERS REFERRED TO COMMITTEE**
 - a) 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.
 - b) 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.

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

6. MISCELLANEOUS BUSINESS

7. OTHER PUBLIC COMMENT

8. ADJOURNMENT

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

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



MINUTES

**CUYAHOGA COUNTY EDUCATION, ENVIRONMENT & SUSTAINABILITY
COMMITTEE MEETING
WEDNESDAY, OCTOBER 25, 2017
CUYAHOGA COUNTY ADMINISTRATIVE HEADQUARTERS
C. ELLEN CONNALLY COUNCIL CHAMBERS – 4TH FLOOR
3:00 PM**

1. CALL TO ORDER

Chairwoman Simon called the meeting to order at 3:05 p.m.

2. ROLL CALL

Ms. Simon asked Assistant Deputy Clerk Johnson to call the roll. Committee members Simon, Brown, Schron and Brady were in attendance and a quorum was determined. Committee member Jones entered the meeting shortly after the roll call was taken. Councilmember Miller was also in attendance.

3. PUBLIC COMMENT RELATED TO THE AGENDA

The following individuals addressed the Committee 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) Mr. Robert Brand**
- b) Mr. Rico Dancy**

4. APPROVAL OF MINUTES FROM THE OCTOBER 18, 2017 MEETING

A motion was made by Mr. Schron, seconded by Mr. Brady and approved by majority vote to approve the minutes of the October 18, 2017 meeting, with Mr. Jones and Ms. Brown abstaining from the vote.

5. MATTERS REFERRED TO COMMITTEE

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

Ms. Diane Bickett, Executive Director of the Cuyahoga County Solid Waste District, addressed the Committee regarding Ordinance No. O2017-0006. Discussion ensued.

Committee members and Councilmembers asked questions of Ms. Bickett pertaining to the item, which she answered accordingly.

Mr. Mike Foley, Director of the Department of Sustainability, addressed the Committee regarding Ordinance No. O2017-0006. Discussion ensued.

Committee members and Councilmembers asked questions of Mr. Foley pertaining to the item, which he answered accordingly.

There was no further legislative action taken on Ordinance No. O2017-0006.

6. MISCELLANEOUS BUSINESS

There was no miscellaneous business.

7. OTHER PUBLIC COMMENT

There were no public comments given.

8. ADJOURNMENT

With no further business to discuss, Chairwoman Simon adjourned the meeting at 4:21 p.m., without objection.

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.
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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

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 24, 2017

Committee(s) Assigned: Education, Environment & Sustainability

Journal _____
_____, 20____

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. R2017-0191

<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: October 24, 2017
Committee(s) Assigned: Education, Environment & Sustainability

Journal _____
_____, 20__

County Council of Cuyahoga County, Ohio

Ordinance No. O2017-0006

Sponsored by: Councilmembers Simon and Miller	An Ordinance enacting Chapter 721 of the Cuyahoga County Code to authorize a Carryout Bag Fee for Environmental Remediation.
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WHEREAS, the precipitous increase in plastic production and plastic consumption over the past seventy years has resulted in approximately 269,000 tons of globally distributed plastic waste pollution, particularly in oceans, lakes, and other marine waterways; and,

WHEREAS, plastic waste is not bio-degradable and recycled plastic suffers from polymer degradation, limiting its useful life as a recyclable material, inevitably resulting in non-biodegradable microplastic particle pollution; and,

WHEREAS, discarded disposable bags are a major source of litter, pollute our open spaces, harm and kill wildlife, clog storm drains resulting in localized flooding, end up as debris in our neighborhoods and waterways, and contributes to blight; and,

WHEREAS, the pollution from disposable bags imposes external cleanup, removal and processing costs on our communities; and,

WHEREAS, Cuyahoga County Council has a compelling public interest in discouraging the wasteful use of disposable bags, mitigating the negative impact disposable bags have on our environment, and in defraying the costs of preventing and remediating environmental hazards; and,

WHEREAS, Cuyahoga County Council desires to combat the polluting effects of and accompanying blight caused by disposable bags on the environment of Cuyahoga County as well as to promote sustainability in northeast Ohio by providing for a fund, specifically named the Environmental Remediation Fund, the purpose for which is to provide for critical pollution prevention, remediation, and sustainability services as set forth in this Ordinance.

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

SECTION 1. Chapter 721 of the Cuyahoga County Code is hereby enacted to read as follows:

CHAPTER 721: Carryout Bag Fee for Environmental Remediation

Section 721.01: Definitions: The following definitions shall apply for purposes of Chapter 721 of the County Code only:

- (A) **“Carryout Bag”** means a paper or plastic bag provided by a Retail Establishment to a customer at point of sale to carry purchased items. Carryout Bag does not include:
1. a bag the customer brought with them to the Retail Establishment,
 2. a newspaper bag,
 3. a bag provided by a pharmacist that contains a prescription drug,
 4. a bag used to package a bulk item or to contain or wrap a perishable item,
 5. a bag that a restaurant gives a customer to take prepared or leftover food or drink from the restaurant,
 6. a bag intended for use as a dry cleaning, garbage, pet waste, or yard waste bag, or
 7. a bag provided at curbside pickup or point of delivery.
- (B) **“Environmental Remediation Fund”** means such fund that shall be established by Cuyahoga County (“County”) to collect and expend the fees as defined and outlined under the Chapter.
- (C) **“Occasional Retailer”** means a retail establishment that engages in the retail sale of goods and/or food no more than 20 days in any given year.
- (D) **“Retail Establishment”** means any supermarket, convenience store, department store, store, shop, service station, or restaurant and any other sales outlets where the vendor maintains an indoor footprint of 7,000 square feet or greater where a customer can buy goods and/or food that is not an Occasional Retailer as defined herein.

Section 721.02: Carryout Bag Fee Imposed

- (A) Commencing on July 1, 2018, a fee in the amount of ten cents shall be charged by the Retail Establishment to each customer for each Carryout Bag that a Retail Establishment provides to the customer.
- (B) Each Retail Establishment that provides a Carryout Bag to a customer must collect the fee referenced herein when the customer makes any payment for goods and/or food in person, through the Internet, by telephone, by wire, by facsimile, email or by any other means.
- (C) Each Retail Establishment shall encourage customers to bring their own reusable bags and customers who bring their own reusable bags to the Retail Establishment will not be required to use the Retail Establishment’s Carryout Bags nor will they be charged a fee for the use of reusable bags.

- (D) Each Retail Establishment may retain up to four cents from each ten cent fee that the Retail Establishment collects to cover the administrative expense of collecting and remitting the fee to the County.
- (E) A Retail Establishment must indicate on each customer's transaction receipt the number of Carryout Bags that the Retail Establishment provided to the customer and the total amount of fee charged; provided, however that a Retail Establishment may, with prior approval of the Fiscal Officer, use an alternative methodology to estimate the total number of bags provided to each customer in lieu of recording each individual bag.

Section 721.03: Remittance of the Carryout Bag Fee

- (A) On or before the 20th day of each month, each Retail Establishment must remit to the Cuyahoga County Fiscal Officer the amount of fees collected for all Carryout Bags provided to a customer during the previous month, less the amount retained for administrative expenses under Section 721.02.
- (B) Each remittance must be accompanied by a report of all transactions and exemptions that involve Carryout Bags. The report must be on a form supplied by the County and must contain the number of Carryout Bags supplied or provided to customers, the amount of total fees required by this Chapter to be collected and any other information that the Fiscal Officer requires to assure the proper fees have been remitted to the County.
- (C) If the Retail Establishment does not file a required report by the deadline established herein, the County may estimate the amount of fees due. The County may base the estimate of a reasonable projection of Carryout Bags supplied or provided and may consider fees reported by other Retail Establishments.
- (D) The County may send a notice of estimated fees due including interest and penalty, to the Retail Establishment's last known address. The Retail Establishment must pay the estimated fees, including any interest and penalty assessed by the County within 10 days after the notice is sent.
- (E) Each Retail Establishment must preserve for 3 years all records necessary to determine the amount of the fees due or any exemptions claimed under this Chapter.
- (F) The County may inspect and/or audit any records required to be kept under this Chapter.
- (G) The County shall deposit all fees under this Chapter into the Environmental Remediation Fund, less any necessary and reasonable expenses required for collection and enforcement of this Chapter. The Environment Remediation Fund may be used to pay costs of, or reimbursement for, eligible environmental remediation expenses, including the purchase or reimbursement of reusable and/or environmentally sustainable bags, recycling, clean-up of lakes, rivers, and waterways, pollution prevention or remediation, litter removal, environmental

education and awareness, other environmental remediation activities or programs intended to combat the polluting effects of and accompanying blight caused by Carryout Bags on the environment in Cuyahoga County, and any administrative and oversight costs incurred by the County for any of the activities described herein.

Section 721.04: Interest and Penalties

- (A) If a Retail Establishment does not remit to the Fiscal Officer any fees owed under this Chapter when due, the Retail Establishment is liable for interest on collections at the rate of one percent per month for each month or part of a month after the remittance is due and a penalty of 5 percent of the amount of collections per month or part of a month after the remittance is due up to 25 percent of the fees collected.
- (B) The Retail Establishment must pay any interest and penalty as part of the remittance due under this Chapter.

Section 721.05: Prohibited Conduct

A Retail Establishment shall not:

1. Refuse to allow customers to bring with them and to use their own reusable bags;
2. Neglect or refuse to collect or remit the fee required under this Chapter;
3. File an incomplete, false, or fraudulent report to the Fiscal Officer;
4. Neglect or refuse to keep complete and accurate records; or
5. Refuse to allow the County to inspect and audit the Retail Establishment's records.

Section 721.06: Enforcement

The County may fine a Retail Establishment \$500 per violation in addition to the fees, penalties and interest described in the Chapter. Any violation may be appealed by the Retail Establishment to The Cuyahoga County Debarment Review Board established under Section 205.06 of the Cuyahoga County Code. The Cuyahoga County Debarment Review Board may establish administrative rules and/or procedures to adjudicate any appeals described herein. A determination by the Debarment Review Board may be appealed to the Cuyahoga County Common Pleas Court pursuant to Section 2506 of the Ohio Revised Code.

Section 721.07: Exemptions

If, at the point of sale, a customer presents a valid Ohio Electronic Benefit Transfer (EBT) card in the customer's name indicating that the customer is enrolled in the

federal Supplemental Nutrition Assistance Program, then the customer shall not be subject to the Carryout Bag Fee for the transaction, regardless of whether the customer uses their EBT card to purchase goods at the point of sale. The Retail Establishment shall document any such exemptions in a manner acceptable to the County. This Chapter remains subject to Article I, Section 1.02 of the Cuyahoga County Charter.

Section 721.08: Implementation of the Carryout Bag Fee for Environmental Remediation

The County Executive or designee may adopt, amend, and enforce regulations and/or administrative rules for the purpose of carrying out the functions, powers, and duties vested in and imposed upon county directors or agencies by this Chapter. The Director of Sustainability shall be responsible for the administration of the Environmental Remediation Fund in accordance with the Contracting and Purchasing Procedures as codified in Chapter 501 of this Code.

SECTION 2. 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: October 10, 2017
Committee(s) Assigned: Education, Environment & Sustainability

Journal _____
_____, 2017