



MINUTES

**CUYAHOGA COUNTY COUNCIL REGULAR MEETING
TUESDAY, APRIL 26, 2016
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 Brown, Hairston, Simon, Greenspan, Miller, Germana, Gallagher, Schron, Conwell, Jones and Brady were in attendance and a quorum was determined.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

4. SILENT MEDITATION

There was no moment of silent meditation.

5. PUBLIC COMMENT RELATED TO AGENDA

Ms. Marsha Goldberg addressed Council regarding Ordinance No. O2016-0002, an Ordinance amending Titles 4 and 5 of the Cuyahoga County Code to clarify the ethical rights, responsibilities and prohibitions applicable to elected officials, employees, board members, contractors and lobbyists of Cuyahoga County.

Mr. Dave Wondolowski addressed Council regarding Ordinance Nos. O2016-0004, an Ordinance enacting Section 503.08 of the Cuyahoga County Code to expand the Small Business Enterprise Program to Allow Small Business Set Asides; O2016-0005, an Ordinance enacting Sections 503.02 to 503.07 of the Cuyahoga County Code to

expand the Small Business Enterprise Program; O2016-0006, an Ordinance enacting Chapters 507 and 508 of the Cuyahoga County Code to establish the County's Risk Management procedures and performance bond and insurance requirements; and O2016-0007, an Ordinance enacting Chapter 510 of the Cuyahoga County Code to establish the Cuyahoga County Business Economic Inclusion Program.

Mr. Dean Dilzell addressed Council regarding the closure of Lakewood Hospital.

Mr. Tim Linville addressed Council regarding Ordinance Nos. O2016-0004, an Ordinance enacting Section 503.08 of the Cuyahoga County Code to expand the Small Business Enterprise Program to Allow Small Business Set Asides; O2016-0005, an Ordinance enacting Sections 503.02 to 503.07 of the Cuyahoga County Code to expand the Small Business Enterprise Program; and O2016-0006, an Ordinance enacting Chapters 507 and 508 of the Cuyahoga County Code to establish the County's Risk Management procedures and performance bond and insurance requirements.

Rev. Pamela Pinkney Butts addressed Council regarding Resolution No. R2016-0079, a Resolution confirming the County Executive's reappointment of Karen Moss to serve on the Greater Cleveland Regional Transit Authority Board of Trustees.

6. APPROVAL OF MINUTES

- a) April 12, 2016 Committee of the Whole Meeting
- b) April 12, 2016 Regular Meeting

A motion was made by Mr. Brady, seconded by Mr. Hairston and approved by unanimous vote to approve the minutes of the April 12, 2016 Committee of the Whole and Regular meetings.

7. ANNOUNCEMENTS FROM THE COUNCIL PRESIDENT

There were no announcements from Council President Brady.

8. MESSAGES FROM THE COUNTY EXECUTIVE

County Executive Budish reported the following:

- a) **Spoke at the celebration for the 120th anniversary of Eliza Bryant Village; and**
- b) **Thanked Councilmembers for attending the State of the County address last week.**

9. LEGISLATION INTRODUCED BY COUNCIL

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

- 1) R2016-0082: A Resolution adopting various changes to the Cuyahoga County Non-bargaining Classification Plan, and declaring the necessity that this Resolution become immediately effective.

Sponsors: Councilmember Conwell on behalf of Cuyahoga County Personnel Review Commission

Council President Brady referred Resolution No. R2016-0082 to the Human Resources, Appointments & Equity Committee.

b) CONSIDERATION OF AN ORDINANCE OF COUNCIL FOR THIRD READING ADOPTION

- 1) O2016-0002: An Ordinance amending Titles 4 and 5 of the Cuyahoga County Code to clarify the ethical rights, responsibilities and prohibitions applicable to elected officials, employees, board members, contractors and lobbyists of Cuyahoga County.

Sponsors: Councilmembers Greenspan, Miller, Simon, **Germana, Hairston, Brown, Jones, Gallagher, Schron, Conwell and Brady** and County Executive Budish

On a motion by Mr. Miller with a second by Mr. Greenspan, Ordinance No. O2016-0002 was considered and adopted by unanimous vote.

10. LEGISLATION INTRODUCED BY EXECUTIVE

a) CONSIDERATION OF RESOLUTIONS FOR FIRST READING ADOPTION UNDER SUSPENSION OF RULES

A motion was made by Mr. Gallagher, seconded by Mr. Germana and approved by unanimous vote to suspend Rules 9D and 12A and to place on final passage Resolution Nos. R2016-0075 and R2016-0083.

- 1) R2016-0075: A Resolution approving a proposed settlement and Consent Judgment in connection with *Mulloy, et al. v. Cuyahoga County, et al.*, U.S.D.C. Case No. 1:14cv02546; authorizing the Law Director and/or his designee to execute any supporting documentation; authorizing the appropriation

of funds for payment of settlement amounts set forth herein; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive Budish/Department of Law

Mr. Brady introduced a proposed substitute to Resolution No. R2016-0075. Discussion ensued.

Mr. Robert Triozzi, Director of Law, addressed Council regarding Resolution No. R2016-0075. Discussion ensued.

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

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

On a motion by Mr. Brady with a second by Mr. Schron, Resolution No. R2016-0075 was considered and adopted by unanimous vote, as substituted.

- 2) R2016-0083: A Resolution amending the 2016/2017 Biennial Operating Budget for 2016 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. Greenspan with a second by Mr. Miller, Resolution No. R2016-0083 was considered and adopted by unanimous vote.

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

- 1) R2016-0084: A Resolution confirming the County Executive's appointment of Mark D. Griffin, upon his taking the oath of office, to serve as Inspector General of Cuyahoga County for the term 7/1/2016 - 6/30/2021; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive Budish

A motion was made by Mr. Greenspan, seconded by Mr. Miller and approved by unanimous vote to suspend Rule 12A and to move Resolution No. R2016-0084 to the May 10, 2016 Council meeting agenda for consideration for second reading adoption under suspension of the rules.

- 2) R2016-0085: A Resolution confirming the County Executive's appointment of Michael Jeans to serve on the Cleveland/Cuyahoga County Workforce Development Board for an unexpired term ending 6/30/2018, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive Budish

Council President Brady referred Resolution No. R2016-0085 to the Human Resources, Appointments & Equity Committee.

- 3) R2016-0086: A Resolution confirming the County Executive's appointment of Chief Christopher Viland to serve on the Cuyahoga County Corrections Planning Board for an unexpired term ending 12/31/2018, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive Budish

Council President Brady referred Resolution No. R2016-0086 to the Human Resources, Appointments & Equity Committee.

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

- 1) R2016-0079: A Resolution confirming the County Executive's reappointment of Karen Moss to serve on the Greater Cleveland Regional Transit Authority Board of Trustees for the term 3/1/2016 - 2/28/2019, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive Budish

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

Clerk Schmotzer read Resolution No. R2016-0079 into the record.

This item will move to the May 10, 2016 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 Mr. Germana and approved by unanimous vote to suspend Rule 9D and to place on final passage Resolution Nos. R2016-0078, R2016-0080 and R2016-0081.

- 1) R2016-0078: A Resolution confirming the County Executive's appointment of various individuals to serve on the Cleveland/Cuyahoga County Workforce Development Board for an unexpired term ending 6/30/2018, and declaring the necessity that this Resolution become immediately effective:
 - i) Theodore N. Carter
 - ii) Hermione Malone

Sponsor: County Executive Budish

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

On a motion by Ms. Conwell with a second by Mr. Brady, Resolution No. R2016-0078 was considered and adopted by unanimous vote.

- 2) R2016-0080: A Resolution authorizing the transfer of real property located at E. 79th Street and Hillside Road, Cleveland, also known as Hillside Community Park, Permanent Parcel No. 124-29-010 to Burten, Bell, Carr Development, Inc.; authorizing the County Executive to execute the quit claim deed 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 Councilmembers Hairston and Jones

Committee Assignment and Chair: Community Development – Hairston

On a motion by Mr. Hairston with a second by Mr. Jones, Resolution No. R2016-0080 was considered and adopted by unanimous vote.

- 3) R2016-0081: A Resolution making an award on RQ35911 to Youth Opportunities Unlimited in the amount not-to-exceed \$5,659,912.00 for the Temporary Assistance to Needy Families Summer Youth Employment Program for the period 5/1/2016 - 8/31/2016; authorizing the County Executive to execute the contract and all other documents consistent with said award and this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsors: County Executive Budish/Department of Health and Human Services/Cuyahoga Job and Family Services **and Councilmembers Miller, Conwell, Simon and Hairston**

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

On a motion by Mr. Miller with a second by Ms. Brown, Resolution No. R2016-0081 was considered and adopted by unanimous vote.

e) CONSIDERATION OF RESOLUTIONS FOR THIRD READING ADOPTION

- 1) R2016-0056: A Resolution confirming the County Executive's reappointment of various individuals to serve on the Western Reserve Area Agency on Aging Board of Trustees for the term 1/1/2016 - 12/31/2018, and declaring the necessity that this Resolution become immediately effective:

- i) Constance Hill-Johnson
- ii) Sue Biagianti

Sponsor: County Executive Budish

On a motion by Mr. Brady with a second by Mr. Schron, Resolution No. R2016-0056 was considered and adopted by unanimous vote.

- 2) R2016-0063: A Resolution authorizing a First Amendment to Agreement of Sublease with Ohio Department of Rehabilitation and Correction and consented to by Ohio Public Facilities Commission pertaining to the financing of a portion of the cost of the Cuyahoga County Community-based Correctional Facility Project, by changing the aggregate amount of project costs to be paid for or reimbursed from the Adult Correctional Building Fund from \$10,800,000.00 to \$10,842,265.00; 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 Public Works

On a motion by Mr. Germana with a second by Mr. Miller, Resolution No. R2016-0063 was considered and adopted by unanimous vote.

f) CONSIDERATION OF ORDINANCES FOR THIRD READING ADOPTION

- 1) O2016-0004: An Ordinance enacting Section 503.08 of the Cuyahoga County Code to expand the Small Business Enterprise Program to Allow Small Business Set Asides, and declaring the necessity that this Ordinance become immediately effective.

Sponsors: County Executive Budish/Office of Procurement and Diversity and Councilmembers Brady, Brown, Conwell, Hairston, Jones and Miller

On a motion by Mr. Miller with a second by Ms. Conwell, Ordinance No. O2016-0004 was considered and adopted by unanimous vote.

- 2) O2016-0005: An Ordinance enacting Sections 503.02 to 503.07 of the Cuyahoga County Code to expand the Small Business Enterprise Program, and declaring the necessity that this Ordinance become immediately effective.

Sponsors: County Executive Budish/Office of Procurement and Diversity and Councilmembers Brady, Brown, Conwell, Hairston, Jones and Miller

On a motion by Mr. Germana with a second by Mr. Jones, Ordinance No. O2016-0005 was considered and adopted by unanimous vote.

- 3) O2016-0006: An Ordinance enacting Chapters 507 and 508 of the Cuyahoga County Code to establish the County's Risk Management procedures and performance bond and insurance requirements, and declaring the necessity that this Ordinance become immediately effective.

Sponsors: County Executive Budish/Department of Law and Councilmembers Brady, Brown, Conwell, Hairston, Jones and Miller

Mr. Jones introduced several proposed amendments to Ordinance No. O2016-0006. Discussion ensued.

A motion was made by Mr. Jones, seconded by Ms. Brown and approved by a majority roll-call vote of 8 yeas and 3 nays, with Councilmembers Brown, Hairston, Simon, Miller, Germana, Conwell, Jones and Brady voting in the affirmative and Councilmembers Greenspan, Gallagher and Schron casting dissenting votes to amend Section 207.03 of Ordinance No. O2016-0006 as follows:

~~“(A) There is hereby established a Cuyahoga County Diversity and Inclusion Advisory Committee to provide advice and recommendations regarding Cuyahoga County’s diversity and inclusion programs and initiatives, including but not limited to the policies codified in Chapters 503, 508, and 509 of the Cuyahoga County Code, as these chapters exist now or hereafter amended. The committee shall submit its advice and recommendation to the Director of the Office of Procurement and Diversity. The committee shall consist of the following members:~~

(1) One representative appointed by the County Executive;

(2) One representative from County Council appointed by the President of Council;

(3) One representative of the Greater Cleveland Partnership’s Commission on Economic Inclusion jointly appointed by the County Executive and the President of Council;

(4) One representative of the Urban League of Greater Cleveland jointly appointed by the County Executive and the President of Council;

(5) One representative of the Hispanic Roundtable Community Programs jointly appointed by the County Executive and the President of Council;

~~(3)~~ (6) One representative appointed by the Executive Director of the Cleveland Building and Construction Trade Council jointly appointed by the County Executive and the President of Council;

~~(4)~~ (7) One representative appointed by the Executive Director of the Construction Employers Association or its delegate jointly appointed by the County Executive and the President of Council; and

~~(5)~~ (8) One Two other representatives jointly appointed by the County Executive and the President of Council who is not affiliated with the Cleveland Building and Construction Trade Council or the Construction Employers Association or its delegate.

(B) Appointments to the Diversity and Inclusion Advisory Committee shall be for a term of two years. The Diversity and Inclusion Advisory Committee shall elect its own chairperson and shall hold regular meetings at least once per quarter. The committee may establish one or more advisory subcommittees.

Mr. Triozzi and Ms. Darlene White, Deputy Director of Risk Management, addressed Council regarding Ordinance No. O2016-0006. Discussion ensued.

Councilmembers asked questions of Mr. Triozzi and Ms. White pertaining to the item, which they answered accordingly.

A brief recess was taken by Council after which Council President Brady then reconvened the meeting.

A motion was then made by Mr. Jones, seconded by Mr. Brady and approved by a majority roll-call vote of 6 yeas and 5 nays, with Councilmembers Brown, Hairston, Simon, Conwell, Jones and Brady voting in the affirmative and Councilmembers Greenspan, Miller, Germana, Gallagher and Schron casting dissenting votes to amend Section 508.02(E) as follows:

~~“E) For contracts competitively procured under this Title, the Law Department, through its Risk Management Division, in coordination with Public Works shall identify individual contracts for which Performance and Payment Bond requirements may be waived for pre-qualified contractors prior to the issuance of the Request for Bids, Request for Proposals, or other competitive solicitation. The Request for Bids, Request for Proposals, or other competitive solicitation shall include a notice to bidders that the Performance and Payment Bond requirements may be waived for pre-qualified respondents, and shall further request that respondents provide a cost estimate of obtaining any required Performance and/or Payment bonds for the contract. The cost estimates provided by respondents shall be excluded from the county’s evaluation or scoring criteria.”~~

A motion was made by Ms. Simon, seconded by Mr. Brady and approved by a majority roll-call vote of 7 yeas and 4 nays with Councilmembers Brown, Hairston, Simon, Miller, Conwell, Jones and Brady voting in the affirmative and Councilmembers Greenspan, Germana, Gallagher and Schron casting dissenting votes to amend Ordinance No. O2016-0006 by inserting the following Whereas clause:

“WHEREAS, The Law Department, through its Risk Management Division, shall submit within 60 days written guidelines regarding the process by which performance bond waivers shall be granted, and shall include consideration of equity between prospective bidders by way of offsetting the cost of obtaining

performance bonds, and shall notify Council immediately when the offset is not considered; and”

On a motion by Mr. Jones with a second by Mr. Brady, Ordinance No. O2016-0006 was considered and adopted, as amended, by a majority roll-call vote of 7 yeas and 4 nays, with Councilmembers Brown, Hairston, Simon, Miller, Conwell, Jones and Brady voting in the affirmative and Councilmembers Greenspan, Germana, Gallagher and Schron casting dissenting votes.

[Clerk’s Note: The legislation did not receive the affirmative vote of at least eight members of Council and is therefore not effective immediately.]

- 4) O2016-0007: An Ordinance enacting Chapter 510 of the Cuyahoga County Code to establish the Cuyahoga County Business Economic Inclusion Program, and declaring the necessity that this Ordinance become immediately effective.

Sponsors: County Executive Budish/Office of Procurement and Diversity and Councilmembers Brady, Brown, Conwell, Hairston, Jones and Miller

On a motion by Mr. Germana with a second by Ms. Conwell, Ordinance No. O2016-0007 was considered and adopted by unanimous vote.

11. MISCELLANEOUS COMMITTEE REPORTS

Ms. Conwell reported that the Human Resources, Appointments & Equity Committee will meet on Tuesday, May 3, 2016 at 10:00 a.m.

Mr. Schron reported that the Economic Development & Planning Committee will meet on Monday, May 2, 2016 at 3:00 p.m.

Mr. Jones reported that the Health, Human Services & Aging Committee will meet on Wednesday, May 4, 2016 at 1:00 p.m.

Mr. Hairston reported that the Community Development Committee will meet on Monday, May 2, 2016 at 9:00 a.m.

12. MISCELLANEOUS BUSINESS

Mr. Miller announced that the month of May is Multiple Chemical Sensitivity Awareness Month.

13. PUBLIC COMMENT UNRELATED TO AGENDA

Mr. Rico Dancy addressed Council regarding appointments to the Greater Cleveland Regional Transit Authority Board of Trustees and job opportunities for hearing impaired persons.

The following individuals addressed Council regarding fare increases proposed by the Greater Cleveland Regional Transit Authority:

- a) Mr. Rich Raphael**
- b) Mr. Nathan Malachowski and**
- c) Ms. Alanna Faith**

Ms. Bonnie Sikes addressed Council regarding the closure of Lakewood Hospital.

Mr. Don Bryant addressed Council regarding safety concerns relating to the Republican National Convention.

Capt. Steve Egert addressed Council regarding the closure of Lakewood Hospital.

Rev. Pamela Pinkney Butts addressed Council regarding personal safety concerns.

Mr. Eric Johnson addressed Council regarding public meetings relating to fare increases proposed by the Greater Cleveland Regional Transit Authority.

14. ADJOURNMENT

With no further business to discuss, Council President Brady adjourned the meeting at 7:25 p.m., without objection.