

County Council of Cuyahoga County, Ohio

Ordinance No. O2014-0017

Sponsored by: Councilmember Greenspan	An Ordinance enacting Chapter 604 of the Cuyahoga County Code to provide financial assistance to municipalities for the routine maintenance of County roadways, and declaring the necessity that this Ordinance become immediately effective.
Co-sponsored by: Councilmembers Germana, Simon, Miller, Conwell, Hairston, Jones and Gallagher	

WHEREAS, municipalities are responsible for the routine repair and maintenance of County roads that are incorporated into a municipality; and,

WHEREAS, pursuant to Resolution No. R2012-0043 the County established a two-year moratorium on requiring a local funding match from municipalities for County roadway projects, effective February 29, 2012; and,

WHEREAS, the Council now intends to extend the County's moratorium on requiring a local funding match for resurfacing of County roadways; and

WHEREAS, the Council intends to provide financial support to municipalities within Cuyahoga County that perform routine maintenance of County roadways; and

WHEREAS, in furtherance of this goal, the Council seeks to establish a process by which municipalities within the County may apply for grants to cover all or a portion of the cost to maintain County roadways; and

WHEREAS, the Director of Public Works is to be authorized to award grants to municipalities in order of priority based on available County resources, the County's assessed need, and the fiscal distress of applicants; 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 the County.

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

SECTION 1: Chapter 604 of the Cuyahoga County Code is hereby enacted to read as follows:

Chapter 604: County Roadways

Section 604.01 Improvement and Maintenance of County Roads

- A. The County shall not require a local funding match from municipalities for performing resurfacing of County roadways.
- B. The Director of Public Works shall establish a process by which municipalities within the County may apply for a grant for reimbursement of the cost of materials used in performing routine maintenance of County roadways. The Department of Public Works shall annually identify and prioritize County roads in need of routine maintenance, and shall qualify eligible applicants in order of priority based on the following factors:
 - 1. The availability of County resources; and
 - 2. The condition of the individual County roadway and assessed need for routine maintenance.

The County's reimbursement rates shall be set according to a rate schedule maintained by the Director of Public Works.

- C. The Director of Public Works shall establish a process by which fiscally distressed municipalities may apply for a grant to subsidize the cost of labor and materials required to perform routine maintenance of County roadways. The Department of Public Works shall qualify eligible applicants in order of priority based on the following factors:
 - 1. The availability of County resources;
 - 2. The condition of the individual County roadway and assessed need for routine maintenance; and
 - 3. The severity of fiscal distress of the applicant municipalities, as declared by the Auditor of State.
- D. For the purposes of this Section a "fiscally distressed municipality" shall mean a municipality within Cuyahoga County declared by the Auditor of State to be under fiscal emergency, fiscal watch, or fiscal caution.
- E. The routine maintenance tasks subject to partial or full reimbursement under this Section may include the following: curb ramp repairs, rebuilding of catch basins/manholes, pavement striping, crack sealing and street sweeping.
- F. Contracts and agreements between the County and eligible municipalities to receive grants under parts (B) and (C) of this Section shall be reviewed and approved by the appropriate approval authority depending on the monetary

threshold of each such contract or agreement in accordance with Chapter 501 of the Cuyahoga County Code.

G. Municipalities must participate in the Countywide Preventative Maintenance Program established pursuant to Section 806.02 of the Code to be eligible to apply for grants in accordance with parts (B) or (C) of this Section.

H. Provisions (A)-(G) of this Section shall expire five years from their effective date.

SECTION 2: It is necessary that this Ordinance become immediately effective for the 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 the 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.

On a motion by Mr. Germana, seconded by Mr. Miller, the foregoing Ordinance was duly enacted.

Yeas: Greenspan, Miller, Brady, Germana, Gallagher, Schron, Conwell, Jones, Hairston, Simon and Connally

Nays: None

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

Date

First Reading/Referred to Committee: May 27, 2014

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

Additional Sponsorship Requested: June 4, 2014

Committee Report/Second Reading: July 8, 2014

Additional Sponsorship Requested on the Floor: July 22, 2014

Journal CC015

July 22, 2014