

# County Council of Cuyahoga County, Ohio

## Ordinance No. O2014-0020

Sponsored by: **County Executive FitzGerald/Fiscal Officer and Councilmember Brady**

**An Ordinance** enacting Chapter 717 of the Cuyahoga County Code to authorize extension of the Capital Improvement Bed Tax and to authorize the use of said proceeds in accordance with agreement with the Mayor of the City of Cleveland and Positively Cleveland as approved by a majority of local mayors, and declaring the necessity that this Ordinance become immediately effective.

WHEREAS, the General Assembly of the State of Ohio in Substitute Senate Bill No. 359, effective December 22, 1992, authorized counties to levy an additional excise tax not to exceed one and one-half percent on transactions by which lodging by a hotel is or is to be furnished to transient guests for the purpose of contributing revenues for the acquisition, construction, equipping of a port authority educational and cultural facility in the county (i.e., generally known as the Rock and Roll Hall of Fame Museum); and

WHEREAS, in 1993, Cuyahoga County levied said tax pursuant to then R.C. 5739.024(D) for the purpose of providing contributions as provided for in R.C. 307.671(B)(1) under a cooperative agreement entered into with the Cleveland-Cuyahoga County Port Authority, the City of Cleveland, and the Rock and Roll Hall of Fame Museum ("Rock Hall") to enable the acquisition, construction, and equipping of the Rock Hall and for the purposes of paying debt service on such bonds, or notes in anticipation thereof, issued by the County for the purpose of acquiring, constructing and equipping the Rock Hall; and

WHEREAS, pursuant to R.C. 5739.09(D), said tax shall remain in effect at the rate in which it was imposed for the period of time described in division (C) of R.C. 307.671 for which revenue from the tax has been pledged by the County pursuant to that section, but, to the extent provided in the cooperative agreement, for no lesser period than the period of time required for payment of the debt service charges on bonds, or notes in anticipation of bonds described in R.C. 307.671(B)(1)(b); and

WHEREAS, pursuant to R.C. 5739.09(H)(2) and R.C. 5739.09(H)(6)(a), said tax may be extended.

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.** Chapter 717 of the Cuyahoga County Code is hereby enacted to read as follows:

**CHAPTER 717: Extension of Bed Tax for Capital Improvements**

**Section 717.01: Definitions:** The following definitions shall apply for purposes of Chapter 717 of the County Code only:

- (A) **“Bed Tax Cooperative Agreements”** shall refer to the cooperative agreements entered between and among Cuyahoga County, the Cleveland-Cuyahoga County Port Authority, the City of Cleveland, and the Rock and Roll Hall of Fame Museum pursuant to then R.C. 5739.024(D) for the purpose of providing contributions as provided for in R.C. 307.671(B)(1).
- (B) **“Capital Improvement Bed Tax”** shall refer to the bed taxes imposed by Cuyahoga County in 1993 pursuant to then R.C. 5739.024(D) for the purpose of providing contributions as provided for in R.C. 307.671(B)(1).
- (C) **“County-City Agreement”** shall refer to the Agreement between the County, Positively Cleveland, and the Mayor of the City of Cleveland regarding the use of the extended Capital Improvement Bed Tax proceeds, as approved by a majority of the mayors of the other municipal corporations in the County pursuant to R.C. 5739.09(H)(6)(a).

**Section 717.02: Deposit of Capital Improvement Bed Tax into General Fund**

When proceeds of the Capital Improvement Bed Tax are no longer needed for their original purpose outlined in the Bed Tax Cooperative Agreements as determined by the Fiscal Officer, said proceeds shall be deposited into the general fund of Cuyahoga County.

**Section 717.03: Extension of the Capital Improvement Bed Tax**

The Capital Improvement Bed Tax is hereby extended at a rate of one and one-half percent on transactions by which lodging by a hotel is or is to be furnished to transient guests beginning when the Capital Improvement Bed Tax proceeds are no longer needed and shall remain in effect for a period of forty years from the date on which Chapter 717 goes into effect.

#### **Section 717.04: Use of Extended Capital Improvement Bed Tax Proceeds**

The Capital Improvement Bed Tax proceeds shall be used in accordance with the County-City Agreement. The County-City Agreement shall provide that the extended Capital Improvement Bed Tax Proceeds shall be distributed to Positively Cleveland to be used for the direct and indirect costs of capital improvements, including the financing of capital improvements. Examples of such capital improvements include, but are not limited to, capital improvements through Positively Cleveland or other local organizations for the following: major political and/or other large conventions, Rock and Roll Hall of Fame Induction ceremonies and/or events, the support of tourism, and/or other major special events and/or other events. Positively Cleveland shall annually update the County Executive, County Council, the Cuyahoga County Mayors and Managers Association, the Mayor of Cleveland, and Cleveland City Council regarding the use of the Capital Improvement Bed Tax funds.

#### **Section 717.05: Implementation of Extension of Capital Improvement Bed Tax**

The County Executive or his authorized designee may take all actions, deposit and distribute the tax proceeds, and execute all documents, contracts, amendments and agreements on behalf of Cuyahoga County as necessary to consummate the transactions and carry out the terms and conditions set forth in this Chapter.

**SECTION 2.** To the extent this Ordinance may be required to be a Resolution under the Ohio Revised Code, it shall be deemed as such.

**SECTION 3.** 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 Council, it shall take effect and be in force immediately upon the earliest occurrence 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 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. Jones, seconded by Mr. Germana, the foregoing Ordinance was duly enacted.

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

Nays: None

  
County Council President

8-12-14  
Date

  
County Executive

8/15/14  
Date

  
Clerk of Council

8/12/2014  
Date

First Reading/Referred to Committee: June 24, 2014

Committee(s) Assigned: Committee of the Whole

Committee Report/Second Reading: July 22, 2014

Legislation Amended on the Floor: July 22, 2014

Legislation Substituted on the Floor: August 12, 2014

Journal CC015  
August 12, 2014