

# County Council of Cuyahoga County, Ohio

## Resolution No. R2016-0063

Sponsored by: <b>County Executive Budish/Department of Public Works</b>	<b>A Resolution</b> 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.
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WHEREAS, the County Executive/Department of Public Works has recommended 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; and

WHEREAS, pursuant to Board of County Commissioners Resolution No. 083668 dated 8/21/2008, the County obtained funding in the amount of \$10,800,000.00 for the construction of an adult correctional facility known as the Nancy R. McDonnell Community Based Correctional Center (the "Center"), located at 3540 Croton Avenue, Cleveland; and

WHEREAS, it was necessary for the County to enter into a certain sublease agreement (the "Sublease") with the Ohio Department of Rehabilitation and Correction in order to receive such funding; and

WHEREAS, the County applied for and was awarded additional funding in the amount of \$42,265.00 for building repairs to the Center and it is necessary to execute an amendment to the Sublease in order to draw down the funds; and

WHEREAS, the primary goal of this project is to complete infrastructure upgrades to the Nancy R. McDonnell Community Based Corrections Facility (CBCF), located at 3540 Croton Avenue, Cleveland; 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 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.

**SECTION 2.** That the County Executive is authorized to execute the First Amendment to Agreement of Sublease and all other documents consistent with this Resolution.

**SECTION 3.** That the proper officers of the County, as appropriate, are each authorized and directed to execute and deliver any additional certificates, documents or instruments and to take such further actions which are necessary or appropriate to effect the intent and purposes of this Resolution and the First Amendment to Agreement of Sublease.

**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 Mr. Germana, seconded by Mr. Miller, the foregoing Resolution was duly adopted.

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

Nays: None

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County Council President

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Date

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County Executive

\_\_\_\_\_  
Date

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Clerk of Council

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Date

First Reading/Referred to Committee: March 22, 2016

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

Committee Report/Second Reading: April 12, 2016

Journal CC022

April 26, 2016