

# County Council of Cuyahoga County, Ohio

## Ordinance No. O2015-0017

Sponsored by: <b>Councilmember Schron</b>	<b>An Ordinance</b> amending Chapter 709 of the Cuyahoga County Code to establish a competitive review process for the award of Casino Revenue Fund loans; enacting Section 207.05 creating the Casino Revenue Development Committee; and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, Article VII, Section 7.01 of the Cuyahoga County Charter mandates that “the County shall develop and implement policies, programs and activities for the expansion and enhancement of economic activity in the County so as to create and preserve jobs and employment opportunities for and available to residents of the County;” and

WHEREAS, the Casino Revenue Fund was originally established in October, 2012 to collect and expend the gross casino revenues distributed to Cuyahoga County; and,

WHEREAS, pursuant to Cuyahoga County Code Section 709.02, all gross casino revenues were held in reserve between 2012 and June 30, 2014; and,

WHEREAS, pursuant to Cuyahoga County Code Sections 709.03 and 709.05, between July 1, 2014 and June 30, 2016, casino revenues are authorized to be used to promote economic development in Cleveland’s Downtown District, unless a request for early spending proposed by either the County Executive or County Council was approved by Council; and,

WHEREAS, pursuant to Cuyahoga County Code Section 709.04, effective July 1, 2016, remaining revenues in the Casino Revenue Fund may be used to (1) promote economic development in any area of Cuyahoga County, and (2) provide additional funding for educational initiatives, including the Cuyahoga County Educational Assistance Fund; 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 709 of the Cuyahoga County Code is hereby amended to read as follows (additions are bolded and underlined, deletions are stricken):

**Section 709.01 The Casino Revenue Fund**

The Fiscal Officer is hereby directed to immediately establish a separate fund for the purpose of collecting and expending gross casino revenues distributed to Cuyahoga County (the “Casino Revenue Fund” or “the Fund”). All such revenues shall be automatically transferred from the General Fund into the Fund and may be used only in the time frame and ~~purpose~~ **for the purposes** authorized in Chapter 709 of the County Code.

**~~Section 709.02 Revenues in Reserve~~**

~~All gross casino revenues shall be held in reserve in the Casino Revenue Fund until June 30, 2014 (“the reserve date”).~~ **[Repealed]**.

**Section 709.03 Use for Downtown District Development**

As of July 1, 2014 and through June 30, 2016, the revenues contained in the Casino Revenue Fund shall be used to promote economic development in Cleveland’s Downtown District, generally defined as the area bordered by Lake Erie, the Innerbelt Bridge, East 25<sup>th</sup> Street and West 25<sup>th</sup> Street.

**Section 709.04 Revenues Remaining and Received on or after July 1, 2016**

Revenues remaining in the Casino Revenue Fund or received on or after July 1, 2016 may be used to:

- A. Promote economic **and community** development in any area of Cuyahoga County; and
- B. Provide additional funding for educational initiatives, including the Cuyahoga County Educational Assistance Fund.

**Section 709.05 Request for Early Spending**

- ~~A. Notwithstanding Section 709.02 of the County Code, prior to June 30, 2014, the County Executive may propose spending monies from the Casino Revenue Fund on specific “downtown district” development projects. Council shall determine whether any specific project justifies an earlier than anticipated expenditure of funds.~~
- ~~B.~~ **A.** Notwithstanding Section 709.03 of the County Code, ~~after June 30, 2015~~ **and** before July 1, 2016, the County Executive or the County Council may propose spending monies on specific projects promoting economic development in any area of Cuyahoga County. Council shall determine

whether any specific project justifies an earlier than anticipated expenditure of funds.

**Section 709.06 Evaluation and Approval of Economic and Community Development Projects**

- A. Applications for economic development or community development funding for the purposes of this Chapter shall be submitted to the Casino Revenue Development Committee, established pursuant to Section 207.03 of this Code. The Casino Revenue Development Committee shall competitively evaluate and score such applications and make recommendations for consideration of award by County Council. Any award made pursuant to this Section shall require final approval from County Council.**
  
- B. Applications may be submitted to the Casino Revenue Development Committee by any private entity, municipal corporation, or township seeking funding for economic development or community development projects within Cuyahoga County.**
  
- C. No Casino Revenue Funds shall be awarded except pursuant to the procedures established in this Chapter.**
  
- D. If deemed appropriate, the County may use monies within the Casino Revenue Fund for the payment of debt charges on any bonds, notes, and certificates of indebtedness issued by the County for the purpose of carrying out this Chapter. All economic development or community development awards made from bond proceeds or other revenues derived from notes or certificates of indebtedness credited to the Casino Revenue Fund shall be awarded pursuant to the procedures established in this Section.**

SECTION 2. Section 207.05 of the Cuyahoga County Code is hereby enacted as follows (additions are bolded and underlined, deletions are stricken):

- A. There is hereby established a Casino Revenue Development Committee, hereinafter the “Committee,” which shall competitively evaluate and score applications for funding for economic development and community development projects within Cuyahoga County. The Committee shall be composed of five members, as follows:**
  - 1. Two members appointed by the County Executive, at least one of whom shall be a member of the Department of Development and one member with experience in economic or community development. Such appointments shall not be subject to confirmation by the Council;**

2. Two members appointed by the President of Council, at least one of whom shall be a member of Council;
  3. One member with experience in economic or community development shall be jointly appointed by the County Executive and the President of Council;
- B. The Committee members appointed pursuant to paragraph (A) of this section shall each serve for a two year term expiring at the end of each even numbered calendar year. In the event of a vacancy, the respective appointing authority or authorities shall appoint a member to complete the unexpired term. The members of the Committee shall serve without additional compensation.**
- C. The Casino Revenue Development Committee shall adopt rules of procedure in accordance with Chapter 113 of the County Code, and shall include the following:**
1. Application deadlines, which shall occur no less than biannually;
  2. Minimum application criteria applications must meet in order to be eligible for particular rounds of funding;
  3. Weighted evaluation criteria by which eligible applications are to be scored and ranked;
  4. Procedures for electing a chair and vice chair of the committee, and for setting the regular dates and times of committee meetings; and
  5. A plan for public engagement to solicit applications.
- D. All meetings of the Casino Revenue Development Committee shall be open to the public and time shall be provided for members of the public to comment on matters before the committee.**
- E. The County Executive shall designate a staff person to act as clerk of the committee. The clerk shall publish agendas and meeting notices and record and publish minutes.**

**SECTION 3.** It is necessary that this Ordinance become immediately effective for the usual daily 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 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 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 actions 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: December 8, 2015  
 Committee(s) Assigned: Economic Development & Planning

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 \_\_\_\_\_, 20\_\_