

County Council of Cuyahoga County, Ohio

Ordinance No. O2016-0001

Sponsored by: County Executive Budish/Department of Development	An Ordinance amending Chapters 802 and 709 of the Cuyahoga County Code regarding the Casino Revenue Fund and Job Creation Fund for consistency with the 2016/2017 Biennial Operating Budget and Capital Improvements Program; and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, Cuyahoga County Council unanimously adopted Resolution No. R2015-0209 on December 8, 2015, the 2016/2017 Biennial Operating Budget and Capital Improvements Program; and

WHEREAS, County Councilmember and Finance & Budgeting Committee Chairperson Greenspan summarized the principles supporting the adopted budget in a memo to Council Colleagues on November 10, 2015 and entered it into the record at the Finance & Budgeting Committee meeting that same day; and

WHEREAS, Cuyahoga County Council adopted Ordinance No. O2012-0011 to allocate ongoing proceeds from gross casino revenue to enhance economic development; and

WHEREAS, Article VII, Section 7.01 of the Cuyahoga County Charter declares 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 Job Creation Fund shall strive to meet the principal objectives of expanding the economic base in the county, including outcomes consistent with economic growth including job growth and opportunity; and

WHEREAS, Cuyahoga County aspires to create a permanent resource for economic development activities that is self-sustaining while providing adequate resources to accelerate growth.

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

SECTION 1. Chapter 802 of the Cuyahoga County Code is hereby amended to read as follows (deletions struck through and additions bolded and underlined):

Section 802.01:

There is hereby created the Cuyahoga County **Job Creation Fund** ~~Economic Development Fund (“Fund”)~~, which shall be administered by the County Executive through the Department of Development. **Expenditures from this Fund shall be in accordance with the Economic Development Plan as required by Section 7.05 of the Cuyahoga County Charter.**

Section 802.02:

The Fund is a special revenue fund that is funded from non-tax revenues including revenues set forth in Chapter 709 of the Cuyahoga County Code. Council hereby approves and adopts the County Executive’s plan for the administration of the ~~Economic Development Fund attached hereto as Exhibit A.~~

Section 802.03:

~~The Economic Development Fund shall undertake and administer the following three priorities with the listed programs:~~

- a) ~~Innovation development~~
 - 1) ~~Micro Enterprise~~
 - 2) ~~Pre-Seed Funding~~
 - 3) ~~Next Stage Funding~~
 - 4) ~~Innovation Match~~

- b) ~~Commercial Property Reutilization~~
 - 1) ~~Redevelopment and Modernization~~
 - 2) ~~Site Expansion~~
 - 3) ~~Redevelopment Ready~~

- e) ~~Business Growth, Commercialization and Attraction~~
 - 1) ~~Small Business Growth~~
 - 2) ~~Incumbent Worker Training~~
 - 3) ~~Accelerated Growth~~
 - 4) ~~Large Scale Attraction~~

Section 802.04:

All Cuyahoga County Job Creation Fund application fees, loan repayments and decertifications shall be credited to the Fund. All remaining balances in the Fund shall carry forward from year to year. The Department of Development, CCCIC or the appropriate approving authority shall have the ability to modify parameters or terms for any individual transaction in the \$100 Million Economic Development Fund including but not limited to loan amount, interest rate and time period. Any changes to the parameters or terms shall be provided to the appropriate approving body as part of the review of documents.

Section 802.05:

The Department of Development shall make a report to the County Council detailing the operations, performance measures and changes to the Fund annually in concert with updates to the County's Five Year Economic Development Plan as required by the County Charter.

SECTION 2. Chapter 709 of the Cuyahoga County Code is hereby amended to read as follows (deletions struck through and additions bolded and underlined):

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 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 and ~~until June 30, 2014 ("the reserve date").~~ **may be used only in the time frame and purpose authorized in Chapter 709 of the Cuyahoga County Code, provided that:**

- A. For 2016 no less than \$3.8 million are and shall be transferred to the Cuyahoga County Job Creation Fund for purposes consistent with Section 802 of the Cuyahoga County Code; and**
- B. For 2017 no less than \$4.0 million are and shall be transferred to the Cuyahoga County Job Creation Fund for purposes consistent with Section 802 of the Cuyahoga County Code; and**

C. For 2018 and thereafter, no less than half of the gross casino revenues are and shall be transferred to the Cuyahoga County Job Creation Fund for purposes consistent with Section 802 of the Cuyahoga County Code; and

D. The balance of Casino Revenue Fund loan repayments collected between January 1, 2016 and December 31, 2017, and decertified funds from all Casino Revenue Fund awards made prior to December 31, 2015 shall be transferred to the Cuyahoga County Job Creation Fund for purposes consistent with Section 802 of the Cuyahoga County Code.

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 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 _____, 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: January 12, 2016
Committee(s) Assigned: Economic Development & Planning

Journal _____
_____, 20__