CITY OF FAIRVIEW PARK
CITY COUNCIL MEETING
AGENDA

MONDAY, JUNE 15, 2015
REGULAR MEETING

6:30 pm - Council Study Session – Caucus Room
7:00 pm Council Meeting – Council Chambers

Meeting Called to Order
Moment of Silent Prayer
Pledge of Allegiance
Roll Call

Disposition of Minutes:
Regular Meeting of Council Monday, June 1, 2015

Committee Reports
Local Government and Community Services – *Councilman Hinkel, Chair*
Finance – *Councilwoman Cleary, Chair*

~ LEGISLATIVE AGENDA ~

Legislation for First Reading
COUNCILWOMAN CLEARY
Res. 15-__ Accepting Donation from Junior Women's Club for Fire Department

Audience Input on Legislation Up For Passage

Legislation for Passage under Second Reading Suspension of Rules:
COUNCILWOMAN CLEARY
Res. 15-18 | Authorizing Grant Application for CMAQ Project Funding

Legislation for Third Reading/Final Passage
COUNCILMAN HINKEL
Ord. 15-21 | Amending 111.03 Council Rules
Ord. 15-22 | Authorizing Agreement and Establishing Fund for Community Diversion Program

COUNCILWOMAN CLEARY
Ord. 15-23 | Supplemental Appropriations_2
Ord. 15-24 | Authorizing Additional Flow Monitors
Ord. 15-25 | Authorizing Purchase of Skid Steer Loader and Excavator for Service Department
Ord. 15-26 | Authorizing Purchase of Truck with Plow for Service Department
Res. 15-17 | Alternative Tax Budget 2016

Agenda continued on back ➔

Michael Kilbane, President of Council
Brian McDonough, Ward 1
Bill Minek, Ward 2
Paul Wojnar, Ward 3
John Hinkel, Ward 4
Angelo Russo, Ward 5
Peggy Cleary, Council at Large
Liz Westbrooks, Clerk of Council

Reports from Mayor, Directors and Other City Officials
Public Session
Miscellaneous Business and Reports from Council
Adjournment

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MINUTES OF THE REGULAR MEETING OF FAIRVIEW PARK CITY COUNCIL
MONDAY, JUNE 1, 2015

The regular meeting of Council was called to order by Council President Pro Tem Minek at 7:00 p.m.
MOMENT OF SILENT PRAYER/PLEDGE OF ALLEGIANCE
ROLL CALL:
PRESENT: Council – B. Minek, P. Wojnar, A. Russo, P. Cleary
Administration – Mr. Berner, Ms. Rocco, Mrs. Fagnilli

THE CHAIR called for a motion to excuse Council President M. Kilbane and councilmembers B. McDonough and J. Hinkel from the meeting.
Moved and Seconded.
THE CHAIR called for discussion on the motion. No Discussion.
ROLL CALL: Vote: YES-4, NO-0 | Motion carries.
YES: B. Minek, P. Wojnar, A. Russo, P. Cleary

THE CHAIR called for a motion to approve the minutes of the Regular Meeting of Council held on Monday, May 18, 2015.
Moved and seconded. No Discussion.
ROLL CALL: Vote: YES-4 NO-0 | Motion carries, minutes are approved.
YES: B. Minek, P. Wojnar, A. Russo, P. Cleary

COMMITTEE REPORTS:

THE CHAIR read the following report of the Local Government and Community Services Committee: The Local Government and Community Services Met on Tuesday, May 26th with the following on the agenda: Ordinance 15-22 Authorizes an agreement between the city and Cuyahoga County, establishing a Community Diversion Program for Fairview Park. It also authorizes the Finance Director to establish a new fund for the program with the State Auditor's Office. This legislation follows discussions under the issue of Juvenile Crime Prevention in committee on February 9th and again on April 13th with Juvenile Court contact, Heather Corcoran from the Diversion Program. The legislation was placed on first read on the May 18th. A motion to place on 2nd subsequent third passed by a vote of 7-0. Likewise, a motion to remove the issue of Juvenile Crime Prevention passed 7-0. Ordinance 15-21 amends codified ordinance section 111.03 Council Rules. This legislation was introduced at the May 18th meeting of council and was assigned as Council rules issue, it was initially discussion and reviewed on January 12th at committee, and again on May 11th in drafted legislation form with Law Director Fagnilli in attendance. This legislation was voted to remain in committee by a vote of 7-0 pending clarification of Rule 22. A motion to remove the issue of Council rules from committee also passed 7-0. The issue of Dogs in City Parks was discussed and was voted to remain in committee by a vote of 7-0, pending information regarding results from the recreational study done in March of this year for further discussion.

COUNCILWOMAN CLEARY said, The Finance Committee met on Tuesday, May 26th. Finance Director, Lisa Rocco was in attendance to discuss the following: Ordinance 15-23 appropriates funds for current expenses and expenditures for the period beginning January 1, 2015 and ending December 31, 2015. Director Rocco offered an explanation for the changes in the appropriations originally approved in Ordinance 15-02, following the March 2015 budget hearings and later amended May 5th by Ordinance 15-18. The changes reflected in Ordinance 15-23 include some of the following expenses not accounted for in earlier budgets: an increase of $16,000 to cover the costs of the retirement of a police officer and for police overtime regarding the Officer Brelo case; $500,000 for the road repair at Mastick and W. 213 and $140,000 for the cost of the partial resurfacing of the rear parking lot. The city will be reimbursed for $400,000 of the projected cost of the repair at Mastick and W. 210th and 60% of the cost of the parking lot resurfacing from a grant awarded for the project. A motion to place on 2nd, subsequent 3rd carried 7-0. Ordinance 15-24 authorizes the City to amend

the contract with Hydromax for additional flow monitors for data collection. Service Director, Rob Berner had previous discussed the need to amend the contract with Hydromax for additional flow monitors to assist the City's consultant, Black and Veach in their data collection and water flow monitoring of the city's sewer system. The cost of the additional services is not to exceed $11,200.00 and will come from the Sanitary Sewer Fund (510). A motion to place on 2nd, subsequent 3rd carried 7-0. Ordinance 15-25 authorizes the Mayor to enter into a contract though the Ohio Cooperatve Purchasing Program for the purchase of Skid Steer Loader and Bobcat Compact Excavator. Director Rob Berner had spoken with Council during March budget hearings about the need for this equipment for use by the Service Department. The cost is not to exceed $80,000 and will be paid from the FP Sanitary Sewer Fund (510). A motion to place on 2nd, subsequent 3rd carried 7-0. Ordinance 15-26 authorizes the Mayor to enter into a contract though the Ohio Cooperatve Purchasing Program with Valley Ford Truck, Inc. for the purchase of a Ford F-550 with a snow plow attachment for use by the Service Department. The cost is not to exceed $60,000 and will be paid from the Water Reimbusement Fund. Rob Berner, Director of Service and Development had discussed the need for the truck and plow with council members at the March budget hearings. A motion to place on 2nd, subsequent 3rd carried 7-0. Resolution 15-17 adopts the Alternative Tax Budget of the City of Fairview Park for fiscal year beginning January 1, 2016 and submits to the Cuyahoga County Fiscal Officer. The tentative 2016 annual budget for the City of Fairview Park, begins January 1, 2016 and shows estimates of revenue collected by the County Fiscal Officer and due to the city. Resolution 15-17 estimates the revenue collected that includes taxes, fees and other classes of revenue. A motion to place on 2nd, subsequent 3rd carried 7-0.

<u>LEGISLATION FOR FIRST READING</u>

COUNCILWOMAN CLEARY placed the following legislation up for introduction and first reading:
ORDINANCE NO. 15-28
REQUESTED BY: MAYOR EILEEN ANN PATTON
SPONSORED BY: COUNCILWOMAN CLEARY
AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH CHEMTRON CORPORATION FOR THE REMOVAL OF UNDERGROUND STORAGE TANKS AND DECLARING AN EMERGENCY
ACTION: Ordinance 15-28 was placed on first reading and referred to the Finance Committee.

RESOLUTION NO. 15-18
REQUESTED BY: MAYOR EILEEN ANN PATTON
SPONSORED BY: COUNCILWOMAN CLEARY
A RESOLUTION AUTHORIZING THE CITY OF ROCKY RIVER TO SUBMIT A JOINT APPLICATION TO THE NORTHEAST OHIO AREAWIDE COORDINATING AGENCY (NOACA) FOR A STATE OF OHIO CONGESTION MITIGATION AND AIR QUALITY (CMAQ) PROJECT REGARDING TRAFFIC SIGNAL UPGRADES AND INTERCONNECTION PROJECT GRANT FOR CENTER RIDGE ROAD AND DECLARING AN EMERGENCY
ACTION: Resolution 15-28 was placed on first reading and referred to the Finance Committee.

THE CHAIR placed the following legislation up for second reading:
ORDINANCE NO. 15-21
REQUESTED AND SPONSORED BY: COUNCIL AS A WHOLE
AN ORDINANCE AMENDING FAIRVIEW PARK CODIFIED ORDINANCE SECTION 111.03 TO CLARIFY THE RULES OF COUNCIL, AND DECLARING AN EMERGENCY.
ACTION: Ordinance 15-21 was placed on second reading and returned to the Local Government and Community Services Committee.

ORDINANCE NO. 15-22
REQUESTED AND SPONSORED BY: COUNCILMAN MCDONOUGH

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF FAIRVIEW PARK TO ENTER INTO AN AGREEMENT WITH THE CUYAHOGA COUNTY JUVENILE COURT IN CONNECTION WITH A COMMUNITY DIVERSION PROGRAM TO ADDRESS JUVENILE MISDEMEANOR AND STATUS OFFENDERS IN THE CITY OF FAIRVIEW PARK, ESTABLISHING A COMMUNITY DIVERSION PROGRAM FUND AS A SPECIAL REVENUE FUND, AND DECLARING AN EMERGENCY.
Ordinance 15-22 was placed on second reading and subsequent third.

COUNCILWOMAN CLEARY placed the following legislation up for second reading:
ORDINANCE NO. 15-23
ORIGINATED BY: THE FINANCE DEPARTMENT
REQUESTED BY: MAYOR EILEEN ANN PATTON
SPONSORED BY: COUNCILWOMAN CLEARY
AN ORDINANCE APPROPRIATING FUNDS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF FAIRVIEW PARK, OHIO FOR THE PERIOD COMMENCING JANUARY 1, 2015 AND ENDING DECEMBER 31, 2015 AND DECLARING AN EMERGENCY
ACTION: Ordinance 15-23 was placed on second reading and subsequent third.

ORDINANCE NO. 15-24
REQUESTED BY: MAYOR EILEEN ANN PATTON
SPONSORED BY: COUNCILWOMAN CLEARY
AN ORDINANCE AUTHORIZING ADDITIONAL FLOW MONITORS FROM HYDROMAX USA, LLC AND DECLARING AN EMERGENCY
ACTION: Ordinance 15-24 was placed on second reading and subsequent third.

ORDINANCE NO. 15-25
REQUESTED BY: MAYOR EILEEN ANN PATTON
SPONSORED BY: COUNCILWOMAN CLEARY
AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT THROUGH THE STATE OF OHIO COOPERATIVE PURCHASING PROGRAM WITH BOBCAT OF CLEVELAND FOR THE PURCHASE OF A SKID-STEER LOADER AND A COMPACT EXCAVATOR FOR THE SERVICE DEPARTMENT AND DECLARING AN EMERGENCY
ACTION: Ordinance 15-25 was placed on second reading and subsequent third.

ORDINANCE NO. 15-26
REQUESTED BY: MAYOR EILEEN ANN PATTON
SPONSORED BY: COUNCILWOMAN CLEARY
AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT THROUGH THE STATE OF OHIO COOPERATIVE PURCHASING PROGRAM WITH VALLEY FORD TRUCK, INC. FOR THE PURCHASE OF A TRUCK WITH PLOW FOR THE SERVICE DEPARTMENT AND DECLARING AN EMERGENCY
ACTION: Ordinance 15-26 was placed on second reading and subsequent third.

RESOLUTION NO. 15-17
ORIGINATED BY: THE FINANCE DEPARTMENT
REQUESTED BY: MAYOR EILEEN ANN PATTON
SPONSORED BY: COUNCILWOMAN CLEARY
A RESOLUTION ADOPTING THE ALTERNATIVE TAX BUDGET OF THE CITY OF FAIRVIEW PARK, STATE OF OHIO, FOR FISCAL YEAR BEGINNING JANUARY 1, 2016, AND SUBMITTING THE SAME TO THE CUYAHOGA COUNTY FISCAL OFFICER AND DECLARING AN EMERGENCY
ACTION: Resolution 15-17 was placed on second reading and subsequent third.

REPORTS AND COMMUNICATION FROM THE MAYOR, DIRECTORS, AND OTHER CITY OFFICIALS

DIRECTOR BERNER reported that the service department has been working on roads, catch basins and repair projects for the last several weeks. The curb and catch basin repairs have been completed along Lorain Road, including in front of part of city hall, and they will be working on Lorain Road sinkholes near West 223rd Street this week. Parks and Recreation along with several volunteers worked on several beautification projects over the weekend. The turf replacement project at Daley Stadium has been completed.

Flow meter readings for the skeletal sewer model will be completed this week, and the project is progressing as scheduled. The consultant has commented that the information being found is very helpful in formulating an action plan needed to address the sewer backup issues. The two pump stations are being evaluated for the impact they have on the collections operation. The underground storage tanks at the Service Department behind city hall are up for legislation for removal. The tanks have been monitored for the last two years and discovered water infiltration last year. DIRECTOR BERNER said he has been working on options to remedy the situation and feels the most feasible solution is to remove the underground tanks. This will avoid future environmental concerns. Other fueling options will be considered that don't require major capital investment of fueling stations. He said that he will be requesting passage on second reading and will be present at the next committee meeting. DIRECTOR BERNER wanted to pint out items in the Engineer's report including: the water main project bid opening on Friday, June 12, at noon and that the Mastick Road roadway abutment is progressing well, with soil borings complete and contract review underway. He hopes to have a schedule for construction at the next council meeting.

DIRECTOR ROCCO reported that the Comprehensive Annual Financial Report for 2014 was filed with the State Auditor on May 29 and that she is pushing the city auditors to be completed with their audit no later than next week, to file earlier than the June 30 deadline. She advised that the internet at city hall will be down from noon to 3pm on Friday for network upgrades.

DIRECTOR FAGNILLI had no report.

ENGINEER MACKAY was not present, but a submitted report, which was read by the CHAIR:
2015 Street Repair Program - The plans and specifications are complete and the project was advertised for bids on May 20, 2015 and May 27, 2015 and the bids will be opened on June 3, 2015. 2015 Waterline Project - The plans and specifications are complete and the project is being advertised for bids on May 29, 2015 and June 5, 2015 and the bids will be opened on June 12, 2015. Mastick Road Culvert Repair - The soil borings are complete and the County's geotechnical engineer is in the process of completing the report and recommendations. Schirmer Construction has provided a preliminary scope of work to the City and we are in the process of finalizing the terms of the Construction Contract with Schirmer. This repair project is on an expedited schedule and we will keep Council informed of the progress on the Project.

PUBLIC SESSION

MR. TOM BERNS – 19254 Sagamore Ave – MR. BERNS Spoke about possible legal risks of Coffinberry. He said that many said that many have said that promises were made, but that they are not legally binding. He offered that there are other aspects, such as how the school handled it, and believes that a there is a reasonable basis for a lawsuit against the school that would survive a summary judgment motion in litigation that could drag out for years. Mr. Burns advised he was not giving legal advice to the city, but pointing out facts and statute and proving information. He spoke about conflicting information in Board of Education minutes and a timeline provided on the district website in relation to multiple executive sessions to discuss the property. He spoke on the statute in relation to executive session on property and feels that many critical decisions were made in executive session or other methods not open to the public, including emails and text messages which were not provided in his public records request, violating the statute. MR. BURNS said that there were decisions made to auction the property as-is, without any greenspace restrictions, as well as to

only advertising once as required. He stated the remedy under the Ohio Revised Code is under Section 121.22 section H, which reads in part: "…A resolution, rule, or formal action adopted in an open meeting that results from deliberations in a meeting not open to the public is invalid unless the deliberations were for a purpose specifically authorized in division (G)…" He continued that it gets complicated going back to section (G), and it could be argued that under this section that you could discuss the property, but believes that the conditional aspect was not met, which could be investigated further. He questioned if there was any confidential information discussed in the executive sessions that would have justified them, citing the appraisal. He read Ohio Revised Code section 121.22 (G)(2) in part, which states "…A purchase or sale of public property is void if the seller or buyer of the public property has received covert information from a member of a public body that has not been disclosed to the general public in sufficient time for other prospective buyers and sellers to prepare and submit offers." MR BURNS said it seems that either the appraisal was confidential and should not have been turned over, and the sale should have been voided, or it was not confidential and should not have been discussed in executive session, which also voids the sale. He offered that any taxpayer could file a taxpayer lawsuit that would derail this, but questioned how far the process is going to go before someone steps up and says we need to get it right and back tracked. He said he thinks that the time to do this is now, before work begins by the city engineer to approve lots and people are getting loans and a lot of people end up getting hurt. He suggested that the city step in and get an injunction to prevent closing, and a possible lawsuit by the developer, as he would not own the property. He thanked the Planning and Design Commission for their vote to delay the progress, and believes we can turn back the clock on this and save a lot of time and aggravation in the long run.

MS. KELLIE DUBAY GILLIS - 19164 Henry Road – MS. GILLIS thanked the Councilman Minek and the Planning and Design commission for their vote. She also thanked Mayor Patton for her statements at the May 20th Planning and Design meeting and vote. She said that though the Mayor voted yes, she made some strong statements including wanting to go back to the Board of Education. MS. GILLIS said that this is something the group has wanted to see all along, and wants to ask if she has had the opportunity to do so. She asked that city council do the same. In March, when they asked the Board to postpone the vote there were some members of council who reached out to ask for postponement of the vote, even though they are separate public bodies. She said that the Gemini Project required the city and schools to work together and felt it was appropriate to ask them to stop. MS GILLIS said that there were others involved with the Gemini Project who spoke at the Planning and Design meeting who oversaw some of the implementation of the project, and that there are others who were active in 2005 who have signed a petition being circulated to support upholding the 2005 Gemini Project commitments to greenspace. She said that the petition will continue to be circulated and they hope to be able to do more outreach at an upcoming Coffinberry multi-home yard sale on June 6 and at Summerfest, so that they can see what they are fighting so hard to keep. She said many questions still swirl around the purchase of the property and she hopes for clarification and that this leads to more collaboration.

MR. GERHARD MOSKAL – 19070 Coffinberry Blvd –MR. MOSKAL – Thanked Councilman Minek for his vote at the Planning & Design Commission meeting.

MS. PAULA ROSS – 19357 Henry Rd – MS. ROSS said that as a public employee her heart was broken a few months ago by decisions that were made. She thanked Planning & Design Commission for their vote, passion and brave vote.

MR. BARSTOWE – 13250 Puritas Ave – MR. BARSTOWE spoke about a program about solar panel and sewer loans that the city could participate in. He said that he had an issue with the Metroparks that he did not want to divulge due to the headquarters being in Fairview Park.

MR. MATT GIBLE – 19457 Henry Road – MR. GIBLE thanked Councilman Minek for his vote. He said that at his very first council meeting this subject someone made the comment that if you don't like what's

happening that they are free to leave. He said that the comment always stuck in his head, and he wants everyone to know that residents of Coffinberry want to stay and love Fairview Park, which is why they are here in numbers. He asked why public officials not take action when citizens are saying what they want.

MISCELLANEOUS BUSINESS AND COMMENTS BY MEMBERS OF COUNCIL

COUNCILMAN WOJNAR had no comments.

COUNCILMAN RUSSO had no comments.

COUNCILWOMAN CLEARY commented that she wanted to clarify why speakers are asked to go to the microphone to speak. She said that this is not only to amplify voices, but because it is used with the recording device. Since the meeting is public record, we want to make sure everyone's voice is recorded. She stated requests are made for the recording of meetings as well, so this ensures that we get a good recording of what transpired. COUNCILWOMAN CLEARY also extended congratulations to Council President Kilbane's son, Brendan, who is graduating tonight.

THE CHAIR made a motion to remove the issues of Juvenile Crime Prevention and Council Rules from the Local Government and Community Services Committee.
Moved and Seconded.
ROLL CALL: Vote: YES-4, NO-0 | Motion carries, issues are removed.
YES: B. Minek, P. Wojnar, A. Russo, P. Cleary
THE CHAIR thanked Coffinberry residents for their kind remarks.

THE CHAIR made a motion to adjourn with no further business before council.
Moved and Seconded.
ROLL CALL: Vote: YES-4, NO-0 | Motion carries, meeting adjourned at 7:32 p.m.
YES: B. Minek, P. Wojnar, A. Russo, P. Cleary

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Michael P. Kilbane, President of Council Liz L. Westbrooks, Clerk of Council

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Eileen Ann Patton, Mayor

CITY OF FAIRVIEW PARK
RESOLUTION NO. 15-
REQUESTED BY: MAYOR EILEEN ANN PATTON
SPONSORED BY: COUNCILWOMAN CLEARY

A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT THE FUNDS DONATED FROM THE FAIRVIEW PARK JUNIOR WOMEN'S CLUB FOR THE FIRE DEPARTMENT AND DECLARING AN EMERGENCY

WHEREAS, a donation to the Fire Department has been made by the Fairview Park Junior Women's Club in the amount of $220.00, for wish the City expresses its appreciation.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FAIRVIEW PARK, COUNTY OF CUYAHOGA AND STATE OF OHIO:

SECTION 1. That the Mayor is hereby authorized to accept the donation from the Fairview Park Junior Women's Club in the amount of $220.00, with said funds to be deposited into the Fire Prevention Account to be used to purchase two (2) digital cameras to be used on Engine #35 and Truck #31 to take pictures at a fire scene or motor vehicle accident.

SECTION 2. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION 3. That this resolution is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare and to allow for acceptance of the funds as soon as possible, and provided it receives the affirmative vote of a majority plus one of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor, otherwise from and after the earliest period allowed by law.

PASSED: 1st reading:
APPROVED: 2nd reading:
3rd reading:

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Michael P. Kilbane, President of Council

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Eileen Ann Patton, Mayor

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Liz L. Westbrooks, Clerk of Council

CITY OF FAIRVIEW PARK
RESOLUTION NO. 15-18
REQUESTED BY: MAYOR EILEEN ANN PATTON
SPONSORED BY: COUNCILWOMAN CLEARY
CO-SPONSORED BY: COUNCILMEMBERS MCDONOUGH, WOJNAR, HINKEL, RUSSO, CLEARY AND COUNCIL PRESIDENT KILBANE

A RESOLUTION AUTHORIZING THE CITY OF ROCKY RIVER TO SUBMIT A JOINT APPLICATION TO THE NORTHEAST OHIO AREAWIDE COORDINATING AGENCY (NOACA) FOR A STATE OF OHIO CONGESTION MITIGATION AND AIR QUALITY (CMAQ) PROJECT REGARDING TRAFFIC SIGNAL UPGRADES AND INTERCONNECTION PROJECT GRANT FOR CENTER RIDGE ROAD AND DECLARING AN EMERGENCY

WHEREAS, the United States Congress has set aside monies for Congestion Mitigation and Air Quality (CMAQ) projects through the State of Ohio, Department of Transportation (ODOT) and administered by the Northeast Ohio Areawide Coordinating Agency (NOACA); and

WHEREAS, the City of Fairview Park and the City of Rocky River can together apply for these monies and be selected for funding by the Ohio Association of Regional Councils (OARC), who has been charged with management of a statewide CMAQ program by ODOT; and

WHEREAS, the City of Rocky River can prepare and submit the application on behalf of both the City of Rocky River and the City of Fairview Park; and

WHEREAS, the Traffic Signal Upgrade and Interconnection Project is a transportation activity eligible to receive federal CMAQ funding; and

WHEREAS, the Center Ridge Road corridor is in need of upgrades for signals, traffic control and other congestion mitigating improvements; and

WHEREAS, if requested funds are granted, the local match of twenty percent (20%) of the total project cost will be shared by the Cities of Fairview Park and Rocky River, and will be split based upon the percent of frontage within each city's corporation limits, with the City of Fairview Park's share of the 20% local match being 18%, which is estimated to be Eighty-Three Thousand One Hundred Sixty Dollars ($83,160); and

WHEREAS, the City of Fairview Park agrees to abide by all requirements associated with the receipt of federal transportation funds, including Title VI of the Civil Rights Act of 1964 and the Americans with Disabilities Act, and including all applicable federal procurement requirements; and

WHEREAS, upon completion of the described Project, and unless otherwise agreed, the City shall: (1) provide adequate maintenance for the described project in accordance with all applicable state and federal laws, including, but not limited to, 23 USC 116; (2) provide ample financial provisions, as necessary, for the maintenance of the described Project; (3) if necessary, maintain the right-of-way, keeping it free of obstructions; and (4) in necessary, hold said right-of-way inviolate for public highway purposes.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FAIRVIEW PARK, COUNTY OF CUYAHOGA AND STATE OF OHIO:

SECTION 1. That the City of Rocky River is authorized to submit to NOACA, on behalf of the City of Fairview Park, as a joint application for CMAQ funds for the Traffic Signal Upgrade and Interconnection Project along Center Ridge Road.

SECTION 2. The total cost of the project is estimated to be $2,310,000.00, of which the City, if awarded the funds, commits to share the cost of the required 20% percent local match with the City of Rocky River based upon the percent of frontage within each city's corporation limits, with the City of Fairview Park's share of the 20% local match being 18%, which is estimated to be Eighty-Three Thousand One Hundred Sixty Dollars ($83,160), and will be paid form the Permanent Improvement Fund (811).

SECTION 3. That the Clerk of Council is hereby authorized to attach a certified copy of this Resolution to the City of Rocky River's CMAQ grant application.

SECTION 4. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION 5. That this Resolution is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that timely response by June 12, 2015 is necessary to participate in the NOACA application grant process, and provided it receives the affirmative vote of a majority plus one of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise from and after the earliest period allowed by law.

PASSED:
APPROVED:

1st reading: 06.01.15
2nd reading:
3rd reading:

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Michael P. Kilbane, President of Council

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Eileen Ann Patton, Mayor

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Liz L. Westbrooks, Clerk of Council

CITY OF FAIRVIEW PARK
RESOLUTION NO. 15-17
ORIGINATED BY: THE FINANCE DEPARTMENT
REQUESTED BY: MAYOR EILEEN ANN PATTON
SPONSORED BY: COUNCILWOMAN CLEARY

A RESOLUTION ADOPTING THE ALTERNATIVE TAX BUDGET OF THE CITY OF FAIRVIEW PARK, STATE OF OHIO, FOR FISCAL YEAR BEGINNING JANUARY 1, 2016, AND SUBMITTING THE SAME TO THE CUYAHOGA COUNTY FISCAL OFFICER AND DECLARING AN EMERGENCY

WHEREAS, the Mayor has heretofore prepared a tentative budget for the City of Fairview Park, State of Ohio, for the fiscal year beginning January 1, 2016 showing estimates of all balances that will be available at the beginning of the year 2016 for the purpose of such year, and all revenues to be received for such fiscal year, including all general and special taxes, fees, costs, percentages, penalties, allowances, prerequisites and all other types of classes of revenue; also estimates of all expenditures of changes in or for the purpose of such fiscal year to be paid or met from said revenues or balances; and otherwise conforming with the requirements of law; and

WHEREAS, said budget has been made conveniently available to public inspection for at least ten (10) days by having at least two (2) copies thereof on file in the Office of the Director of Finance.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FAIRVIEW PARK, COUNTY OF CUYAHOGA AND STATE OF OHIO:

SECTION 1. That the budget of the City of Fairview Park, Ohio, for the fiscal year beginning January 1, 2016, heretofore prepared by the Mayor, and submitted to this Council, copies of which have been and are on file in the office of the Director of Finance be and it is hereby adopted as the official budget of the City of Fairview Park, Ohio for the fiscal year beginning January 1, 2016.

SECTION 2. That the Clerk be, and is hereby authorized and directed to certify a copy of said budget, and a copy of this resolution, and to submit the same to the Cuyahoga County Fiscal Officer.

SECTION 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION 4. That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare and for the further reason that it may be certified to the Cuyahoga County Fiscal Officer by date prescribed by law; and provided it receives the affirmative vote of a majority plus one of the members elected to Council, it shall take effect and be in force from immediately upon its passage and approval by the Mayor, otherwise from and after the earliest period allowed by law.

PASSED:
APPROVED:

1st reading: 05.18.15
2nd reading: 06.01.15
3rd reading:

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Michael P. Kilbane, President of Council

_____
Eileen Ann Patton, Mayor

_____
Liz L. Westbrooks, Clerk of Council

ALTERNATIVE TAX BUDGET INFORMATION

Political Subdivision/Taxing Unit FAIRVIEW PARK CITY

For the Fiscal Year Commencing JANUARY 1, 2016

Fiscal Officer Signature_____Date_____

COUNTY OF CUYAHOGA

Background

Substitute House Bill No. 129 (HB129) effective June 3, 2002, was enacted by the 124th General Assembly in part to allow a county budget commission to waive the requirement that a taxing authority adopt a tax budget for a political subdivision or other taxing unit, pursuant to Ohio Revised Code (ORC) Section 5705.281.

Ohio Revised Code Section 5705.281

Under the amended version of this section pursuant to HB 129, a county budget commission, by an affirmative vote of a majority of the commission, including an affirmative vote by the county auditor, may waive the tax budget for any subdivision or other taxing unit. However, the commission may require the taxing authority to provide any information needed by the commission to perform its duties, including the division of the tax rates as provided under ORC Section 5705.04.

County Budget Commission Duties

The county budget commission must still certify tax rates to each subdivision or other taxing unit, by March 1 for school districts and by September 1 for all other taxing authorities under ORC Section 5705.35, even when a tax budget is waived. Also, the commission is still required to issue an official certificate of estimated resources under ORC Section 5705.35 and amended official certificates of estimated resources under ORC Section 5705.36.

Therefore, when a budget commission is setting tax rates based on a taxing unit's need, for purposes of ORC Sections 5705.32, 5705.34, and 5705.341, its determination must be based on that other information the commission asked the taxing authority to provide under ORC Section 5705.281, when the tax budget was waived. Also, an official certificate must be based on that other information the commission asked the taxing authority to provide.

County Budget Commission Action

On October 11, 2002, during the Cuyahoga County Budget Commission meeting, the commission with an affirmative vote of all members waived the requirement for taxing authorities of subdivisions or other taxing units (Including Schools) to adopt a tax budget as provided under ORC Section 5705.281, but shall require the filing of this Alternative Tax Budget Information document on an annual basis.

Alternative Tax Budget Information Filing Deadline

For all political subdivisions excluding school districts, the fiscal officer must file one copy of this document with the County Fiscal Officer on or before July 20th. For school districts the fiscal officer must file one copy of this document with the County Fiscal Officer on or before January 20th.

GUIDELINES FOR COMPLETING THE
ALTERNATIVE TAX BUDGET INFORMATION

SCHEDULE 1

The general purpose of schedule 1 is to meet the requirement of Ohio Revised Code (ORC) Section 5705.04 which requires the taxing authority of each subdivision to divide the taxes levied into seperate levies. For help use the schedule B issued by the budget commission for the current year and add any new levies. This will help to ensure that no levies are missed.

In column 1 list only those individual funds which are requesting general property tax revenue. In column 2 purpose refers to the following terms, inside, current expenses, and special levy for example. In column 4 levy type refers to renewal, additional, and replacement for example. In column 9 identify the amount of general property tax you wish to request.

NOTE:

The general purpose of column 9 is to demonstrate the need to produce property tax revenues to cover the estimated expenditures for the budget year. ORC Section 5705.341 states in part;

"Nothing in this section or any section of the ORC shall permit or require the levying of any rate of taxation, whether within the 10 mill limitation or whether the levy has been approved by the electors, the political subdivision or the charter of a municipal corporation in excess of such 10 mill limitation, unless such rate of taxation for the ensuing fiscal year is clearly required by a budget properly and lawfully, adopted under this chapter or by other information required per ORC 5705.281."

Property tax revenue includes real estate taxes, personal property taxes, homestead and rollback, and the personal property 10,000 exempt monies.

SCHEDULE 2

The general purpose of schedule 2 is to produce an Official Certificate of Estimated Resources for all funds.
In column 3, total estimated receipts should include all revenues plus transfers in excluding property taxes and local government revenue. All taxing auth must submit a list of all tax transfers.

SCHEDULE 3

The general purpose of schedule 3 is to provide inside/charter millage for debt service. The basic security for payment of general obligation debt is the requirement of the levy of ad valorem property taxes within the 10 mill limitation imposed by Ohio law. Ohio law requires a levy and collection of ad valorem property tax to pay debt service on general obligation debt as it becomes due, unless that debt service is paid from other sources.

SCHEDULE 4

The general purpose of schedule 4 is to provide for the proper amount of millage to cover debt service requirements on voted bond issues. Major capital improvement projects are sometimes financed through the use of voted bonds. The taxing authority seeks voter approval of general obligation bonds and of the levy of property taxes outside the indirect debt limitation in whatever amount is necessary to pay debt service on those bonds.

SCHEDULE 5

The general purpose of schedule 5 is to properly account for tax anticipation notes. See schedule 5 for more details.

2015 BUDGET TRANSFERS

FROM	TO	AMOUNT
GF	POLICE & FIRE PENSION	$800,000.00

DIVISION OF TAXES LEVIED

(Levies Inside & Outside 10 Mill Limitation, Inclusive Of Debt Levies)
(List All Levies Of The Taxing Authority)

SCHEDULE 1

I	II	III	IV	V	VI	VII	VIII	IX
Fund	Purpose	Authorized By Voters On MM/DD/YY	Levy Type	Number Of Years Levy To Run	Tax Year Begins/ Ends	Collection Year Begins/ Ends	Maximum Rate Authorized	$ AMOUNT Requested Of Budget Commission
GENERAL	CHARTER	00/00/1959		CONT	1/15-12/15	1/16-12/16	8.33 MILLS	$3,100,000.00
PERMANENT IMP	CHARTER	5/31/1994		CONT	1/15-12/15	1/16-12/16	0.87 MILLS	$320,000.00
FIRE OPERATING	SPECIAL	11/8/2011		5 YEARS	1/15-12/15	1/16-12/16	1.00 MILLS	$306,000.00
RECREATION	CHARTER	11/5/1996		CONT	1/15-12/15	1/16-12/16	1.00 MILLS	$365,000.00
POLICE PENSION	INSIDE				1/15-12/15	1/16-12/16	0.30 MILLS	$110,200.00
FIRE PENSION	INSIDE				1/15-12/15	1/16-12/16	0.30 MILLS	$110,200.00
Totals							11.80 MILLS	$4,311,400.00

STATEMENT OF FUND ACTIVITY

(List All Funds Individually)

SCHEDULE 2

I	II	III	IV	V	VI	VII
Fund BY Type	Beginning Estimated Unencumbered Fund Balance	Property Taxes and Local Government Revenue	Other Sources Receipts	Total Resources Available for Expenditures	Total Estimated Expenditures & Encumbrances	Ending Estimated Unencumbered Balance
100 GENERAL	$1,358,600.65	$3,398,000.00	$6,200,000.00	$10,956,600.65	$10,000,000.00	$956,600.65
101 Contingent Reserve	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
210 SCMR	$33,320.08	$0.00	$701,100.00	$734,420.08	$700,000.00	$34,420.08
220 STATE HIGHWAY	$32,520.75	$0.00	$54,500.00	$87,020.75	$50,000.00	$37,020.75
230 RECREATION	$1,193,981.81	$365,000.00	$3,403,500.00	$4,962,481.81	$3,800,000.00	$1,162,481.81
231 RECREATION CAPITAL	$723,817.45	$0.00	$0.00	$723,817.45	$0.00	$723,817.45
232 RECREATION COMM CENTER	$30.00	$0.00	$0.00	$30.00	$0.00	$30.00
240 POLICE/FIRE PENSION	$141,618.83	$220,400.00	$800,000.00	$1,162,018.83	$1,000,000.00	$162,018.83
250 STREET LIGHTING	$16,744.40	$0.00	$233,000.00	$249,744.40	$240,000.00	$9,744.40
255 SOLID WASTE	$172,236.72	$0.00	$757,000.00	$929,236.72	$740,000.00	$189,236.72
260 PERMANENT IMPROVEMENT	$94,664.00	$320,000.00	$0.00	$414,664.00	$393,000.00	$21,664.00
270 FIRE OPERATING	$168,879.54	$306,000.00	$0.00	$474,879.54	$273,400.00	$201,479.54
275 SAFE ROUTES TO SCHOOL GRANT	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
300 BOND RETIREMENT	$176.29	$0.00	$0.00	$0.00	$0.00	$0.00
500 WATER REIMBURSEMENT	$11,775.88	$0.00	$29,000.00	$40,775.88	$25,000.00	$15,775.88
510 F.P. SANITARY SEWER	$2,654,422.65	$0.00	$2,500,000.00	$5,154,422.65	$2,000,000.00	$3,154,422.65
550 WATER LINE RECONDITIONING	$0.00	$0.00	$2,000,000.00	$2,000,000.00	$2,000,000.00	$0.00
611 SPECIAL HOLDING ACCOUNT	$245,909.59	$0.00	$57,200.00	$303,109.59	$65,000.00	$238,109.59
709 REDEVELOPMENT FUND	$416.57	$0.00	$0.00	$416.57	$0.00	$416.57
710 SENIOR CENTER	$10,857.07	$0.00	$0.00	$10,857.07	$0.00	$10,857.07
711 BAIN PARK RESTORATION	$23,707.00	$0.00	$9,500.00	$33,207.00	$12,000.00	$21,207.00
713 STATE BLDG 3% ASSESSMENT	$1,795.33	$0.00	$2,300.00	$4,095.33	$2,400.00	$1,695.33
714 LAW ENFORCEMENT TRUST	$2,092.56	$0.00	$2,000.00	$4,092.56	$4,000.00	$92.56
715 D.U.I. EDUCATION	$6,786.13	$0.00	$4,000.00	$10,786.13	$6,400.00	$4,386.13
716 P.O.P.A.S.	$54,347.39	$0.00	$90,000.00	$144,347.39	$68,000.00	$76,347.39
731 Health Insurance	$395,970.59	$0.00	$1,305,000.00	$1,700,970.59	$1,305,000.00	$395,970.59
732 Employee Section 125	$1,610.44	$0.00	$16,500.00	$18,110.44	$16,500.00	$1,610.44
741 Cable Franchise Fee	$980,021.08	$0.00	$690,000.00	$1,670,021.08	$235,000.00	$1,435,021.08
751 DARE Fund	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
761 Senior Life Donations	$36,095.33	$0.00	$18,000.00	$54,095.33	$25,000.00	$29,095.33
772 Cemetary Restoration	$1,225.00	$0.00	$0.00	$1,225.00	$0.00	$1,225.00
781 Emerency Medical	$92,696.25	$0.00	$365,000.00	$457,696.25	$370,000.00	$87,696.25
811 Capital Project	$436,827.54	$0.00	$900,000.00	$1,336,827.54	$1,300,000.00	$36,827.54
Total	$8,893,146.92	$4,609,400.00	$20,137,600.00	$33,639,970.63	$24,630,700.00	$9,009,270.63

UNVOTED GENERAL OBLIGATION DEBT

(Include General Obligation Debt To Be Paid From Inside/Charter Millage Only)
(Do Not Include General Obligation Debt Being Paid By Other Sources)
(Do Not Include Special Obligation Bonds & Revenue Bonds)

SCHEDULE 3

I	II	III	IV	V	VI
Purpose Of Bonds Or Notes	Date Of Issue	Final Maturity Date	Principal Amount Outstanding At The Beginning Of The Calendar Year	Amount Required To Meet Calendar Year Principal & Interest Payments	Amount Receivable From Other Sources To Meet Debt Payments
2012 G.O. BONDS (Various Purpose)	12.01.2012	12.01.2019	$1,159,312.52	$298,312.50	
2012 G.O. BONDS (Gemini)	12.01.2012	12.01.2030	$26,190,050.00	$1,247,287.50	
Totals			$27,349,362.52	$1,545,600.00	

VOTED DEBT OUTSIDE 10 MILL LIMIT

(Bonds Or Notes Must Actually Be Issued In Order To Commence Collection Of Property Taxes For Debt Service)

SCHEDULE 4

I	II	III	IV	V	VI	VII
Purpose Of Notes Or Bonds	Authorized By Voters On MM/DD/YY	Date Of Issue	Final Maturity Date	Principal Amount Outstanding At The Beginning Of The Calendar Year	Amount Required To Meet Calendar Year Principal & Interest Payments	Amount Receivable From Other Sources To Meet Debt Payments
NONE						

TAX ANTICIPATION NOTES

(Schools Only)

SCHEDULE 5

Tax anticipation notes are issued in anticipation of the collection of the proceeds of a property tax levy. The amount of money required to cover debt service must be deposited into a bond retirement fund, from collections and distribution of the tax levy, in the amounts and at the times required to pay those debt charges as provided in the legislation authorizing the tax anticipation notes. (ORC Section 133.24)

The appropriation to the fund which normally receives the tax levy proceeds is limited to the balance available after deducting the amounts to be applied to debt service.

After the issuance of general obligation securities or of securities to which section 133.24 of the ORC applies, the taxing authority of the subdivision shall include in its annual tax budget, and levy a property tax in a sufficient amount, with any other monies available for the purpose, to pay the debt charges on the securities payable from property tax. (ORC Section 133.25)

	Name Of Tax Anticipation Note Issue	Name Of Tax Anticipation Note Issue
Amount Required To Meet Budget Year Principal & Interest Payments:		
Principal Due		
Principal Due Date		
Interest Due		
Interest Due Date		
Interest Due		
Interest Due Date		
Total		
Name Of The Special Debt Service Fund		

Amount Of Debt Service To Be Apportioned To The Following Settlements:		
February Real		
August Real		
June Tangible		
October Tangible		
Total		
Name Of Fund To Be Charged		

CITY OF FAIRVIEW PARK
ORDINANCE NO. 15-21 **AMENDED**
REQUESTED AND SPONSORED BY: COUNCIL AS A WHOLE

AN ORDINANCE AMENDING FAIRVIEW PARK CODIFIED ORDINANCE SECTION 111.03 TO CLARIFY THE RULES OF COUNCIL, AND DECLARING AN EMERGENCY.

WHEREAS, Council desires to improve the efficiency of Council by amending the Rules of Council contained in Fairview Park Codified Ordinance Section 111.03 to clarify certain operating rules and procedures.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FAIRVIEW PARK, COUNTY OF CUYAHOGA AND STATE OF OHIO:

SECTION 1. Fairview Park Codified Ordinance Section 111.03 is hereby amended as set forth below:

111.03 RULES OF COUNCIL.

(a) The following Rules of Order shall govern the procedure of Council and the conduct of its members:

I. MEETINGS; PLACE, TIME OF CONVENING, QUORUM, ORDER OF BUSINESS.

(1) Rule 1. Meetings: Place. All meetings of Council shall be held in the Council Chamber in the City Hall unless otherwise ordered by Council.

(2) Rule 2. Meetings: Public. Except as otherwise provided by law, all meetings of Council or its committees thereof shall be public. Any citizen may appear and be heard by Council during the public session. Any person desiring to address Council shall first secure the permission of the Presiding Officer to do so. Priority in speaking shall be given to those presenting to the Clerk of Council a written request to address Council.

Each person addressing Council shall rise, give their name and address in an audible tone of voice for the record and, unless further time is granted by Council, shall limit their address to five minutes. All remarks shall be addressed to Council as a body, to any member thereof or to the administration or any member thereof. Speakers shall be courteous in their language and avoid personalities. No person, other than Council, the administration and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of Council, without the permission of the Presiding Officer. No questions shall be asked of a member of Council or by a member of Council except through the Presiding Officer.

Persons, including members of Council not a member of the committee

and other City officials, desiring to be heard by any committee of Council shall be given an opportunity to be heard thereat. All minutes and the record of Council and its committees shall be open to the public at all reasonable times except as otherwise provided by law as applicable to executive sessions.

(3) Rule 3. Regular Meetings. Regular meetings of Council shall be held in the Council Chamber of the first and third Monday evenings at 7:00 p.m., unless otherwise ordered by motion, resolution or ordinance. Whenever the regular meeting falls on a legal holiday or a special election day, **the Council shall meet in regular session on a day and at the place and hour as set by Council at a previous meeting.** ~~the meeting may be held on the business day next following such holiday or special Election Day~~. As used in this Rule, "legal holiday" shall have the same meaning as set forth in Ohio R**evised**~~.~~ C**ode**~~.~~ **Section** 1.14.

(4) Rule 4. Summer Schedule. During the months of July and August, Council may be on recess and shall meet at such times as a special meeting as may be called **in accordance with the provisions of Rule 5,** ~~subsection (2) (5) hereof. by the Mayor. The call of such a special meeting shall be in accordance with the provisions of Rule 5, subsection (a) (5) hereof.~~

(5) Rule 5. Special Meetings. Special meetings of Council may be called by a vote of Council taken at any regular or special meeting thereof shall be called by the Clerk of Council on written request of the Mayor, the President of Council or any three members of Council. Any written request for a special meeting shall state the subject or subjects to be considered at the special meeting and no other subject or subjects shall be considered. Notice in writing of each special meeting called at the written request of the Mayor, the President of Council or three members of Council shall state the date, time, place and subject or subjects of the special meeting and shall be posted on the bulletin boards at the City Hall and served on the Mayor and each member of Council, either personally**,** ~~or~~ by leaving a copy of such notice at his/her usual place of residence **or transmitting by electronic means**. Such posting and service shall be accomplished not less than twenty-four hours preceding the time for the special meeting. If a special meeting is called by a vote of Council taken at any regular or special meeting from which the Mayor or any member of Council is absent, written notice of such special meeting shall be posted and given each absentee in the manner herein described. Service of notice of any special meeting shall be deemed conclusively to have been waived by the Mayor or by any member of Council who shall be present thereat. In addition to the subject or subjects to be considered, the order of business shall include items 1, 2, 3, 4, 7 (if related to the subject or subjects to be considered), and 14 of Rule 8A.

(6) Rule 6. Adjourned Meetings. Regular and special meetings may be

adjourned from day to day, but if the regular or special meeting is adjourned to a day other than the day immediately succeeding the regular or special meeting day, any member of Council, or the Mayor, absent from the regular or special meeting shall be given at least twelve hours' notice of such adjournment and the date and hour of such adjourned meeting.

(7) Rule 7. Quorum. A majority of all the members elected to Council shall be a quorum to do business, but a lesser number may adjourn from day to day and compel the attendance of absent members in the manner and under such penalties as shall be prescribed by ordinance or resolution.

(8) Rule 8. Order of Business:

A. The business of the regular meetings of Council shall be transacted in the following order, unless Council by a majority vote of its members present and voting shall suspend the rules and change the order.

1. Call to order.
2. Moment of silent prayer.
3. Pledge of Allegiance.
4. Roll call of members; report on absent members. (Members absent for cause shall be excused by motion).
5. Presentation of Resolutions (if any)
6. Dispose of minute journal.
7. Written communications, petitions and claims.
8. Reports of committees.
9. Reading of legislation (ordinances and resolutions) by Clerk of Council.
    a. First reading and referral to standing committee.
    b. Second reading.
    c. Audience input on legislation up for passage (3 minutes max per person)
    d. Third reading.
    e. Reading and passage of legislation under suspension of the Rules and without readings on three different days.
10. Reports and communications from the Mayor, the Directors of Departments, and other City officials.
11. Appointments and confirmations.
12. Public session.
13. Miscellaneous business and comments by members of Council.
14. Adjournment.

B. The President of Council may at any time permit a member of Council to introduce a motion, ordinance or resolution out of the regular order, unless objection is made thereto by any member present or unless otherwise provided by these Rules.

(9) Rule 9. The Agenda

A. It shall be the duty of the Clerk, under the supervision and direction of the President of Council, to have a Council meeting agenda prepared. Under this title the Clerk shall arrange and have printed in consecutive order by title all by-laws, ordinances or resolutions to be entertained, considered, introduced, read, acted upon or enacted in accordance with the following format: The Agenda of the Council Meeting of (Date)

1. Legislation be read and referred to Committee.
   a. First reading.
   b. Second reading.
2. Legislation on for passage.
   a. Second reading suspension of the Rules.
   b. Third reading.
   c. On for passage under suspension of the rules and without readings on three different days. "The Agenda" and a copy of any legislation shall be delivered to each member of Council. or left at ~~his~~**the** usual place of residence **or transmitted by electronic means**, at least two days prior to the regular meeting for which "The Agenda" is prepared and at least twenty-four hours prior to a special meeting.

B. No by-law, ordinance or resolution shall be entertained, considered, read, acted upon or enacted at any meeting unless its title is printed upon "The Agenda" for each meeting, except as follows:

1. **Council amends the agenda by a vote of a majority plus one of the members elected to Council.**
2. ~~(1.)~~When action upon legislation appearing on "The Agenda" of a previous meeting is postponed to a day certain, whether or not it appears on "The Agenda" of the day certain.
3. ~~(2.)~~Action upon the Mayor's veto of any legislation.

II. OFFICERS AND EMPLOYEES OF COUNCIL.

(10) Rule 10. Presiding Officer. The President of Council and, in that person's absence, the President of Council Pro Tempore, shall preside over the meetings of the Council. In the absence of the President of Council and the President of Council Pro Tempore, the Clerk of Council shall call the Council to order; and, if after the roll call is called a quorum shall be present, Council shall choose one of its members to act as temporary chair, who shall preside until the President of Council or the President of Council Pro Tempore appears, but in no event beyond such meeting, and that person shall discharge all the duties and be clothed of all the powers of the President of Council as such Presiding Officer during the President's absence. The Presiding

Officer shall call all meetings of Council to order at the hour appointed and shall proceed with the order of business. If a quorum be present, the Presiding Officer shall give the members an opportunity for correcting the Journal of the previous meeting(s), a copy of which shall have been delivered to each member of the Council. In the absence of any objections or corrections, a motion to approve the minutes as submitted without a reading thereof shall be in order. The Presiding Officer shall preserve order and decorum, may in common with any other member call any member to order who shall violate any of the rules, prevent personalities or the impugning of members' motives, confine members in debate to the question under discussion, and shall decide all points of order subject to an appeal to Council as set out in Rule ~~28~~**27**. Prior to the first meeting of Council **following a regular municipal election**, the President of Council shall call an organizational meeting of the Council for the purpose of establishing ~~the membership of the Standing Committees of Council, including~~ the naming of a Chair and Vice-Chair of each committee. At such meeting, the President of Council shall submit to the members of Council his or her choices for the ~~membership,~~ Chair and Vice-Chair of each committee, which choices shall be subject to, and effective only after approval by a majority of the voting members of Council present, unless otherwise ordered by Council (See Rule 14 for Subcommittees), coordinating the work of the various committees. The President of Council shall have all the powers, duties, functions, obligations and rights of any other member of Council.

When the Mayor is absent or inaccessible, or is unable for any cause or reason to perform his or her duties, the President of Council shall become the acting Mayor, but he or she shall not thereby cease to be President of Council. In the event the office of Mayor shall become vacant for any reason, the President of Council shall thereupon become the Mayor and serve for the unexpired term or until the beginning of the term of a successor duly elected as provided in Article III, Section 4(d) of the Charter, and the office of President of Council shall become vacant. In case of a vacancy in the office of President of Council, the President of Council shall be elected by Council from among its members, and the one so elected shall vacate his office as Councilman and shall serve for the unexpired term of such President of Council.

(11) Rule 11. <u>The Selection of a President of Council Pro Tempore The Vote Necessary for Election of President Pro Tempore</u>. The members of Council, within seven days from the commencement of their term shall elect a President of Council Pro Tempore. No candidate for President Pro Tempore shall be declared elected unless they shall have received a majority vote of the members elected to Council ~~present and voting~~. While presiding over and acting as President Pro Tempore of Council during the temporary absence of the President, such President Pro Tempore shall and he hereby is declared to retain all

his rights as an individual member of Council and he shall be entitled to vote on all legislation and other matters before Council to the same extent and purpose as if he were not acting as such President Pro Tempore, but serving in the capacity of member of Council alone.

(12) Rule 12. Roll Call Upon Election of President Pro Tempore. Upon the roll call for the election of President Pro Tempore, each member shall respond by stating the name of the candidate of their choice eligible for such office or appointment, which candidate shall not be required to be a person duly nominated and seconded.

(13) Rule 13. Sergeant-at-Arms. Council shall have the authority to appoint a Sergeant-at-Arms who, under the direction of the Presiding Officer, shall preserve order and compel the attendance of absent members in the manner to be prescribed by ordinance or resolution

III. COMMITTEES OF THE COUNCIL.

(14) Rule **14. Committee of the Whole and** Standing Committees. **All Regular Standing Committees shall be comprised of the Council of the Whole; namely, the President of Council, five (5) Ward Councilmembers and the (1) Council member at Large.** Prior to the first meeting of Council **following a regular municipal election**, the President of Council shall call an organizational meeting of the Council for the purpose of establishing the membership of the Standing Committees of Council, including the naming of a Chair and Vice-Chair of each committee. At such meeting, the President of Council shall submit to the members present his or her choices for ~~the membership,~~ Chair and Vice-Chair of each committee, which choices shall be subject to, and effective only after approval by a majority of the voting members of Council present. Not later than the first regular meeting of Council, the President of Council shall appoint standing committees for the term of Council ~~of not less than four (4) members each, exclusive of ex-officio members,~~ and shall designate for the term of Council a Chair and a Vice-Chair thereof. In the absence of the Chair, the Vice-Chair shall preside until the Chair appears and shall discharge all the duties and be clothed with all the powers of the Chair during such absence. In the absence of the Chair and the Vice-Chair, a quorum being present, a temporary Chair shall be selected by a majority vote of the members present who shall preside until the appearance of the Chair or Vice-Chair and he shall be clothed with the powers of the Chair during such absence. The standing committees shall be styled as follows:

A. COMMITTEE ON FINANCE: To which shall be referred all ordinances, resolutions and other matters relating to municipal finance; assessments; the budget; insurance; municipal indebtedness and the payment of moneys not otherwise provided for by previous legislation; appropriations for existing and proposed municipal departments, divisions, offices, boards and

commissions; Civil Service and the Civil Service Commission; wages, salaries, pensions and other employee benefits; conditions of municipal employment; the creation of positions in the classified or unclassified service; the personnel and composition of the various City departments, divisions, and offices; the Clerk of Council; the purchase, lease or sale of real property or personal property by or from the City; taxation; concessions, licenses and permit fees; long-term financial planning; and, financial co-ordination of all committees.

B. COMMITTEE ON ENVIRONMENT, AND PUBLIC WORKS, PLANNING, ZONING AND DEVELOPMENT: To which shall be referred all ordinances, resolutions and other matters relating to natural watercourses, streams, creeks, brooks and the pollution thereof; water supply and the pollution thereof; air pollution; all other environmental nuisances; the improvement, repair, construction, maintenance and cleaning of streets and sidewalks, including any fees or charges relating thereto; transportation; the use of streets and sidewalks; street lighting; surface and storm water drainage; the construction, maintenance, repair and cleaning of storm and sanitary sewers including any fees or charges relating thereto; sewage disposal; the collection and disposal of refuse and other waste; public parks, public playgrounds, existing and proposed municipal buildings; the use of City property and land for public or private purpose including any fees or charges for the use thereof; recreational buildings and facilities; the location, maintenance and repair of public buildings and real properties; and, rates to be paid by the City or its residents for public utility services, all matters relating to City planning; the recommendations of the Planning & Design Commission; zoning and land use regulations and building, housing and property maintenance regulations, amendment to the Zone Map; business regulation; community and economic development; the Fire Prevention Code; existing or proposed franchises; and, annexation.

C. COMMITTEE ON LOCAL GOVERNMENT AND COMMUNITY SERVICES: To which shall be referred all ordinances, resolutions and other matters relating to initiative, recall and referendum petitions; Charter proposals or amendments; redistricting; the Rules of Council; intergovernmental relations with the United States, State of Ohio or Cuyahoga County Governments, the Board of Education, or any public or quasi-public body of any of the foregoing, including any act, bill, proposal, rule, regulation, policy or practice as may affect the City and/or the residents of the City; Rocky River Municipal Court; recreation programs, social services, senior citizen programs and services, youth activities and other human

services and programs; the Traffic Code; and the imposition of fines, penalties, forfeiture, imprisonment or otherwise regulating conduct not within the jurisdiction of another standing committee including offenses against persons or property or in the operation of vehicles. No member of Council shall serve as Chair or Vice-Chair of more than one standing committee of Council except as provided in subsection I. hereof. The President of Council shall serve as an ex- officio member of all Council committees with the same powers, duties, functions, obligations and rights as any other member.

D. Council shall appoint a Chair and a Vice-Chair of all other committees which Council shall authorize and the President of Council shall appoint one member of Council to serve as a member of the Planning and Design Commission for such term and as approved by Council. Council shall appoint one member of Council as a member of the Parks and Recreation Commission for a term of two years.

E. Any member of Council ~~appointed to a standing committee~~ shall continue as such member **of each committee** for the term of Council, but may be removed therefrom by the President of Council upon the recommendation of the remaining members of the committee for failure to attend the meetings of the committee without just cause or excuse, malfeasance, nonfeasance, misfeasance, gross misconduct or for other cause provided, however, that any Council member so removed from a committee may appeal such removal order to Council, not later than at its next regular meeting, who may overrule such removal order by a majority vote of the other members of Council eligible to vote.

F. Any member of Council appointed to or designated as a member of or representative to any board or commission of the City, however such appointment or designation was made by the President of Council or by Council, itself, may be removed therefrom by a majority vote of the other members of Council eligible to vote for gross misconduct, malfeasance, nonfeasance, misfeasance, failure to attend the meetings of the board or commission without just cause or excuse, or for other cause. Prior to the removal, the member of Council shall be given an opportunity to be heard and present evidence thereon.

G. The Director of Law, when requested by the Chair of a committee to which any ordinance or resolution has been referred, shall assist in the examination of such ordinance or resolution to assure such ordinance or resolution comports with law.

H. In the event of death, resignation, expulsion or removal of a member of Council from Council who serves as a committee

chair, the vice chair shall become the Chair and the person appointed to the Council vacancy shall assume the vacated committee vice chairmanship; otherwise the person appointed to the Council vacancy shall assume the vacated committee assignments. In the event of the removal of a Chair from a committee, but not from Council, the Chair and the President of Council shall designate another member of the committee to serve as Vice-Chair for the balance of the term of Council. In the event of the removal of the Vice-Chair from a committee, the Council shall designate another member of the committee to service as Vice-Chair for the balance of the term of Council.

I. SUBCOMMITTEES:

J. A Chair may appoint subcommittees~~.~~ consisting of members of the ~~committee~~ **Committee of the Whole**.

(15) Rule 15. Committee Meetings. A majority of the members of ~~a~~ **the C**~~c~~ommittee **of the Whole** shall constitute a quorum for the transaction of business. **Committees shall meet at the call of the Chair or upon the call of a majority of the other members thereof.** General notice of committee meetings is to be given to the newspapers, elected officials and directors**, and in accordance with Ohio law**. Except as otherwise provided by law, all committee meetings shall be open to the public and a record of the attendance of members of the committee and the action taken thereat shall be kept by the Chair of the committee in a report provided for that purpose. Such report shall be kept on file with the Clerk of Council and open to public inspection as other public records but a report of attendance shall not be included in the report made pursuant to Rule 17. Legislation may be amended while in committee and it shall be the duty of the committee to recommend to Council the approval, disapproval or amendment of any legislation pending before the committee. A majority of the members ~~of a committee~~ present and voting shall be necessary for the recommendation of approval, disapproval or amendment of any legislation**, motions** or other matter pending before a committee. ~~All other motions shall require only a majority vote of members of a committee present and voting.~~ Except as otherwise determined by the **C**~~c~~ommittee **of the Whole**, committee meetings shall be held in the caucus room or Council Chamber.

(16) Rule 16. Rules of Committees. Except in case of obvious inconsistency or inapplicability, committee meetings shall be governed by the rules applicable to Council proceedings. Any person may tape a committee meeting provided the person has first notified the committee. The Chair or, in the absence of the Chair, the Vice-Chair shall preside at the committee meeting, shall maintain order and decorum thereat, and shall have the authority to re-arrange the order in which business shall be considered at the committee meeting.

(17) Rule 17. Reports. No ordinance, resolution, communication, petition or other matter referred to a committee for action shall be approved or disapproved and reported out or placed before Council for further reading or consideration until it shall have first been considered at a committee meeting regularly called as provided for herein, and no committee, except as provided in Rule ~~59~~**58**, Rule ~~68~~**67** and Rule ~~74~~**73**, shall consider or hold a meeting on any proposed ordinance, resolution, communication, petition or other matter until it has been introduced in or presented to Council and referred to the committee.

The question of the recommendation of approval or of approval when amended, shall be put by the Chair upon motion of any member, which shall not require a second. If a majority of the members of the **C**~~c~~ommittee **of the Whole** present and voting vote affirmatively, such ordinance, resolution, communication, petition or other matter shall be reported forthwith to Council as recommended for passage or adoption but if a majority of the members of the **C**~~c~~ommittee **of the Whole** present and voting vote negatively on such question, such ordinance, resolution or other matter shall be reported forthwith to Council as a recommendation of rejection of such legislation or matter. The vote on all matters before the committee shall be recorded in the minutes of the meeting. When a majority of a committee present and voting has reported, recommending, with or without amendment, or not recommending the passage, adoption or approval of the ordinance, resolution, communication, petition or other matter under consideration, the minority may present a minority report. Council may accept or reject any committee report or recommendation in whole or in part. The committee to which any ordinance, resolution, communication, petition or other matter has been referred for consideration shall report to Council the status of such referral by the third next regular Council meeting from such reference and at each third next regular meeting thereafter until final report. Such status report shall be given by the Chair of the Committee, or in the absence of the Chair by the Vice-Chair, and shall be written. Notwithstanding the provisions of Rule ~~56~~**55**, any ordinance, resolution, communication, petition or other matter which has been referred to a Council committee shall be automatically discharged from the committee at the adjournment of the eighteenth regular Council meeting after the date referred to Council committee and shall be deemed as recommended by the committee. In such event, such ordinance, resolution, communication, petition or other matter shall be placed on the agenda of the next succeeding regular meeting of Council, unless prior to adjournment Council postpones consideration thereof to a day certain. Any committee or status report shall be given orally at the next regular meeting of Council following the committee meeting provided that such committee report shall be given at a special

meeting of Council when the report concerns a subject to be considered at the special meeting. Committee or status reports submitted in writing shall be set forth verbatim in the minutes of the meeting.

(18) Rule 18. Undisposed of Legislation Pending in Committee. Ordinances and resolutions, which at the date of the first day in January have not been acted upon by the committee or committee(s) to which referred within a period of one year from the date of introduction in Council, shall be reassigned to Committee by the President of Council.

(19) Rule 19. Committee of the Whole. When Council shall decide to go into Committee of the Whole, without objection the regular officers shall continue to serve, otherwise, Council shall appoint a Chair to preside, and the Presiding Officer of Council shall leave the chair. The Rules of Council, insofar as practicable, shall be observed in the Committee of the Whole, except that no limit shall be placed on the frequency of speaking, that the "yes" and "no" votes shall not be taken except as provided in Rule ~~67~~**66**, and that a motion to rise and report progress shall always be in order and shall be decided without debate. Except as may otherwise be provided in the Rules of Council or in the ordinance or resolution creating same, interviews of private citizens to be considered for appointment by Council to any advisory group or commission shall be conducted by the Committee of the Whole in such manner as is determined by the Committee of the Whole; the Committee of the Whole shall also determine the manner of evaluation to be used.

~~(20) Rule 20. Joint Committee. When it is desired that legislation or other matter shall be considered by two or more committees jointly, a reference by the President of Council or upon motion to refer by any member and adopted by a majority vote of the members of Council present and voting, to a joint committee composed of the membership of said standing committees, shall operate to constitute such committees a single committee. A quorum of such joint committees shall consist of a majority thereof counting membership in each committee separately so that a member of each of two or more committees constituting such joint committee shall be counted once for each committee of which they are a member. A majority vote of the members present and voting, similarly counted, shall be required for action by such joint committee. (See also Rule 55)~~

IV. DUTIES, PRIVILEGES AND DECORUM OF MEMBERS.

(20) ~~(21)~~Rule ~~21~~**20**. Roll Call of Council. Every member shall be in his/her seat at the time of roll call; otherwise, he/she shall not be recorded as present except upon special order of Council. The Clerk shall record the names of the members present and absent.

(21) ~~(22)~~Rule ~~22~~**21**. Duty of Vote. Every member present shall vote on all questions upon the call of the "yes" and "no" vote, except that any member may abstain from voting on any question in which that member has any direct or financial interest or which in any way

involves that member's personal or private rights. Any member present, unless excepted as above, who refuses to vote upon any question relating to the City government, upon which they may vote, when the "yes" and "no" votes are being taken, shall be guilty of contempt of Council, and may, for such contempt, be censured by a majority vote of all the members of Council, or may be expelled from Council by a vote of a majority plus one of all the members of Council. If a member of Council shall abstain from voting "yes" or "no", the President of Council shall ask the member the reason for the abstention. The member's reason for the abstention shall be recorded in the journal. On the passage of every ordinance, resolution or motion and on the appointment of every officer or other person, the vote shall be taken by "yes" and "no", and entered in full upon the journal. On any other question, the "yes" and "no" shall likewise be entered upon the journal. Upon the call of the "yes" and "no", the Clerk shall call the roll on the members and record the vote. When once begun, voting shall not be interrupted.

(22) ~~(23)~~Rule ~~23~~**22**. **Codified Ordinance Book~~, Council~~** and City **Property** Within five days of assumption of office, a member of Council shall be provided a Codified Ordinance book ~~or~~ **the Codified Ordinances** in electronic format. **Any ~~council or~~ city property that contains the documents of council** ~~which~~ shall, at all times, remain the property of the City. Within five days of leaving office, **any ~~council or~~ city property** ~~the Codified Ordinance book~~ shall be returned to the Clerk of Council. The Director of Law shall have the authority to enforce the provisions of this Rule by appropriate legal action.

(23) ~~(24)~~Rule ~~24~~**23**. Change of Vote. Before the announcement of the vote of any question, the Clerk shall read the vote of each member so taken upon the demand of any member, at which time any member of Council, on account of error or for any other reason, may change their vote; but no member of Council shall be permitted to change their vote as recorded after the roll call has been verified and the result declared.

(24) ~~(25)~~Rule ~~25~~**24**. Right of Floor. When any member is about to address Council, that member shall respectfully address themselves to the Presiding Officer and, when recognized by the Presiding Officer, shall confine themselves to the question under debate, avoid personalities and refrain from impugning the motives of any other member's argument or vote. When two or more members ask recognition at the same time, the Presiding Officer shall name the member who was first to speak and the exercise of such discretion by the Presiding Officer shall not be subject to appeal under Rule ~~28~~**27**.

(25) ~~(26)~~Rule ~~26~~**25**. Time Limitation of Speaking. No member of Council, public official or other person shall be allowed to speak more than once on the same matter until every other member desiring to speak on that matter shall have had an opportunity to do so, nor more than

twice on any subject, not for a time longer than five minutes without permission of Council.

(26) ~~(27)~~Rule ~~27~~**26**. Members Called to Order. If any member in speaking or otherwise transgresses the Rules of Council, the President shall call the offending member to order. The member so called to order shall immediately cease speaking unless permitted by the President to explain. Any member may, by raising the point of order, call the attention of the President to such transgression. The point of order shall be decided by the President without debate. Every such decision of the President shall be subject to appeal to Council by any two members.

(27) ~~(28)~~Rule ~~28~~**27**. Right of Appeal. Any member may appeal to Council from a ruling of the Presiding Officer. The member making the appeal may briefly state their reasons for the appeal, and the Presiding Officer may briefly explain the ruling, but there shall be no debate on the appeal and no other member shall participate in the discussion. The Presiding Officer shall then put the question; "Shall the decision of the Chair be sustained?" If a majority of the members present and voting vote "yes" the ruling of the Chair is sustained; otherwise it is overruled.

(28) ~~(29)~~Rule ~~29~~**28**. Division of Question. If the question contains two or more divisible propositions, the Presiding Officer may, and upon request of a member shall, divide the same; but a motion to strike out a provision and insert a substitute is not divisible. No question shall be divided unless it comprehends a question so distinct that if one is taken away, the other shall stand as an entire question for decision.

(29) ~~(30)~~Rule ~~30~~**29**. Personal Privilege. Any member may rise to explain a matter personal to themselves, and on stating that it is a matter of personal privilege, they shall be recognized by the Presiding Officer, but shall not discuss a question or issue in such explanation. Such explanation shall not consume more than five minutes of time unless extended by consent of the Council. Matters of personal privilege shall yield only to a motion to recess or adjourn.

(30) ~~(31)~~Rule ~~31~~**30**. Verbatim Transcript. Any member of Council or other City Official desiring specific remarks to be included verbatim in the minutes of any regular or special meeting of Council shall make such request therefore at the meeting in which the remarks were made and shall also submit such remarks in writing to the Clerk of Council.

V. MOTIONS.

(31) ~~(32)~~Rule ~~32~~**31**. Purpose and Form. Motions shall be used only to expedite the orderly transaction of the business of Council and shall not be substituted for resolutions or ordinances. The form of all motions shall be "I move that" followed by the substance of the motion. A second shall be required for any motion except as specifically provided for in these Rules and upon demand of any member; any motion shall be reduced to writing. Any motion may be withdrawn by the makers

before it has been amended or voted upon. When a motion is made, it shall be stated by the Presiding Officer before any debate shall be in order. All motions which have been entertained by the Presiding Officer shall be entered upon the minutes.

(32) ~~(33)~~Rule ~~33~~**32**. Precedence of Motions.

A. When a resolution, ordinance, motion or other proposition is before Council or under debate, no motion shall be entertained except the following:

1. To fix the time to which to adjourn.
2. To adjourn.
3. To recess.
4. To lay on the table.
5. For the previous question.
6. To postpone to a day certain.
7. To refer to committee.
8. To amend.
9. To postpone indefinitely.

B. These motions shall have precedence in the order indicated. Motions to adjourn, or to lay on the table, or for the previous question or to recess, shall be put to a vote without debate; the motion to fix the time to which to adjourn shall be debatable only as to the time of such adjournment; and all other motions shall be debatable. These motions shall always be in order until the clerk has started the call of the roll.

(33) ~~(34)~~Rule ~~34~~**33**. The Previous Question, The motion for the previous question shall require a majority plus one of the members elected to Council present and voting; shall be considered only once; may be renewed after intervening business; shall take precedence over all debatable questions and shall be in order to prevent amendment of undebatable questions. If the previous question is demanded and seconded on an amendment, it shall apply only to the amendment. When the previous question is demanded and seconded on the main question, it shall be put as follows: "Shall the main question be now put?" If the motion for the previous question is carried as to the main question, there shall be no further amendment or debate, but pending amendments shall be put in their order before the main question. If the question, "Shall the main question be now put?" or "Shall the amendment be now put?" be decided in the negative, the main question or the amendment remains before Council.

(34) ~~(35)~~Rule ~~35~~**34**. Motion to Lay on the Table. The motion to lay on the table shall, subject to the provisions of Rule ~~42~~**41**, dispose finally of the legislation or other matter against which it is invoked, but a motion to lay a pending amendment to an ordinance, resolution or motion shall not carry the ordinance, resolution or motion with it. A motion to lay on the table shall require a majority vote of the members elected to Council present and voting. A motion to lay on the table

may not be reconsidered.

(35) ~~(36)~~Rule ~~36~~**35**. Motion to Postpone to Day Certain. A motion to postpone to a day certain shall require a majority vote of the members elected to Council present and voting; shall be subject to reconsideration; may be renewed after intervening business; shall be debatable as to the propriety of the postponement, but not upon the merits of the legislation or other matter; may be amended by changing the date; and shall be subject to the previous question. Upon the arrival of the date to which postponed, the legislation or other matter shall be considered in the regular order of business of that day.

(36) ~~(37)~~Rule ~~37~~**36**. Motion to Postpone Indefinitely. The motion to postpone indefinitely shall have the same effect as a motion to lay on the table, and shall require a majority vote of the members elected to Council present and voting. A motion to postpone indefinitely may be reconsidered only if decided in the affirmative, shall be debatable and shall open the legislation or other matter to debate; may be renewed after intervening business and may not be amended or laid on the table, and shall be subject to previous question.

(37) ~~(38)~~Rule ~~38~~**37**. Motion to Reconsider. A motion to reconsider a subject, including legislation, that may have been acted upon favorably shall be made before adjournment of that meeting of Council. A motion to reconsider any other subject may be made not later than the next regular meeting after such action was taken. A motion to reconsider may be made only by any member who voted with the prevailing side. A motion to reconsider shall be in order at any time except when a motion on some other subject is standing. A motion to reconsider, being laid on the table, may be taken up and acted upon at any time in accordance with this Rule when Council is engaged in the transaction of new or miscellaneous business. No motion to reconsider shall be made more than once on any matter or subject, and the same number of votes shall be required to reconsider the action of Council as was required to pass or adopt the same. A motion to reconsider may not be applied to a motion to adjourn, a motion to suspend the rules or a motion to lay on the table.

(38) ~~(39)~~Rule ~~39~~**38**. Motion to Amend. A motion to amend may be amended only once. An amendment once rejected may not be moved again in the same form.

(39) ~~(40)~~Rule ~~40~~**39**. Motion on Question of Privilege. First: Those affecting the rights of Council collectively, its safety, dignity and the integrity of its proceedings. Second: The rights, reputation and conduct of the members of Council individually, in their capacity as such members. A question of privilege shall have precedence over all questions except a motion to adjourn. A question of privilege shall not require a second and shall be decided by the President of Council subject to a right of appeal as set forth in Rule ~~28~~**27**.

(40) ~~(41)~~Rule ~~41~~**40**. Motion that Matter be Taken From Committee. When

any ordinance, resolution or other matter has been referred to a committee, and the committee to which such has been referred fails by the third next regular Council meeting from the date of referral to report, or to offer a valid reason for its failure to report, any member of Council shall have the right to make a motion that such ordinance, resolution or other matter be taken from the committee to which such ordinance, resolution or other matter has been referred and that the same may be laid before Council for action. Such motion shall be decided without debate, provided that the member making the motion may state briefly the reasons for the motion.

(41) ~~(42)~~Rule ~~42~~**41**. Motion to Take From Table. A motion to take from the table shall be in order when that order of business is being transacted in which such matter to be taken up was laid upon the table, or under the head of new or miscellaneous business. Such motion shall be decided without debate, provided the mover may be permitted to state briefly the reasons for the motion.

(42) ~~(43)~~Rule ~~43~~**42**. Motion to Adjourn. A motion to adjourn shall always be in order unless Council is engaged in voting on an ordinance, resolution or motion.

VI. ORDINANCES AND RESOLUTIONS.

(43) ~~(44)~~Rule ~~44~~**43**. Introduction. Ordinances and resolutions shall be introduced only by members of Council, with the name of the sponsor or sponsors endorsed on the face of such ordinance or resolution, except such ordinances and resolutions as may be presented to Council upon written recommendation of some committee of Council. Ordinances and resolutions as may be presented to Council upon written recommendation of some committee of Council shall have endorsed thereon as sponsors the names of the members thereof who assent thereto. Ordinances submitted by the Initiative shall have endorsed thereon "Submitted by Initiative Petition". Any ordinance or resolution shall, when introduced, be placed on first reading unless objection is made thereto by a majority plus one the members of Council.

(44) ~~(45)~~Rule ~~45~~**44**. Preparation of Legislation. In order that adequate time may be given to the preparation of legislation, any requests for legislation to be prepared by the Director of Law shall be submitted to the Director of Law not later than 5:00 p.m. on the **Friday following the last regular council meeting** ~~Tuesday~~ preceding the meeting at which such legislation is to be introduced for first reading, and not later than 5:00 p.m. on the Monday preceding the meeting at which such legislation is to be introduced for passage under suspension of the rules. The exception to either of the foregoing shall be such legislation where investigation and/or unavoidable circumstances exist and an adequate time for preparation would not otherwise be provided or where a sudden and unforeseen emergency affecting or likely to affect the public health, safety or welfare arises subsequent to the aforementioned days and times. Any legislation **and accompanying**

exhibits and/or attachments except as hereinafter stated, shall be delivered to the Clerk of Council no later than the close of business on **Tuesday** ~~Thursday~~ prior to the regular meeting; otherwise it shall not be included on the agenda. The exception to this ~~Thursday~~ requirement shall be the same as applicable to the preparation of legislation by the Director of Law provided, however, that any such legislation within such exception shall be delivered to the Clerk of Council no later than 12:00 noon the Friday preceding the regular meeting of Council. All legislation shall be timely reviewed for form and legality of content by the Director of Law prior to adoption. Violations of any of the provisions of this Rule shall not invalidate any resolution or ordinance duly adopted according to the other provisions of these Rules and the Charter.

(45) ~~(46)~~Rule ~~46~~**45**. Legislation. All legislation shall comply with the following rules:

A. Any legislation originating from a member or members of Council shall have indicated thereon the name or names of the members of Council requesting or originating same following the words "Requested by:"

B. Any legislation originating from an administrative division, ~~department, office~~ or ~~public official~~ shall have indicated thereon the name and position of the person requesting or originating same following the words "Requested by:" ~~Such legislation shall also have endorsed thereon the name of the department head following the words "Approved by" if not originating from a member or members of Council or the Mayor.~~ All ordinances or resolutions shall state the name or names of the member or members of Council who is sponsoring same, following the words "Sponsored by:"

C. No legislation requested or originated under subsection (a) (~~46~~**45**) B. hereof shall be introduced in Council unless a member of Council has consented to introduce the legislation.

D. ~~All ordinances or resolutions shall state the name or names of the member or members of Council who is sponsoring same, following the words "Sponsored by"; and if requested by someone other than a member of Council, such shall be indicated following the words "By Request" with the name and position of the individual that requested same.~~

E. All ordinances and resolutions introduced in Council shall be identified and numbered as follows: The first two numbers shall represent the last two numbers of the respective calendar year during which such ordinance or resolution was introduced and which numbers shall be followed by a dash (-), after which shall appear a number as shall represent the numerical order in which the ordinance or resolution was introduced during the calendar year.

F. Any member of Council may submit a request, in writing, to the Clerk of Council to add his/her name to any legislation as a cosponsor. Upon receipt of such written or oral request, the Clerk of Council shall insert the name or names of the members of Council in the order received after the words "Co-sponsored by" on the legislation. During a vote on adoption of legislation, if a member of Council votes "no" or "abstains", that member's name shall be removed by the Clerk of Council as sponsor or co-sponsor of the legislation prior to posting.

(46) ~~(47)~~Rule ~~47~~**46**. Legislation on for Passage Under Suspension of the Rules. In arranging "The Agenda", the Clerk shall not include any introductory legislation in the "On For Passage Under Suspension of Rules and Without Readings on Three Different Days" portion of "The Agenda", unless the member of Council, committee of Council, official or department head originating or requesting such legislation provides the Clerk with a written statement setting forth in detail the reasons requiring immediate action thereon. A copy of such statement shall be attached to the legislation and delivered in accordance with Rule 9 hereof. In the event that such written statement shall not be timely provided, the Clerk shall include such legislation in the "First Reading" portion of "The Agenda." Any legislation included in the "First Reading" portion may not be passed without the unanimous consent of all members elected to Council present.

(46-1) ~~(47-1)~~Rule ~~47-1~~**46-1**. Legislation on for Passage Second Reading Suspension of the Rules. In arranging "The Agenda", the Clerk shall not include any legislation in the "Second Reading Suspension of the Rules" portion of "The Agenda", unless the committee of Council to which the legislation was referred has so recommended and **the Administrative Department Head or the Mayor** has also provided the Clerk with a written statement setting forth in detail the reasons requiring immediate action thereon, said statement to be **agreed to by a roll call vote** ~~signed~~ by the **majority of** members **present** ~~of the committee~~ voting in favor of the recommendation. A copy of such statement shall be attached to the legislation and delivered in accordance with Rule 9 hereof. In the event such written statement shall not be timely provided, the Clerk shall include such legislation in the "Second Reading" portion of "The Agenda".

(47) ~~(48)~~Rule ~~48~~**47**. Form of Ordinances and Resolutions. The enacting clause of all ordinances and resolutions shall be "Be it ordained (resolved) by the Council of the City of Fairview Park, County of Cuyahoga, and State of Ohio". No ordinance or resolution or section thereof shall be revised or amended unless the new ordinance or resolution contains the entire ordinance or resolution, or section revised or amended, and the original ordinance, resolution, section or sections so amended shall be repealed. No ordinance or resolution shall contain more than one subject, which shall be clearly stated in its title.

The determination as to whether the ordinance or resolution contains more than one subject shall be that of Council alone.

(48) ~~(49)~~Rule ~~49~~**48**. Emergency Ordinances and Resolutions. If an emergency ordinance or resolution fails to receive an ~~two-thirds~~ affirmative **majority plus one** vote of all members elected to Council, such measure shall cease to be before Council as an emergency measure and shall have the standing that a measure would have had if it had not been read as an emergency measure.

(49) ~~(50)~~Rule ~~50~~**49**. Voting. and Form of Legislative Action.

A. Any action of Council shall be by ordinance, resolution or motion, and the voting upon such ordinance, resolution or motion shall be by roll call, and the vote of each member of Council shall be entered upon the journal.

B. All legislative action by Council shall be by ordinance or resolution introduced in written or printed form. An affirmative vote of at least a majority of the members of Council elected to Council shall be required for the passage or enactment of every ordinance or resolution. Unless otherwise provided herein, every ordinance or resolution shall be read at three different Council meetings, unless a majority plus one of the members elected to Council dispense therewith in which event such ordinance or resolution shall be read at least once before passage. Every ordinance or resolution shall be deemed to have been read on the first reading thereof if the title of the ordinance or resolution is fully and distinctly read if a written or printed copy of the ordinance or resolution shall have been furnished to each member of Council prior to its introduction unless two or more members of Council request the ordinance or resolution be read in full. Every ordinance or resolution shall be deemed to have been read on the second and third readings thereof if the title of the ordinance or resolution is fully and distinctly read unless two or more members of Council request the ordinance or resolution be read in full. Should any member of Council request that the ordinance or resolution be read in full, such request to be made after the Clerk of Council has read the title of the ordinance or resolution, the President of Council shall forthwith and prior to the consideration of further business, inquire as to whether any other member of Council concurs in the request. If any other member of Council concurs in the request, the Clerk of Council shall read the ordinance or resolution in full prior to the consideration of further business. If no other member of Council concurs in the request, the ordinance or resolution shall not be read in full and Council may proceed to the consideration of further business including the question of adoption of the ordinance or resolution.

~~C. As used in this Rule, "a majority of the members of Council"~~

~~means four members of Council.~~

(50) ~~(51)~~Rule ~~51~~**50**. Effective Date of Ordinances and Resolutions. Each ordinance or resolution providing for the appropriation of money, for an annual tax levy or for improvements petitioned for by the owners of a majority of the front footage of property to be benefited and specially assessed therefor, and any emergency ordinance or resolution necessary for the immediate preservation of public peace, health or safety, shall take effect, unless a later date be specified therein, upon its approval by the Mayor, or upon the expiration of the time within which it may be vetoed by the Mayor, or upon its passage after veto by the Mayor, as the case may be. No other ordinance or resolution shall become effective until forty **(40)** days after its approval by the Mayor or upon the expiration of the time within which it may be vetoed by the Mayor, or upon its passage after veto by the Mayor, as the case may be.

Each emergency measure shall contain therein a statement of the necessity for such emergency action, and shall require the affirmative vote of a majority plus one of the members elected to Council for its enactment. No action of Council authorizing the surrender or joint exercise of any of its powers, or in granting any franchise, or rezoning ordinance or amendment or repeal of any zoning ordinance, shall be designated an emergency measure or enacted under a suspension of rules.

(51) ~~(52)~~Rule ~~52~~**51**. Enactment of Zoning Ordinances. Enactment of Zoning ordinances and regulations and notice thereof shall be in accordance with the applicable provisions of the Charter and applicable provisions of the Codified Ordinances of the City.

(52) ~~(53)~~Rule ~~53~~**52**. Roll Call; Seating Order. For all roll calls in matters before Council, the Clerk of Council shall call the roll of members in order from the member of Council seated to the furthest right of the President of Council to the furthest left. The seating order of the members of Council and the Clerk of Council shall be in the following order beginning with the seat to the furthest right of the President of Council: Council Wards 1 through 3, the Clerk of Council, the President of Council, Council Wards 4 and 5 and Council-at-Large. Reports of committees (Rule 8 A.7.) and Miscellaneous Business and Comments (Rule 8 A. 12.) shall be given or made in the same order except that such from the President of Council shall be given or made after all other members of Council.

(53) ~~(54)~~Rule ~~54~~**53**. Reference to Committee. All ordinances, resolutions, communications or other matters shall be read on the day introduced or presented except as provided in Rule ~~44~~**43** and shall be referred to committee by the President of Council, which reference shall be forthwith announced. The committee to which reference is made, after due consideration and at least one meeting which shall be open to the public**,** except as otherwise provided by law, shall report the same back with or without proposed amendments and with recommendation

for approval or disapproval. When so reported, such ordinance, resolution, communication or other matter shall be read a second time and, except as provided in Rule ~~57~~**56**, laid over until the next meeting of Council when it shall be read a third time and a vote taken thereon. No ordinance, resolution, communication or other matter shall be enacted or otherwise adopted or further action taken thereon without first having been referred to committee and reported upon, except for a resolution of condolence or congratulations or an ordinance, resolution or other matter included in the "On For Passage Under Suspension of the Rules and Without Readings on Three Different Days" portion of "The Agenda**.**"

(53-1) ~~(54-1)~~ Rule ~~54-1~~**53-1**. Re-reference to Committee. Any pending legislation, communication or other matter may, by the President of Council or by a vote of a majority of the members elected to Council present and voting, be re-referred to any committee to which previously referred under these rules, or to any appropriate committee with jurisdiction over the subject matter designated in the motion to re-refer. When referred back to Council, such legislation, communication or other matter shall have the same standing as it had at the time when re-referred. Such legislation, communication or other matter shall be subject to the provisions of Rule 17 and Rule ~~56~~**55**.

(54) ~~(55)~~Rule ~~55~~**54**. Reference to More Than One Committee. Whenever any pending matter is referred to more than one committee for consideration and report, such committees may consider the same in joint session as a Joint Committee, if the Chair of the committees concerned consent thereto. The Chair of the committee first named shall preside at such joint sessions, and each member of the Joint Committee shall have one vote for each committee of which they are a member composing the Joint Committee. A majority of the members of each of the separate committees shall constitute a quorum of such committee and the vote shall be taken by roll call of each of the separate committees constituting the Joint Committee. Its report shall be made in the same manner and under the same rules as reports are made by standing committees.

(55) ~~(56)~~Rule ~~56~~**55**. Relieving Committees.

A. Any committee or committees to which an ordinance, resolution, communication or other matter has been referred by the Presiding Officer under Rule ~~54~~**53**, without specific motion to commit, may be relieved of further consideration of such legislation, communication or other matter by a motion duly made and adopted by a majority plus one vote of the members elected to Council; provided a majority vote of the members elected to Council present and voting shall be sufficient to relieve a committee if notice of the intention to relieve such committee or committees of further consideration of said legislation, communication or other matter has been made at the meeting

preceding the meeting at which such motion is made.

B. Any committee to which an ordinance, resolution, communication or other matter has been referred by motion to commit or recommit may be relieved of further consideration of such legislation, communication or other matter at the next meeting following the meeting at which such legislation was referred by a motion to reconsider the vote to commit or recommit as the case may be, which motion shall require only a majority vote of the members elected to Council present and voting; and at any time subsequent to the meeting next succeeding the meeting at which such legislation, communication or other matter has been committed or recommitted, the procedure to relieve the committee shall be as provided in subsection (a)(56)A. hereof.

C. In the event any committee is relieved of further consideration pursuant to either subsection (a)(56)A. or B. hereof, such ordinance, resolution, communication or other matter shall be placed on the Calendar Agenda at the next succeeding regular meeting of Council, unless otherwise directed by Council.

(56) ~~(57)~~ Rule ~~57~~**56**. Three Readings. Copies of all first reading legislation to be introduced for passage under suspension of the Rules and without reading on three different days shall be delivered to each member of Council either personally or at their residence address**, or transmitted by electronic means,** ~~so that such copy or copies shall be in their hands or at their residence address~~ at least two days prior to the date of introduction. No motion to suspend the Rule that first reading legislation be read on three different days shall be entertained unless the reason for the suspension is set forth in accordance with Rule ~~47~~**46** by the member making such motion or the official or the Director of the department involved. When it is desired to suspend Rule ~~50~~**49** and Rule ~~54~~**53**, in order to permit the passage of legislation upon introduction, the question on the motions for suspension shall be as follows:

"Shall the Charter provision and Rule ~~50~~**49** requiring reading on three different days be dispensed with?" If a majority plus one of the members elected to Council, vote "yes", the Charter and the Rule provisions requiring reading on three different days shall be suspended and the question on the motion to suspend Rule ~~54~~**53** shall be as follows: "Shall Rule ~~54~~**53** requiring reference to Committee be dispensed with and (Ordinance No. -) (Resolution No. -) be placed on final passage?" If a majority plus one of the members of Council present and voting vote "yes", the Rule requiring reference to Committee shall be suspended. Both motions set forth in this paragraph shall be debatable as to the propriety of same but not upon the merits of the legislation. Copies of all second reading legislation to be placed for passage under suspension

of the Rules and without reading on three different days shall be delivered to each member of Council either personally**,** or at their residence address, **or transmitted by electronic means,** ~~so that such copy or copies shall be in their hands or at their residence address~~ two days prior to the date of second reading. No motion to suspend the rule that second reading legislation be read on three different days shall be entertained unless the reason for the suspension is set forth in accordance with Rule ~~47-1~~**46-1** by the committee recommending such motion. When it is desired to suspend Rule ~~50~~**49**, in order to permit the passage of legislation upon second reading, the question on the motion for suspension shall be as follows: "Shall the Charter provision and Rule ~~50~~**49** requiring reading on three different days be dispensed with?" If a majority plus one of the members elected to Council, vote "yes", the Charter and Rule provisions requiring reading on three different days shall be suspended. The motion set forth in this paragraph shall be debatable as to the propriety of same but not upon the merits of the legislation.

(57) ~~(58)~~Rule ~~58~~**57**. Appropriation Ordinances and Resolutions. Ordinances or resolutions making appropriations shall be confined to the subject of appropriations **and must include a fund number from which it will be paid.** No money shall be appropriated except by ordinance or resolution. All ordinances or resolutions for fixing a tax rate, the appropriation of money, the issuance of bonds, the transfer of money to any fund, or the payment of claims, and all resolutions and ordinances whereby the City shall become liable for the payment of any money, shall be referred without debate to the Committee on Finance for consideration and report.

(58) ~~(59)~~Rule ~~59~~**58**. Substitute Legislation. Legislation dealing with the same subject matter may be substituted for any pending ordinance or resolution by a majority vote of the members elected to Council present and voting, upon the recommendation of any committee to which such legislation has been referred. Substitute legislation shall be subject to all the provisions of the Charter, ordinances and rules applying to ordinances or resolutions to be placed on first reading, and the legislation for which such substitute is offered shall be laid upon the table permanently as a final disposition thereof. Before accepting for introduction any substitute legislation, the sponsor or sponsors of the original legislation shall be given written notice thereof by the Clerk of Council.

(59) ~~(60)~~Rule ~~60~~**59**. Ordinances Fixing Fines and Penalties. All ordinances imposing fines, penalties, forfeiture or imprisonment shall be referred to the appropriate standing committee of Council as provided for in Rule 14, and the Director of Law shall be asked to give an opinion thereon.

~~**(60) (61)Rule 6160. Amendments. It shall be in order to amend an ordinance or resolution at any time when not in the hands of a**~~

~~**committee. A majority vote of all the members elected to Council present and voting shall be necessary for the adoption of an amendment to any legislation pending before Council.**~~

(60) ~~(62)~~Rule ~~62~~6**0**~~**1**~~. Approval of Ordinances and Resolutions. Every ordinance passed or resolution adopted shall be signed by the President of Council or other Presiding Officer and presented promptly to the Mayor by the Clerk of Council. If the Mayor approves such ordinance or resolution, the Mayor shall sign and return it to the Clerk of Council within ten days after its passage or adoption by Council, but if the Mayor does not approve it, he the Mayor shall return it to Council within such ten days with his or her written objections by delivery to the Clerk of Council. The Mayor's objections shall be read at the next Council meeting and be entered in full on the journal of Council. The Mayor may approve or disapprove the whole or any item of an ordinance or resolution appropriating money, but otherwise his or her approval or disapproval shall be addressed to the entire ordinance or resolution. If the Mayor does not return an ordinance or resolution within the time limited in this Rule, it shall take effect in the same manner as if he or she had signed it. When the Mayor disapproves an ordinance or resolution or any part thereof, and returns it to the Council with his or her objections, Council shall, not later than the next regular meeting, reconsider it and, if such ordinance, resolution or item, upon such reconsideration, is approved by the vote of at least a majority plus one members elected to Council, it shall take effect at the time of the vote of approval or at such later time as may be specified in such ordinance, resolution or item.

(61) ~~(63)~~Rule ~~63~~6**1**~~**2**~~. Adoption of Ordinances by Reference. Council may adopt standard ordinances and codes prepared by public or private agencies on such matters as fire prevention, building construction, electric wiring, plumbing, heating, ventilating and air conditioning by reference to the date and source of the code without reproducing the same at length in the ordinance. In all such cases, publication of the code at length by the City shall not be required. In any such instance at least ten copies of such code shall be kept in the Building Department for reference by interested parties, and copies shall be available for sale by the Clerk of that division.

VII. ADMINISTRATIVE OFFICERS.

(62) ~~(64)~~Rule ~~64~~6**2**~~**3**~~. Attendance Required. The Mayor, the Directors of all departments and the City Engineer ~~**or designee**~~ should ~~**shall**~~ attend the regular and special meetings of Council and shall be provided with seats on the floor of the Council Chamber. They shall, subject to the provisions of Rule 5, answer such questions relating to the affairs of the City under their respective supervision and control as may be put to them by any member of Council. The Mayor shall make such recommendations in writing to Council for the welfare of the City as seem wise. The Mayor, the Directors of all departments, Building

Commissioner, City Engineer, the Police Chief and the Fire Chief, or their respective designees, should be available to attend committee meetings as required by Council.

(63) ~~(65)~~Rule ~~65~~63**4**. Reports of City Officers. All ordinances, resolutions and communications pertaining to matters that come under the supervision and control of the Mayor and the Directors of departments shall, in addition to being referred to the proper committees, be also referred to such respective administrative officers for recommendation and report. No later than thirty days after reference to the administrative officer or officers, as the case may be, each ordinance, resolution or communication so referred shall be returned to the Clerk of Council with the endorsement of each administrative officer's approval, disapproval or recommended changes of such matter so referred; if response is not received within thirty days, Council shall assume that approval is granted. It shall be the duty of the President of Council to enforce this rule rigidly. The Clerk shall use all diligence in seeing that departments, commissions and boards to which measures are referred, return them to the Clerk's office within the time fixed herein or the time fixed by Charter should a longer period of time be allowed therein.

(64) ~~(66)~~Rule ~~66~~64**5**. Report or Status on Pending Measures. The Clerk of Council shall keep the members of Council informed regarding the status of pending ordinances and resolutions. All ordinances and resolutions to be acted upon by committees or the Council shall be in the hands of the Clerk as prescribed in Rule ~~45~~**44**.

(65) ~~(67)~~Rule ~~67~~65**6**. Approval of Council of Appointments by Mayor. Whenever the approval of Council is required for appointments by the Mayor, the President of Council, upon written request of the Mayor for approval of any appointment, shall forthwith refer the name of each person whose appointment is submitted for approval of Council to the Committee of the Whole. Not later than the next regular meeting of Council following such reference, the committee shall report to Council its recommendation thereon. Thereupon Council, as part of the appropriate order of business, shall proceed to vote upon the approval of each appointment, the question being "Shall the Council approve the appointment by the Mayor?" Except as provided by the Charter or an ordinance or resolution specifically applicable to the appointment in question, if a majority of all the members elected to Council eligible to vote, vote "yes", the Council shall approve such appointment.

(66) ~~(68)~~Rule ~~68~~66**7**. Reports from Mayor and City Officials. All reports from the Mayor and City officials suggesting or recommending action by Council on any matter not referred to the source of such report by Council, or not otherwise provided for by the Rules of Council, shall be submitted in writing to the President of Council, who shall refer the same to the standing committee to which such suggestion or recommendation is most closely related. Such standing committee

shall consider the suggestion or recommendation thus referred to it and report thereon to Council without unnecessary delay. Such consideration shall be subject to the provisions of Rule 17, Rule ~~54~~**53** and Rule ~~56~~**55**.

VII. COUNCIL CHAMBER.

(67) ~~(69)~~Rule ~~69~~6**7**~~8~~. Use of Council Chamber. The Council Chamber shall be used only for meetings of Council or committees thereof, except where the President of Council authorizes its use by persons other than City Officials, when the Chamber is not in use by Council or its committees. The Clerk, with the written approval of the President of Council, may permit the other public officials to use the Council Chamber on public business, when not in use by the Council or its committees. The Clerk of Council shall notify all members of Council when the Council Chamber shall be used by persons or other City officials pursuant to this Rule.

(68) ~~(70)~~Rule ~~70~~6**8**~~9~~. Privileges of Floor. While Council is in session, no person except members of Council, officers named in the Rules, and persons invited by the President of Council, or by vote of Council, shall be admitted within the bar of the Council Chamber, and the Presiding Officer shall cause this Rule to be rigidly enforced.

IX. RULES - SUSPENSION - AMENDMENT AND OTHER.

(69) ~~(71)~~Rule ~~71~~ **69**~~70~~. Suspension of Rules. Any provision of these Rules may be suspended at any meeting of Council, by a majority vote of the members of Council present and voting, except when a greater number is required by law, by the Charter or by the Rules. The vote on any such suspension shall be taken by "yes" and "no" and entered upon the journal. In case Council takes action on any measure or in the case any Rule shall not have been adhered to by Council the same shall be regarded as having been suspended.

(70) ~~(72)~~Rule ~~72~~7**0**~~1~~. Other Rules. Except as herein otherwise provided, the proceedings of Council shall be governed by the Charter and the Codified Ordinances of the City of Fairview Park, the Ohio Revised Code, and Robert's Rules of Order, and it shall be the duty of the Presiding Officer to adhere to and enforce such Rules. In case of conflict or questions as to the powers of Council, or any member thereof, the Charter shall prevail, any provision to the contrary notwithstanding herein.

(71) ~~(73)~~Rule ~~73~~7**1**~~2~~. Investigations. Council may with or without notice cause the affairs of any department, division or office or the conduct of any officer or employee of the City to be examined. Council shall have the power to compel the attendance of witnesses, the production of books, papers and other evidence, and to cause witnesses to be punished for contempt as is conferred by law. Council may, by ordinance or resolution duly adopted, retain the services of such experts as it deems necessary and appropriate to assist it or any committee thereof in the discharge of legislative duties and powers. Council may,

by ordinance or resolution duly adopted, authorize the creation of advisory groups and commissions composed in whole or in part of private citizens as it deems necessary and appropriate to assist it or any committee thereof in the discharge of legislative duties and powers, the composition, term and purpose of which shall be specified in the ordinance or resolution. Any committee of Council may determine to conduct an investigation of any matter or subject within the jurisdiction of the committee as set forth in Rule 14 without there having first been a reference of same to the committee by either the President of Council or by a duly adopted motion of Council to refer provided the matter or subject had not been previously referred to another committee.

(72) ~~(74)~~Rule ~~74~~72**3**. Vacancy in Office. A. Whenever any office of Councilman becomes vacant, the vacancy shall be filled for the unexpired term by majority vote of the remaining members of Council. If the vacancy is not so filled within thirty days, the Mayor shall fill it by appointment. B. When there is a vacancy in the office of Councilman which has not been filled in accordance with subsection (a)(75)A. hereof, a quorum shall consist of a majority of all the remaining members of Council.

(73) ~~(75)~~Rule ~~75~~73**4**. Resignation. A. The resignation of a member of Council shall not take effect until the same has been accepted by a vote of the majority of the members of Council eligible to vote, exclusive of the person tendering the resignation**, unless otherwise in effect by law**. B. If a vacancy shall occur as a result of the foregoing contingency, it shall then be filled as other vacancies in Council, in accordance with Article IV, Section 5 of the Charter.

(74) ~~(76)~~Rule ~~76~~74**5**. Removal. Council shall be the judge of the election and qualifications of its own members, including the President of Council. Council may, by at least majority plus one vote of the members elected to Council, expel or remove any member, including the President of Council, for gross misconduct, malfeasance, nonfeasance, misfeasance in or disqualification for office; for violation of his or her oath of office; for the conviction while in office of a crime involving moral turpitude; for persistent failure to abide by the rules of Council, or for absence without justifiable excuse from three consecutive regular meetings. Prior to any such action by Council, the accused member shall be notified in writing of the charge against him or her at least ten days in advance of any hearing upon such charge, and he or she and his or her counsel shall be given an opportunity to be heard, present evidence or examine under oath any witness appearing in support of such charge.

(75) Rule 75~~6~~. Amending Rules. These Rules may be amended, or new Rules adopted, by a majority vote of all the members elected to Council, on the report of the appropriate standing committee of Council as provided for in Rule 14 for such purpose, provided the

proposed amendments or new Rules shall have been referred to such committee in a preceding regular meeting.

(76) Rule 7**6**~~7~~. Continuity of Rules. These Rules shall constitute and serve as the Rules of Council for Council unless amended or new Rules adopted.

SECTION 2. That the existing Fairview Park Codified Ordinance Section 111.03 and any other ordinances or parts thereof in conflict herewith be, and the same hereby are, repealed to the extent of the conflict.

SECTION 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION 4. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare and to ensure the timely and efficient operation of the City Council and provided it receives the affirmative vote of a majority plus one of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor, otherwise from and after the earliest period allowed by law.

PASSED: 1st reading: 05.18.15
APPROVED: 2nd reading: 06.01.15
3rd reading:

_____
Michael P. Kilbane, President of Council

_____
Eileen Ann Patton, Mayor

_____
Liz L. Westbrooks, Clerk of Council

CITY OF FAIRVIEW PARK
ORDINANCE NO. 15-22
REQUESTED BY: COUNCILMAN MCDONOUGH
SPONSORED BY: COUNCILMAN MCDONOUGH

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF FAIRVIEW PARK TO ENTER INTO AN AGREEMENT WITH THE CUYAHOGA COUNTY JUVENILE COURT IN CONNECTION WITH A COMMUNITY DIVERSION PROGRAM TO ADDRESS JUVENILE MISDEMEANOR AND STATUS OFFENDERS IN THE CITY OF FAIRVIEW PARK, ESTABLISHING A COMMUNITY DIVERSION PROGRAM FUND AS A SPECIAL REVENUE FUND, AND DECLARING AN EMERGENCY.

WHEREAS, Ohio Revised Code Chapter 2151 and the Rules of Juvenile Procedure give general authority for the Cuyahoga County Juvenile Court to establish legal mechanisms to divert complaints before they are filed for formal court action, while protecting the constitutional due process rights of accused juveniles; and

WHEREAS, Ohio Revised Code Section 2151.11 permits the Cuyahoga County Juvenile Court to participate with other public agencies in programs which have as their objective the prevention and control of juvenile delinquency; and

WHEREAS, the Cuyahoga County Juvenile Court desires to promote and develop a Community Diversion Program to address juvenile misdemeanor and status offenders, in order to divert youths who are juvenile offenders involving misdemeanor and status offenses from formal court action and to utilize community resources to ameliorate such situations; and

WHEREAS, the Cuyahoga County Juvenile Court has agreed to develop and implement a Community Diversion Program for misdemeanor and status offense complaints against juveniles in the City of Fairview Park for offenses that are committed elsewhere by residents; and

WHEREAS, this Council desires to enter into an agreement with the Cuyahoga County Juvenile Court to assist the City in addressing juvenile misdemeanor and status offenses, and to request financial assistance thereunder;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FAIRVIEW PARK, COUNTY OF CUYAHOGA AND STATE OF OHIO:

SECTION 1. That the Mayor of the City of Fairview Park is hereby authorized to enter into an Inter-agency Agreement with the CUYAHOGA COUNTY JUVENILE COURT to assist the City in addressing juvenile misdemeanor and status offenses and to request financial assistance in connection with a Community Diversion Program established by the Cuyahoga County Juvenile Court, a copy of which is attached hereto as Exhibit" A.”

SECTION 2. That there is hereby established the Community Diversion Program Fund as a special revenue fund of the City known as Fund Number 750 to process all receipts and expenditures in connection with this Program.

SECTION 3. That the Director of Finance be and is hereby authorized and directed to certify a copy of this Ordinance to the Auditor of State for approval pursuant to Ohio Revised Code Section 5705.12.

SECTION 4. That funds received from the Cuyahoga County Juvenile Court in connection with the Community Diversion Program shall be placed in the Community Diversion Program Fund; and any local funds necessary to carry out the Community Diversion Program shall be paid from the Community Diversion Program Fund.

SECTION 5. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in and open meeting of this 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.

SECTION 6. That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, property, health, safety and welfare of the City, and for the further reason that it is immediately necessary to participate with the Cuyahoga County Juvenile Court in the Community Diversion Program to assist the City in dealing with juvenile misdemeanor and status offenses, provided this Ordinance receives the affirmative vote of a majority plus one of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise from and after the earliest period allowed by law.

PASSED:
APPROVED:

1st reading: 05.18.15
2nd reading: 06.01.15
3rd reading:

_____
Michael P. Kilbane, President of Council

_____
Eileen Ann Patton, Mayor

_____
Liz L. Westbrooks, Clerk of Council

CUYAHOGA COUNTY
COURT OF COMMON PLEAS, JUVENILE COURT DIVISION
COMMUNITY DIVERSION PROGRAM
CITY OF FAIRVIEW PARK
AGREEMENT

THIS AGREEMENT is entered into this _____ day of _____, 2015 by and between the County of Cuyahoga, Ohio (hereinafter called the "COUNTY"), the Cuyahoga County Court of Common Pleas, Juvenile Court Division (hereinafter called the "COURT") and **City of Fairview Park,** a government entity, with principal offices located at 20777 Lorain Road, Fairview Park, Ohio 44126 (hereinafter called the "VENDOR").

WITNESSETH THAT:

WHEREAS, the COURT desires to engage the VENDOR'S professional and technical services to develop and implement the Community Diversion Program (hereinafter called the "CDP"), or utilize another COURT-approved CDP to hear misdemeanor and status offense complaints that occur in the **City of Fairview Park** or are committed elsewhere by **Fairview Park** residents and the VENDOR can provide these services from July 1, 2015 to December 31, 2015. Attachment A identifies some of those misdemeanor and status offenses appropriate for diversion.

NOW THEREFORE, the parties hereto do mutually agree as follows:

I. TARGET POPULATION - The youth referred to the project shall be males and females, ages 10 to 17. These youth shall be residents of Cuyahoga County referred by the COURT'S Intake Department (hereinafter called the "YOUTH").

II. DESCRIPTION OF SERVICES - The CDP shall be developed and implemented according to standards developed by the COURT, which include, but are not limited to:
   A. The CDP shall have access to at least one Volunteer Magistrate provided by the VENDOR.
      1. A Volunteer Magistrate should be an attorney in good standing, licensed by the State of Ohio or employed by the federal government, and approved by the COURT.
      2. The Volunteer Magistrate shall complete the orientation program and paperwork provided by the COURT.
   B. The COURT shall review and approve the CDP procedures implemented by the CDP.
   C. The VENDOR shall have a confidential filing system that the COURT shall review.
   D. The VENDOR is subject to verification of funding by the COURT.
   E. The VENDOR shall monitor participants in the CDP program one (1) year from the date of the hearing.
   F. The VENDOR shall follow reporting requirements as laid out below.
      1. The VENDOR agrees to furnish to the COURT by the first (1st) day of each month the monthly CDP Database Report completed in its entirety for each child diverted during the previous month. For example, all data on diversion hearings occurring in January must be reported by February 1. This data includes, but is not limited to, the type of offense committed by the child and information pertaining to the outcome

(sanctions and services) of the diversion hearing. The VENDOR will report this data to the COURT using the Access database format established by the COURT. The COURT will supply the VENDOR with a database disk. Failure to report the data by the first (1st) day of each month or to follow the Access database format is grounds for discontinuing funding and jeopardizes future eligibility for funding.

2. Information reported in the database will be used for statistical and financial analysis only. Access to this information will be restricted by the COURT.

III. OPERATIONAL DETAILS -

A. SERVICE SITE: YOUTH are served at a mutually agreed upon site.

B. CONTACT PERSON:

VENDOR	COURT
Detective Tom Harrington	Heather Corcoran
20777 Lorain Road	9300 Quincy Avenue
Fairview Park, Ohio 44126	Cleveland, Ohio 44106
	(216) 443-8428

IV. OBJECTIVES - The VENDOR shall ensure that the following Objectives and Performance Indicators are met for the program provided under this AGREEMENT:

Objectives	Performance Indicator
1. 75% of referred YOUTH admitted to the program during the contract period will successfully complete the program.	1. Number of referred YOUTH admitted to the program during the contract period.
2. 100% of referred YOUTH admitted to the program will have CDP data electronically submitted in the CDP Access database within one month of admission to the program.	2. Number of YOUTH admitted to the program whose CDP data is electronically submitted in the CDP Access database within one month of admission to the program.

V. BUDGET - Funding for this AGREEMENT is contingent upon the availability of funds. Funding is not to exceed **$6,000.00** per 6-month period. All funds disbursed to the VENDOR from the COURT shall be audited and monitored by the COURT. Failure to provide adequate or substantial verification of receipt and expenditure of funds shall result in the COURT discontinuing funding. Should the COURT discontinue funding, the VENDOR must reimburse all remaining funds for which substantial documentation of receipt or expenditure cannot be produced. If more than 50% of the allocated funding is not spent at the end of this AGREEMENT, the VENDOR will return the funding to the COURT.

A. Incurring Costs: The COURT shall not be responsible for any cost incurred by the VENDOR prior to commencement and subsequent to the termination of this AGREEMENT.

B. Monthly Fiscal Report: The VENDOR shall, within ten (10) days following the last day of each month, submit an invoice for a monthly payment of **$1,000.00** to the COURT. No invoices will be processed without an accompanying electronic submission of all CDP data in the Access database. All invoices shall include the VENDOR'S name, program name, address, phone, invoice number, federal tax ID number, VENDOR number and month on it. All invoices must be signed and dated for verification by the VENDOR. Failure to comply with submission of the invoice within the ten (10) day submission rule may result in the COURT not processing the invoice for payment. Additional or corrected invoicing for services beyond the previous month must be requested separately in writing describing the reasons for the additional billing along with specific supporting documentation to substantiate the requested claim. Under no circumstance will the COURT accept or process any initial invoices received after sixty (60) days following the end of the month that the service was provided in. For example, if the service was provided within January, then the 60 day period expires on March 31.

C. Invoice Review: The COURT shall accept the electronic invoice as evidence of its receipt by the COURT. The electronic invoice shall be deemed received the date it is sent by the VENDOR. The COURT shall review invoices for completeness before making payment. The invoices submitted are subject to adjustment for computational or processing errors, incorrect rates, non-covered services and to audit by the COURT.

VI. RETENTION OF ACCOUNTING AND REPORTING PROCEDURES - The VENDOR shall maintain and preserve all fiscal and programmatic records, books, documents and papers that pertain to the performance of this AGREEMENT. Such records shall be subject to inspection, review and audit by COURT personnel. The VENDOR shall maintain the aforementioned records for at least five (5) years following the termination of this AGREEMENT or longer period, as may be required by the applicable records retention schedule.

VII. PROFESSIONALLY WRITTEN RECORDS - All correspondence and reports to the COURT shall be computer-generated and shall appear professional, with the VENDOR'S name, address, and contact information included.

VIII. ON SITE VISITS - The COURT shall be allowed to access, review and discuss activities

and records and shall be allowed to interview individual youth, family, and/or VENDOR'S staff that are served or paid in whole or in part under this AGREEMENT.

IX. BUILDING CODES-SAFETY ORDINANCES - If applicable, all buildings, offices and facilities utilized by the program where the YOUTH shall be present shall conform to and abide by all Federal, State, County and City building codes and safety ordinances. Documentation of such shall be presented to the COURT upon request.

X. INSURANCE – The VENDOR shall procure, maintain and pay premiums for the insurance coverage and limits of liability indicated below with respect to products, services, work and/or operations performed in connection with this AGREEMENT.

A. **Mandatory Insurance Requirements** - The following three items (Worker's Compensation Insurance, Commercial General Liability Insurance, and Business Automobile Liability Insurance) are all mandatory requirements unless otherwise specified.

1. **Worker's Compensation Insurance** as required by the State of Ohio. Such insurance requirement may be met by either purchasing coverage from the Ohio State Insurance Fund or by maintaining Qualified Self-Insurer status as granted by the Ohio Bureau of Workers Compensation (BWC).

   For Contractors with employees working outside of Ohio, Worker's Compensation Insurance as required by the various state and Federal laws as applicable including Employers' Liability coverage with limits of liability not less than:

   $1,000,000 each accident for bodily injury by accident;
   $1,000,000 each employee for bodily injury by disease;
   $1,000,000 policy limit for bodily injury by disease.

   Such insurance shall be written on the National Council on Compensation Insurance (NCCI) form or its equivalent.

2. **Commercial General Liability Insurance** with limits of liability not less than:
   $1,000,000 each occurrence bodily injury & property damage;
   $1,000,000 personal & advertising injury;
   $1,000,000 general aggregate;
   $1,000,000 products/completed operations aggregate.

   Such insurance shall be written on an occurrence basis on the Insurance Services Office (ISO) form or its equivalent.

3. **Business Automobile Liability Insurance** covering all owned, non-owned, hired, and leased vehicles. Such insurance shall provide a limit of not less than $1,000,000 combined single limit (bodily injury & property damage) each accident;

   Such insurance shall be written on an occurrence basis on the Insurance Services Office (ISO) form or its equivalent.

B. **Insurance Coverage Terms and Conditions -** The insurance policies of the Contractor required for this contract, with the exception of the All Risk Equipment

Insurance and Errors & Omissions Insurance, shall each name the "County of Cuyahoga, Ohio and its employees" as an Additional Insured and shall contain the following provisions:

- Thirty (30) days prior notice of cancellation or material change;
- A waiver of subrogation wherein the insurer(s) waives all rights of recovery against the County.

1. The insurance required for this contract shall be provided by insurance carrier(s) licensed to transact business and write insurance in the state(s) where operations are performed and shall carry a minimum A.M. Best's rating of A VII or above.
2. These insurance provisions shall not affect or limit the liability of the Contractor stated elsewhere in this Contract or as provided by law.
3. The Contractor shall require any and all of its subcontractors to procure, maintain, and pay premiums for the insurance coverages and limits of liability outlined above with respect to products, services, work and/or operations performed in connection with this Contract.
4. The County reserves the right to require insurance coverages in various amounts or to modify or waive insurance requirements on a case-by-case basis whenever it is determined to be in the best interest of the County.
5. If the Bid/Proposal/RFQ specifies the need for higher limits of liability for any applicable insurance provision, the Bid/Proposal/RFQ specifications shall govern.
6. The Contractor shall furnish a Worker's Compensation Certificate and Certificate of Insurance evidencing the insurance coverages required herein are in full force and effect. Acceptance of a non-conforming certificate of insurance by the County shall not constitute a waiver of any rights of the parties under this Contract.
7. Political subdivisions shall have the right to procure the applicable insurance requirements hereunder by participating in a self-insurance program with sufficient limits. Confirmation of self-insured status is required.

XI. ANTI-DISCRIMINATION – The County will follow its policies of non-discrimination. VENDOR hereby agrees that in all matters pertaining to the employment of labor, skilled or unskilled, in the performance of this AGREEMENT, the VENDOR shall at all times conduct its business in a manner that assures there shall be no discrimination exercised against any person because of race, color, national origin, religion, age, handicap, veteran status or any factor as specified in the Civil Rights Act of 1964 and subsequent amendments. It is further agreed that the VENDOR shall fully comply with all appropriate Federal and State laws regarding such regulations including the Americans with Disabilities Act.

XII. ASSIGNABILITY - None of the work or services covered by this AGREEMENT shall be subcontracted without the prior written approval of the COURT.

XIII. RELIGIOUS AFFILIATIONS - Religious programs/programming if offered shall be voluntary and non-denominational. Non-participation by YOUTH shall not result in any penalty.

XIV. CONFIDENTIALITY - The parties will comply with all laws regarding confidentiality

including, but not limited to, R.C. 2151.421, R.C. 5153.17 and, as applicable, R.C. 5101.131. In addition, products of mediation, mediators' notes, mediation records and mediation communications are confidential and subject to the restrictions set forth in O.R.C. 2317.02, O.R.C. 2317.023, and O.R.C. 3109.052. Authorized COURT representatives shall be allowed reasonable access to VENDOR'S records for review of activities that pertain to the performance of this AGREEMENT, and to interview individual participants served and/or VENDOR staff paid under this AGREEMENT only after permission is obtained from the affected mediation participants and suitable written assurances of confidentiality are given to the VENDOR. This does not authorize a jurist, public defender, prosecutor, COURT employee, or State of Ohio employee to obtain information about a specific mediation in contravention of the specified statutes. The VENDOR shall comply with the provisions of the Privacy Act of 1974 and instruct its employees to use the same degree of care as it uses with its own data to keep confidential information concerning client data, the business of the COURT, its financial affairs, its relations with its citizens and its employees as well as any other information which may be specifically classified as confidential by the COURT. Client related information is highly confidential. All Federal and State regulations and statutes related to confidentiality shall be applicable to the VENDOR and it shall have an appropriate contract with its employees to that effect.

XV. LICENSURE - The VENDOR shall have the appropriate license(s) or certification(s) necessary to provide the services of this AGREEMENT. The VENDOR shall also immediately notify the COURT of any change in licensure status affected by the certifying authority.

XVI. AMENDMENT - This AGREEMENT constitutes the entire agreement of the parties in the subject matter hereof and may not be changed, modified, discharged or extended except by written agreement executed by the COURT and the VENDOR. The VENDOR agrees that no representation or warranties shall be binding upon the COURT unless expressed in writing herein or in a duly executed amendment hereof.

XVII. TERMINATION - This AGREEMENT may be terminated by the COURT or the VENDOR upon thirty (30) days prior written notice to the VENDOR. Termination pursuant to this paragraph shall not affect the COURT'S obligation to pay the VENDOR pursuant to the Budget Section of this AGREEMENT for services performed and expenses incurred prior to termination.

XVIII. BREACH OF AGREEMENT REMEDIES - Upon breach or default of any of the provisions, obligations or duties embodied in this AGREEMENT, the parties may exercise any administrative, contractual, equitable, or legal remedies available, without limitation. The waiver of any occurrence of breach or default is not a waiver of subsequent occurrences, and the parties retain the right to exercise all remedies hereinabove mentioned. If the VENDOR fails to perform an obligation or obligations under this AGREEMENT and thereafter such failure(s) is (are) waived by the COURT, such waiver is limited to the particular failure(s) so waived and shall not be deemed to waive other failures hereunder. Waiver by the COURT is not effective unless it is in

writing and signed by the COURT.

XIX. SERVICE CONTINUITY - In the event that the funding for the CDP is not renewed, the VENDOR shall develop a plan for cases still receiving mediation services at the end of the AGREEMENT period and submit to the COURT.

XX. ETHICS REQUIREMENTS - The VENDOR shall comply with all County ethics as well as all requirements within the provisions set forth in State of Ohio, Office of the Governor, Executive Order 2007-01S which establishes new ethics requirements.

XXI. FINDINGS FOR RECOVERY - The VENDOR represents and warrants that it is not subject to an "unresolved" finding for recovery under Ohio Revised Code Section 9.24.

XXII. CRIMINAL RECORDS CHECK - The VENDOR shall comply with the provisions as specified in the Ohio Revised Code 109.572 regarding criminal records checks for prospective employees and volunteers. The COURT shall receive upon request verification of police checks, reference checks and confirmation of educational requirements for all employees and volunteers of the VENDOR assigned to this program.

XXIII. PUBLIC RECORDS - All parties hereto acknowledge that the COUNTY is a political subdivision in the State of Ohio and as such is subject the Ohio Revised Code and other law related to the keeping and access to Public Records, including any and all applicable Sunshine Laws, open meeting requirements, and retention schedules effecting any and all manner of communication with the COUNTY and any and all documents in any format or media.

XXIV. GOVERNING LAW AND JURISDICTION - This AGREEMENT shall be governed by and construed under the laws of the State of Ohio without regard to conflicts of law provisions. The parties agree that the state and federal courts sitting in Ohio will have exclusive jurisdiction over any claim arising out of this AGREEMENT, and each party consents to the exclusive jurisdiction of such courts. The VENDORS hereby agree not to challenge any provision in this AGREEMENT, including this Governing Law and Jurisdiction provision, and not to attempt to remove any legal action outside of Cuyahoga County for any reason.

XXV. This AGREEMENT has been properly authorized pursuant to the required provisions of any and all charter provisions, ordinances, resolutions and regulations of COUNTY and the VENDOR. The individuals signing on behalf of the parties to this AGREEMENT are authorized to execute this AGREEMENT on behalf of the COURT and the COUNTY and the VENDORS.

XXVI. ELECTRONIC SIGNATURES - By entering into this AGREEMENT, the VENDOR agrees on behalf of the contracting business entity, its officers, employees, subcontractors, subgrantees, agents or assigns, to conduct this transaction by electronic means by agreeing that all documents requiring county signatures may be executed by electronic means and that the electronic signatures affixed by the COUNTY to said documents shall have the same legal effect as if the signature was manually affixed to a

paper version of the document. The VENDOR also agrees on behalf of the aforementioned entities and persons to be bound by the provisions of chapters 304 and 1306 of the Ohio Revised Code as they pertain to electronic transactions, and to comply with the electronic signature policy of Cuyahoga County.

IN WITNESS WHEREOF, the COUNTY, the COURT and the VENDOR have executed this AGREEMENT as of the date first above written.

City of Fairview Park

By: _____

Cuyahoga County Juvenile Court

By: _____
Marita Kavalec, Court Administrator

Cuyahoga County, Ohio

By: _____
Armond Budish, County Executive

CITY OF FAIRVIEW PARK
ORDINANCE NO. 15-23
ORIGINATED BY: THE FINANCE DEPARTMENT
REQUESTED BY: MAYOR EILEEN ANN PATTON
SPONSORED BY: COUNCILWOMAN CLEARY

AN ORDINANCE APPROPRIATING FUNDS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF FAIRVIEW PARK, OHIO FOR THE PERIOD COMMENCING JANUARY 1, 2015 AND ENDING DECEMBER 31, 2015 AND DECLARING AN EMERGENCY

WHEREAS, for the ongoing operation of the municipal government, it is necessary to appropriate funds for the fiscal year 2015.

WHEREAS, Ordinance 15-02 Amended, approved March 17, 2015, was amended by Ordinance 15-18, approved on May 5, 2015, needs to be adjusted to reflect budgetary changes.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FAIRVIEW PARK, COUNTY OF CUYAHOGA AND STATE OF OHIO:

SECTION 1. To provide for the current expenses and other expenditures of the City of Fairview Park, Ohio for the period commencing January 1, 2015 and ending December 31, 2015 as attached in Exhibit "A."

SECTION 2. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare and for the further reason that it is necessary for the daily operation of municipal departments in 2015 and provided it receives the affirmative vote of a majority plus one of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor, otherwise from and after the earliest period allowed by law.

PASSED:
APPROVED:

1st reading: 05.18.15
2nd reading: 06.01.15
3rd reading:

_____
Michael P. Kilbane, President of Council

_____
Eileen Ann Patton, Mayor

_____
Liz L. Westbrooks, Clerk of Council

APPROPRIATIONS 2015
(dollar changes in bold)
CITY OF FAIRVIEW PARK

	Temporary Ord #14-59 (12/15/14)	Annual Ord #15-02A (03/16/15)	$ Difference	Supplemental #1 Ord #15-18 (05/04/15)	$ Difference	Supplemental #2 Ord #15-23	$ Difference
GENERAL FUND							
1110 SECURITY OF PERSONS AND PROPERTY							
PERSONNEL SUBTOTAL	$707,625.00	$3,042,342.55	$2,334,717.55	$3,042,342.55	$0.00	**$3,057,342.55**	**$15,000.00**
OTHER SUBTOTAL	$52,500.00	$172,050.00	$119,550.00	$172,050.00	$0.00	**$173,050.00**	**$1,000.00**
TOTAL SECURITY PERSONS AND PROPERTY	$760,125.00	$3,214,392.55	$2,454,267.55	$3,214,392.55	$0.00	**$3,230,392.55**	**$16,000.00**
1130 FIRE PREVENTION AND CONTROL							
PERSONNEL SUBTOTAL	$556,550.00	$2,006,881.28	$1,450,331.28	$2,006,881.28	$0.00	$2,006,881.28	$0.00
OTHER SUBTOTAL	$20,799.85	$76,140.00	$55,340.15	$76,140.00	$0.00	$76,140.00	$0.00
TOTAL FIRE PREVENTION AND CONTROL	$577,349.85	$2,083,021.28	$1,505,671.43	$2,083,021.28	$0.00	$2,083,021.28	$0.00
1140 FIRE PROTECTION REGIONAL EMS							
TOTAL FIRE PROTECTION REGIONAL EMS	$40,000.00	$135,000.00	$95,000.00	$135,000.00	$0.00	$135,000.00	$0.00
2200 PUBLIC HEALTH							
TOTAL PUBLIC HEALTH	$375.00	$500.00	$125.00	$500.00	$0.00	$500.00	$0.00
3420 BAIN PARK CABIN							
TOTAL BAIN PARK CABIN	$1,191.24	$4,590.00	$3,398.76	$4,590.00	$0.00	$4,590.00	$0.00
3810 SENIOR LIFE OFFICE							
PERSONNEL SUBTOTAL	$68,500.00	$279,772.88	$211,272.88	$279,772.88	$0.00	$279,772.88	$0.00
OTHER SUBTOTAL	$8,975.00	$26,966.16	$17,991.16	$26,966.16	$0.00	$26,966.16	$0.00
TOTAL SENIOR LIFE OFFICE	$77,475.00	$306,739.04	$229,264.04	$306,739.04	$0.00	$306,739.04	$0.00
4410 PARKS AND PROPERTY MAINTENANCE							
PERSONNEL SUBTOTAL	$42,500.00	$0.00	($42,500.00)	$0.00	$0.00	$0.00	$0.00
OTHER SUBTOTAL	$18,875.00	$57,441.06	$38,566.06	$57,441.06	$0.00	$57,441.06	$0.00
TOTAL PARKS AND PROPERTY MAINTENANCE	$61,375.00	$57,441.06	($3,933.94)	$57,441.06	$0.00	$57,441.06	$0.00

	Temporary Ord #14-59	Annual Ord #15-02A	$ Difference	Supplemental #1 Ord #15-18	$ Difference	Supplemental #2 Ord #15-23	$ Difference
	(12/15/14)	(03/16/15)		(05/04/15)			
4510 PLANNING & DESIGN COMMISSION							
PERSONNEL SUBTOTAL	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
OTHER SUBTOTAL	$650.00	$2,671.78	$2,021.78	$2,671.78	$0.00	$2,671.78	$0.00
TOTAL PLANNING COMMISSION	$650.00	$2,671.78	$2,021.78	$2,671.78	$0.00	$2,671.78	$0.00
4520 BUILDING STANDARDS							
PERSONNEL SUBTOTAL	$95,625.00	$414,317.63	$318,692.63	$414,317.63	$0.00	$414,317.63	$0.00
OTHER SUBTOTAL	$3,025.00	$8,347.53	$5,322.53	$8,347.53	$0.00	$8,347.53	$0.00
TOTAL BUILDING STANDARDS	$98,650.00	$422,665.16	$324,015.16	$422,665.16	$0.00	$422,665.16	$0.00
4530 BOARD OF APPEALS							
PERSONNEL SUBTOTAL	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
OTHER SUBTOTAL	$205.50	$800.00	$594.50	$800.00	$0.00	$800.00	$0.00
TOTAL BOARD OF APPEALS	$205.50	$800.00	$594.50	$800.00	$0.00	$800.00	$0.00
4570 ARCHITECTURAL BOARD OF REVIEW							
PERSONNEL SUBTOTAL	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
OTHER SUBTOTAL	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
TOTAL ARCHITECTURAL BOARD OF REVIEW	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
5550 RECYCLING & SOLID WASTE DISPOSAL							
PERSONNEL SUBTOTAL	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
OTHER SUBTOTAL	$55,250.00	$230,300.00	$175,050.00	$230,300.00	$0.00	$230,300.00	$0.00
TOTAL REFUSE COLLECTION AND DISPOSAL	$55,250.00	$230,300.00	$175,050.00	$230,300.00	$0.00	$230,300.00	$0.00
6120 TRAFFIC SAFETY							
PERSONNEL SUBTOTAL	$63,750.00	$173,913.44	$110,163.44	$173,913.44	$0.00	$173,913.44	$0.00
OTHER SUBTOTAL	$20,000.00	$60,415.00	$40,415.00	$60,415.00	$0.00	**$70,415.00**	**$10,000.00**
TOTAL TRAFFIC SAFETY	$83,750.00	$234,328.44	$150,578.44	$234,328.44	$0.00	**$244,328.44**	**$10,000.00**
6800 MOTOR VEHICLE MAINTENANCE							
PERSONNEL SUBTOTAL	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
OTHER SUBTOTAL	$43,500.00	$140,600.00	$97,100.00	$140,600.00	$0.00	$140,600.00	$0.00
TOTAL MOTOR VEHICLE MAINTENANCE	$43,500.00	$140,600.00	$97,100.00	$140,600.00	$0.00	$140,600.00	$0.00

	Temporary Ord #14-59 (12/15/14)	Annual Ord #15-02A (03/16/15)	$ Difference	Supplemental #1 Ord #15-18 (05/04/15)	$ Difference	Supplemental #2 Ord #15-23	$ Difference
7710 MAYOR'S OFFICE							
PERSONNEL SUBTOTAL	$43,650.00	$168,319.86	$124,669.86	$168,319.86	$0.00	$168,319.86	$0.00
OTHER SUBTOTAL	$2,500.00	$9,275.11	$6,775.11	$9,275.11	$0.00	$9,275.11	$0.00
TOTAL MAYOR'S OFFICE	$46,150.00	$177,594.97	$131,444.97	$177,594.97	$0.00	$177,594.97	$0.00
7711 SERVICE & DEVELOPMENT DIRECTOR'S							
PERSONNEL SUBTOTAL	$200,000.00	$822,263.60	$622,263.60	$822,263.60	$0.00	$822,263.60	$0.00
OTHER SUBTOTAL	$28,000.00	$111,585.00	$83,585.00	$111,585.00	$0.00	$111,585.00	$0.00
TOTAL SERVICE DIRECTOR'S OFFICE	$228,000.00	$933,848.60	$705,848.60	$933,848.60	$0.00	$933,848.60	$0.00
7720 FINANCE DEPARTMENT							
PERSONNEL SUBTOTAL	$62,000.00	$241,808.34	$179,808.34	$241,808.34	$0.00	$241,808.34	$0.00
OTHER SUBTOTAL	$47,500.00	$187,800.00	$140,300.00	$187,800.00	$0.00	$187,800.00	$0.00
TOTAL FINANCE DEPARTMENT	$109,500.00	$429,608.34	$320,108.34	$429,608.34	$0.00	$429,608.34	$0.00
7730 LEGAL ADMINISTRATION							
PERSONNEL SUBTOTAL	$30,875.00	$140,965.37	$110,090.37	$140,965.37	$0.00	$140,965.37	$0.00
OTHER SUBTOTAL	$8,750.00	$18,000.00	$9,250.00	$18,000.00	$0.00	$18,000.00	$0.00
TOTAL LEGAL ADMINISTRATION	$39,625.00	$158,965.37	$119,340.37	$158,965.37	$0.00	$158,965.37	$0.00
7740 ENGINEER							
PERSONNEL SUBTOTAL	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
OTHER SUBTOTAL	$9,086.98	$36,894.22	$27,807.24	$36,894.22	$0.00	$36,894.22	$0.00
TOTAL ENGINEER	$9,086.98	$36,894.22	$27,807.24	$36,894.22	$0.00	$36,894.22	$0.00
7750 MUNICIPAL LANDS AND BUILDING							
PERSONNEL SUBTOTAL	$34,000.00	$179,001.69	$145,001.69	$179,001.69	$0.00	$179,001.69	$0.00
OTHER SUBTOTAL	$50,000.00	$227,950.95	$177,950.95	$227,950.95	$0.00	**$242,950.95**	**$15,000.00**
TOTAL MUNICIPAL LANDS AND BUILDING	$84,000.00	$406,952.64	$322,952.64	$406,952.64	$0.00	**$421,952.64**	**$15,000.00**
7760 CIVIL SERVICE							
PERSONNEL SUBTOTAL	$375.00	$1,667.98	$1,292.98	$1,667.98	$0.00	$1,667.98	$0.00
OTHER SUBTOTAL	$3,275.00	$4,300.00	$1,025.00	$4,300.00	$0.00	$4,300.00	$0.00
TOTAL CIVIL SERVICE	$3,650.00	$5,967.98	$2,317.98	$5,967.98	$0.00	$5,967.98	$0.00

	Temporary Ord #14-59	Annual Ord #15-02A	$ Difference	Supplemental #1 Ord #15-18	$ Difference	Supplemental #2 Ord #15-23	$ Difference
	(12/15/14)	(03/16/15)		(05/04/15)			
7770 COUNTY DEDUCTIONS AND AUDIT EXAMINERS							
PERSONNEL SUBTOTAL	$1,250.00	$4,820.00	$3,570.00	$4,820.00	$0.00	$4,820.00	$0.00
OTHER SUBTOTAL	$38,000.00	$151,512.72	$113,512.72	$151,512.72	$0.00	$151,512.72	$0.00
TOTAL COUNTY DEDUCTIONS AND AUDIT EXAMINERS	$39,250.00	$156,332.72	$117,082.72	$156,332.72	$0.00	$156,332.72	$0.00
7780 LEGISLATIVE							
PERSONNEL SUBTOTAL	$33,625.00	$134,977.84	$101,352.84	$134,977.84	$0.00	$134,977.84	$0.00
OTHER SUBTOTAL	$3,682.86	$17,350.00	$13,667.14	$17,350.00	$0.00	$17,350.00	$0.00
TOTAL LEGISLATIVE	$37,307.86	$152,327.84	$115,019.98	$152,327.84	$0.00	$152,327.84	$0.00
7790 OTHER ADMINISTRATIVE							
PERSONNEL SUBTOTAL	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
OTHER SUBTOTAL	$508,250.00	$1,663,506.37	$1,155,256.37	$1,663,506.37	$0.00	**$1,722,006.37**	**$58,500.00**
TOTAL OTHER ADMINISTRATIVE	$508,250.00	$1,663,506.37	$1,155,256.37	$1,663,506.37	$0.00	**$1,722,006.37**	**$58,500.00**
TOTAL GENERAL FUND	$2,904,716.43	$10,955,048.36	$8,050,331.93	$10,955,048.36	$0.00	**$11,054,548.36**	**$99,500.00**
101 CONTINGENCY RESERVE FUND							
PERSONNEL SUBTOTAL	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
OTHER SUBTOTAL	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
TOTAL CONTINGENCY RESERVE	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
SPECIAL REVENUE FUNDS							
210 STREET CONSTRUC MAINT & REPAIRS							
6610 STREET MAINTENANCE							
PERSONNEL SUBTOTAL	$102,125.00	$394,476.59	$292,351.59	$394,476.59	$0.00	$394,476.59	$0.00
OTHER SUBTOTAL	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
TOTAL STREET MAINTENANCE	$102,125.00	$394,476.59	$292,351.59	$394,476.59	$0.00	$394,476.59	$0.00
6620 STREET CLEANING							
PERSONNEL SUBTOTAL	$79,625.00	$305,497.64	$225,872.64	$305,497.64	$0.00	$305,497.64	$0.00
OTHER SUBTOTAL	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
TOTAL STREET CLEANING	$79,625.00	$305,497.64	$225,872.64	$305,497.64	$0.00	$305,497.64	$0.00
TOTAL STREET CONSTRUC MAINT RP	$181,750.00	$699,974.23	$518,224.23	$699,974.23	$0.00	$699,974.23	$0.00

	Temporary Ord #14-59	Annual Ord #15-02A	$ Difference	Supplemental #1 Ord #15-18	$ Difference	Supplemental #2 Ord #15-23	$ Difference
	(12/15/14)	(03/16/15)		(05/04/15)			
220 STATE HIGHWAY FUND							
6610 STREET MAINTENANCE							
TOTAL STREET MAINTENANCE	$15,000.00	$50,000.00	$35,000.00	$50,000.00	$0.00	$50,000.00	$0.00
6620 STREET CLEANING							
TOTAL STREET CLEANING	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
TOTAL STATE HIGHWAY FUND	$15,000.00	$50,000.00	$35,000.00	$50,000.00	$0.00	$50,000.00	$0.00
230 RECREATION FUND							
PERSONNEL SUBTOTAL	$358,000.00	$1,451,563.43	$1,093,563.43	$1,451,563.43	$0.00	$1,451,563.43	$0.00
OTHER SUBTOTAL	$625,338.57	$2,749,643.75	$2,124,305.18	$2,749,643.75	$0.00	$2,749,643.75	$0.00
TOTAL RECREATION FUND	$983,338.57	$4,201,207.18	$3,217,868.61	$4,201,207.18	$0.00	$4,201,207.18	$0.00
232 RECREATION COMMUNITY CENTER FUND							
TOTAL RECREATION COMMUNITY CENTER	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
240 POLICE AND FIRE PENSION FUND							
PERSONNEL SUBTOTAL	$257,500.00	$987,139.42	$729,639.42	$987,139.42	$0.00	$987,139.42	$0.00
OTHER SUBTOTAL	$1,000.00	$3,616.70	$2,616.70	$3,616.70	$0.00	$3,616.70	$0.00
TOTAL POLICE AND FIRE PENSION FUND	$258,500.00	$990,756.12	$732,256.12	$990,756.12	$0.00	$990,756.12	$0.00
245 S.A.V.E. FUND							
TOTAL S.A.V.E FUND	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
250 STREET LIGHTING FUND							
PERSONNEL SUBTOTAL	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
OTHER SUBTOTAL	$60,600.00	$317,400.00	$256,800.00	$317,400.00	$0.00	$317,400.00	$0.00
TOTAL STREET LIGHTING FUND	$60,600.00	$317,400.00	$256,800.00	$317,400.00	$0.00	$317,400.00	$0.00
255 SOLID WASTE FEE							
PERSONNEL SUBTOTAL	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
OTHER SUBTOTAL	$185,000.00	$740,000.00	$555,000.00	$740,000.00	$0.00	$740,000.00	$0.00
TOTAL SOLID WASTE FEE FUND	$185,000.00	$740,000.00	$555,000.00	$740,000.00	$0.00	$740,000.00	$0.00

	Temporary Ord #14-59 (12/15/14)	Annual Ord #15-02A (03/16/15)	$ Difference	Supplemental #1 Ord #15-18 (05/04/15)	$ Difference	Supplemental #2 Ord #15-23	$ Difference
270 FIRE OPERATING LEVY FUND							
PERSONNEL SUBTOTAL	$66,500.00	$269,393.61	$202,893.61	$269,393.61	$0.00	$269,393.61	$0.00
OTHER SUBTOTAL	$1,275.00	$4,004.00	$2,729.00	$4,004.00	$0.00	$4,004.00	$0.00
TOTAL FIRE OPERATING LEVY FUND	$67,775.00	$273,397.61	$205,622.61	$273,397.61	$0.00	$273,397.61	$0.00
275 SAFE ROUTES TO SCHOOL FUND							
TOTAL SAFE ROUTES TO SCHOOL FUND	$182,500.00	$364,700.00	$182,200.00	$364,700.00	$0.00	$364,700.00	$0.00
285 FEMA GRANT FUND							
TOTAL FEMA GRANT FUND	$0.00	$109,389.00	$109,389.00	$109,389.00	$0.00	$109,389.00	$0.00
290 FEDERAL GRANTS FUND							
TOTAL FEDERAL GRANTS FUND	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
295 STATE GRANT FUND							
TOTAL STATE GRANT FUND	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
500 WATER REIMBURSEMENT FUND							
PERSONNEL SUBTOTAL	$750.00	$0.00	($750.00)	$0.00	$0.00	$0.00	$0.00
OTHER SUBTOTAL	$2,750.00	$65,000.00	$62,250.00	$65,000.00	$0.00	$65,000.00	$0.00
TOTAL WATER REIMBURSEMENT FUND	$3,500.00	$65,000.00	$61,500.00	$65,000.00	$0.00	$65,000.00	$0.00
540 GILLES-SWEET FUND							
PERSONNEL SUBTOTAL	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
OTHER SUBTOTAL	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
TOTAL GILLES-SWEET FUND	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
711 BAIN PARK RESTORATION							
TOTAL BAIN PARK RESTORATION	$5,000.00	$11,500.00	$6,500.00	$11,500.00	$0.00	$11,500.00	$0.00
714 LAW ENFORCEMENT TRUST FUND							
TOTAL LAW ENFORCEMENT TRUST FUND	$375.00	$5,600.00	$5,225.00	$5,600.00	$0.00	$5,600.00	$0.00
715 D.U.I. EDUCATE FUND							
TOTAL D.U.I. EDUCATE FUND	$4,100.00	$6,400.00	$2,300.00	$6,400.00	$0.00	$6,400.00	$0.00

	Temporary Ord #14-59	Annual Ord #15-02A	$ Difference	Supplemental #1 Ord #15-18	$ Difference	Supplemental #2 Ord #15-23	$ Difference
	(12/15/14)	(03/16/15)		(05/04/15)			
716 P.O.P.A.S. FUND							
PERSONNEL SUBTOTAL	$18,750.00	$50,000.00	$31,250.00	$50,000.00	$0.00	$50,000.00	$0.00
OTHER SUBTOTAL	$1,250.00	$18,000.00	$16,750.00	$18,000.00	$0.00	$18,000.00	$0.00
TOTAL P.O.P.A.S. FUND	$20,000.00	$68,000.00	$48,000.00	$68,000.00	$0.00	$68,000.00	$0.00
717 CIVIL REIMBURSEMENT FUND							
TOTAL CIVIL REIMBURSEMENT FUND	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
718 COPS GRANT FUND							
TOTAL COPS GRANT FUND	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
721 NEW LEVY/PROJECT AMOUNT							
TOTAL NEW LEVY/PROJECT AMOUNT	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
741 CABLE TV FRANCHISE FEE							
TOTAL CABLE TV FRANCHISE FEE	$59,529.38	$234,025.77	$174,496.39	$234,025.77	$0.00	$234,025.77	$0.00
751 DARE FUND							
PERSONNEL SUBTOTAL	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
OTHER SUBTOTAL	$325.00	$835.00	$510.00	$835.00	$0.00	$835.00	$0.00
TOTAL DARE FUND	$325.00	$835.00	$510.00	$835.00	$0.00	$835.00	$0.00
772 CEMETERY RESTORATION FUND							
TOTAL CEMETERY RESTORATION FUND	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
781 EMER MEDICAL SERV COLLECTION							
PERSONNEL SUBTOTAL	$86,141.70	$334,410.08	$248,268.38	$334,410.08	$0.00	$334,410.08	$0.00
OTHER SUBTOTAL	$8,687.50	$30,800.00	$22,112.50	$30,800.00	$0.00	$30,800.00	$0.00
TOTAL EMER MEDICAL SERV COLLECTION	$94,829.20	$365,210.08	$270,380.88	$365,210.08	$0.00	$365,210.08	$0.00
TOTAL SPECIAL REVENUE FUNDS	$2,122,122.15	$8,503,394.99	$6,381,272.84	$8,503,394.99	$0.00	$8,503,394.99	$0.00
DEBT SERVICE FUNDS							
300 BOND RETIREMENT FUND							
TOTAL BOND RETIREMENT FUND	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
TOTAL DEBT SERVICE FUNDS	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00

	Temporary Ord #14-59 (12/15/14)	Annual Ord #15-02A (03/16/15)	$ Difference	Supplemental #1 Ord #15-18 (05/04/15)	$ Difference	Supplemental #2 Ord #15-23	$ Difference
CAPITAL PROJECTS FUNDS							
231 RECREATION CONSTRUCTION FUND							
TOTAL RECREATION CONSTRUCTION FUND	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
260 PERMANENT IMPROVEMENT FUND							
TOTAL PERMANENT IMPROVEMENT FUND	$103,009.83	$392,647.75	$289,637.92	$392,647.75	$0.00	$392,647.75	$0.00
709 REDEVELOPMENT FUND							
TOTAL REDEVELOPMENT FUND	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
710 SENIOR CENTER CONST FUND							
TOTAL SENIOR CENTER CONST FUND	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
811 CAPITAL PROJECTS FUND							
TOTAL CAPITAL PROJECTS FUND	$295,765.00	$1,147,675.50	$851,910.50	$1,282,675.50	$135,000.00	**$1,957,675.50**	**$675,000.00**
TOTAL CAPITAL PROJECTS FUNDS	$398,774.83	$1,540,323.25	$1,141,548.42	$1,675,323.25	$135,000.00	**$2,350,323.25**	**$675,000.00**
ENTERPRISE FUNDS							
510 FAIRVIEW PARK SANITARY SEWER FUND							
PERSONNEL SUBTOTAL	$48,850.00	$188,686.72	$139,836.72	$188,686.72	$0.00	$188,686.72	$0.00
OTHER SUBTOTAL	$1,004,720.00	$1,750,618.44	$745,898.44	$1,750,618.44	$0.00	**$1,830,618.44**	**$80,000.00**
TOTAL FAIRVIEW PARK SANITARY SEWER FUND	$1,053,570.00	$1,939,305.16	$885,735.16	$1,939,305.16	$0.00	**$2,019,305.16**	**$80,000.00**
550 WATER LINE RECONDITIONING							
TOTAL WATER LINE RECONDITIONING FUND	$0.00	$2,158,825.00	$2,158,825.00	$2,158,825.00	$0.00	$2,158,825.00	$0.00
TOTAL ENTERPRISE FUNDS	$1,053,570.00	$4,098,130.16	$3,044,560.16	$4,098,130.16	$0.00	**$4,178,130.16**	**$80,000.00**
INTERNAL SERVICE FUNDS							
731 HEALTH INS RESERVE FUND							
PERSONNEL SUBTOTAL	$425,000.00	$1,300,755.04	$875,755.04	$1,300,755.04	$0.00	$1,300,755.04	$0.00
OTHER SUBTOTAL	$3,750.00	$0.00	($3,750.00)	$0.00	$0.00	$0.00	$0.00
TOTAL HEALTH INS RESERVE FUND	$428,750.00	$1,300,755.04	$872,005.04	$1,300,755.04	$0.00	$1,300,755.04	$0.00

	Temporary Ord #14-59	Annual Ord #15-02A	$ Difference	Supplemental #1 Ord #15-18	$ Difference	Supplemental #2 Ord #15-23	$ Difference
	(12/15/14)	(03/16/15)		(05/04/15)			
732 EMPLOYEE SECT 125M							
PERSONNEL SUBTOTAL	$3,000.00	$16,495.96	$13,495.96	$16,495.96	$0.00	$16,495.96	$0.00
OTHER SUBTOTAL	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
TOTAL EMPLOYEE SECT 125M	$3,000.00	$16,495.96	$13,495.96	$16,495.96	$0.00	$16,495.96	$0.00
TOTAL INTERNAL SERVICE FUNDS	$431,750.00	$1,317,251.00	$885,501.00	$1,317,251.00	$0.00	$1,317,251.00	$0.00
AGENCY FUNDS							
611 SPECIAL HOLD ACCOUNT							
PERSONNEL SUBTOTAL	$13,750.00	$22,790.32	$9,040.32	$22,790.32	$0.00	$22,790.32	$0.00
OTHER SUBTOTAL	$3,800.00	$43,431.00	$39,631.00	$43,431.00	$0.00	**$48,931.00**	**$5,500.00**
TOTAL SPECIAL HOLD ACCOUNT	$17,550.00	$66,221.32	$48,671.32	$66,221.32	$0.00	**$71,721.32**	**$5,500.00**
713 STATE BLDG ASSESSMENT							
TOTAL STATE BLDG ASSESSMENT	$862.50	$2,400.00	$1,537.50	$2,400.00	$0.00	$2,400.00	$0.00
752 GRADE DEPOSITS							
TOTAL GRADE DEPOSITS	$1,250.00	$5,045.15	$3,795.15	$5,045.15	$0.00	$5,045.15	$0.00
753 STREET CLEANING DEPOSITS							
TOTAL STREET CLEANING DEPOSITS	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
754 STREET OPENING DEPOSITS							
TOTAL STREET OPENING DEPOSITS	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
757 REZONING-DEPOSITS							
TOTAL REZONING-DEPOSITS	$125.00	$0.00	($125.00)	$0.00	$0.00	$0.00	$0.00
758 ARCHITECT DEPOSITS							
TOTAL ARCHITECT DEPOSITS	$1,500.00	$5,200.00	$3,700.00	$5,200.00	$0.00	$5,200.00	$0.00
759 SIDEWALK DEPOSITS							
TOTAL SIDEWALK DEPOSITS	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00

	Temporary Ord #14-59 (12/15/14)	Annual Ord #15-02A (03/16/15)	$ Difference	Supplemental #1 Ord #15-18 (05/04/15)	$ Difference	Supplemental #2 Ord #15-23	$ Difference
761 SENIOR LIFE DONATIONS							
TOTAL SENIOR LIFE DONATIONS	$5,000.00	$21,300.00	$16,300.00	$21,300.00	$0.00	$21,300.00	$0.00
790 SURVEY SAN/STORM SEWER							
TOTAL SURVEY SAN/STORM SEWER	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
791 PRELIM INVESTIGATION							
TOTAL PRELIM INVESTIGATION	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
TOTAL AGENCY FUNDS	$26,287.50	$100,166.47	$73,878.97	$100,166.47	$0.00	**$105,666.47**	**$5,500.00**
TOTAL ALL FUNDS	$6,937,220.91	$26,514,314.23	$19,577,093.32	$26,649,314.23	$135,000.00	**$27,509,314.23**	**$860,000.00**

2015 SCHEDULED TRANSFERS TEMPORARY ORDINANCE #14-59

FROM	TO	AMOUNT
100	240	$ 237,500.00
100	255	$ 185,000.00
		$ 422,500.00

2015 SCHEDULED TRANSFERS ORDINANCE # 15-18

FROM	TO	AMOUNT
100	240	$ 775,000.00
741	260	$ 50,000.00
		$ 825,000.00

2015 SCHEDULED TRANSFERS ORDINANCE # 15-02A

FROM	TO	AMOUNT
100	240	$ 775,000.00
741	260	$ 50,000.00
		$ 825,000.00

2015 SCHEDULED TRANSFERS ORDINANCE # 15-

FROM	TO	AMOUNT
100	240	$ 775,000.00
741	260	$ 50,000.00
		$ 825,000.00

CITY OF FAIRVIEW PARK
ORDINANCE NO. 15-24
REQUESTED BY: MAYOR EILEEN ANN PATTON
SPONSORED BY: COUNCILWOMAN CLEARY

AN ORDINANCE AUTHORIZING ADDITIONAL FLOW MONITORS FROM HYDROMAX USA, LLC AND DECLARING AN EMERGENCY

WHEREAS, the City of Fairview Park entered a contract with Hydromax USA, LLC ("Hydromax") for data collection and flow monitoring work in an amount not to exceed Forty-Two Thousand Dollars ($42,000.00) as authorized by Ordinance No.14-68, approved on January 20, 2015, and as authorized by the Board of Control; and

WHEREAS, it is in the best interest of the City of Fairview Park to amend the contract with Hydromax utilize additional flow monitors in connection with the work being performed by Hydromax and in consultation with the City's consultant, Black and Veatch, at an additional cost not to exceed Eleven Thousand Two Hundred Dollars ($11,200.00) .

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FAIRVIEW PARK, COUNTY OF CUYAHOGA AND STATE OF OHIO:

SECTION 1. The Mayor is hereby authorized to amend the contract with Hydromax USA, LLC, authorized pursuant to Ordinance No.14-68, to approve the use of additional flow monitors, in an amount not to exceed an additional Eleven Thousand Two Hundred Dollars ($11,200.00), the cost of which will be paid from the Sanitary Sewer Fund (510).

SECTION 2. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare and so that the additional flow monitors can be purchased immediately, and provided it receives the affirmative vote of a majority plus one of the members elected to Council, it shall take effect and be in force from immediately upon its passage and approval by the Mayor, otherwise from and after the earliest period allowed by law.

PASSED:
APPROVED:

1st reading: 05.18.15
2nd reading: 06.01.15
3rd reading:

_____
Michael P. Kilbane, President of Council

_____
Eileen Ann Patton, Mayor

_____
Liz L. Westbrooks, Clerk of Council

CITY OF FAIRVIEW PARK
ORDINANCE NO. 15-25
REQUESTED BY: MAYOR EILEEN ANN PATTON
SPONSORED BY: COUNCILWOMAN CLEARY

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT THROUGH THE STATE OF OHIO COOPERATIVE PURCHASING PROGRAM WITH BOBCAT OF CLEVELAND FOR THE PURCHASE OF A SKID-STEER LOADER AND A COMPACT EXCAVATOR FOR THE SERVICE DEPARTMENT AND DECLARING AN EMERGENCY

WHEREAS, the Service Department is in need of two new pieces of equipment for daily operations and maintenance; and

WHEREAS, a S650 T4 Bobcat Skid-Steer Loader and an E35i T4 ZTS Bobcat Compact Excavator can be purchased from Bobcat of Cleveland, 32200 Lorain Road, North Ridgeville, Ohio, an authorized vendor who offers such vehicle at a price determined by the General Services Administration for the State of Ohio.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FAIRVIEW PARK, COUNTY OF CUYAHOGA AND STATE OF OHIO:

SECTION 1. The Mayor is hereby authorized to enter into a contract with Bobcat of Cleveland, an authorized vendor who offers such vehicles to the City at a price determined by the General Services Administration for the State of Ohio, for the purchase of an S650 T4 Bobcat Skid-Steer Loader and an E35i T4 ZTS Bobcat Compact Excavator for use by the Service Department

SECTION 2. That the cost of the purchase of both the S650 T4 Bobcat Skid-Steer Loader and the E35i T4 ZTS Bobcat Compact Excavator in an amount not to exceed Eighty Thousand Dollars ($80,000.00) will be paid from the FP Sanitary Sewer Fund (510).

SECTION 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare and so that the vehicles can be available for use by the Service Department as soon as possible, and provided it receives the affirmative vote of a majority plus one of the members elected to Council, it shall take effect and be in force from immediately upon its passage and approval by the Mayor, otherwise from and after the earliest period allowed by law.

PASSED:
APPROVED:

1st reading: 05.18.15
2nd reading: 06.01.15
3rd reading:

_____
Michael P. Kilbane, President of Council

_____
Eileen Ann Patton, Mayor

_____
Liz L. Westbrooks, Clerk of Council

CITY OF FAIRVIEW PARK
ORDINANCE NO. 15-26
REQUESTED BY: MAYOR EILEEN ANN PATTON
SPONSORED BY: COUNCILWOMAN CLEARY

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT THROUGH THE STATE OF OHIO COOPERATIVE PURCHASING PROGRAM WITH VALLEY FORD TRUCK, INC. FOR THE PURCHASE OF A TRUCK WITH PLOW FOR THE SERVICE DEPARTMENT AND DECLARING AN EMERGENCY

WHEREAS, the Service Department is in need of a new truck with snow plow to day to day operations and maintenance; and

WHEREAS, a 2015 Form F-550 4x2 Regular Cab 141" Wheelbase Gas Engine Cab Chassis with snow plow attachment can be purchased from Valley Ford Truck, Inc., 5715 Canal Road, Cleveland, Ohio, an authorized vendor who offers such vehicle at a price determined by the General Services Administration for the State of Ohio.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FAIRVIEW PARK, COUNTY OF CUYAHOGA AND STATE OF OHIO:

SECTION 1. The Mayor is hereby authorized to enter into a contract with Valley Ford Truck, Inc., an authorized vendor who offers such vehicle to the City at a price determined by the General Services Administration for the State of Ohio, for the purchase of a 2015 Ford F-550 4x2 Regular Cab 141" Wheelbase Gas Engine Cab Chassis with snow plow attachment for use by the Service Department.

SECTION 2. That the cost of the purchase of the 2015 Ford F-550 4x2 Regular Cab 141" Wheelbase Gas Engine Cab Chassis with snow plow attachment, in an amount not to exceed Sixty Thousand Dollars ($60,000.00), will be paid from the Water Reimbursement Fund (500).

SECTION 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare and so that the truck can be ordered immediately and available for use by the Service Department, and provided it receives the affirmative vote of a majority plus one of the members elected to Council, it shall take effect and be in force from immediately upon its passage and approval by the Mayor, otherwise from and after the earliest period allowed by law.

PASSED:
APPROVED:

1st reading: 05.18.15
2nd reading: 06.01.15
3rd reading:

_____
Michael P. Kilbane, President of Council

_____
Eileen Ann Patton, Mayor

_____
Liz L. Westbrooks, Clerk of Council