

County Council of Cuyahoga County, Ohio

Ordinance No. O2013-0018

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| Sponsored by: County Executive FitzGerald/Department of Law and Councilmember Jones | An Ordinance enacting Chapters 507 and 508 of the Cuyahoga County Code to establish the County's performance bond and insurance requirements and repealing Sections 504.03(C)(2)(e), 504.04(D)(2)(e), and 504.16 in conformity therewith; and declaring the necessity that this Ordinance become immediately effective. |
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WHEREAS, the Department of Law's Risk Management Division has been working on developing risk management practices, including performance bond requirements, to simultaneously promote the County's interest in contracting with small businesses and protect the County against risk;

WHEREAS, it is necessary to enact legislation to deviate from the rigid performance bond requirements under state law and to provide the Law Department with the flexibility to make performance bond and insurance determinations as appropriate for each individualized case; and

WHEREAS, it is necessary that this Ordinance become immediately effective in order that critical services provided by the County can continue.

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

SECTION 1. Chapters 507 and 508 of the Cuyahoga County Code are hereby enacted as follows:

Chapter 507: Performance Bonds

Section 507.01: Performance Bond Requirements

Notwithstanding any provisions in the Ohio Revised Code, Ohio Administrative Code, or any other law or regulation to the contrary, the County, through the Director of Law, shall have the discretion to determine whether to require performance bonds, and the amounts of any such bonds, on a contract-by-contract basis, including all construction contracts.

Section 507.02 Small Business Considerations

In exercising his or her discretion on whether to require performance bonds and the amounts for such bonds, the Director of Law, through the Law Department's

Risk Management Division, shall give deference to the County's interest in contracting with small businesses without causing undue risk to the County.

Chapter 508: County's Insurance Requirements

Section 508.01: Insurance Requirements

The Director of Law, through the Law Department's Risk Management Division, shall determine the County's insurance needs and requirements, including all insurance requirements related to County contracts.

Section 508.02: Updates to County's Insurance Requirements

The Director of Law, through the Law Department's Risk Management Division, shall continually update the County's insurance requirements as necessary to protect the County's interests.

SECTION 2. Sections 504.03(C)(2)(e), 504.04(D)(2)(e), and 504.16 of the Cuyahoga County Code are hereby repealed.

SECTION 3. It is necessary that this Ordinance become immediately effective for the usual daily operation of the County, the preservation of public peace, health, or safety in the County, and any additional reasons set forth in the preamble. Provided that this Ordinance receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (1) its approval by the County Executive through signature, (2) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Cuyahoga County Charter, or (3) its passage by at least eight members of Council after disapproval pursuant to Section 3.10(7) of the Cuyahoga County Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

SECTION 4. It is found and determined that all formal actions of this Council relating to the adoption of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by _____, seconded by _____, the foregoing Ordinance was duly enacted.

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee:
Committee(s) Assigned:

Journal _____
_____, 20__