

**FILE NO. 715-2025-A**

**CLEVELAND CASINO REVENUE FUNDS**

**PROTOCOL FOR EXPENDITURES**

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## **Cleveland Casino Revenue Funds**

### **Protocol for Expenditures**

#### **A. Background on Casino Revenues**

Pursuant to Ordinance No. 1477-11, passed October 17, 2011, the Administration and City Council established that 15% of Cleveland Casino Revenues received by the City of Cleveland ("Casino Revenues") be allocated for distribution by City Council. The ordinance requires that the Casino Revenues received by the City be deposited into the City's General Fund before being allocated for distribution by City Council.

The Department of Finance has established 17 separate line items for the purpose of tracking the balance of funds for each member of Council.

The Clerk of Council or the Clerk's designee will receive a monthly report from the Department of Finance showing expenditures from the Cleveland Casino Revenues Fund to the date of the report. The Clerk or designee upon request will distribute this report to all members of Council.

This Cleveland Casino Revenues Fund Protocol for Expenditures applies only to the disposition of Casino Revenues. This Protocol shall, to the extent consistent with federal and state law and the City of Cleveland Charter, supersede any and all other conflicting City policies and procedures relating to the use of Casino Revenues.

Since the Casino Revenues are placed in the City's General Fund, these revenues become subject to all restrictions found in the Ohio Constitution, Ohio Revised Code, common law, case law, the City Charter, the Codified Ordinances and the uncodified ordinances. These authorities require that (a) the expenditure of these revenues be for a valid public purpose and (b) the decision to spend these revenues be memorialized by a duly enacted ordinance. This Protocol addresses both valid public purposes for which Casino Revenues may be used and the process by which they may be approved for expenditure. Finally, this Protocol establishes procedures by which the City may ensure that expenditures of Casino Revenues are appropriately tracked in order to determine that the public purpose requirement has been fulfilled.

#### **B. Public Purpose Compliance in General**

Government entities may not make expenditures of public monies unless they are for a valid public purpose. While there is no established definition for "public purpose," courts have announced principles for a given expenditure to satisfy the public-purpose requirement:

1. The goal to be achieved or promoted by the expenditure must be reasonably related to the operation of municipal government;

2. The primary purpose of the expenditure must be to promote either the health, safety, morals, or general welfare of all the municipality's residents;
3. The expenditure must confer a direct benefit of a reasonably general character to a significant part of the public, as opposed to a remote or theoretical benefit; and
4. Any private benefit that may result from the expenditure must be incidental to the public benefit and not the primary result.

The Ohio Auditor of State oversees compliance with the public-purpose requirement. If the Auditor determines that a given use or expenditure is not for a public purpose, the Auditor may report noncompliance against the City and issue a finding for recovery. Findings for recovery are often issued against both the person or entity that received the funds and the government official that authorized their expenditure. If the Auditor issues a finding for recovery, the Law Director must first seek to recover the funds from their recipient. Failing that, ordinarily the Law Director is expected to bring suit to recover the funds. As a last resort, the state may step in to recover the funds from any public officer who took part in the wrongful payment of funds.

In establishing this Protocol, City Council therefore recognizes that it is necessary to articulate valid public purposes for the expenditure of Casino Revenues. Under the prevailing law on public-purpose expenditures, Council may do so both by following this Protocol, which helps to identify legitimate public purposes for the use of Casino Revenues and to ensure they are put to the use for which they are intended; and by further placing the public purpose into each piece of legislation authorizing the use of Casino Revenues.

### **C. Process: Project Proposal Packages and Legislation**

Proposals by Council members who express an intent to fund projects with Casino Revenues in order to support a municipal activity, program, or project must follow these specific steps:

1. The Council member will provide his or her intent in writing to provide funding for a particular project that is being done by an applicant and submit it to the City Council Policy and Research staff. This step will be satisfied with the completion of a short-form proposal (in the form attached, which may be amended from time to time) containing a detailed scope of work, benchmark activities, time of performance, and method of payment.
2. The short-form proposal will include a budget section to denote sources and uses of funds that the applicant needs in order to complete the project.
3. Once the applicant completes that short-form proposal for funding, the document must be submitted to the Council Policy and Research staff who will then review the document to make sure it is properly completed before undergoing further review by the Law Department.
4. A member from the Council Policy and Research staff will first review the proposal for

eligibility based on the outlined eligible uses, which are identified below and may also be identified in other established City code and policy. Council Policy and Research staff will work in concert with an attorney from the Law Department to further review the proposal for legal issues with the proposed use of funds and the appropriate department to approve the applicant and confirm that the costs are reasonable.

5. If upon review the proposal for the proposed use of Casino Revenues is found to be eligible, the attorney and designated reviewer from the appropriate department will initial and date the cover page of the proposal document showing that the proposal has been approved.
6. Council staff will have the Council member sign an authorization form and submit the form to the Finance Department and prepare the necessary legislation for introduction and passage at the next City Council meeting. Each such piece of legislation must do all the following:
  - (a) Identify the specific public purpose or purposes that the proposed use would promote and how the use promotes the public purpose and is not designed to benefit solely private interests (for instance, “Whereas, the rehabilitation of parking lots that may be used by the citizens of the city is a valid public purpose for municipal expenditures and fulfills the City’s mission to improve the quality of life, strengthen neighborhoods and make Cleveland a desirable, safe city in which to live, work, raise a family, shop, study, play, grow old and do business by reducing hazards and nuisance conditions and such rehabilitation is not designed to benefit solely private interests”); and
  - (b) Identify the funding source and project number.
7. After the legislation is passed, the Council staff will submit it to the appropriate department along with the proposal and a copy of the signed authorization form from the respective Council member authorizing the funding for this project.
8. The Council staff will work with the appropriate department to ensure that the necessary contract is drafted and completed as soon as practicable.

#### **D. Eligible Expenditures of Casino Revenues**

Projects eligible for funding must be evidenced by a clear public purpose that will benefit the City, Cleveland residents, Cleveland businesses, or neighborhoods that are being served. Assuming there is an articulated and recognized legitimate public purpose comporting with proper financial accountability procedures and which otherwise comply with federal and state law and the City Charter, the Casino Revenues may be used for the following expenditures, in addition to any other expenditures established in City code and policy:

##### ***Municipal Activities***

1. Constructing, renovating, and resurfacing and rehabilitating streets, sidewalks, curbs, and public parking lots

2. Constructing, renovating, and rehabilitating public parks, public playgrounds, and other public recreational facilities
3. Tree removal and planting and other forestry services on public property
4. Landscaping services
5. Neighborhood beautification including beautification of public sidewalks and streets
6. Capital improvement (interior and exterior) of publicly-owned buildings
7. Vacant public lot cleanup
8. Enhancements in information technology and video surveillance technology
9. Public parking lot improvement
10. Other general public infrastructure improvements

***Housing, Home Repair and Economic Development Projects and Programs***

1. Housing rehabilitation and renovation of residential structures with the intent to maintain and provide housing for city residents
2. New housing construction for the public purpose of providing residential housing for city residents
3. Acquisition of property or structures for residential use purposes such as single or multi-family use dwelling for city residents
4. Home repair programs and services to assist city residents in covering costs for home repair for housing-related purposes, including but not limited to:
  - (a) Roof repairs
  - (b) Gutter and downspout improvements
  - (c) Chimney repair
  - (d) Doors
  - (e) Windows
  - (f) Porches, railings, and fencing
  - (g) Driveways
  - (h) Exterior painting, siding, window replacement, garage repair, and exterior lighting

- (i) Interior repairs that include plumbing, heating and cooling, electrical, and hot water tank replacement

- 5. Code enforcement
- 6. Residential and commercial demolition and remediation
- 7. Programs, activities, and services to support the unhoused population
- 8. Physical exterior or interior improvements to a facility in which businesses are operating

***Health and Wellness Projects and Programs***

- 1. Health and wellness programs, activities, and services
- 2. Social services programming, activities, and services
- 3. Senior and adult services, activities, and programs
- 4. Food cards
- 5. Congregate meals
- 6. Food distribution

***Other Projects and Programs***

- 1. Youth programming, activities, and services
- 2. Clothing, uniforms, footwear, merchandise, and team apparel
- 3. Recreational programming, activities, and services
- 4. Food catering services
- 5. Direct costs related to operational support for community festivals, expos, fairs, seminars, tournaments, showcases, and the like
- 6. Community engagement programs, activities, and services
- 7. Violence prevention and intervention
- 8. Afterschool, out of school, in-school-break programming, activities, and services
- 9. Transportation (with demonstrated sufficient liability insurance)
- 10. College tours
- 11. Vacant lot maintenance

12. Marketing and communications services and materials
13. Nonprofit and community development corporation programs
14. Security services
15. Tree removal, tree trimming, yard maintenance, and other similar services provided to eligible City recipients

## **E. Implementation and Accountability Measures**

### ***Accountability***

Among the bases for a finding for recovery by the Auditor of State is a failure to account for how public funds are spent once they are disbursed. This is because the public-purpose requirement demands that the funds expended actually go towards promoting the public purpose intended by the authorizing legislation. If the manner in which all or some of the funds expended is not accounted for, the unaccounted-for funds cannot be said to have been used to promote a public purpose. This is of particular concern for funds disbursed upfront, as opposed to on a reimbursement basis.

Any upfront disbursement of Casino Revenues should therefore be portioned out in stages, with partial disbursement at each subsequent stage conditioned upon production of adequate documentation of costs, complete written receipts, and proof of work performed on the project as defined in the applicable agreement or contract. Where staging would be impracticable because of the small dollar amount of the upfront disbursement, the disbursement should be conditioned upon the recipient supplying the same information, as defined in the applicable contract or agreement, but within 90 days of disbursement. Similarly, disbursements made on a reimbursement basis should be conditioned upon compliance with the applicable contract terms governing reporting performance, accounting, and financial controls.

This Protocol governs both general and project-specific standard contract terms and provides additional accountability measures for specific types of projects.

### ***Contract Terms (Generally)***

1. Funding using Casino Revenues must be for expenditures for public purposes that have been incurred during the contract term. Expenditures incurred before the authorizing legislation is approved unless the funds have been pre-encumbered and the legislation references the dates of service, or the contract term commences are not eligible for reimbursement (that is, no retroactive reimbursements are permitted). This is because such expenditures would be subject to very serious risk of findings for recovery against both the recipient and the municipal official approving of the expenditure.
2. New contracts will be needed with recipients of Casino Revenues for a specific set of measurable results.



3. Casino Revenues cannot be comingled with federal (e.g., CDBG) funds for the same project.
4. Contracts with agencies should ensure that the agencies have (a) incorporated as nonprofit entities with the State of Ohio; (b) provided a current statement of continued existence and certificate of good standing from the Ohio Secretary of State; and (c) maintained 501(C)(3) nonprofit status with the U.S. Department of Treasury.
5. Unless approved by the contracting department, contracts should not be less than \$5,000. Contracts must still adhere to the City Charter and Codified Ordinances, as well as the City's policies and procedures, in the contracting process.
6. When Casino Revenues are to be awarded on a reimbursement basis, the reimbursement amount must be for amounts \$10,000 and above. The contract shall provide that copies of complete written receipts and canceled checks or evidence of non-cash payments must be provided in all cases of disbursement and must be submitted within 90 days of each expenditure. (Cash expenditures are ineligible and will not be reimbursed.)
7. When Casino Revenues are to be awarded in amounts below \$10,000, upfront payments may be made after the legislation is approved, the contract has been executed and an invoice has been received by the City. The contract shall provide that the entity receiving Casino Revenues must submit subsequent proof of payment within 90 days.
8. Each agency, organization or contractor receiving Casino Revenues will be required to comply with a reporting system for performance, which includes program metrics such as service units delivered monthly and year-to-date and demographic information on all persons served, if applicable.
9. The term for a contract shall not exceed a 12-month period. The contract may, however, be amended for a period of up to an additional 12 months. If Casino Revenues under contract are not completely expended at the time performance is complete, the contract will be decertified and any funds remaining must be returned to the ward-specific account balance for Casino Revenues.
10. Total contract costs can include the direct costs for the activity only. Allowable costs include (a) compensation of employees; (b) costs of materials and supplies acquired, consumed, or expended specifically for the purpose of the contract; and (c) other items of expense incurred specifically to carry out the contract.
11. Casino Revenues may not be used for the payment of back taxes, bad debts, the abatement of city code violations, or for any political activities or other activities that further the election or defeat of any candidate for public office or the passage or defeat of a ballot question.
12. Each agency, organization, or contractor receiving Casino Revenues will be required to establish and maintain a standard accounting system and effective financial controls as specified in the terms and conditions of the contract, and must conform to generally

accepted accounting principles and City audit standards.

13. The City must reserve the right to review all financial and performance records of the agency, organization, or contractor seeking to receive or having received Casino Revenues prior to, during, or after execution of the contract.
14. There can be no conflict of interest in securing, executing or administering the contract that may violate the Ohio Revised Code. No employee, agent, consultant, officer or elected official of the City or agency that administers these activities who exercises or has exercised any functions or responsibilities under the contract or who is in a position to participate in the decision-making process or gain inside information may obtain a personal or financial interest of benefit from that contract. They may not have an interest in any contract, subcontract or agreement with respect to those activities or receive any proceeds from them, either for themselves or those with whom they have family or business ties, during their tenure or for one year thereafter. Each agency, organization or contractor that receives Casino Revenues must take appropriate steps to assure compliance with these prohibitions.
15. Each agency, organization or contractor that receives Casino Revenues must comply with all applicable City ordinances related to equal opportunity.

### ***Non-Retroactivity***

The determination of what constitutes a “public purpose” for which a municipality may expend money is a legislative function. As a result, that decision must comply with the procedural requirements governing the exercise of legislative power: (a) the decision must be memorialized by a duly enacted ordinance; and (b) the decision must have prospective effect only (unless funds are pre-encumbered and the dates of services are referenced in the ordinance). This means that Casino Revenue Funds cannot be used to pay for expenses incurred on projects prior to the enactment of an ordinance determining that the project constitutes a public purpose.

### ***Special Program Rules for Housing Projects***

Casino Revenues may be used to fund housing projects that provide benefits to individuals and families. Housing projects are those that result in the provision of affordable and market-rate housing to citizens of the city.

Whenever Casino Revenues are used for housing-related activities or projects, state law requires that the proposal be submitted to the City’s Housing Advisory Board for review. The following steps must be followed whenever a proposal is submitted for a housing-related project:

1. Once Council staff receives the proposal, Community Development will be notified that a proposal for housing-related activities has been submitted for funding.
2. Council staff will provide to Community Development a copy of the actual proposal that

has been submitted.

3. Community Development will make copies of the proposal for the project and make them available to the Housing Advisory Board members for review during the next board meeting.
4. Community Development will schedule a meeting of the Housing Advisory Board where the proposal would be included on the agenda for the Board's review.
5. Once the Housing Advisory Board reviews the proposal, the legislation would include specific language pertaining to the Housing Advisory Board reviewing the proposal, and the legislation would be presented at the next scheduled City Council meeting for introduction, passage and approval. Notwithstanding the foregoing, the legislation may be introduced and heard prior to the Housing Advisory Board reviewing the proposal. Specific language pertaining to the Housing Advisory Board's review will be added prior to final passage by Council.

### ***Special Program Rules for Home Repair Programs and Services***

Casino Revenues may be used to support home repair programs designed to assist senior citizens and low- and moderate-income families and individuals with the cost of repairs for their personal dwelling. To the extent they may rely on Casino Revenues, these programs shall be structured in the following way:

1. A home repair program must consist of a grant or rebate that will be provided to the homeowner to help defray the cost for home repairs on a residential dwelling.
2. As it relates to the expenditure of Casino Revenues, the program should be set up on a first-come, first-served basis.
3. The grant or rebate that is provided will be capped at a maximum amount.
4. Home repairs and related services may be carried out by the Community Development Department, a community development corporation, or any third-party agency, organization or contractor.
5. A home repair program shall be administered by the Community Development Department and must comply with any additional guidelines established by the Community Development Director or the Director's designee.
6. Rebates may be used in conjunction with the City's Free Paint Program and any other repair programs funded by the City or its partners. Recipients must demonstrate that any permitted work has received permits from the City. No rebate will be provided for any repairs in the public right of way such as sidewalks, curbs, gutters, tree lawns and trees.

### ***Special Program Rules for Economic Development Projects***

Casino Revenues may be used to fund economic development projects in the City that assist local area businesses. Any business receiving any form of assistance greater than \$50,000 for the purposes of expanding employees will in most cases be obligated to create one full-time job for every \$50,000 of City assistance for a period of at least one year. Any use of Casino Revenues to fund economic development projects in any amount less than \$50,000 may in certain cases be exempt from a job-creation obligation but must clearly be supported by a public purpose pursuant to this Protocol.

### ***Special Program Rules for Municipal Capital and Public-Improvement Projects***

Casino Revenues may be used to fund projects that are being performed by the City and that involve capital expenditures and public improvements. When public improvement projects are proposed, Casino Revenues may be directly allocated to that project through an interdepartmental transfer to the appropriate department, without any authorizing legislation. However, the following steps should be taken when these types of arrangements are being made in regard to a public improvement project:

1. In addition to or as part of the short-form proposal described above, the Council member should provide a letter or memo to the appropriate department stating the intent to provide Casino Revenues for a specific public improvement project to be completed in the Council member's ward. The memo should include the following information:
  - (a) The specific public improvement project for which the Council member wishes to provide funding.
  - (b) The total amount of Casino Revenue that will be allocated toward the specific project.
  - (c) Specific work that will be covered by the Casino Revenues for the specific project.
2. The Department Director must provide the Council member with a written estimate of the total cost of the specific public improvement project that the Council person wishes to fund, and the actual costs once the project is completed.
3. The Council person will sign the Casino Revenues fund authorization form that authorizes the funding and submit it to the appropriate department to cover or defray costs for the project from the Council person's ward-specific Casino Revenues account. The signed authorization form shall then be delivered to the Department of Finance by Council Policy and Research staff in order that the project be assigned a project number.
4. The appropriate department will prepare and submit the necessary legislation for the public improvement project containing the sub-fund or account numbers for Casino Revenues that are being used for this project.

Department Approval / Date

Legal Approval / Date

**CITY OF CLEVELAND**  
**Casino Revenue Fund Application**  
**Request for Funding**

1. DATE SUBMITTED TO CLEVELAND CITY COUNCIL: \_\_\_\_\_, 2025
2. APPLICANT ORGANIZATION (legal name): \_\_\_\_\_
3. NAME OF PROJECT: \_\_\_\_\_
4. AMOUNT REQUESTED: \$ \_\_\_\_\_
5. WARD(S) FROM WHICH FUNDS ARE BEING APPLIED FOR: \_\_\_\_\_
6. PROJECTED DATES/TIMELINE FOR PROGRAM: \_\_\_\_\_ THRU \_\_\_\_\_

**PLEASE NOTE:**

**No funds can be expended nor costs incurred prior to contract certification/authorization. The contract must be signed by the authorized department representative, the applicant's Executive Director and Board President, funds certified and approved by the City's Department of Finance, and the entire contract reviewed and approved by the Department of Law. NO EXCEPTIONS! There is a minimum \$5,000 required budget.**

TAXPAYER IDENTIFICATION NUMBER: \_\_\_\_\_

APPLICANT IS ORGANIZED AS: (please circle one)      **FOR PROFIT**      **NON-PROFIT**

STREET ADDRESS: \_\_\_\_\_

CITY/STATE/ZIP: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_ EMAIL: \_\_\_\_\_

CONTACT PERSON: \_\_\_\_\_ TITLE: \_\_\_\_\_

PERSON AUTHORIZED TO SIGN CONTRACT AND TITLE: \_\_\_\_\_

**7. PUBLIC PURPOSE: LIVING WAGE LAW APPLICABILITY**

Please answer yes or no to the following questions:

- Does applicant have 50 or more employees?
- If the request is approved, will applicant have active contracts with the City of Cleveland that total \$70,000 or more?

*If you answered "yes" to both of these questions, your proposed activity may be subject to the City of Cleveland's Living Wage Law.*

**CITY OF CLEVELAND**  
**Casino Revenue Fund Application**  
**Page 2**

**ACTIVITY DESCRIPTION**

***Purpose of Grant:***

**Social service programming** ☐

**Public Improvement** ☐

**Housing Construction/ Rehab** ☐

**Recreational programming** ☐

- A. Please describe the *scope of services that you intend to provide the residents of the City of Cleveland.***  
(Example: Provide afterschool tutoring in mathematics and reading for students in grades 6 through 8; provide nutritious lunches to senior citizens; provide housing rehabilitation grants up to \$5,000 to correct exterior code violations.) ***Please make sure that the scope of activities includes the following items: description of program, targeted population that will be served, dates and times program will take place.***

- B. How long has this program been provided *or is this a first time program?***

- C. Describe the specific problem that your activity will address:**

- Problem definition:**

- Data sources used to identify problem:**

- *How will the program address the problem?*

**D. Describe the service area for your proposed activity:**

- *Neighborhood area within the city of Cleveland where the activity will take place*

**E. Describe *what the public purpose is for this project and who will benefit* from it?**

**F. Indicate the planned number of persons to be served:      Monthly\_\_\_\_\_ Yearly\_\_\_\_\_**

- **How will you track or verify the number of people served in this program?**

**G. What data will you collect to determine this number?**

**H. Indicate the planned number of service units (i.e., # of hours; # of days; # of contracts; etc.)**

**I. Define how you will determine whether your activity has addressed the problem(s) identified and how its success will be measured:**

**J. List the specific outcomes that will be obtained by the participants/recipients as a result of this program?**

- *How will this be measured?*

- *What data will be collected?*

**K. Has your organization received previous funding for this project? \_\_\_\_\_ If yes, number years? \_\_\_\_\_**

**L. Has your organization defaulted or been found non-compliant on any City of Cleveland grant, loan, or other contract?**

**M. Is your organization currently compliant and up to date in ALL current or inactive contracts, reporting, and / or funding withdrawals with the City of Cleveland?**

## **8. BUDGET**

**Complete the attached budget sheet in full detail. Include all funding related to the proposed program, not just the casino revenue funds requested in this application. Please include a REQUIRED (1) page narrative describing each expenditure.**

**If the Casino Revenue Fund Program proposal is for a physical improvement project only, you do not have to complete the attached budget sheets. However, you must provide an itemized listing of total anticipated costs for all repairs or improvements to be made, attaching copies of any available specifications or contractor estimates and a list of all other sources of funds that will be utilized to complete the project.**

**A one page budget narrative is required.\*\***



## 9. OTHER REQUIRED DOCUMENTS

If the applicant does not have a current contract with the City of Cleveland, please provide one copy of each of the following documents with the Casino Revenue Fund Program.

1. Articles of Incorporation
2. Bylaws and/or Constitution
3. Current List of Board Members and name of Board President or Chairperson.
4. Board Resolution authorizing the applicant to make this application to the City of Cleveland and to enter into contract for CRF funds.
5. Most recent audit report (audited financial statement, if available).
6. Certificate of Compliance with Ohio Workers Compensation Law for any employee involved in CRF funded activities.
7. Certified and Current Letter of Good Standing/Continued Existence from the Ohio Secretary of State.
8. If applicant is a nonprofit agency:
  - Internal Revenue Service (IRS) 501(c) (3) tax exempt status documentation.

### **SIGNATURES REQUIRED:**

Program Service Organization

<hr/> <b>Board Chairperson</b>	<hr/> <b>Date</b>	<hr/> <b>Executive Director</b>	<hr/> <b>Date</b>
<hr/>			
<hr/> <b>Printed Name</b>		<hr/> <b>Printed Name</b>	
<hr/>			
<hr/> <b>Email</b>		<hr/> <b>Email</b>	

### **Fiscal Agent (if required)**

<hr/> <b>Board Chairperson</b>	<hr/> <b>Date</b>	<hr/> <b>Executive Director</b>	<hr/> <b>Date</b>
<hr/>			
<hr/> <b>Printed Name</b>		<hr/> <b>Printed Name</b>	
<hr/>			
<hr/> <b>Email</b>		<hr/> <b>Email</b>	

## **Compliance Rules and Regulations**

**Authorization to Proceed:** If funding is awarded, no funds can be expended, costs incurred (personnel hired, materials ordered, etc.), or work performed before the date your contract is completed, signed, certified, authorized and dispatched by the City. **Please Note: Expenses incurred before this date cannot be paid by the City.**

## **EQUAL EMPLOYMENT OPPORTUNITY**

Employment of staff and personnel by the agency is subject to the Equal Employment Opportunity Ordinance of the City of Cleveland, and related regulations. The agency must post in a conspicuous place all solicitations for employment, and/or advertise for employment in a citywide publication of common circulation, affording all interested parties opportunity to be aware of the position and to submit an application. All solicitations or advertisements must state the agency as an Equal Opportunity Employer. A copy of the solicitation or advertisement, and the dates and locations published, must be submitted to the City along with a copy of the job description.

All funded agencies must comply with the provisions of the City of Cleveland Fair Employment Wage Law, Chapter 189 of the Cleveland Codified Ordinances. This law requires that, unless the specific exemptions apply, Covered Employers as defined by the law must pay the Fair Employment Wage to Covered Employees under contracts with the City of Cleveland. Consultation with the Department at the time that the contract is prepared will determine whether your agency falls within the requirements of this provision.

## **EMPLOYMENT DISCRIMINATION PROHIBITED**

The agency shall not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, age, sexual orientation, disability, ethnic group, or Vietnam-era disabled veteran status. The agency must take affirmative action to insure that applicants are employed and that employees are treated without regard to race, religion, color, sex, national origin, age, sexual orientation, disability, ethnic group, or Vietnam-era disabled veteran status. "Treated" means and includes recruitment, whether by advertising or other means; compensation, whether in the form of rates of pay or other forms of compensation; selection for training, including apprenticeship; promotion; upgrade; demotion; downgrade; transfer; layoff or termination.

## **CONFLICT OF INTEREST**

No employee, agent, consultant, officer, or elected or appointed official of the City or agency who exercises or has exercised any functions or responsibilities with respect to the contract's Scope of Services or any activities in any way connected with a contract between the City and the agency, or who is in a position to participate in any decision-making process or gain inside information with regard to such activities or Scope of Services, have a financial interest in any contract, subcontract or agreement with respect thereto, or the proceeds thereunder, either for themselves or those with whom they have business or immediate family ties during their tenure or for one year thereafter. The agency shall take appropriate steps to insure compliance, and shall include with its proposal under the RFP a statement signed by the Executive Director and **all** board members stating they are aware of these restrictions and agree to comply.

## **DESIGN REVIEW, ZONING & BUILDING PERMITS**

Physical Improvement projects funded by the Casino Revenue Fund Program are also bound by City regulations regarding design review. Project designs must be reviewed and approved by Community Development staff, and possibly a local Design Review Committee, City Planning Commission or Landmarks Commission. In all cases, projects must comply with City regulations regarding zoning,

building permits, building standards, health and licensing requirements, etc. Please be certain to obtain all required building permits and call for inspections at the appropriate times. If your project does not meet zoning code, the appeals process is triggered by rejection of your formal application to Building & Housing for a permit. A hearing and decision by the Board of Zoning Appeals generally takes about 5-7 weeks.

## CONTRACT PROCEDURES & DRAW REQUESTS

- Casino Revenue Fund contracts pay project costs on a ***reimbursement basis***. This means you submit your draw requests *after* you have paid for items covered in your approved contractual budget. For physical improvement projects, the City pays when costs are incurred. You will need to include detailed invoices and/or canceled checks from the vendors providing services, material or equipment to you. (All canceled checks must be made available by your Agency for review by your assigned financial analyst prior to contract completion.)
- Disbursement Request Forms will be provided to you. It generally takes 30 working days from the date of receipt by the City of the draw request and all correct and complete documentation to issue payment.
- Incomplete or improperly prepared draw requests will result in payment delays. Payments are made in the form of checks mailed to the address provided by your agency on Page 1 of the proposal.
- Contracts for physical improvements customarily include a 10% retainage. In most cases, this retainage is held by the City until all required documents are submitted, all permits are satisfactorily closed, all regulatory requirements have been met, and any other required proof of successful project completion is in hand. For example, the City would disburse up to \$9,000 on a \$10,000 contract. The final \$1,000 would be held until all outstanding requirements are met.

## COMPETITIVE BIDDING POLICIES

The following standards are **required** when Casino Revenue funds are granted to a third party agency, which then either: a.) enters into a contractual agreement for services **not** provided by staff employed by that agency; or b.) purchases property, equipment or goods and services whose cost is in excess of \$500.00.

### A. CONSULTANTS/PROFESSIONAL SERVICES CONTRACTUAL AGREEMENT

When an agency is supplementing its regularly employed staff in order to obtain consulting and professional services with federal/City funds granted by the Department, the agency must issue a Request for Proposals (RFP) to qualified consultants, professionals, or others.

**Prior to awarding the contract**, the agency must submit to the City:

- A copy of the Request for Proposal (RFP);
- A listing of the consultants solicited for the requested services;
- A list of the proposals received and the bid amount;
- Designation of the firm that is being recommended for the award, along with the reasons for that recommendation.

No contract can be entered into until the City has approved the proposal, the recommendation for award, and the contract between the agency and the consultant.

The contract between the agency and the consultant must contain, at a minimum, the following requirements:

1. The agency and the consultant must comply with all the terms and conditions of the contract between the City and the agency, including compliance with all federal, state and local laws, rules and regulations.
2. The consultant must comply with the Equal Employment Opportunity Ordinance Section 187.01-187.22 of the Codified Ordinances of the City of Cleveland.
3. The consultant must follow the timeline indicated in the contract between the City and the agency that awards funds for this activity.
4. The consultant must provide a final written report/study in a form acceptable by the City upon its completion. Final payment cannot be made to the consultant by the agency until the services have been completed and the final report has been received and approved by the City.
5. All other requirements that the City determines are necessary and appropriate and has identified to the agency and/or developer must be followed.

Prior to any disbursement of funds to the agency by the City for the consultant activity, the City must be provided with all of the items detailed above, along with a fully executed contract between the agency and the consultant which has been approved by the contracting department of the City of Cleveland. Final disbursement shall not be made until the City has received the report/study from the agency in a form acceptable to the City.

#### **B. PURCHASE OF PROPERTY, EQUIPMENT, OR GOODS AND SERVICES**

- When an agency purchases property, equipment, goods or services with Federal/City funds that are in excess of \$500.00, the agency must obtain at least three bids and provide copies of those bids along with its recommendation of award to the City for approval. Once the request is approved by the City, the agency may proceed with the purchase.
- Written receipts must be submitted to the City within 30 days of the date of the purchase for reimbursement.
- For eligible equipment that has a useful life of greater than one year, the agency must maintain it according to the requirements of the City's Equipment Policy.
- If agency does not continue program in succeeding years, the equipment purchased with federal funds must be returned to the City.

**Please note: Other regulations may apply, depending upon your project.**

**You cannot charge for service or promote a business's profit.**

Cleveland City Council  
Casino Fund Budget Form

(Agency Name)						
(Project Name)					Address:	Budget Request Amount: \$
		Contract length    #    weeks	Start date:	End date:		
			Total Project Budget Amount	City Council requested amount	Amount from Other Funding Source	Other Source of Funding
Staffing Costs						
a Position Title						
b (#hrs allocated to this project x \$/hr) (length of time) (annual wages)						
	1a					
	b					
	2a					
	b					
	3a					
	b					
	4a					
	b					
Total Staffing Costs			\$ -	\$ -	\$ -	
Program Materials Costs (# items @ \$ cost)						
	1					
	2					
	3					
	4					
	5					
Total Program Materials Costs			\$ -	\$ -	\$ -	
Contractual (Professional Services)						
a Name of Service Provider						
b (rate of pay) (length of service)						
	1a					
	b					
	2a					
	b					
	3a					
	b					
	4a					
	b					
Total Contractual Service Costs			\$ -	\$ -	\$ -	
Program Marketing and Documentation Costs						
	1					
	2					
	3					
Total Marketing Costs			\$ -	\$ -	\$ -	
Miscellaneous						
	1					
	2					
	3					
	4					
	5					
Total Miscellaneous Costs			\$ -	\$ -	\$ -	
TOTAL BUDGET ESTIMATE			\$ -	\$ -	\$ -	
TOTAL ESTIMATED MONTHLY EXPENDITURE						
SIGNATURES						
PREPARED BY:*			TITLE:	DATE:		
APPROVED BY: AGENCY DIRECTOR*			TITLE:	DATE:		

\*applicant signatures are REQUIRED  
\*\*additional (1) page budget narrative is REQUIRED