

ORDINANCE NO.

BY:

AN EMERGENCY ORDINANCE to object to the Cleveland Clinic Foundation's proposed elimination of inpatient pediatric and trauma services at Lakewood Hospital pursuant to the Amended and Restated Lease between the City and the Lakewood Hospital Association dated December 23, 1996.

WHEREAS, the City is the lessor and the Lakewood Hospital Association the lessee under a lease agreement titled the Amended and Restated Lease and dated December 23, 1996; and

WHEREAS, the Cleveland Clinic Foundation is the sole member of the Lakewood Hospital Association; and

WHEREAS, under the lease, the Lakewood Hospital Association leases the real and personal property of Lakewood Hospital from the City; and

WHEREAS, under the lease, the City has certain oversight of primary services the Cleveland Clinic must provide at Lakewood Hospital; and

WHEREAS, the Cleveland Clinic and the City have created and invested in a forward-thinking, exemplary partnership over the lifetime of the lease, which has yielded countless benefits to the citizens of Lakewood, Lakewood Hospital's patients and staff, and the Cleveland Clinic; and

WHEREAS, on April 6, 2010, representatives of the Cleveland Clinic, on behalf of the Lakewood Hospital Association and pursuant to the lease, notified the City of the Cleveland Clinic's intention to eliminate inpatient pediatric and trauma services at Lakewood Hospital under what has become known as the Vision for Tomorrow plan; and

WHEREAS, the letter of April 6, 2010, pursuant to Section 9.16 of the lease, triggered a period of sixty (60) days within which the City may either reject the proposed elimination of services, in which case the Cleveland Clinic must still provide those services, or do nothing, in which case the elimination of services may occur; and

WHEREAS, in the Vision for Tomorrow plan, the Cleveland Clinic has proposed not only eliminating services at Lakewood Hospital but also introducing and augmenting four "Centers of Excellence" at the hospital — geriatrics, orthopedics, neurological ser-

vices and diabetes/endocrinology — as well as enhancing the hospital's physical and occupational rehabilitation services; and

WHEREAS, the Vision for Tomorrow plan presents a significant shift in the focus of Lakewood Hospital within the context of a dynamic health care industry; and

WHEREAS, the City — having heard from many residents, physicians, community leaders, hospital board members and Cleveland Clinic employees and administrators both before April 6, 2010 and afterward — supports the strategy advanced by the Vision for Tomorrow plan; and

WHEREAS, despite the City's overarching support for the Vision for Tomorrow plan, the City must concern itself, as the lessor under the lease, with ensuring the citizens of Lakewood are given the opportunity to be heard in the event the Cleveland Clinic should, at any point during the term of the lease, withdraw the additional and augmented services to be provided under the Vision for Tomorrow plan — central as those services would become to the community-owned institution; and

WHEREAS, the Cleveland Clinic has not given the City any written assurance that those services to be provided under the Vision for Tomorrow plan will be provided for the duration of the lease; and

WHEREAS, absent such an assurance, the Cleveland Clinic has refused to acknowledge the right of the citizens of Lakewood to be heard as the lessor to the lease in the event those services to be provided under the Vision for Tomorrow Plan were to be discontinued during the term of the lease, despite the City's request for such a review process; and

WHEREAS, the City is now forced against its wishes to reject the proposed alteration of services at Lakewood Hospital until such time as the Cleveland Clinic agrees to provide such a review process; and

WHEREAS, the protection of the health and safety of the residents of the City is of primary concern to this Council, notwithstanding the mutually beneficial and important relationship the City has had and will continue to have with the Cleveland Clinic and the Lakewood Hospital Association; and

WHEREAS, this Council by a vote of at least five (5) members elected thereto determines that this ordinance is an emergency measure, and that this ordinance shall take effect at the earliest date possible as set forth in ARTICLE III, SECTIONS 10 and 13 of the SECOND AMENDED CHARTER OF THE CITY OF LAKEWOOD, and that it is necessary for the immediate preservation of the public property, health and safety, and to timely safeguard the City's rights under the lease; now, therefore,

BE IT ORDAINED BY THE CITY OF LAKEWOOD, STATE OF OHIO:

Section 1. That pursuant to Section 9.16 of the Amended and Restated Lease between the City, as lessor, and the Lakewood Hospital Association, as lessee, dated December 23, 2006, the City hereby objects to the elimination of inpatient pediatric and trauma services as proposed to the City by representatives of the Cleveland Clinic Foundation and the Lakewood Hospital Association on or about April 6, 2010, and directs that those services be provided at the hospital until such time as the Cleveland Clinic and the City can come to a satisfactory agreement with regard to the matters referenced in the preamble.

Section 2. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all such 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 3. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the protection of the City's legal rights for the reasons set forth and defined in the preamble to this ordinance, and provided it receives the affirmative vote of at least five (5) of its members elected to Council, this ordinance shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor otherwise, it shall take effect and be in force after the earliest period allowed by law.

Section 4. That the Clerk of Council and Director of Law be and hereby are directed to ensure that formal notice of this ordinance, as may be required, be made upon the parties to that certain Amended and Restated Lease dated December 23, 1996, between the Lakewood Hospital Association and the City.

Adopted: _____

PRESIDENT

CLERK

Approved: _____

MAYOR