



AGENDA
CUYAHOGA COUNTY HUMAN RESOURCES, APPOINTMENTS & EQUITY
COMMITTEE MEETING
TUESDAY, APRIL 20, 2021
CUYAHOGA COUNTY ADMINISTRATIVE HEADQUARTERS
C. ELLEN CONNALLY COUNCIL CHAMBERS – 4TH FLOOR
10:00 AM

***Due to the COVID-19 pandemic, the Cuyahoga County Administration Building is closed for public meetings at this time. As this meeting is being conducted remotely, in accordance with HB 197, interested persons may access the meeting via livestream by using the following link:**
<https://www.youtube.com/CuyahogaCounty>

****Public comment for this meeting may be submitted in writing via email to the Assistant Deputy Clerk of Council at arjohnson@cuyahogacounty.us no later than 9:00 a.m. on Tuesday, April 20, 2021**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PUBLIC COMMENT**
- 4. APPROVAL OF MINUTES FROM THE MARCH 30, 2021 MEETING**
- 5. MATTERS REFERRED TO COMMITTEE**
 - a) R2021-0099: A Resolution confirming the County Executive's re-appointment of Gary Hanson to serve on the Cuyahoga Arts and Culture Board of Trustees for the term 4/1/2021 – 3/31/2024; and declaring the necessity that this Resolution become immediately effective.
 - b) R2021-0100: A Resolution confirming the County Executive's appointment of various individuals to serve on the Cuyahoga County Community Improvement Corporation Board of Trustees for various

terms; and declaring the necessity that this Resolution become immediately effective:

- i) Jeff Bechtel for the term 1/2/2020 – 1/1/2023
 - ii) Michael Chambers for the term 10/16/2020 – 10/15/2023
 - iii) Susan Infeld for the term 1/2/2021 – 1/1/2024
 - iv) Michele Pomerantz for the term 2/1/2021 – 1/31/2024
- c) R2021-0101: A Resolution confirming the County Executive’s appointment of Alaina McCruel to serve on the Cuyahoga County Board of Developmental Disabilities for the term 5/1/2021 – 4/30/2025; and declaring the necessity that this Resolution become immediately effective.
- d) R2021-0102: A Resolution confirming the County Executive’s appointment of Fernando Mack to serve on the Cuyahoga County Public Defender Commission for the term 5/1/2021 – 4/30/2025; and declaring the necessity that this Resolution become immediately effective.
- e) R2021-0103: A Resolution confirming the County Executive’s appointment of Roberta Duarte to serve on the Greater Cleveland Regional Transit Authority Board of Trustees for the term 5/1/2021 – 4/30/2024; and declaring the necessity that this Resolution become immediately effective.
- f) R2021-0104: A Resolution confirming the County Executive’s appointment of Peggy Zone Fisher to serve on the Cleveland-Cuyahoga County Port Authority Board of Directors for the term 4/20/2021 – 4/20/2025; and declaring the necessity that this Resolution become immediately effective.
- g) O2021-0005: An Ordinance providing for modifications to and adoption of the Cuyahoga County Human Resources Personnel Policies and Procedures Manual (“Employee Handbook”) to recognize Juneteenth as a paid County holiday, to be applicable to all County employees; and declaring the necessity that this Ordinance become immediately effective.
- h) O2021-0007: An Ordinance enacting Section 202.21 of the County Code, establishing a Department of Equity and Inclusion to enhance equity both within County government and throughout the community of Cuyahoga County; amending Chapter 509 of the County Code to

specify certain duties of the Department; and declaring the necessity that this Ordinance become immediately effective.

- i) O2021-0008: An Ordinance amending Chapters 507 and Sections 110.3, 205.01, 206.09 207.03, 501.06, 501.10, 501.12, 501.21, 501.22, 502.07, 502.08, 502.09, 502.10, 502,12, 503.02, 503.03, 503.05, 503.06, 503.07, 503.08, 505.05, 510.02, 510.04, 510.06, 510.07, and 510.08 of the County Code to reflect the dissolution of the Office of Procurement and Diversity and its replacement by the Department of Purchasing and the Department of Equity and Inclusion; and declaring the necessity that this Ordinance become immediately effective.

6. MISCELLANEOUS BUSINESS

7. ADJOURNMENT



MINUTES

**CUYAHOGA COUNTY HUMAN RESOURCES, APPOINTMENTS & EQUITY
COMMITTEE MEETING
TUESDAY, MARCH 30, 2021
CUYAHOGA COUNTY ADMINISTRATIVE HEADQUARTERS
C. ELLEN CONNALLY COUNCIL CHAMBERS – 4TH FLOOR
10:00 AM**

1. CALL TO ORDER

Chairwoman Brown called the meeting to order at 10:01 a.m.

2. ROLL CALL

Ms. Brown asked Assistant Deputy Clerk Johnson to call the roll. Committee members Brown, Gallagher, Miller, Conwell, and Sweeney were in attendance and a quorum was determined. Councilmember Jones was also in attendance.

3. PUBLIC COMMENT

There were no public comments given.

4. APPROVAL OF MINUTES FROM THE MARCH 16, 2021 MEETING

A motion was made by Ms. Brown, seconded by Mr. Miller, and approved by unanimous vote to approve the minutes from the March 16, 2021 meeting.

[Clerk's Note: Item Nos. 5.c) and b) were taken out of order and considered before Item No. 5.a.)]

5. MATTERS REFERRED TO COMMITTEE

- a) R2021-0077: A Resolution adopting various changes to the Cuyahoga County Non-bargaining Classification Plan, and declaring the necessity that this Resolution become immediately effective.

Mr. Albert Bouchahine, Manager of Classification and Compensation for the Personnel Review Commission; Ms. Andria Richardson, Clerk of Council; and Ms. Rebecca Kopcienski, Director of the Personnel Review Commission; addressed the Committee regarding Resolution No. R2021-0077. Discussion ensued.

Committee members and Councilmembers asked questions of Mr. Bouchahine, Ms. Richardson and Ms. Kopcienski pertaining to the item, which they answered accordingly.

A motion was then made by Ms. Brown seconded by Mr. Sweeney and approved by *unanimous* vote to amend Resolution No. R2021-0077 by replacing “*Revised*” with “*Deleted*” for Exhibit H within the Resolution.

On a motion by Ms. Brown with a second by Mr. Miller, Resolution No. R2021-0077 was considered and approved by unanimous vote to be referred to the full Council agenda for second, as amended.

- b) R2021-0078: A Resolution reappointing Thomas L. Colaluca to serve on the Cuyahoga County Personnel Review Commission for the term 3/8/2021 - 3/7/2027; and declaring the necessity that this Resolution become immediately effective.

Mr. James Boyle, Policy Advisor, addressed the Committee regarding Resolution No. R2021-0078. Discussion ensued.

Committee members and Councilmembers asked questions of Mr. Boyle pertaining to the item, which he answered accordingly.

Mr. Thomas L. Colaluca, addressed the Committee regarding his nomination to serve on the Cuyahoga County Personnel Review Commission. Discussion ensued.

Committee members and Councilmembers asked questions of Mr. Colaluca pertaining to his experience, expertise, and qualifications, which he answered accordingly.

On a motion by Ms. Brown with a second by Mr. Miller, Resolution No. R2021-0078 was considered and approved by unanimous vote to be referred to the full Council agenda with a recommendation for passage under second reading suspension of the rules.

- c) R2021-0088: A Resolution confirming the County Executive's reappointment of various individuals to serve on the Cuyahoga County Citizens' Advisory Council on Equity for the term 7/15/2021 - 7/14/2024; and declaring the necessity that this Resolution become immediately effective:

- i) Rabbi Joshua Caruso
- ii) Stephen Caviness
- iii) Marsha Mockabee
- iv) Cordell Stokes
- v) Sheila Wright

Mr. Cordell Stokes addressed the Committee regarding his nomination to serve on the Cuyahoga County Citizens' Advisory Council on Equity. Discussion ensued.

Committee members and Councilmembers asked questions of Mr. Stokes pertaining to his experience, expertise, and qualifications, which he answered accordingly.

Ms. Michele Pomerantz, Director of Regional Collaboration, addressed the Committee regarding Resolution No. R2021-0088. Discussion ensued.

Committee members and Councilmembers asked questions of Ms. Pomerantz pertaining to the item, which she answered accordingly.

Mr. Stephen Caviness, Ms. Sheila Wright, Rabbi Joshua Caruso, and Ms. Marsha Mockabee, addressed the Committee regarding their nomination to serve on the Cuyahoga County Citizens' Advisory Council on Equity. Discussion ensued.

Committee members and Councilmembers asked questions of Mr. Caviness, Ms. Wright, Rabbi Caruso and Ms. Mockabee pertaining to their experience, expertise, and qualifications, which they answered accordingly.

On a motion by Ms. Brown with a second by Ms. Conwell, Resolution No. R2021-0088 was considered and approved by unanimous vote to be referred to the full Council agenda with a recommendation for passage for second reading.

6. MISCELLANEOUS BUSINESS

There was no miscellaneous business.

7. ADJOURNMENT

With no further business to discuss, Chairwoman Brown adjourned the meeting at 10:58 a.m., without objection.

County Council of Cuyahoga County, Ohio

Resolution No. R2021-0099

Sponsored by: County Executive Budish	A Resolution confirming the County Executive’s re-appointment of Gary Hanson to serve on the Cuyahoga Arts and Culture Board of Trustees for the term 4/1/2021 – 3/31/2024; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, pursuant to Ohio Revised Code Chapter 3381, a regional arts and cultural district was established in Cuyahoga County to provide programs and activities in areas directly concerned with the arts or cultural heritage; and

WHEREAS, such regional arts and cultural district is governed by a Board of Trustees called the Cuyahoga Arts and Culture Board of Trustees consisting of five (5) members having broad knowledge and experience in the arts or cultural heritage and shall have other qualifications as outlined in the by-laws; and

WHEREAS, pursuant to Ohio Revised Code Section 3381.05, the Board of Trustees shall be appointed to a three (3) year term; and

WHEREAS, the Cuyahoga County Charter Section 6.04, entitled Special Boards and Commissions, states that “[w]hen general law or any agreement with another public agency or court order provides for appointment of members of a special board or commission or other agency by the board of county commissioners, such appointment shall be made by the County Executive, subject to confirmation by the Council;” and

WHEREAS, the County Executive has nominated Gary Hanson to be appointed to serve on the Cuyahoga Arts and Culture Board of Trustees for the term 4/1/2021 – 3/31/2024; and

WHEREAS, this Council by a vote of at least eight (8) members determines that it is necessary that this Resolution become immediately effective in order that Charter requirements can be complied with and critical services provided by Cuyahoga County can continue, and to provide for the usual, daily operation of a County Board.

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

SECTION 1. The Council of Cuyahoga County hereby confirms the County Executive's re-appointment of Gary Hanson to serve on the Cuyahoga Arts and Culture Board of Trustees for the term 4/1/2021 – 3/31/2024.

SECTION 2. It is necessary that this Resolution 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 Resolution receives the affirmative vote of eight members of Council, this Resolution shall become immediately effective.

SECTION 3. 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 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 Resolution was duly adopted.

Yeas:

Nays:

County Council President

Date

Clerk of Council

Date

First Reading/Referred to Committee: April 13, 2021

Committee(s) Assigned: Human Resources, Appointments & Equity

Journal _____
_____, 20____



April 5, 2021

Pernel Jones, Jr., President
Cuyahoga County Council
2079 E. Ninth Street, 8th Floor
Cleveland, OH 44115

Re: Cuyahoga Arts and Culture (CAC) Board of Trustees

Dear President Jones,

I submit the following nomination for re-appointment to the Cuyahoga Arts and Culture (CAC) Board of Trustees:

- **Gary Hanson**, 3-year term, 4/1/2021 – 3/31/2024

Cuyahoga Arts & Culture (CAC) is authorized by Ohio Revised Code Chapter 3381. The CAC is the public funder for arts & culture events and, has awarded over 1,200 grants, to more than 300 organizations serving Cuyahoga County residents. The Board consists of five members appointed by the County Executive, subject to Council confirmation. ORC 3381.05 outlines the qualifications for trustees as a set of persons who:

- Have broad knowledge and experience in the arts or cultural heritage;
- At least two members...shall be persons who devote a major portion of their time to practicing, performing, or teaching any of the arts or who are professional administrators in any field of the arts or cultural heritage;
- Shall be qualified electors in Cuyahoga County.

A copy of Mr. Hanson's bio is attached.

There are no known conflicts of interest for which an advisory opinion has been requested. This board is uncompensated. There are no other candidates on file for this position.

Thank you for your consideration of these appointments. Should you or any of your colleagues have any questions, please feel free to contact Michele Pomerantz in my office at 216-443-7125.

Sincerely,

Armond Budish
County Executive

Gary Hanson Biography

February 2021

Gary Hanson retired in 2018 following 44-year career in the classical music industry in the U.S. and Canada.

In Cleveland as well as state-wide, Mr. Hanson has been recognized for his leadership and achievements. In 2016 he received the Governor's Award for the Arts in Ohio for Arts Administration. He was subsequently appointed to the Board of the Ohio Arts Council by Governor John Kasich. Gary Hanson was a member of the 2001 class of Leadership Cleveland, and he is a recipient of The Cleveland Orchestra's Distinguished Service Award to honor exemplary service.

In 2018, Mr. Hanson was appointed a Trustee of Cuyahoga Arts and Culture for a three-year term. Previously, he has served as board member of Ohio Citizens for the Arts, the Community Partnership for Arts and Culture (now Arts Cleveland), the Arts and Culture Action Committee, University Circle Incorporated, and Global Cleveland. Internationally, Mr. Hanson is an officer of the Glenn Gould Foundation, Inc, and member of the jury of the Herbert von Karajan Young Conductor Award of the Salzburg Festival.

Mr. Hanson joined the staff of The Cleveland Orchestra in 1988 and served in a number of positions over a 28-year tenure. His achievements include the renovation and restoration of Severance Hall and the redevelopment of Blossom Music Center. From 2004 until his retirement at the end of 2015, he served as the Orchestra's eighth Executive Director during which time the Orchestra expanded its activities internationally; developed new audiences and concert series; and established a neighborhood residency program that took the ensemble into Northeast Ohio communities

After retiring from The Cleveland Orchestra, Mr. Hanson led two major music organizations on an interim basis. In 2016, he was Interim President of the Cleveland Institute of Music for a period of six months; subsequently he served two years as Interim CEO of the Toronto Symphony Orchestra.

Gary Hanson was born in Toronto and studied music in Canada, completing his education in Germany. Returning to Canada in 1974, he worked as an administrator and performer in regional orchestras before moving to the United States to join the staff of the Atlanta Symphony Orchestra.

County Council of Cuyahoga County, Ohio

Resolution No. R2021-0100

Sponsored by: County Executive Budish	A Resolution confirming the County Executive’s reappointments of various individuals to serve on the Cuyahoga County Community Improvement Corporation Board of Trustees for various terms; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the Cuyahoga County Community Improvement Corporation (“CCCIC”) was incorporated in 1982 under the authority granted in ORC 1724; and

WHEREAS, the CCCIC serves the sole purpose of advancing, encouraging and promoting the industrial, economic, commercial and civil development in Cuyahoga County. The CCCIC serves as Cuyahoga County’s review agent of industrial revenue bond financing; and

WHEREAS, Article III of the CCCIC’s Code of Regulations provides that the Board of Trustees shall consist of two classes of Trustees. The “County Class”, which shall consist of five members appointed or elected officers of Cuyahoga County, and the “Private Class”, which shall be six members elected from persons nominated by the County Executive, in consultation with the Greater Cleveland Partnership; and

WHEREAS, the members of CCCIC Board of Trustees shall serve for three-year terms; and

WHEREAS, the Cuyahoga County Charter Section 6.04, entitled Special Boards and Commissions, states that “[w]hen general law or any agreement with another public agency or court order provides for appointment of members of a special board or commission or other agency by the board of county commissioners, such appointment shall be made by the County Executive, subject to confirmation by the Council,”; and

WHEREAS, the County Executive has nominated the following individuals to serve on the CCCIC’s Board of Trustees for various terms:

- a) Jeff Bechtel for the term 1/2/2020 – 1/1/2023
- b) Michael Chambers for the term 10/16/2020 – 10/15/2023
- c) Susan Infeld for the term 1/2/2021 – 1/1/2024
- d) Michele Pomerantz for the term 2/1/2021 – 1/31/2024

WHEREAS, this Council by a vote of at least eight (8) members determines that it is necessary that this Resolution become immediately effective in order that Charter requirements can be complied with and critical services provided by Cuyahoga County can continue and to provide for the usual, daily operation of a County Board.

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

SECTION 1. That the Cuyahoga County Council hereby confirms the County Executive’s reappointments of the following individuals to serve on the CCCIC’s Board of Trustees for various terms:

- a) Jeff Bechtel for the term 1/2/2020 – 1/1/2023
- b) Michael Chambers for the term 10/16/2020 – 10/15/2023
- c) Susan Infeld for the term 1/2/2021 – 1/1/2024
- d) Michele Pomerantz for the term 2/1/2021 – 1/31/2024

SECTION 2. It is necessary that this Resolution 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 Resolution receives the affirmative vote of at least eight members of Council, this Resolution shall become immediately effective.

SECTION 3. 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 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 Resolution was duly adopted.

Yeas:

Nays:

County Council President

Date

Clerk of Council

Date

First Reading/Referred to Committee: April 13, 2021
Committee(s) Assigned: Human Resources, Appointments & Equity

Journal _____
_____, 20__



April 6, 2021

Pernel Jones, Jr., President
Cuyahoga County Council
Cuyahoga County Administration Building
2079 E.9th, 8th Floor
Cleveland, OH 44115

Re: Cuyahoga County Community Improvement Corporation (CCCIC)

Dear President Jones:

Pursuant to Ohio Revised Code Section 1724, I am pleased to nominate the following individuals for re-appointment to serve on the Cuyahoga County Community Improvement Corporation's Board of Trustees:

- **Jeff Bechtel**, 3-year term, 01/02/2020 – 01/01/2023
- **Michael Chambers**, 3-year term, 10/16/2020 – 10/15/2023
- **Susan Infeld**, 3-year term, 01/02/2021 – 01/01/2024
- **Michele Pomerantz**, 3-year term, 02/01/2021 – 01/31/2024

The Cuyahoga County Community Improvement Corporation ("CCCIC") was incorporated in 1982, for the sole purpose of advancing, encouraging, and promoting, the industrial, economic, commercial, and civic development of Cuyahoga County. The Corporation serves as Cuyahoga County's review agent for industrial revenue bond financing and economic development lending activity. Members of the Board shall serve a three-year term.

I have attached a copy of the nominee's resume for your review.

There are no known conflicts of interest for which an advisory opinion has been requested. This board is uncompensated. There are no other candidates on file that have applied for this position.

Thank you for your consideration of these appointments. Should you or any of your colleagues have any questions, please feel free to contact Michele Pomerantz in my office at 216-443-7125.

Sincerely,

Armond Budish
Cuyahoga County Executive



Top Skills

Commercial Lending

Commercial Banking

Credit

Jeff Bechtel

President - Cleveland Region at First National Bank Regional Market
Executive - Ohio

Greater Cleveland

Experience

F.N.B. Corporation

President - Cleveland Region

September 2018 - Present (2 years 8 months)

55 Public Square, Suite 1460 Cleveland Ohio 44113

First Federal Lakewood

5 years 6 months

Executive Vice President & Chief Operating Officer

January 2018 - September 2018 (9 months)

Chief Lending Officer

April 2013 - January 2018 (4 years 10 months)

PNC

Senior Vice President

August 2005 - April 2013 (7 years 9 months)

Fifth Third Bank

SVP and Group Manager

November 1999 - July 2005 (5 years 9 months)

Education

Miami University

BSBA, Finance · (1984 - 1988)

Fairview High School

Diploma · (1981 - 1984)

Michael W. Chambers, CPA

Experienced, dedicated and trusted financial professional with a proven history of implementing fiscal accountability, streamlining expenditures, increasing productivity, and identifying new revenue sources within an organization.

EXPERIENCE

Interim Fiscal Officer Cuyahoga County	<i>October, 2019 – Present</i>
Operations and Finance Administer DPW-Cuyahoga County	<i>2016 – October, 2019</i>
Senior Business Services Manager/ Fiscal Officer DPW-Cuyahoga County	<i>2011 – 2016</i>
Fiscal Officer Cuyahoga County Engineer	<i>2001 – 2011</i>
Assistant City Controller City of Cleveland	<i>1999 – 2001</i>
Assistant Supervisor, Accounting/Cashiering Department Cuyahoga County Treasurer	<i>1990 – 1999</i>

LICENSE/EDUCATION

Certified Public Accountant State of Ohio	<i>2000</i>
Bachelor of Business Administration Cleveland State University	<i>1990</i>

ADDITIONAL SKILLS

- Successfully managed large-scale departments
 - Excellent communication skills
 - ERP implementation experience
 - Strategic Planner and Change Agent
 - Microsoft Office proficiency in Word, Excel, Outlook, and PowerPoint
 - Member of the Ohio Society of Certified Public Accountant
-

VOLUNTEER SERVICE

- Professional Standards and Responsibility – Ethics Compliance – (OSCPA)
 - Catholic Youth Organization Basketball Coach
-

Susan Infeld

SUMMARY OF QUALIFICATIONS

Multi-faceted experience in government and private sector; knowledge in all aspects of government operations; analytical; proven fiscal and problem-solving skills; significant project management and writing experience; extensive personnel management.

PROFESSIONAL EXPERIENCE

Manager, Special Initiatives, Cuyahoga County Planning Commission **June 2018- present**

- Develop initiatives to complement municipal master plans, including guidebooks for Community Reinvestment Areas, Special Improvement Districts, municipal ordinance guidebooks, etc.
- Oversee grants management, including the development of a municipal grants guide.
- Coordinate research and publications to complement the efforts of County departments and agencies.
- Perform legal research and analysis.

Mayor, City of University Heights, OH **January 2010 – December 2017**

- Managed all functions of the city government: the delivery of municipal services; enforcement of city ordinances; development of the city budget; all city communications; negotiation of collective bargaining agreements; personnel management; grants management.
- Chaired the Board of Zoning Appeals and the City Planning Commission.
- Produced annual operating surpluses of 17-20%, reduced outstanding city debt by 33%, obtained \$16M in grant awards.
- Established a new community park.
- Established a Senior Office, a Community Development Office, and an internship program with John Carroll University.
- Partnered with county agencies for new city services; including home repair advice and loans, and building department software.
- Collaborated with nearby cities to increase services for residents, including consolidation of 911 dispatch and specialized police services.
- Produced the annual Memorial Day parade, the summer concert series, and special events.

Patient Representative, St. Vincent Charity Medical Center, Cleveland, OH **2006-2010**

- Served as hospital ombudsman.
- Resolved patient/family issues and concerns; and resolved patient grievances.
- Served as the hospital's Client Rights Officer to the ADAHMS Board for the psychiatric patient population and patients receiving treatment for drug and alcohol addiction.
- Updated patient policies for complaints and grievances, and patient property.

Councilwoman, City of University Heights, OH, 1996-2007

- Chaired the City Council Finance Committee and the City Council Civic Information Committee.
- Led public hearings on the city budget and tax issues.
- Facilitated focus groups of citizens assessing livability issues in University Heights.
- Established the first city website and three subsequent websites.
- Served as the city liaison to public school and senior citizen community groups.
- Wrote legislation to update city policy, create new laws, and for budget compliance.

Chairman, University Heights Citizen's Committee for a New Purvis Park and Pool 1993-1995

- Led a committee of 100+ residents in a grassroots campaign to pass a bond issue to pay for construction of a new pool and playground at the city's only park.
- Led the citizen's committee through the process of designing the pool and park features.
- Served as the city-appointed liaison to the construction committee overseeing the construction of the new facilities.

Planning Analyst and Technical Writer, Federal Reserve Bank of Chicago 1984-1986

- Developed computer acquisition proposals for mainframes and peripheral equipment.
- Authored the Bank's Long-Range Automation Plan and the Department's Annual Report.
- Project Leader for the Bank's Disaster Recovery and Contingency Processing Plan for critical application systems.

Technical Writer, Federal Reserve Bank of Chicago 1983-1984

- Wrote User, System, and Operations manuals for computer operating systems used in-house, and by member banks.

Statistical Analyst, Federal Reserve Bank of Chicago 1981-1983

- Worked with reporting banks, savings & loan associations, and credit unions to collect data for required Federal Reserve System reports.
- Served as liaison between the Research Department's statistical unit and automation unit to facilitate data collection and report design.
- Produced raw data statistical reports for public information requests.

CIVIC AND COMMUNITY

NOACA Governing Board, Assistant Treasurer
Cuyahoga County Planning Commission, Board of Trustees
Ohio Municipal League, Board of Trustees
First Suburbs Consortium of Northeast Ohio, Charter Member and Executive Committee
Leadership Cleveland, Class of 2017
Applewood Centers, Board of Trustees
Heights Community Congress, Board of Trustees
Beaumont School, Board of Trustees
Meals on Wheels, Beachwood-Shaker Heights-University Heights, Board of Trustees
American Red Cross, Cleveland, Eastside Advisory Council
Gesu Catholic Church, Parish Council
Gesu Catholic Church, Finance Council

AWARDS

University Heights Public Servant of the Year, 2007
University Heights Citizen of the Year, 1994

EDUCATION

B.A. Finance, University of Illinois at Urbana-Champaign, 1980

REFERENCES

Available upon request

Michele Pomerantz



Profile

- High-achieving executive with a variety of leadership experience, relationship and influential expertise.
- Skilled communicator who transforms visionary plans into workable solutions using execution and communication abilities that create a connectedness within large organizations.
- Extensive policy development proficiency on a variety of topics including Medicaid, finance, education, facilities and transportation.

Work Experience

Cuyahoga County, Cleveland, Ohio

Director of Regional Collaboration

- Supports regional collaboration amongst the County and 59 municipalities within the region
- Manages Advocacy for County priorities at local and state level
- Coordinates all board and commission appointments
- Liaises with elected officials to support County Executive's priorities
- Collaborates with County Directors and officials to provide cost savings to municipalities and stakeholder groups
- Creates communications that support greater understanding of county opportunities for local governments
-

Cleveland Metropolitan School District-Cleveland, Ohio

Policy and Labor Liaison, January 2013-present

- Analyzed, developed, and influenced state wide policies on education, finance, facilities and transportation
- Presented at the Forum on Sino-U.S. Education Leadership at Southwestern University in Chongqing
- Served as a delegate representing Ohio at the Education Fellowship Policy Program in China
- Presented at Harvard University at the Strategic Data Project Convening on the topic of federal education reform policy
- Designed and managed a communication policy piece to inform and influence stakeholders specific to CMSD positions
- Created and strengthened relationships with a variety of stakeholders within and around the city to support the District
- Acted as liaison for the CEO at district, local, and national conferences and meetings
- Presented reports and presentations to residents, parents, and leaders on federal and local issues
- Acted as government liaison to all state and national legislators including Cleveland City Council
- Prepared briefings and background materials for CEO to ensure strategic follow-up
- Organized and directed staff across departments to provide support for the CEO
- Co-leader of the Issue 4 campaign and Issue 108 campaign for CMSD resulting in the passage of a \$200 million bond levy to build up to 22 new schools and continue operations for 100 plus schools for the next 4 years

American Federation of Teachers-Washington, D.C.

Deputy Manager Office of the President, April 2012-January 2013

- Created and organized briefing and background materials for travel and speaking engagements
- Liaised with coalition organizations, affiliates, political organizations, and other stakeholders and people on behalf of the President of the American Federation of Teachers (AFT)
- Facilitated relations between AFT President, AFT state federations and locals, the AFL-CIO and other labor organizations

Michele Pomerantz
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- Coordinated trips, staff, and events for the president and maintained political, strategic, and affiliate follow-up
- Organized and directed staff across departments to support the President's initiatives cutting through bureaucracy

Cleveland Teachers Union-Cleveland, OH
Director of Political Action and Trustee, 2005-2012

- Developed and implemented presidential, gubernatorial, and collective bargaining campaigns
- Reorganized a strategy to educate, message, and motivate members around negotiations and political issues
- Built strategic alliances with political, community, and coalition stakeholders
- Mobilized 50% of membership to volunteer on campaigns and managed 2,500 volunteers
- Increased Committee of Political Action funds by 119% and increased the amount of members contributing by 32%
- Utilized enhanced communication tools including social media to educate both members and the community at large

Cleveland Municipal School District - Cleveland, Ohio
Teacher, 1990 – 2012

- Planned, implemented, monitored, and assessed a progressive program to increase student attendance that resulted in 18% class wide improvement
- Earned positive verbal/written feedback from parents and administrators and students regarding classroom Instruction and community engagement
- Presented monthly industry conferences to audiences of 100+ educators and district leaders on reading acquisition
- Provided workshops for parents, community leaders, and other educators around managing behavior
- Modified the general education curriculum for special-needs students based upon research-based instructional techniques and technologies
- Consistently provided leadership and constructive feedback to colleagues and parents to resolve conflicting educational priorities and issues

Education

Cleveland State University, 1997
Cleveland, Ohio
Master's Degree in Curriculum and Instruction

Cleveland State University, 1990
Cleveland, Ohio
Bachelors of Science in Elementary Education

Cleveland State University, 2016
Education Policy and Leadership Program

Michele Pomerantz
Page 2

Awards and Other Affiliations

Ohio Federation of Teachers, Outstanding Service Award, 2012
Cuyahoga County, Transition Team Director of Operations. 2015
Boys and Girls Clubs of America, Board Member since 2014

County Council of Cuyahoga County, Ohio

Resolution No. R2021-0101

Sponsored by: County Executive Budish	A Resolution confirming the County Executive’s appointment of Alaina McCruel to serve on the Cuyahoga County Board of Developmental Disabilities for the term 5/1/2021 – 4/30/2025; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, pursuant to Ohio Revised Code Section 5126.02, the County of Cuyahoga shall have its own county board of developmental disabilities; and

WHEREAS, pursuant to the provisions in Ohio Revised Code Section 5126.021, the Cuyahoga County Board of Developmental Disabilities consists of seven members. Five members are appointed by the County and two members are appointed by the Probate Court; and

WHEREAS, members appointed to fill a vacancy in the Cuyahoga County board of Developmental Disabilities shall service a term of four years; and

WHEREAS, the Cuyahoga County Charter Section 6.04, entitled Special Boards and Commissions, states that “[w]hen general law or any agreement with another public agency or court order provides for appointment of members of a special board or commission or other agency by the board of county commissioners, such appointment shall be made by the County Executive, subject to confirmation by the Council,” and

WHEREAS, the County Executive has nominated Alaina McCruel (replacing Tania Younkin) to serve on the Cuyahoga County Board of Developmental Disabilities for the term 5/1/2021 – 4/30/2025; and

WHEREAS, this Council by a vote of at least eight (8) members determines that it is necessary that this Resolution become immediately effective in order that Charter requirements can be complied with and critical services provides by Cuyahoga County can continue and to provide for the usual, daily operation of a County Board.

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

SECTION 1. That the Cuyahoga County Council hereby confirms the County Executive’s appointment of Alaina McCruel (replacing Tania Younkin) to serve on

the Cuyahoga County Board of Developmental Disabilities for the term 5/1/2021 – 4/30/2025.

SECTION 2. It is necessary that this Resolution 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 Resolution receives the affirmative vote of at least eight members of Council, this Resolution shall become immediately effective.

SECTION 3. 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 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 Resolution was duly adopted.

Yeas:

Nays:

County Council President

Date

Clerk of Council

Date

First Reading/Referred to Committee: April 13, 2021

Committee(s) Assigned: Human Resources, Appointments & Equity

Journal _____
_____, 20__



April 6, 2021

Pernel Jones, Jr., President
Cuyahoga County Council
2079 E. Ninth Street, 8th Floor
Cleveland, OH 44115

Re: Cuyahoga County Board of Developmental Disabilities

Dear President Jones:

Pursuant to the provisions found in Ohio Revised Code Section 5126, I submit the following nominee for appointment to the Cuyahoga County Board of Developmental Disabilities:

- **Alaina McCruel**, 4-year term, 5/1/2021 – 4/30/2025 (replacing Tania Younkin)

The Board of Developmental Disabilities is composed of seven members. Five of the members are appointed by the County and two are appointed by the Probate Court. The Board helps to establish policies to assist children and adults with developmental disabilities so they can live, learn, work and play in our community. Also, the Board and the policies it enacts, play a pivotal role in providing needed resources and assistance for families who have family members receiving services from this body.

The nominee has experience in issues involving disabilities and serve in numerous volunteer roles assisting disabled individuals and involved families.

Ms. McCruel's resume has been attached for your review.

There are no known conflicts of interest for which an advisory opinion has been requested. This board is uncompensated. There are four additional candidates on file for this position.

Thank you for your consideration of these appointments. Should you or any of your colleagues have any questions, please feel free to contact Michele Pomerantz in my office at 216-443-7125.

Sincerely,

Armond Budish
County Executive

ALAINA MCCRUEL, BSN, RN

SKILLS

- Pediatric Operating Room Circulator & Scrub Nurse
- Medical/Surgical Floor Nurse
- EPIC Systems

WHO AM I?

Ambitious nurse with 7 years of home care, operating room and floor experience with newborn, pediatric, adult, and geriatric populations.

EXPERIENCE

RN | Legacy Health Visiting Services | November 2019 – Present

Homecare, trach care, g-tube, assisting ADL, total care

OR RN | Rainbow Babies & Children's Hospital | August 2015-April 2019

Circulate & Scrub pediatric dental, general, urology, orthopedic, ENT, and neuro surgery.

RN | HillCrest Hospital | August 2014-August 2015

Floor nurse on Med-Surg/Oncology/Hospice unit.

EDUCATION

Bachelor of Science in Nursing | May 2014 | Notre Dame College



CERTIFICATIONS

Basic Life Support (BLS) –American Red Cross

County Council of Cuyahoga County, Ohio

Resolution No. R2021-0102

Sponsored by: County Executive Budish	A Resolution confirming the County Executive’s appointment of Fernando Mack to serve on the Cuyahoga County Public Defender Commission for the term 5/1/2021 – 4/30/2025; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the Cuyahoga County Public Defender Commission was created pursuant to the provisions of ORC Section 120.13; and

WHEREAS, the powers and duties of the Cuyahoga County Public Defender Commission are established pursuant to ORC Section 120.14, which include: recommending an annual operating budget of the office of the County Public Defender, establishing operational standards of the office of the County Public Defender, and determining the qualifications and size of the supporting staff of the office in an effort to provide essential legal representation to indigent persons in the County; and

WHEREAS, pursuant to ORC Section 120.13, the Cuyahoga County Public Defender Commission shall have five members with a term of office of four years; and

WHEREAS, the Cuyahoga County Charter Section 6.04, entitled Special Boards and Commissions, states that “[w]hen general law or any agreement with another public agency or court order provides for appointment of members of a special board or commission or other agency by the board of county commissioners such appointment shall be made by the County Executive, subject to confirmation by the Council,” and

WHEREAS, County Executive Armond Budish has nominated Fernando Mack (replacing James R. Wooley) to serve on the Cuyahoga County Public Defender Commission for the term 5/1/2021 – 4/30/2025; and

WHEREAS, this Council by a vote of at least eight (8) members determines that it is necessary that this Resolution become immediately effective in order that Charter requirements can be complied with and critical services provided by Cuyahoga County can continue and to provide for the usual, daily operation of a County Board.

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

SECTION 1. That the Cuyahoga County Council hereby confirms the County Executive's appointment of Fernando Mack (replacing James R. Wooley) to serve on the Cuyahoga County Public Defender Commission for the term 5/1/2021 – 4/30/2025.

SECTION 2. It is necessary that this Resolution 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 Resolution receives the affirmative vote of at least eight members of Council, this Resolution shall become immediately effective.

SECTION 3. 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 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 Resolution was duly adopted.

Yeas:

Nays:

County Council President

Date

Clerk of Council

Date

First Reading/Referred to Committee: April 13, 2021

Committee(s) Assigned: Human Resources, Appointments & Equity

Journal _____
_____, 20__

FERNANDO MACK

EDUCATION

University of Akron School of Law, J.D. (1993)

Akron, Ohio / Vice President, Black Law Student Association

The College of Wooster, B.A. (1988)

Wooster, Ohio / Vice President of Harambee

WORK EXPERIENCE

Criminal Defense Attorney

Cleveland, Ohio (2001-present)

- As a solo practitioner, conduct numerous jury trials, negotiate plea agreements with prosecutors, research, draft, and argue pretrial and in limine motions such as: Motions to Dismiss Evidence, and many other evidentiary motions.
- Handle felony criminal cases from inception to disposition including cases involving complex litigation issues such as, multiple defendants, ballistics, scientific evidence, and confidential informants.
- Oversee jury trials in cases such as Capital Murder, Aggravated Robbery, Aggravated Burglary, Rape, Drug Trafficking, and Kidnapping.
- Involved in numerous high profile criminal cases.

Magistrate

East Cleveland Municipal Court, East Cleveland, Ohio (2006-2012)

- As a Magistrate, often presided over small claims and misdemeanor criminal trials. Managed the dockets for traffic court, city income tax, landlord/tenant first and second causes, researched legal issues, drafted, and prepared memoranda for the Judge.

The City Prosecutor

City of East Cleveland, East Cleveland, Ohio (2002-2006)

- Filed criminal cases, prepared pleadings, wrote briefs and conducted legal research. Approved issuance of criminal complaints and warrants for arrest in criminal cases. Processed misdemeanor incidents and felony cases and present them during preliminary hearings.

Assistant Prosecuting Attorney

Cuyahoga County, Ohio (1994-2001)

- Served in the Child Support and Juvenile Court divisions before 1996 assignment to the general felony trial division. Successfully litigated many jury trials, including Aggravated Murder, Aggravated Robbery, Felonious Assault, Rape, Drug Trafficking, etc. Offered a position to prosecute in the Major Trial Division, a unit responsible for handling only the most serious of criminal cases.

Law Clerk

Judge Elinore Marsh Stormer, Akron Municipal Court, Akron, Ohio (1991-1992)

- Researched and prepared memoranda on a broad range of legal issues including both civil and criminal cases.

Law Clerk

Edward L. Gilbert Co., LPA, Akron, Ohio (1991-1992)

- Worked for small firm which specialized in employment litigation, including but not limited to civil rights and constitutional violations.

BAR ADMISSIONS & PROFESSIONAL MEMBERSHIPS

- U.S. Court of Appeals for the Sixth Circuit
- U.S. District Court, Northern District of Ohio
- Member, Ohio State Bar Association
- Member, Cleveland Metropolitan Bar Association

County Council of Cuyahoga County, Ohio

Resolution No. R2021-0103

Sponsored by: County Executive Budish	A Resolution confirming the County Executive’s appointment of Roberta Duarte to serve on the Greater Cleveland Regional Transit Authority Board of Trustees for the term 5/1/2021 – 4/30/2024; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, Ohio Revised Code Chapter 306 provides for the creation of Regional Transit Authority; and

WHEREAS, the Greater Cleveland Regional Transit Authority (“GCRTA”) Board of Trustees provides policy direction for the Regional Transit Authority and provides oversight of Agency management’s efforts to implement policy and run the day-to-day operations of the transit system; and

WHEREAS, the GCRTA Board of Trustees consists of ten members who are appointed by the City of Cleveland, Cuyahoga County Mayors and Managers Association and Cuyahoga County; and

WHEREAS, the members of the GCRTA Board of Trustees shall be appointed to serve a three (3) year term; and

WHEREAS, the Cuyahoga County Charter Section 6.04, entitled Special Boards and Commissions, states that “[w]hen general law or any agreement with another public agency or court order provides for appointment of members of a special board or commission or other agency by the board of county commissioners, such appointment shall be made by the County Executive, subject to confirmation by the Council,” and

WHEREAS, the County Executive has nominated Roberta Duarte (replacing Justin Bibb) to serve on the Greater Cleveland Regional Transit Authority Board of Trustees for the term 5/1/2021 – 4/30/2024; and

WHEREAS, this Council by a vote of at least eight (8) members determines that it is necessary that this Resolution become immediately effective in order that Charter requirements can be complied with and critical services provided by Cuyahoga County can continue and to provide for the usual, daily operation of a County Board.

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

SECTION 1. That the Cuyahoga County Council hereby confirms the County Executive’s appointment of Roberta Duarte (replacing Justin Bibb) to serve on the Greater Cleveland Regional Transit Authority Board of Trustees for the term 5/1/2021 – 4/30/2024.

SECTION 2. It is necessary that this Resolution 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 Resolution receives the affirmative vote of at least eight members of Council, this Resolution shall become immediately effective.

SECTION 3. 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 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 Resolution was duly adopted.

Yeas:

Nays:

County Council President

Date

Clerk of Council

Date

First Reading/Referred to Committee: April 13, 2021

Committee(s) Assigned: Human Resources, Appointments & Equity

Journal _____
_____, 20__



April 6, 2021

Pernel Jones, Jr., President
Cuyahoga County Council
2079 E. Ninth Street, 8th Floor
Cleveland, OH 44115

Re: Greater Cleveland Regional Transit Authority Board of Trustees (RTA)

Dear President Jones:

Pursuant to Section 306 of the Ohio Revised Code and the 1974 joint County-City of Cleveland legislation enacting the RTA, I am pleased to nominate the following individual for appointment to the RTA Board of Trustees:

- **Roberta Duarte**, 3-year term, 05/01/2021 – 04/30/2024 (replacing Justin Bibb)

One of three County appointments must be a resident of the City of Cleveland. Appointees Terrence P. Joyce and Karen Moss fulfill this requirement. Trustees serve three-year terms until they resign or are replaced. Board members are compensated \$4,800 annually.

There are no known conflicts of interest for which an advisory opinion has been requested. There is one additional candidate on file for this position.

Thank you for your consideration of this appointment. If you need further information, please contact Michele Pomerantz at 216-258-8921.

Sincerely,

Armond Budish
County Executive



Roberta Duarte, is a native of Paraguay and a graduate of Mount Holyoke College, where she focused on Global and Public Health Sciences, with a concentration in Social Behavioral Sciences. Roberta is known for her broad range, technical research, and her depth of understanding in advising her clients, with respect to culturally and linguistically appropriate services and challenges.

Roberta has worked locally and abroad, primarily resolving strategic issues related to outreach and resource access. In 2016, Roberta moved back to Cleveland to be part of the inaugural cohort of the Cleveland Foundation Public Service Fellowship. Roberta served as a Community and Public Health Fellow at The MetroHealth System, where Roberta worked closely with senior leadership and a cross-functional implementation team on a variety of population health initiatives within Cuyahoga County. Roberta also previously worked for Esperanza, Inc., an organization focused on supporting the Latinx community on Cleveland's near west side.

Roberta is currently a Project Manager at JumpStart Inc., and has connected with a wide range of multigenerational community leaders, community organizations and entrepreneurs throughout JumpStart's (OH and NY) markets. Roberta has heightened JumpStart's understanding of diverse clients to better serve neighborhoods/entrepreneurs, becoming an inclusive community resource and partner organization.

In order to achieve a long-term economic development and entrepreneurship impact, Roberta has developed an equitable service pipeline that provides intentional services that meet the social, cultural, and linguistic needs. Roberta has also played an integral role in supporting the Chief of Inclusion and Outreach, guiding Latinx change management process and best practices that has led to positive changes internally and through the various JS markets.

In 2019, Roberta founded AREKO Consulting, responsible for leading culturally competent initiatives with a global and public health approach, working on projects like 25Connects / 25Conecta for The Greater Cleveland Regional Transit Authority. Roberta has participated in various leadership and career development programs such as the Venture Capital University national cohort presented by Startup@BerkeleyLaw, and was recently selected for the Cleveland Leadership Center's Bridge Builder Class of 2021.

Roberta serves as The Young Latino Network Vice President, Hathaway Brown Alumnae Council member, LatinUs Theater Company board member and a Canalway Partners board member. She is also a Hispanic Start Ambassador—Cleveland Hub—led by the We Are All Human Foundation, and a Crain's 40under40 recipient.

County Council of Cuyahoga County, Ohio

Resolution No. R2021-0104

Sponsored by: County Executive Budish	A Resolution confirming the County Executive’s appointment of Peggy Zone Fisher Cleveland-Cuyahoga County Port Authority Board of Directors to serve on the for the term of 4/20/2021 – 4/20/2025 and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the Cleveland-Cuyahoga County Port Authority Board of Directors was established in 1968 to manage maritime operations, and the Organization of Board of Directors were created pursuant to the provision so ORC Chapter 4582.03; and

WHEREAS, the Port of Cleveland fosters job creation and economic vitality in Cleveland and Cuyahoga County; and

WHEREAS, the Cleveland-Cuyahoga Court Port Authority Board of Directors has nine (9) members appointed by both the City of Cleveland and Cuyahoga County and members shall serve a four (4) year term; and

WHEREAS, the individuals appointed shall serve a term commencing immediately upon signature of this Resolution; and

WHEREAS, the Cuyahoga County Charter Section 6.04, entitled Special Boards and Commissions, states that “[w]hen general law or any agreement with another public agency or court order provides for appointment of members of a special board or commission or other agency by the board of county commissioners, such appointment shall be made by the County Executive, subject to confirmation by the Council,” and

WHEREAS, the County Executive has nominated Peggy Zone Fisher to serve on the Cleveland-Cuyahoga County Port Authority Board of Directors for the term 4/20/2021 – 4/20/2025; and

WHEREAS, this Council by a vote of at least eight (8) members determines that it is necessary that this Resolution become immediately effective in order that Charter requirements can be complied with and critical services provides by Cuyahoga County can continue and to provide for the usual, daily operation of a County Board.

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

SECTION 1. That the Cuyahoga County Council hereby confirms the County Executive's appointment of Peggy Zone Fisher to serve on the Cleveland-Cuyahoga County Port Authority Board of Directors for the term 4/20/2021 – 4/20/2025.

SECTION 2. It is necessary that this Resolution 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 Resolution receives the affirmative vote of at least eight members of Council, this Resolution shall become immediately effective.

SECTION 3. 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 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 Resolution was duly adopted.

Yeas:

Nays:

County Council President Date

Clerk of Council Date

First Reading/Referred to Committee: April 13, 2021

Committee(s) Assigned: Human Resources, Appointments & Equity

Journal _____
_____, 20__

Peggy Zone Fisher



Peggy Zone Fisher has been a Cleveland business and community leader for over forty years. In March 2006, Peggy began a new chapter in her career by becoming the President and CEO of The Diversity Center of Northeast Ohio. The Diversity Center is a human relations organization, founded in 1927 as The National Conference for Christians and Jews, and is dedicated to eliminating bias, bigotry, and racism in America. Each year DCNEO programs serve yearly over 10,000 northeast Ohio students and educators from over 150 schools and organizations in eleven counties.

Peggy's business and community leadership was recognized nationally when President Bill Clinton appointed her as one of eleven National Commissioners of the White House Conference on Small Business. As a U.S. Small Business Commissioner, Peggy traveled the country convening forums with business leaders about small business issues.

Before beginning her post at The Diversity Center, Peggy served as the President and Owner of Zone Travel, Inc., one of Greater Cleveland's largest woman-owned businesses, from 1974 to 2005. Peggy chaired the Ohio Governor's Advisory Council for Travel and Tourism and led Ohio Governor Richard Celeste's China Trade Mission. She chaired the American Society of Travel Agents' Central Regional Conference in Cleveland, and served as a member of the National Travel Agents Advisory Board of Alamo Rental Car. She has advised Cleveland Mayors George Voinovich, Michael R. White, and Jane Campbell on travel and tourism issues.

Peggy has served on more than a dozen community boards such as AIDS Taskforce of Greater Cleveland, Community West Foundation, Neighborhood Progress, Inc., and Adoption by Gentle Care, just to name a few. She currently serves on the Board of Directors of the Cleveland Clinic Hospitals-Western Region. She is a Member of the Diversity Advisory Council for the MetroHealth Medical Center, and a Member of the Membership Impact Committee for the Greater Cleveland Partnership. Peggy is a frequent guest on Northeast Ohio television and radio news programs, and has been profiled in many publications addressing business and diversity issues. She continues to share her expertise with the community through her numerous speaking engagements.

Peggy has been recognized with numerous honors and awards. The Women Business Owners Association honored her as one of the "Top 20 Women Business Owners in Northeast Ohio." She received the YWCA *Woman of Achievement Award* as a Business and Industry Entrepreneur, the *Captain Cleveland Award* from the Convention and Visitors Bureau of Greater Cleveland, and was the first recipient of the *Today's Woman of Achievement Award* from the Altrusa Club of Cleveland. In 2009, she received the *Community Service Award* from the Cleveland Clinic Hospitals, Western Region, and the Community West Foundation. She has also been honored by the Call & Post (Most Influential Award), Cleveland EMS (Certificate of Honor on behalf of her mother, Mary Zone and the Zone family) in honor of their 40th anniversary, the Southern Poverty Law Center (Certificate of Appreciation) in recognition of the important fight against hate and intolerance in America, and most recently (2018), the *Eleanor R. Gerson Leadership in Social Justice Award* from the Greater Cleveland Community Shares. Peggy, along with her husband Lee Fisher, was honored with the "Outstanding Leadership Award" from the Friends of the Cleveland School of the Arts. Peggy, and the work of The Diversity Center, were recognized (2011) with the Illumination Award at the Transgender Day of Remembrance, Celebrating Diversity Award 2014 at the India Festival USA, Progressive Woman Award from Smart Business Magazine (Five Women who Excel), and the Flourish Executive of the Year Award at the Flourish Conference for Women in Leadership (2015).

Peggy is a graduate of The Ohio State University. [REDACTED]

County Council of Cuyahoga County, Ohio

Ordinance No. O2021-0005

Sponsored by: County Executive Budish/Department of Human Resources	An Ordinance providing for modifications to and adoption of the Cuyahoga County Human Resources Personnel Policies and Procedures Manual (“Employee Handbook”) to recognize Juneteenth as a paid County holiday, to be applicable to all County employees; and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, President Lincoln issued the Emancipation Proclamation declaring all enslaved people in the Confederate States to “be then, thenceforward, and forever free” on January 1, 1863; and

WHEREAS, federal troops arrived in Galveston, Texas on June 19, 1865 (nka, Juneteenth), two-and-a-half years after signing of the Emancipation Proclamation, to ensure that all enslaved people were freed; and

WHEREAS, the County Executive/Department of Human Resources has recommended to amend the Human Resources Personnel Policies and Procedures Manual to include Juneteenth as a County paid holiday; and

WHEREAS, pursuant to Section 9.01 of the County Charter it is County Council’s authority to establish personnel policies by ordinance, and Council has previously approved prior versions of the County’s Personnel Policies and Procedure Manual, which is amended herein and may be amended in the future by Council; and

WHEREAS, it is necessary that this Ordinance become immediately effective in order that critical services provided by Cuyahoga County can continue and to provide for the usual, daily operation of a County entity.

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

SECTION 1. Adoption of Revised Human Resources Personnel Policies and Procedures Manual: Council hereby adopts the amended section of the County’s Human Resources Personnel Policies and Procedures Manual (“Employee Handbook”) as set forth in Exhibit A attached hereto, effective for all County employees, and shall remain in full force and effect and shall be followed by County employees under the authority of the County Council and the County Executive. Upon adoption of this

ordinance, the Department of Human Resources shall disseminate the Employee Handbook, as amended, to all employees subject to the Employee Handbook in accordance with the Department's usual method of dissemination.

SECTION 2. Policies applicable to bargaining employees shall be effective in accordance with state law and any applicable collective bargaining agreement.

SECTION 3. 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: April 13, 2021
Committee(s) Assigned: Human Resources, Appointments & Equity

Journal _____
_____, 20__

Exhibit A

11.02 Paid Holidays

The County provides full-time and part-time benefits-eligible employees with paid time off on the following, recognized holidays:

- New Year's Day
- Martin Luther King Day
- President's Day
- Memorial Day
- **Juneteenth**
- Independence Day
- Labor Day
- Columbus Day
- Veterans Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Day

Employees who are in an unpaid status on the regular workday immediately preceding or following the holiday are not eligible for holiday pay.

Eligible employees who work on a County-recognized holiday and are in a paid status on the regular work day immediately preceding and following a holiday are entitled to holiday pay for their regularly scheduled work hours. If the employee's work schedule is other than Monday through Friday, and the holiday falls on the employee's day off, the employee is entitled to a floating day off, to be used within ninety (90) calendar days and with prior approval.

An employee in a non-exempt position who is required to work on a County holiday shall be entitled to regular pay in addition to holiday premium pay at one and one-half (1.5) times for each hour worked. Exempt employees who are required to work on a County holiday will receive regular pay in addition to holiday premium pay at their regular rates for each hour worked, or exchange time. Normally, the County will credit the employee with exchange time. A department director may request, based on compelling or extraordinary operational needs, that the Director of Human Resources approve holiday premium pay for an employee or group of employees in lieu of exchange time, subject to the conditions in Section 9.07 of this handbook.

Part-time benefits-eligible employees are entitled to holiday pay for their scheduled hours if the recognized holiday falls on their regularly scheduled workday.

Part-time benefit non-eligible employees and temporary employees are not entitled to holiday pay or premium holiday pay even if they work on a recognized holiday.

County Council of Cuyahoga County, Ohio

Ordinance No. O2021-0007

<p>Sponsored by: County Executive Budish/Fiscal Officer</p> <p>Co-sponsored by: Councilmember Dale Miller</p>	<p>An Ordinance enacting Section 202.21 of the County Code, establishing a Department of Equity and Inclusion to enhance equity both within County government and throughout the community of Cuyahoga County; amending Chapter 509 of the County Code to specify certain duties of the Department; and declaring the necessity that this Ordinance become immediately effective.</p>
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WHEREAS, the preamble of the Charter of Cuyahoga County states that one of the benefits of a reformed County Government should be “an improved focus on equity for all our communities and citizens; and

WHEREAS, the County established the County Equity Commission (the “Equity Commission”) and the Citizens’ Advisory Council on Equity (the “Equity Council”) to review and report on equity efforts undertaken by the County and the delivery of County services, as well as the collection of relevant data; and,

WHEREAS, in January 2019 the County engaged Griffin and Strong, P.C. (“GSPC”) to conduct a disparity study of County contracting during the period 2014 through 2018 (the “2020 Study”); and,

WHEREAS, the 2020 Study showed that the County’s race- and gender-neutral efforts and limited race- and gender-conscious initiatives that arose from the 2014 Study had not sufficiently addressed the race and gender disparities; and,

WHEREAS, the 2020 Study provides additional, legally-necessary support to institute more robust race- and gender-conscious programs and offers eight specific, legally-defensible recommendations to reduce the disparity in County contracting with minority- and women-owned business enterprises (“MWBE”); and

WHEREAS, it is necessary that this Ordinance become immediately effective in order that critical services provided by Cuyahoga County can continue and to provide for the usual, daily operation of a County entity.

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

SECTION 1. That new Section 202.21 of the County Code is hereby enacted to read as follows:

Section 202.21 Department of Equity and Inclusion

- A. The Department of Equity and Inclusion is hereby established under the supervision of the County Executive and the Fiscal Officer.**
- B. The Department of Equity and Inclusion shall be supervised and managed by the Director of Equity and Inclusion.**
- 1. The Director of Equity and Inclusion shall be appointed by the County Executive, subject to Council approval in accordance with Section 2.03(2) of the Charter.**
 - 2. The Fiscal Officer may employ such persons as may be reasonably necessary, within budget parameters established by the Executive and Council, to assist the Director of Equity and Inclusion in carrying out the duties and responsibilities of the Department of Equity and Inclusion. The Director of Equity and Inclusion shall not be an appointing authority for purposes of the Charter or Ohio general law.**
- C. The Department of Equity and Inclusion shall be responsible for enhancing equity in program and policy development within County government by coordinating with the County Equity Commission, the Citizens Advisory Council on Equity, and the various departments under the jurisdiction of the County Executive. The Department's duties shall include, without limitation, the following:**
- 1. increasing participation of minority- and women-owned business enterprises (MWBE) in County contracting and purchasing opportunities;**
 - 2. working with the Office of Innovation and Performance, develop metrics and reports regarding whether County agencies meet or exceed their MWBE contracting goals;**
 - 3. working with the Human Resources Department, develop and implement programs, training, and assessment to build a culture of equity with respect to race, gender and sexual orientation throughout County government, including in hiring and promotion;**
 - 4. serving as an ombudsman to accept and evaluate inquiries and complaints from the general public with regard to implementation of the County's equity initiatives and to coordinate and facilitate community input.**

D. The Director of Equity and Inclusion reserves the right and discretion to recommend rejecting any bid or proposal based on the evaluation of same for compliance with any MWBE program established in accordance with this Section or any equity or inclusion program otherwise provided for in the County Code.

SECTION 2. That Chapter 509 of the County Code is hereby amended to read as follows (deletions are stricken, additions are bold and underlined)

Chapter 509: Disparity and Economic Inclusion

Section 509.01 Disparity Study

The ~~County~~ **Department of Equity and Inclusion** shall conduct a Disparity Study and, ~~if required by law,~~ shall ~~validate~~ **update** the Disparity Study every five (5) years thereafter. All such studies shall be designed to meet the legal standards established by court rulings with respect to the constitutionality of programs designed to encourage greater participation of women and minorities in our economy.

A. The Department of Equity and Inclusion, in consultation with the County Equity Commission and the Citizen’s Advisory Council on Equity, shall evaluate the recommendations of the Disparity Study and provide advice to the Executive regarding the implementation of said recommendations, if any.

B. The Department of Equity and Inclusion, in consultation with the County Equity Commission and the Citizen’s Advisory Council on Equity, shall monitor the effectiveness of the implemented recommendations and shall report same to the Executive and Council no less than annually.

Section 509.02 ~~Monitoring Corrective Action~~ **Reserved**

~~The County Executive shall monitor the effectiveness of any corrective action implemented as a result of the Disparity Study and shall annually update the Disparity Study.~~

Section 509.03 ~~Approval of Contracts and Agreements~~ **Reserved**

~~All contracts and agreements performed in furtherance of the Disparity Study shall be reviewed and approved by the appropriate approval authority depending on the monetary threshold of each contract or agreement in accordance with Chapter 501 of the County Code.~~

SECTION 3. Any reference to the Office of Procurement and Diversity in the County Small Business Enterprise (SBE) Program Policies and Procedures Manual, as referenced in Section 503.01 of the County Code and attached as Exhibit A to

Ordinance No. 2014-0002, enacted February 11, 2014, shall mean the Office of Equity and Inclusion.

SECTION 4. 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 5. 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 adopted.

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: April 13, 2021
Committee(s) Assigned: Human Resources, Appointments & Equity

Additional Sponsorship Requested on the Floor: April 13, 2021

Journal _____
_____, 20

County Council of Cuyahoga County, Ohio

Ordinance No. O2021-0008

Sponsored by: County Executive Budish Co-sponsored by: Councilmember Dale Miller	An Ordinance amending Chapters 507 and Sections 110.3, 205.01, 206.09 207.03, 501.06, 501.10, 501.12, 501.21, 501.22, 502.07, 502.08, 502.09, 502.10, 502.12, 503.02, 503.03, 503.05, 503.06, 503.07, 503.08, 505.05, 510.02, 510.04, 510.06, 510.07, and 510.08 of the County Code to reflect the dissolution of the Office of Procurement and Diversity and its replacement by the Department of Purchasing and the Department of Equity and Inclusion; and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, Article X, Section 10.01 of the Charter provides for a Department of Purchasing to be responsible for the purchase of goods and services required for all offices of the County, other than separate political subdivisions, that are supported in whole or in part from taxes levied, or other financial assistance provided by the County; and

WHEREAS, in accordance with Article XIII, Section 13.04(1) of the Charter, prior to the Effective date of this legislation, the duties of a Department of Purchasing have been performed by the Office of Procurement and Diversity; and

WHEREAS, on [DATE] Cuyahoga County Council adopted O2021-0006 to clearly define the responsibilities of the Department of Purchasing; and

WHEREAS, on [DATE] Cuyahoga County Council adopted O2021-0007 to establish the Department of Equity and Inclusion to enhance diversity both within County government and throughout the community of Cuyahoga County; and

WHEREAS, The Department of Equity and Inclusion is now charged with some of the roles and responsibilities previously imposed upon the former Office of Procurement and Diversity by the County Code; and

WHEREAS this Ordinance eliminates codified references to the “Office of Procurement and Diversity” and the defined abbreviated term “OPD”, and replaces such references with references to either the Department of Purchasing or the Department of Equity and Inclusion consistent with their respective roles and responsibilities;

WHEREAS, it is necessary that this Ordinance become immediately effective in order that critical services provided by Cuyahoga County can continue and to provide for the usual, daily operation of a County entity.

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

SECTION 1. Chapter 507 and Sections 110.3, 205.01, 206.09, 207.03, 501.06, 501.10, 501.12, 501.21, 501.22, 502.07, 502.08, 502.09, 502.10, 502.12, 503.02, 503.03, 503.05, 503.06, 503.07, 503.08, 505.05, 510.02, 510.04, 510.06, 510.07, and 510.08 of the County Code are hereby amended as follows (deletions are stricken, additions are bold and underlined):

Section 110.03: Procedures and Requirements for Electronic Delivery and Signatures

A. Procedures for Electronic Delivery and Execution of Legislation. The Department of Information Technology shall be responsible for developing and, as may be necessary, amending the manner, format, and security procedures governing the electronic delivery and execution of resolutions and ordinances, which shall be subject to the approval of the Director of Law. Upon being approved by the Director of Law, the procedures and any amendments shall be posted on the County's web site, with copies delivered via electronic mail to the County Executive, Council President, and their respective chiefs of staff. The County Executive or Council President may object to the proposed procedures or amendments within seven calendar days of their electronic receipt of the procedures by submitting the objections to the Director of Law via electronic mail. If the Director of Law does not receive objections from either the County Executive or the Council President within the seven day period, the procedures or amendments shall go into effect on the eighth day of being posted online and submitted to the Executive and Council President.

B. Procedures for Electronic Execution of Contracts, Agreements, Instruments, and Other Documents. The Department of Information Technology and the ~~Office of Procurement and Diversity~~ **Department of Purchasing** shall be responsible for developing and, as may be necessary, amending the manner, format, and security procedures for the electronic delivery and execution of contracts, agreements, instruments, and other documents other than legislation. These procedures shall be subject to the approval of the Director of Law and may go into effect as directed by the Director of Law.

Section 205.01 Board of Control

- A. Board of Control Established
1. Establishment: There is, hereby, created the Cuyahoga County Board of Control, consisting of seven members identified as follows:
 - a. The Cuyahoga County Executive,

- b. The Fiscal Officer,
 - c. The Director of Public Works,
 - d. The Director of the ~~Office of Procurement and Diversity~~ **Department of Purchasing**, and
 - e. Three members of Cuyahoga County Council, appointed by the President of Council, immediately following each Organizational Meeting of Cuyahoga County Council, who shall serve until their successors are appointed.
2. Jurisdiction: The Board of Control shall have jurisdiction to review, approve, or deny all of the following:
- a. Any contract, contract amendment, change order, purchase, sale, lease, grant, loan, exemption, procedure, or any other action that requires approval by the Board of Control pursuant to Chapter 501 of Cuyahoga County Code or any other County Code provisions.
 - b. Any other contract, contract amendment, change order, purchase, sale, lease, grant, loan, exemption, procedure, or other action that does not otherwise require approval by the County Council or Board of Control, but the County Executive determines to submit to the Board of Control for its consideration, review, and approval or denial.
 - c. Any other contract, purchase, sale, lease, grant made by the County, loan made by the County, or any procedure within the process of completing any such contract, purchase, sale, lease, grant, or loan for which the County Council, by Resolution or Ordinance of Council, requires approval of the Board of Control.
- B. County Council Vacancies: Whenever any of the three positions on the Board of Control held by members of County Council becomes vacant, the President of County Council shall appoint another member of County Council to fill the position for the remainder of the term.
- C. Executive Branch Alternates: For each of the four executive branch members of the Board of Control, the County Executive shall appoint two alternates, one of whom shall attend meetings of the Board of Control whenever that member is unable to do so. Only employees of Cuyahoga County may be appointed as alternates on the Board of Control. Each alternate appointed shall, according to the County Executive's best judgment, have the greatest responsibility and most knowledge in the area(s) of primary responsibility of the person that the alternate replaces. Alternates shall serve at the pleasure of the County Executive, and the County Executive shall appoint a new alternate in the same way as the original designation whenever an alternate position becomes vacant. Appointments of alternates by the County Executive shall not be subject to confirmation by County Council.
- D. Council Alternates: At the same time that the President of Council appoints members to the Board of Control, the President of Council shall appoint at least three alternates who shall serve as a pool of alternates if any of the Council members are unavailable. Alternates shall be members or employees of

County Council and shall serve until their successors are designated. The President of Council shall in the same way appoint an alternate for the remainder of the term whenever an alternate position becomes vacant.

E. Alternate Have Full Rights: Any properly appointed alternate shall have all the rights and responsibilities of a member of the Board of Control when attending a meeting on behalf of a member.

F. Officers: The County Executive shall serve as Chairperson of the Board of Control, and the Fiscal Officer shall serve as Vice Chairperson. If both the Executive and the Fiscal Officer are absent from any meeting, the Board of Control shall choose one of its members to chair that meeting. For the purposes of this section, County Executive and Fiscal Office shall include their alternates.

G. No Additional Compensation, Collective Action, and Conflicts of Interest:

1. No compensation in addition to a person's regular compensation as an employee of Cuyahoga County shall be provided for service on the Board of Control.

2. The Board of Control is a board created by law, and its members act collectively, and in their official capacities, in the award of contracts and in taking any other action. It shall not be a conflict of interest for a Board member, including the County Executive or a director of a department or an office, to advocate before the Board, deliberate on, or vote for or against a contract or any other item involving his or her department or office. It also shall not be a conflict of interest for a Council Board member to advocate before the Board, deliberate on, or vote for or against a contract within his or her District or involving a purchase by the County Council.

H. Clerk of the Board of Control: The County Executive shall designate one staff person, who shall be the Clerk of the Board of Control, who shall publish agendas and meeting notices and record and publish minutes.

I. Weekly Meetings: The Board of Control shall meet weekly, at a regular time determined by the Board of Control.

J. Quorum: A quorum for the Board of Control shall consist of four (4) members attending personally or through their alternates.

K. Vote Required for Board of Control Actions: Except as provided in Section 501.04(A)(1)(g) of the County Code, a motion to approve or disapprove any item before the Board of Control shall require the affirmative vote of any four (4) or more members. Amendments to items before the Board of Control and parliamentary motions may be adopted by a majority of those present, provided that a quorum is present.

L. Rules of Procedure:

1. The Board of Control shall, consistent with the provisions of this Section 205.01, adopt its own rules of procedure.

2. Should any conflict arise between the rules of procedure of the Board of Control and the County Code, the requirements of County Code shall prevail.

3. The rules of the Board of Control may include procedures for the approval or preapproval of time sensitive, mission critical purchases not to exceed \$25,000.00 for any one time sensitive, mission critical purchase item.

4. Nothing in this Section shall be interpreted to prohibit the Board of Control from utilizing consent agendas.

M. Public Participation: All meetings of the Board of Control shall be open to the public and shall begin by providing time for public comment on matters that are on the agenda for that day. The Board of Control shall also provide time for public comment, either at that time or later in the meeting, on matters that may come before the Board of Control in the future. The Board of Control may also require presenters to register with the Board of Control before speaking and may set a time limit on presentations, which may be extended at the discretion of the Chairperson.

N. Agendas: The Clerk of the Board of Control shall publish the notice and agenda for each meeting on the county's website, post them at its office, and send them by electronic mail to each member of County Council no later than 6:00 p.m. on the second business day before the meeting. For each proposed contract to be considered, the agenda shall list the type of contract, a summary of the scope of work, the anticipated costs, the expected schedule of payments by fiscal year, the source(s) of funding, the anticipated start date, and the vendor's name. For agenda items other than contracts, the Board of Control shall specify in its rules what documentation shall be submitted with the request.

O. Special Meetings: The Board of Control may conduct a special meeting at a time other than its regularly scheduled time. In the event of an emergency, as determined by the County Executive in his or her discretion, or when the County Executive determines that it is advantageous to the County to have a special meeting, the Board of Control may conduct a meeting with less notice than that required by Section 205.01(N) of the County Code. For any special or emergency meeting, in addition to the notice requirements of Section 205.01(N), the Board of Control shall also send notice to all news media organizations that request to be notified of such meetings. A meeting may be conducted with less than 24 hours notice only to respond to an emergency concerning which immediate official action is required, and the notice and agenda shall state the nature of the emergency requiring such action.

P. Minutes: The Clerk of the Board of Control shall promptly prepare and publish the minutes of each meeting of the Board of Control on the county's website, which shall in no case occur later than one week after each meeting.

Q. Executive Session: Notwithstanding the requirement in Section 205.01(M) for open meetings, the Board of Control may go into Executive Session, only to discuss one or more of the topics permitted to be discussed in Executive Session pursuant to the Ohio Open Meetings Act or any other general law permitting such Executive Session. The published agenda for any meeting at which the Board of Control goes into Executive Session must include notice of the intent to go into

Executive Session and a general description of the subject matter to be discussed. Prior to going into Executive Session, the Board of Control must approve a motion to go into Executive Session. That motion must be approved by a majority of members present by roll call vote, with a quorum being present, and the motion shall state the topic(s) to be discussed in Executive Session and that no other topics may be discussed.

R. Journal: The Clerk of the Board of Control shall maintain a Journal of the Board of Control, which shall be posted on the county's website and maintained as a permanent file, which may be in an electronic format. The Journal shall include the notice, agenda, and minutes of all Board of Control meetings.

S. Public Meetings and Public Records: The Board of Control shall be subject to all state and county laws concerning public meetings and public records.

T. Deadline for Agenda Items: The Clerk of the Board of Control, in consultation with the Fiscal Officer, the Director of Public Works, and the Director of the ~~Office of Procurement and Diversity~~ **Department of Purchasing**, may set a deadline for the submission of items for the agenda by county departments for each meeting.

U. Consideration of Items Not on the Agenda: The Board of Control may, by 2/3 vote of members present, with a quorum being present, allow consideration of items not on the agenda or items submitted after the deadline for submission of items established by the Clerk of the Board of Control.

Section 206.09 County Equity Commission

A. **Composition:** To oversee the County's equity efforts, there shall be a Cuyahoga County Equity Commission consisting of the Directors of Development, Human Resources, Health and Human Services, **Equity and Inclusion** ~~Procurement & Diversity~~, and Public Safety and Justice Services, or their respective designees. The County shall use its internal resources to assist the Equity Commission with data collection and analysis.

Section 207.03 Diversity and Inclusion Advisory Committee

A. There is hereby established a Cuyahoga County Diversity and Inclusion Advisory Committee to provide advice and recommendations regarding Cuyahoga County's diversity and inclusion programs and initiatives. The committee shall submit its advice and recommendation to the Director of the ~~Office of Procurement and Diversity~~ **Department of Equity and Inclusion**.

The committee shall consist of the following members:

1. One representative appointed by the County Executive;
2. One representative from County Council appointed by the President of Council;

3. One representative of the Greater Cleveland Partnership's Commission on Economic Inclusion jointly appointed by the County Executive and the President of Council;
 4. One representative of the Urban League of Greater Cleveland jointly appointed by the County Executive and the President of Council;
 5. One representative of the Hispanic Roundtable Community Programs jointly appointed by the County Executive and the President of Council;
 6. One representative of the Cleveland Building and Construction Trade Council jointly appointed by the County Executive and the President of Council;
 7. One representative of the Construction Employers Association jointly appointed by the County Executive and the President of Council; and
 8. Two other representatives jointly appointed by the County Executive and the President of Council
- B. Appointments to the Diversity and Inclusion Advisory Committee shall be for a term of two years. The Diversity and Inclusion Advisory Committee shall elect its own chairperson.

Section 501.06 Law Department Empowered to Authorize Minor Deviations from Approval Actions.

The Law Department may authorize minor deviations from the original approval actions of contracts, revenue generating agreements, purchases, sales, leases, grants, loans, change orders, amendments, or any other approved transactions, including, but not limited to, the identification of the vendor's name and starting and ending dates. If the Law Department approves such deviations, the ~~Office of Procurement and Diversity~~ **Department of Purchasing** shall process the contractual documents. The Law Department shall report all such approved deviations from the original approval actions on a monthly basis to the requisite approval authorities.

Section 501.10 Purchases to be Executed by ~~Office of Procurement and Diversity~~ **the Department of Purchasing**

All purchases of goods and services shall be done by the ~~Office of Procurement and Diversity~~ **Department of Purchasing**, under the direction of the County Executive. The various departments may use office vouchers and procurement cards for purchases not to exceed \$1,000.00. Office vouchers shall be used only for unexpected or uncommon purchases. Recurring purchases of goods and services from the same vendor, originally contemplated in the development of an agency's budget shall be paid through the use of an encumbrance voucher.

Section 501.12 Competitive Bidding Requirements and Exceptions

- A. Except as otherwise provided in Chapter 501 of the County Code, including, but not limited to, Sections 501.12, 501.14, and 501.01(D), all contracts, purchases, or leases shall be done in accordance with the competitive

bidding procedures provided for in Sections 307.86 through 307.921 of the Ohio Revised Code. If any conflict arises between the procedures, requirements, or any other terms of the Ohio Revised Code, Ohio Administrative Code, or any other law or regulation, and Chapter 501 of the County Code, the procedures, requirements, and terms of this Chapter shall prevail.

- B. Competitive bidding is not required when any of the following apply:
1. The estimated cost is less than \$50,000.00;
 2. The purchase is for professional services, such as architectural, legal, medical, veterinary, financial, insurance, information technology, engineering, consulting, surveying, appraisal, brokerage, or construction management services;
 3. The purchase is made in response to an emergency as provided for in Section 501.08 of the County Code or the purchase is approved by the County Council or the Board of Control, as applicable, to be made without competitive bidding in response to an emergency;
 4. The transaction is for the purchase, sale, lease (as lessor or lessee), conveyance, transfer, exchange, easement, right of way, license, or any other disposition or acquisition of real property or real-estate interests;
 5. The purchase is for used personal property, material, or supplies which are to be sold by the submission of written bids or at an auction open to the public;
 6. The purchase is for services, supplies, replacements or supplemental parts, for a product or equipment owned or leased by the county, and the only source of the services, supplies, replacements or parts is limited to a single supplier;
 7. The purchase is for services related to information technology, such as programming services, that are proprietary or limited to a single source;
 8. The transaction is with the federal government, a state or a political subdivision thereof, a county or contracting authority thereof, a board of education, a township, a municipal corporation or a contracting authority thereof, a court, or any other one or more political subdivisions or other governmental entities, including, but not limited to, a county hospital, a regional transportation authority, a board of developmental disabilities, an alcohol, drug addiction and mental health services board, a veterans service commission, a county land reutilization corporation (land bank), a sewer district, or a port authority;
 9. The purchase is made by a county department performing the duties provided for in Section 329.04 of the Ohio Revised Code and consists of family services duties or workforce development activities;
 10. The purchase is made by a public children services agency performing the duties provided for in Section 5153.16 of the Ohio Revised Code and consists of family services, programs, or ancillary services that provide case management, prevention, or treatment services for children at risk of being or alleged to be abused, neglected, or dependent children;

11. The purchase consists of criminal justice services, social services programs, family services, or workforce development activities from nonprofit corporations or associations under programs funded by the federal government or by state grants;
12. The purchase is for an insurance policy, health care plan, or child care services for provision to county employees;
13. The purchase is for goods and services provided by persons with severe disabilities and provided for in Sections 4115.31 through 4115.35 of the Ohio Revised Code;
14. The Board of Control determines, upon its review of a request for an exemption from the requirements of competitive bidding, that the use of competitive sealed proposals would be advantageous to the county and the contracting authority complies with Section 307.862 of the Ohio Revised Code, as modified by Section 501.01(D) of this Chapter;
15. The Board of Control determines, upon its review of a request for an exemption from the requirements of competitive bidding, that an alternative procurement process would be advantageous to the County. The request to the Board must specify the details of the proposed alternative procurement process, and the Board may approve the request as presented or may impose any other changes or additional requirements as it deems appropriate.
16. The program, contract, or agreement is funded through a federal, state, or other grant or program and is awarded by the County to the recipient(s) pursuant to the criteria or requirements of the grant or program, such as contracts entered pursuant to the Community Development Block Grant Program, the Store Front Renovation Rebate Program, the McKinney Vento Homeless Assistance Renewal Grant, or other similar grants or programs. To be eligible for this exemption, the program's criteria and requirements for the selection of the recipients must first be approved by the Board of Control. This approval can be done singularly for the entire program without the need for individualized consideration.
17. The purchase is for any other purpose that may be done without competitive bidding pursuant to the Ohio Revised Code;
18. The purchase is made through a joint purchasing program authorized by the Ohio Revised Code, including, but not limited to, Ohio Revised Code Section 9.48; and,
19. The purchase is made through a state contract authorized by the Ohio Revised Code, including, but not limited to, Ohio Revised Code Section 125.04 and Ohio Revised Code Section 5513.01.

C. Any purchase of professional design services provided by architects, engineers, or surveyors shall be done as provided for in Sections 153.65 through 153.71 of the Ohio Revised Code. The contracting authority, however, may deviate from the requirements of Ohio Revised Code Section 153.691 if the

County Executive, with the approval of the Board of Control, determines that doing so would be advantageous to the County.

D. Except in the case of contracts and purchases made under Sections 501.12(B)(8), (15), and (16) of the County Code, unless a request for an exemption is granted by the Board of Control, as presented or with any other changes or additional requirements deemed appropriate by the Board, if the County seeks to make contracts or purchases of \$50,000.00 or more other than by competitive bidding, and the contracting authority is able to identify more than one source through which the purchase could be made, the contracting agency shall:

1. Develop requests for proposals or qualifications, specifying the products or services to be purchased and the criteria that will be considered prior to making the purchase;
2. Receive responses from prospective vendors/contracting parties meeting the criteria specified in the request for proposals or qualifications by giving notice in a manner substantially similar to the procedures established for giving notice under section 307.87 of the Ohio Revised Code as modified by Section 501.01(D) of the County Code; and
3. The contracting authority negotiates with the prospective vendors/contracting parties to obtain a contract which best satisfies the criteria specified in the request for proposals or qualifications.

E. If the County seeks to make contracts or purchases greater than \$1,000, but less than \$50,000, the County shall solicit bids for the contract/purchase for a period of no less than eight hours on the County's web site and through a vendor email notification system that is approved by the ~~Office of Procurement and Diversity~~ **Department of Purchasing** and the Law Department. The County shall make best efforts to ensure that the posting hours take place between 5:00 a.m. and 7:00 p.m. EST. If the online process does not result in at least three bids, the County shall exercise best efforts to obtain three bids through additional solicitation efforts.

F. If the County seeks to make contracts or purchases of \$50,000 or more, and it is unable to identify more than one source and a vendor provides the County with a verified statement, subject to the penalty of perjury, certifying its sole source status, the County shall then solicit the availability of vendors for the contract/purchase. The solicitation shall be for a period of no less than 48 hours on the County's web site and through a vendor email notification system that is approved by the ~~Office of Procurement and Diversity~~ **Department of Purchasing** and the Law Department. If the posting fails to identify any additional vendor, the County may then proceed to submit the proposed purchase/contract to the appropriate approval authority as a sole source. If, however, the posting results in the identification of more than one possible vendor, the County shall only proceed with the procurement through the requisite competitive process under Chapter 501 of the Cuyahoga County Code unless the County receives an appropriate

exemption in accordance with the requirements of the Code. The request for an exemption shall be made on a form established by the ~~Office of Procurement and Diversity~~ **Department of Purchasing**, and approved by the Law Department, and shall include a verified statement by the vendor, subject to the penalty of perjury, certifying the vendor's sole-source status. If the sole-source request is approved, the purchase or contract must still receive the requisite approval by the County Council or the Board of Control pursuant to Section 501.04 of the County Code.

Section 501.21 Inspector General's Authority

The Inspector General shall have the power to audit, investigate, inspect and review the operations, activities, and performance of the contracting and procurement processes of Cuyahoga County government in order to detect corruption and fraud and ensure compliance with the County Code and state and county ethics laws relating to contracting and procurement. Areas within the purview of such power shall include the following:

1. the establishment of bid specifications;
2. Bid submittals;
3. activities of contractors, including their departments, agents, and employees that specifically relate to performance on a contract with the county; and
4. relevant activities of public officials and employees of the county.

Provided that, in the reasonable judgment of the Inspector General's agency, doing so does not jeopardize any existing or anticipated investigation, the Inspector General's agency shall promptly report any wrongdoing to the County Executive, the County Council, Director of Public Works, the Director of **Purchasing** ~~Procurement and Diversity~~, the Director of Law, the Prosecuting Attorney, and other appropriate officials, as needed, to ensure that proper action is taken in response to its findings.

Section 501.22 Purchasing Policy and Procedure Manual

The County Executive shall promulgate regulations to be implemented by the ~~Office of Procurement and Diversity~~ **Department of Purchasing** governing purchasing and contracting policies and procedures. The regulations shall be adopted in accordance with Chapter 113 of the County Code.

Section 502.07 Cuyahoga County Based Business Form

- A. The ~~Office of Procurement and Diversity~~ **Department of Equity and Inclusion** is directed to create a Cuyahoga County Based Business form, which shall be submitted by any entity desiring to participate in the Cuyahoga County Based Business Preference Program.
- B. Any entity desiring to participate in the Cuyahoga County Based Business Preference Program must submit, with and at the time of the bid, proposal or

qualifications, a completed, signed and notarized Cuyahoga County Based Business form.

Section 502.08 Verification of Information and Denial of Designation

The Director of the ~~Office of Procurement and Diversity~~ **Department of Equity and Inclusion** is hereby authorized to investigate and verify any information submitted with the Cuyahoga County Based Business form and may reject the designation of a Cuyahoga County Based Business if he or she believes the information on the form is inaccurate or the entity is ineligible to be designated as a Cuyahoga County Based Business. The Director of the ~~Office of Procurement and Diversity~~ **Department of Equity and Inclusion** may request additional information prior to approving or rejecting the designation of a Cuyahoga County Based Business.

Section 502.09 Appeal of Denial of Designation

If a designation of a Cuyahoga County Based Business is denied by the Director of the ~~Office of Procurement and Diversity~~ **Department of Equity and Inclusion**, the entity may submit a written complaint or appeal to the Director of the ~~Office of Procurement and Diversity~~ **Department of Equity and Inclusion** who shall notify the SBE Grievance Hearing Board. The written complaint or appeal by the entity shall be made within five (5) days to the Director of the ~~Office of Procurement and Diversity~~ **Department of Equity and Inclusion** upon receipt of the Director of the ~~Office of Procurement and Diversity~~ **Department of Equity and Inclusion**'s decision. The SBE Grievance Hearing Board shall make every effort to hold the hearing no more than twenty (20) days from the date of receipt of the written complaint or appeal from the entity.

Section 502.10 Effect of Denial of Designation

If a designation of a Cuyahoga County Based Business is denied by the Director of the ~~Office of Procurement and Diversity~~ **Department of Equity and Inclusion** and/or the SBE Grievance Hearing Board, the entity cannot reapply for designation as a Cuyahoga County Based Business for a period of one (1) year from the date of the notice of denial.

Section 502.12 Biennial Review

The ~~Office of Procurement and Diversity~~ **Department of Equity and Inclusion** shall conduct a biennial review of the economic and budgetary impacts of the Cuyahoga County Based Business Program and shall submit the results to Council during the biennial budget process beginning in 2013.

Section 503.02

A. The Small Business Enterprise Program is hereby expanded to allow the ~~Cuyahoga County Office of Procurement and Diversity (“OPD”)~~ **Department of Equity and Inclusion** to set aspirational Minority Business Enterprise and /or

Women Business Enterprise subcontractor participation goals for every Request for Bid, Request for Proposal, and Request for Qualifications issue by the County based upon available information including, but not limited to, the disparity study.

B. "Minority Business Enterprise" or "MBE" means an individual, domestic corporation, sole proprietorship, partnership, joint venture, entity or company that is at least 51% owned by one or more individuals who are African American, Hispanic American, Native American, Asian-Pacific American or Asian-Indian American; and whose management and daily business operations are controlled by one or more of these owners as determined by ~~OPD~~ **the Department of Equity and Inclusion**.

C. "Women Business Enterprise" or "WBE" means an individual, domestic corporation, sole proprietorship, partnership, joint venture, entity or company that is at least 51% owned by one or more women and whose management and daily business operations are controlled by one or more of these owners as determined by ~~OPD~~ **the Department of Equity and Inclusion**.

Section 503.03

A. In consideration of the right and privilege to submit a bid or proposal on construction projects and other contracts with Cuyahoga County, at the time of submitting a proposal or bid, each participant shall be required to present appropriate documentation. The documents described below must be completed and signed by each Participant before a proposal or bid can be considered responsive:

1. Covenant of Non-Discrimination: Each Participant must submit a duly executed and attested Covenant of Non-Discrimination (MBE/WBE-1) on a form prescribed by ~~OPD~~ **the Department of Equity and Inclusion**. This written instrument shall contain promises, declarations and/or affirmations made by the Participant. The completed document must contain an original signature and date of signature.

2. MBE/WBE Subcontractor Participation Plan: Each Participant must submit a duly executed, affirmed, and certified Subcontractor Participation Plan (MBE/WBE-2) on a form prescribed by ~~OPD~~ **the Department of Equity and Inclusion** for each MBE/WBE subcontractor proposed. Copies and/or facsimiles of MBE/WBE-2 submitted with bids/proposals are acceptable BUT all required signatures must be dated as indicated. Also, please note the following:

a. Certified MBE/WBEs who are bidding as prime contractors MUST complete and submit the top portion of Form MBE/WBE-2 to guarantee MBE/WBE credit.

b. MBE/WBEs with multiple geographical locations shall enter the Cuyahoga County address and contact information on Form MBE/WBE-2.

c. Prime vendors are PROHIBITED from using MBE/WBE(s) with whom the prime vendor has a familial relationship, joint or co-ownership, common

partners, officers, or a shareholder relationship to meet the MBE/WBE Participation Goal. Hence, on Cuyahoga County projects/contracts, any portion of work subcontracted to a MBE/WBE vendor by a prime vendor that meets the above-mentioned criteria will NOT count towards the achievement of the established MBE/WBE Participation Goal.

B. Use of 2nd Tier Subcontractors: In the event that a subcontractor portions out work and utilizes the services of a sub-subcontractor or vendor, the prime contractor shall be required to report this use to ~~OPD~~ **the Department of Equity and Inclusion**. For reporting purposes, the prime contractor shall report statistical data for the sub-subcontractor or sub-vendor, including race, gender, business size, area of specialization, dollar value, description of services or products purchased, and contact information. No MBE/WBE subcontractor will be permitted to subcontract more than 25% of their subcontract work (based on dollar value) without prior approval by ~~OPD~~ **the Department of Equity and Inclusion**.

C. Other Information and Data: ~~OPD~~ **The Department of Equity and Inclusion** may request additional information and data prior to a contract award. This information may include, but is not limited to, information regarding business ownership of all subcontractors to be utilized on the project, all of which shall reflect the race, gender, location, size, and area of specialization and structure of the identified businesses.

Aggressive “Good Faith Efforts” to include MBE/WBEs in the procurement process are required of all Participants. These Good Faith Efforts should be in addition to the Participant’s regular and customary solicitation process of contact with potential subcontractors and/or vendors.

D. Written Notice to MBE/WBEs: To demonstrate good faith efforts, a Participant shall deliver written or electronic notice to potential, MBE/WBEs. MBE/WBEs should be contacted not less than one (1) week before the bid or proposal due date. Names, addresses, and telephone numbers for available MBE/WBEs may be obtained by contacting ~~OPD~~ **the Department of Equity and Inclusion** or reviewing the database on the **Department of Purchasing** website at <http://opd.cuyahogacounty.us/>.

The written or electronic notice sent to potential subcontractors or vendors shall contain the following:

1. Sufficient information about the plans, specifications, and relevant terms and conditions of the solicitation. This should include information about the work which will be subcontracted or the goods which will be obtained from subcontractors and suppliers;
2. A contact person knowledgeable of the project scope documents, within the Participant’s office, to answer questions about the conditions of the contract;

3. Information as to the Participant's bonding requirements; and
4. The deadline for price quotations.

E. Evaluation of Good Faith Efforts: In evaluating good faith efforts, ~~OPD~~ **the Department of Equity and Inclusion** will determine whether the Participant has made reasonable good faith efforts to obtain MBE/WBE participation as part of its bid or proposal. ~~OPD~~ **the Department of Equity and Inclusion** may evaluate not only the different kinds of efforts made by a Participant, but also the quantity and intensity of those efforts. One method of evaluation will be whether the MBE/WBE goal has been met. Prime Contractors and any Participant herein shall be required to affirm and certify that information is correct in their bid/proposal and that they will meet or exceed the MBE/WBE Subcontractor Plan submitted with their bid/proposal. Prime Contractors also shall be required to report statistical data for its employees and proposed subcontractors that include race, gender, business size, area of specialization, dollar value, description of services or products purchased and contact information. Such information shall be certified and affirmed by the Prime Contractor when it submits the bid/proposal.

~~OPD~~ **The Department of Equity and Inclusion** will consider a completed Good Faith Effort Certification (MBE/WBE-3) as evidence of a Participant's good faith in trying to obtain MBE/WBE participation in a bid or proposal.

F. Required Documentation: To demonstrate good faith efforts, Participants shall keep detailed records of all correspondence and responses thereto, logs of all telephone calls made and received regarding the project or contract, confirmation receipts for fax transmissions, receipts from registered or certified mail, copies of advertisements in publications and other media, and other relevant papers required by this Program.

G. Good Faith Effort Certification: Participant must submit a completed Good Faith Certification (MBE/WBE-3) ONLY if the MBE/WBE Participation Goal is not met. In the MBE/WBE-3 form, Participant must certify that it interviewed and seriously considered MBE/WBEs and provide supporting documentation of that fact. Additional documentation demonstrating a good faith effort must accompany this document. The completed document must contain an original signature, notarizations, and date of signature.

H. Award of Contract: Proposals/ bids may be rejected and projects re-submitted for the sole purpose of attaining goals where inadequate "good faith effort" has been demonstrated. Cuyahoga County reserves the right to determine the action to be taken on the contract if a goal is not met, including rejecting any or all bids or proposals. If an awarded contract is later amended for additional dollars, MBE/WBE subcontractor participation should still reflect the percentage of dollars originally contracted for.

When evaluating a bid to determine the lowest and best bid, the County may consider, in addition to all of the other factors, whether a bid is MBE/WBE

compliant; provided, however, that such MBE/WBE compliance shall not be considered if the difference between the MBE/WBE-compliant bid and the lowest responsive bid is more than the price preference specified below.

Lowest Bid Received Range (\$)	Price Preference (%) Limit	Price Preference (\$)
0 – 500,000	10%	0 – 50,000
500,000. <u>01</u> – 1,000,000	10% up to max \$80,000 (10-8)	50,000. <u>01</u> – 80,000
1,000,000. <u>01</u> – 3,000,000	8% up to max \$210,000 (8-7)	80,000. <u>01</u> – 210,000
3,000,000. <u>01</u> - 5,000,000	7% up to max \$250,000	210,000. <u>01</u> – 250,000
> 5,000,000	\$250,000 maximum (≤5)	250,000.01 maximum

Section 503.05

- A. Exclusions. This policy shall not apply to the following:
 1. “Sole Source” procurements under the Cuyahoga County ordinances which by their very nature limit the source of supply to one vendor.
 2. County purchases from political subdivisions/government entities;
 3. County purchases off state contracts, off federal contracts, and from joint purchasing programs.
 4. The acquisition of any interest in real property including lease holdings.
 5. Direct and indirect employee payments including payroll expenditures, pensions and unemployment compensation and other employee-related expenditures;
 6. Any other categories and subcategories of goods and services Cuyahoga County may from time to time establish as excluded contracts upon recommendation of the Director of the ~~Office of Procurement & Diversity~~ **Department of Purchasing** and approval by the Cuyahoga County Executive and Cuyahoga County Council.
- B. Application for Waiver. If the Contractor, consultant, supplier or vendor does not meet the project goal, the bidder or offer or may seek a partial or total waiver of the project goal. The application for waiver of all or part of the project goal shall include full documentary evidence of the Participant’s good faith efforts to meet the project goal and why the request for waiver should be granted. The application shall be notarized and submitted as a part of the bid or offer. Additional explanation, affidavits, exhibits or other materials may be required by the MBE/WBE Program to substantiate good faith efforts. Waivers may also be granted by ~~OPD~~ **the Department of Equity and Inclusion** for an acceptable explanation as to why the goals should be waived.
- C. Waiver for Detriment to Public Health, Safety or Financial Welfare. The MBE/WBE goal may be waived if the same causes a detriment to public health,

safety or the financial welfare of the County. The MBE/WBE may also be waived by ~~OPD~~ **the Department of Equity and Inclusion** in the event available MBE/WBEs provide price quotes which are unreasonably high in that they exceed competitive levels beyond amounts which can be attributed to cost, overhead and profit.

Section 503.06

~~OPD~~ **The Department of Equity and Inclusion** may prepare and/or amend forms to carry out the actions described herein. The forms shall be similar or the same as those that other governments, like the State and City of Cleveland, already have in place in an effort to make it simple and easy and encourage greater participation.

Section 503.07

The Director of the ~~Cuyahoga County Office of Procurement and Diversity~~ **Department of Purchasing** or designee reserves the right and discretion to reject any bid or proposal for any reason or all bids or proposals for no reason at all without incurring any liability.

Section 503.08 Small Business Set Asides

- A. “Set Asides for Small Business Enterprises” are defined as the reserving of some or all of a Request for Bid, Request for Proposal, Request for Qualifications or contract exclusively for participation by Small Business Enterprises as determined by the ~~Cuyahoga County Office of Procurement and Diversity~~ **Department of Equity and Inclusion**.
- B. The Small Business Enterprise Program set forth in Cuyahoga County Code Section 503.01 is hereby expanded to allow Requests for Bids, Requests for Proposals, Requests for Qualifications, and contracts to contain Set Asides for Small Business Enterprises exclusively for participation by Small Business Enterprises.
- C. The ~~Cuyahoga County Office of Procurement and Diversity~~ **Department of Equity and Inclusion** may prepare and/or amend forms to carry out the actions described herein. The forms shall be similar to those that other governments, like the State and City of Cleveland, already have in place in an effort to make it simple and easy and encourage greater participation from SBEs.
- D. The Director of the ~~Cuyahoga County Office of Procurement and Diversity~~ **Department of Purchasing** or designee reserves the right and discretion to reject any bid or proposal for any reason or all bids or proposals for no reason at all without incurring any liability.
- E. Within 90 days of the effective date of this provision, the ~~Cuyahoga County Office of Procurement and Diversity~~ **Department of Equity and Inclusion** shall, in collaboration with the Department of Public Works, develop written parameters the County will use to identify contracts or services eligible to be set aside for small business enterprises and shall submit such written

parameters to Council. On or before April 1 of each year starting in 2017, the ~~Cuyahoga County Office of Procurement and Diversity~~ **Department of Equity and Inclusion** shall issue a report to Council outlining the status of the Small Business Enterprises Program, including the overall impact the program has had on correcting the disparities identified in the 2015 Cuyahoga County Disparity Study.

Section 505.05 Debarment Web Site

The County shall give notice of debarment under Chapter 505 of the Cuyahoga County Code on the County's web site as follows:

- A. The Agency of Inspector General shall maintain a listing on its web site of all debarred contractors. The listing shall include the date of the issuance of the debarment and the expiration thereof.
- B. The ~~Cuyahoga County Office of Procurement and Diversity~~ **Department of Purchasing** shall provide a link on its web site to the Agency of Inspector General's list of debarred contractors.
- C. The Agency of Inspector General shall exercise good faith efforts to expeditiously remove contractors from the list of debarred contractors upon the expiration of the debarment period or reversal of the Agency's debarment of a contractor.

Chapter 507: Risk Management Procedures

The Law Department, through its Risk Management Division, in coordination with the ~~Office of Procurement and Diversity~~ **Department of Purchasing**, shall determine the appropriate risk management protections for county contracts, including but not limited to, all insurance and performance bond requirements. All such risk management protections shall be subject to the review and approval of the contract approval authority that has jurisdiction over the award of the contract. Unless otherwise provided in the Cuyahoga County Code, insurance and bonding requirements shall be determined as set forth in Chapter 508 of the Cuyahoga County Code.

Section 510.02

For the purposes of Chapter 510 of the Cuyahoga County Code:

"Minority Business Enterprise" means an individual, domestic corporation, sole proprietorship, partnership, joint venture, entity or company that is at least 51% owned by one or more individuals who are African American, Hispanic American, Native American, Asian-Pacific American or Asian-Indian American; and whose management and daily business operations are controlled by one or more of these owners as determined by the ~~Cuyahoga County Office of Procurement and Diversity~~ **Department of Equity and Inclusion**.

“Women Business Enterprise” means an individual, domestic corporation, sole proprietorship, partnership, joint venture, entity or company that is at least 51% owned by one or more women and whose management and daily business operations are controlled by one or more of these owners as determined by the ~~Cuyahoga County Office of Procurement and Diversity~~ **Department of Equity and Inclusion**.

“Inclusive Business” means:

- A. An individual, domestic corporation, sole proprietorship, partnership, joint venture, entity or company that demonstrated a commitment to utilizing Minority Business Enterprises and/or Women Business Enterprises as subcontractors on three projects within the past two years as determined by the ~~Cuyahoga County Office of Procurement and Diversity~~ **Department of Equity and Inclusion**; or
- B. An individual, domestic corporation, sole proprietorship, partnership, joint venture, entity or company that demonstrated that it hired and employed a diverse workforce based on payroll records within the past two years as determined by the ~~Cuyahoga County Office of Procurement and Diversity~~ **Department of Equity and Inclusion**.

Section 510.04

- A. The ~~Office of Procurement and Diversity~~ **Department of Equity and Inclusion** is directed to create a Cuyahoga County Business Economic Inclusion Program form, which shall be submitted by any entity desiring to participate in the Cuyahoga County Business Economic Inclusion Program. Where appropriate and applicable, the form shall be the same or similar to those that other governments, like the State and City of Cleveland, already have in place in an effort to make it simple and easy and to encourage greater participation.
- B. An entity desiring to participate in the Cuyahoga County Business Economic Inclusion Program must submit, with and at the time of the bid, proposal or qualifications, a completed, signed and notarized Cuyahoga County Business Economic Inclusion Program form.

Section 510.05

The Director of the ~~Office of Procurement and Diversity~~ **Department of Equity and Inclusion** or designee is hereby authorized to investigate and verify any information submitted with the Cuyahoga County Business Economic Inclusion Program form and may reject the designation of an Inclusive Business if ~~he or she~~ **the Director of the Department of Equity and Inclusion** believes the information on the form is inaccurate or the entity is ineligible to be designated as an Inclusive Business. The Director of the ~~Office of Procurement and Diversity~~ **Department of Equity and Inclusion** or designee may request additional information prior to approving or rejecting the Inclusive Business designation.

Section 510.06

If an Inclusive Business designation is denied by the ~~Office of Procurement and Diversity~~ **Department of Equity and Inclusion**, the entity may submit a written complaint or appeal to the Director of the ~~Office of Procurement and Diversity~~ **the Department of Equity and Inclusion** who shall notify the SBE Grievance Hearing Board. The written complaint or appeal by the entity shall be made within five (5) days to the Director of the ~~Office of Procurement and Diversity~~ **Department of Equity and Inclusion** upon receipt of the Director of the **Department of Equity and Inclusion** ~~Office of Procurement and Diversity's~~ decision. The SBE Grievance Hearing Board shall make every effort to hold the hearing no more than twenty (20) days from the date of receipt of the written complaint or appeal from the entity.

Section 510.07

If an Inclusive Business designation is denied by the ~~Office of Procurement and Diversity~~ **Department of Equity and Inclusion** and/or the SBE Grievance Hearing Board, the entity cannot reapply for designation as an Inclusive Business for a period of one (1) year from the date of the notice of denial.

~~Section 510.08~~

~~The Director of the Cuyahoga County Office of Procurement and Diversity or designee reserves the right and discretion to reject any bid or proposal for any reason or all bids or proposals for no reason at all without incurring any liability.~~

SECTION 2. 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 3. 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 adopted.

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: April 13, 2021

Committee(s) Assigned: Human Resources, Appointments & Equity

Additional Sponsorship Requested on the Floor: April 13, 2021

Journal _____
_____, 20