

County Council Regular Meeting: April 26, 2016

Observer: Patricia Solomon

This report contains member observations and selected highlights of a meeting of the Cuyahoga County Council and is not an official statement by the League of Women Voters of Greater Cleveland. For the official disposition of all agenda items, consult the Cuyahoga County Council website at council.cuyahogacounty.us

I. Introduction.

The meeting was called to order at 5:00pm by President Dan Brady, with all Council members present. The meeting was adjourned at 7:30pm.

II. Antecedents, Announcements and Public Comment.

Marcia Goldberg, vice president of the League of Women Voters of Greater Cleveland, presented a statement urging County Council members to approve the ordinance updating Titles IV and V of the County Code. The statement mentioned that the League has followed the process of the extensive update and gave testimony at two of the committee's discussions. Their suggestions have been considered or incorporated into the final legislation. The statement noted several compelling reasons for urging adoption: no original provisions have been altered other than to clarify or strengthen them, and improvements have been made in the sections on ethics infractions. Enforcement mechanisms are clarified, excessive "legalese" is translated into more easily understood language, a "plainspeak" Users or Training manual is required, and the whole is divided for easy reference into sections pertinent to several types of covered persons.

Other speakers included representatives of the Cleveland Building Trades Council and the Construction Employers Association, a Lakewood resident on delivery of health care in that city, and Rev. Pinckney-Butts on RTA.

County Executive Budish spoke of the 120th anniversary of the Eliza Bryant Center, the oldest in the country for service to seniors. He said the Center serves 1,200 individuals each year.

III. Business Transacted.

-- The ordinance amending Titles 4 and 5 of the Cuyahoga County Code to clarify the ethical rights, responsibilities and prohibitions applicable to elected officials, employees, board members, contractors and lobbyists of Cuyahoga County was adopted. Council members Greenspan and Miller voiced support and referenced the LWV for their continued interest and valuable input. Miller noted that he would have summarized the ordinance, but the LWV statement did it better than he could.

-- A Resolution confirming the County Executive's appointment of Mark D. Griffin to serve as Inspector General of Cuyahoga County was moved to the next Council agenda.

* Two resolutions were among several that were adopted on Second Reading Under Suspension of Rules:

-- The transfer of real property located at E. 79th Street and Hillside Road, Cleveland (also known as Hillside Community Park) to Burten, Bell, Carr Development, Inc. Councilman Hairston indicated that the property would be slated for redevelopment.

-- A \$5.6 million award to Youth Opportunities Unlimited for the Temporary Assistance to Needy Families Summer Youth Employment Program.

* Four related Ordinances were adopted on Third Reading. Councilman Miller moved to consider them as a package, and referenced the Disparity Study completed last year, which indicated that stronger action is needed to correct the unequal opportunity evident on county building projects. Councilman Germana said the committee met weekly and solicited input from affected entities, resulting in good legislation. The Ordinances were:

- Expanding the Small Business Enterprise Program to Allow Small Business Set Asides.
- Expanding the Small Business Enterprise Program.
- Establishing the County's Risk Management procedures and performance bond and insurance requirements.
- Establishing the Cuyahoga County Business Economic Inclusion Program.

IV. Notes.

Two amendments were proposed for the third Ordinance. They engendered intense discussion which lasted approximately one hour, including a 5-minute break (after which a third amendment was considered). County Executive Budish said that he supports both amendments as a real chance for minorities and women to get their foot in the door. He said, as currently written, the legislation would harm small businesses by advantaging larger companies. The Ordinance was eventually passed as amended, with Greenspan, Germana, Gallagher and Schron dissenting.

Amendment #1 Proposed by Councilman Germana, recommended expanding an Advisory Committee to be more diverse and inclusive. Specifically, in addition to two members appointed by the County Executive and the Council and representatives from the Cleveland Building Trades Council and the Construction Employers Association, there would be representatives from agencies such as the Urban League, the Hispanic community, and a Women's Construction group. Discussion centered on whether any of the non-County appointed entities would have the ability to present one name for confirmation, or the Council would ask for more than one name. The second option prevailed. The amendment was approved, with Republicans Greenspan, Schron and Gallagher dissenting.

Amendment #2 was proposed by Councilman Jones to eliminate what he called a restrictive provision that does not "level the playing field." It focused on waiving performance bonds for small companies on construction projects under \$250,000 (of which there are *very* few). Councilman Schron countered that the bonds are a way for the County to self-insure against the risk of poor performance (e.g., bad concrete) and that they are a cost of doing business. Councilman Miller said a goal is to help companies become bondable. Waiving the bonding requirements for those who cannot or will not get bonded pits small business against small, not small against larger companies. The amendment, which eliminated the need for performance bonds on small projects, was approved, with Greenspan, Miller, Germana, Schron and Gallagher dissenting.

Amendment #3 was proposed by Councilwoman Simon, obligating the Risk Management Office of the County to consider a process which would waive the bond "when appropriate". The amendment was approved, with Greenspan, Germana, Gallagher and Schron dissenting.