



MINUTES

**CUYAHOGA COUNTY COUNCIL REGULAR MEETING
TUESDAY, FEBRUARY 12, 2019
CUYAHOGA COUNTY ADMINISTRATIVE HEADQUARTERS
C. ELLEN CONNALLY COUNCIL CHAMBERS – 4TH FLOOR
5:00 PM**

1. CALL TO ORDER

Council President Brady called the meeting to order at 5:00 p.m.

2. ROLL CALL

Council President Brady asked Clerk Schmotzer to call the roll. Councilmembers Gallagher, Schron, Conwell, Jones, Brown, Stephens, Simon, Baker, Miller, Tuma and Brady were in attendance and a quorum was determined.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

4. SILENT MEDITATION

There was no moment of silent meditation.

5. PUBLIC COMMENT

Ms. Kimberly Brown addressed Council regarding Resolution No. R2019-0029, a Resolution confirming the County Executive's appointment of various individuals to serve on the Cuyahoga County Division of Children and Family Services Advisory Board for the term 3/1/2019 - 2/28/2023.

Mr. Kareem Henton addressed Council regarding the Cuyahoga County Jail.

Ms. Loh addressed Council regarding conditions and security at the women's homeless shelter.

6. APPROVAL OF MINUTES

- a) January 22, 2019 Committee of the Whole Meeting
- b) January 22, 2019 Regular Meeting

A motion was made by Mr. Schron, seconded by Ms. Conwell and approved by unanimous vote to approve the minutes of the January 22, 2019 Committee of the Whole and Regular meetings.

7. ANNOUNCEMENTS FROM THE COUNCIL PRESIDENT

There were no announcements from the Council President.

8. MESSAGES FROM THE COUNTY EXECUTIVE

County Executive Budish reported that Mr. Paul Clark, Regional President for PNC Bank in Cleveland, is retiring and he expressed his appreciation for Mr. Clark's participation in several County initiatives. He said that Mr. Patrick Pastore will succeed Mr. Clark as the new Regional President.

9. LEGISLATION INTRODUCED BY COUNCIL

- a) CONSIDERATION OF A RESOLUTION OF COUNCIL FOR FIRST READING AND REFERRAL TO COMMITTEE

- 1) R2019-0038: A Resolution reappointing Deborah Southerington to serve on the Cuyahoga County Personnel Review Commission for the term 3/8/2019 - 3/7/2025, and declaring the necessity that this Resolution become immediately effective.

Sponsor: Councilmember Brown

Council President Brady referred Resolution No. R2019-0038 to the Human Resources, Appointments & Equity Committee.

- b) COMMITTEE REPORT AND CONSIDERATION OF A RESOLUTION OF COUNCIL FOR SECOND READING

- 1) R2019-0023: A Resolution adopting the 2019 - 2033 Solid Waste Management Plan Update for the Cuyahoga County

Solid Waste Management District, and declaring the necessity that this Resolution become immediately effective.

Sponsors: Councilmember Simon on behalf of Cuyahoga County Solid Waste Management District

Committee Assignment and Chair: Education, Environment & Sustainability – Simon

Clerk Schmotzer read Resolution No. R2019-0023 into the record.

This item will move to the February 26, 2019 Council meeting agenda for consideration for third reading adoption.

c) CONSIDERATION OF A RESOLUTION OF COUNCIL FOR THIRD READING ADOPTION

- 1) R2019-0004: A Resolution adopting various changes to the Cuyahoga County Non-bargaining Classification Plan, and declaring the necessity that this Resolution become immediately effective.

Sponsors: Councilmember Brown on behalf of Cuyahoga County Personnel Review Commission

On a motion by Mr. Schron with a second by Ms. Brown, Resolution No. R2019-0004 was considered and adopted by unanimous vote.

d) CONSIDERATION OF ORDINANCES OF COUNCIL FOR FIRST READING AND REFERRAL TO COMMITTEE

- 1) O2019-0002: An Ordinance amending Section 208.01 of the Cuyahoga County Code to provide for the periodic appointment of the Cuyahoga County Citizens' Advisory Council on Equity, and declaring the necessity that this Ordinance become immediately effective.

Sponsors: Councilmembers Miller and Conwell

Council President Brady referred Ordinance No. O2019-0002 to the Human Resources, Appointments & Equity Committee.

- 2) O2019-0003: An Ordinance amending Chapter 501 of the Cuyahoga County Code to change the Contracts and

Purchasing Procedures, and declaring the necessity that this Ordinance become immediately effective.

Sponsors: Councilmembers Gallagher, Stephens and Schron

Council President Brady referred Ordinance No. O2019-0003 to the Public Works, Procurement & Contracting Committee.

e) COMMITTEE REPORT AND CONSIDERATION OF AN ORDINANCE OF COUNCIL FOR SECOND READING

- 1) O2019-0001: An Ordinance enacting Chapter 809 and amending Section 704.01 of the Cuyahoga County Code to establish the Cuyahoga County Housing Program.

Sponsors: Councilmembers Brady, Miller, Jones, Stephens, Conwell, Simon and Gallagher

Committee Assignment and Chair: Community Development – Jones

Clerk Schmotzer read Ordinance No. O2019-0001 into the record.

This item will move to the February 26, 2019 Council meeting agenda for consideration for third reading adoption.

10. LEGISLATION INTRODUCED BY EXECUTIVE

a) CONSIDERATION OF RESOLUTIONS FOR FIRST READING ADOPTION UNDER SUSPENSION OF RULES

A motion was made by Mr. Gallagher, seconded by Ms. Brown and approved by unanimous vote to suspend Rules 9D and 12A and to place on final passage Resolution Nos. R2019-0039, R2019-0040 and R2019-0041.

- 1) R2019-0039: A Resolution amending the 2018/2019 Biennial Operating Budget for 2019 by providing for an additional fiscal appropriation from the General Fund to meet the budgetary needs of a County department, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive Budish/Fiscal Officer/Office of Budget and Management

On a motion by Mr. Miller with a second by Mr. Brady, Resolution No. R2019-0039 was considered and adopted by unanimous vote.

- 2) R2019-0040: A Resolution approving an amendment to a Collective Bargaining Agreement between Cuyahoga County and Fraternal Order of Police, Ohio Labor Council, Inc., representing approximately 20 employees in the classification of Corrections Officer Sergeant at the Sheriff's Department for the period 1/1/2018 - 12/31/2020 to establish terms of the healthcare insurance re-opener and to modify Article 22; directing that funds necessary to implement the amendment be budgeted and appropriated; authorizing the County Executive to execute the amendment and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive Budish/Department of Law and County Sheriff

On a motion by Mr. Miller with a second by Mr. Schron, Resolution No. R2019-0040 was considered and adopted by unanimous vote.

- 3) R2019-0041: A Resolution approving a Collective Bargaining Agreement between Cuyahoga County and Teamsters Local 436, affiliated with International Brotherhood of Teamsters, representing approximately 36 employees in 12 classifications at the Department of Public Works/Maintenance for the period 1/1/2018 - 12/31/2020; directing that funds necessary to implement the Collective Bargaining Agreement be budgeted and appropriated; authorizing the County Executive to execute the agreement and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive Budish/Departments of Law and Public Works

On a motion by Mr. Brady with a second by Mr. Schron, Resolution No. R2019-0041 was considered and adopted by unanimous vote.

- b) CONSIDERATION OF RESOLUTIONS FOR FIRST READING AND REFERRAL TO COMMITTEE

- 1) R2019-0042: A Resolution confirming the County Executive's appointment or reappointment of various Mayors to serve on

the Cuyahoga County Planning Commission representing various Regions for the term 1/1/2019 - 12/31/2021, and declaring the necessity that this Resolution become immediately effective:

- i) Appointment:
 - a. The Honorable Michael D. Gammella representing the Southwest Region
- ii) Reappointment:
 - a. The Honorable Michael P. Byrne representing the South Central Region

Sponsor: County Executive Budish

Council President Brady referred Resolution No. R2019-0042 to the Human Resources, Appointments & Equity Committee.

- 2) R2019-0043: A Resolution confirming the County Executive's appointment or reappointment of various individuals to serve on the Cuyahoga Regional HIV Health Services Planning Council for various terms, and declaring the necessity that this Resolution become immediately effective:

- i) Appointments for the term 2/1/2019 - 1/31/2021:
 - a. Clifford Barnett
 - b. Michael Deighan
 - c. David Johnson
 - d. Ronald Rolling
- ii) Reappointments for the term 2/1/2019 - 1/31/2022:
 - a. Terrence M. Allan
 - b. Clinton Droster
 - c. Brenda Glass
 - d. Merle Gordon
 - e. Tammie Jones
 - f. Tina Y. Marbury
 - g. Jason McMinn
 - h. Chris Ritter
 - i. Robert B. Watkins

Sponsor: County Executive Budish

Council President Brady referred Resolution No. R2019-0043 to the Human Resources, Appointments & Equity Committee.

- 3) R2019-0044: A Resolution confirming the County Executive's appointment of various individuals to serve on the Commission on Human Rights for the term 3/1/2019 - 2/28/2021, and declaring the necessity that this Resolution become immediately effective:
 - i) Kimberly G. Barnett-Mills
 - ii) Timothy J. Downing
 - iii) Todd K. Masuda

Sponsor: County Executive Budish

Council President Brady referred Resolution No. R2019-0044 to the Human Resources, Appointments & Equity Committee.

- 4) R2019-0045: A Resolution authorizing the Director of Public Works to execute and submit a loan application in the amount of \$752,625.00 to Ohio Water Development Authority to finance a portion of the Bradford Road Relief Sewer and Pump Station Elimination Project in the City of Brecksville for the period 10/22/2018 - 12/31/2019; authorizing the County Executive to accept said loan, if approved, and to execute the agreement and all other documents required in connection with said loan and this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive Budish/Department of Public Works/Division of Finance and Planning

Council President Brady referred Resolution No. R2019-0045 to the Public Works, Procurement & Contracting Committee.

- 5) R2019-0046: A Resolution making awards on RQ42655 to various providers, in the total amount not-to-exceed \$573,224.00, for Internet Service Provider services for the period 1/1/2019 - 12/31/2023; authorizing the County Executive to execute the contracts and all other documents consistent with said awards and this Resolution; and declaring

the necessity that this Resolution become immediately effective:

- i) AT&T Corp. in the amount not-to-exceed \$273,224.00.
- ii) Verizon Business Network Services Inc. on behalf of MCI Communications Services Inc. dba Verizon Business Services in the amount not-to-exceed \$300,000.00.

Sponsor: County Executive Budish/Department of Information Technology

Council President Brady referred Resolution No. R2019-0046 to the Finance & Budgeting Committee.

- 6) R2019-0047: A Resolution authorizing an amendment to Contract No. CE1600133-02 with Axon Enterprise, Inc. fka Taser International, Inc. for Taser body cameras for the period 7/1/2016 - 6/30/2021 to extend the time period to 12/31/2023, to change the scope of services, effective 1/1/2019, and for additional funds in the amount not-to-exceed \$1,231,245.69; authorizing the County Executive to execute the amendment and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive Budish/County Sheriff

Council President Brady referred Resolution No. R2019-0047 to the Public Safety & Justice Affairs Committee.

- 7) R2019-0048: A Resolution authorizing an amendment to a revenue generating agreement with United Cerebral Palsy Association of Greater Cleveland, Inc. for lease of office space at the Green Road Services Center, located at 4329 Green Road, Highland Hills, for the period 5/1/2016 - 4/30/2019 to extend the time period to 12/31/2019 and for additional revenue in the amount of \$1.00; authorizing the County Executive to execute the amendment and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsors: County Executive Budish on behalf of Cuyahoga County Board of Developmental Disabilities

Council President Brady referred Resolution No. R2019-0048 to the Public Works, Procurement & Contracting Committee.

- 8) R2019-0049: A Resolution making an award on RQ42489 to The MetroHealth System in the amount not-to-exceed \$850,000.00 for comprehensive medical services for families involved with the Division of Children and Family Services for the period 1/1/2019 - 12/31/2019; authorizing the County Executive to execute the agreement and all other documents consistent with said award and this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive Budish/Department of Health and Human Services/Division of Children and Family Services

Council President Brady referred Resolution No. R2019-0049 to the Health, Human Services & Aging Committee.

- 9) R2019-0050: A Resolution authorizing an amendment to a Master Agreement, which includes Nos. AG1800005-01, AG1800006-01, AG1800007-01 and AG1800008-01, with various political subdivisions for Community/School-based Closing the Achievement Gap and Amer-I-Can Program services for the period 1/1/2018 - 12/31/2018 to extend the time period to 12/31/2019 and for additional funds in the amount not-to-exceed \$511,800.00; authorizing the County Executive to execute the amendment and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective:

- i) Cleveland Heights/University Heights City School District
- ii) Garfield Heights City School District
- iii) Maple Heights City School District
- iv) Warrensville Heights City School District

Sponsor: County Executive Budish/Department of Health and Human Services/Division of Community Initiatives/Family and Children First Council

Council President Brady referred Resolution No. R2019-0050 to the Education, Environment & Sustainability Committee.

- c) COMMITTEE REPORTS AND CONSIDERATION OF RESOLUTIONS FOR SECOND READING ADOPTION UNDER SUSPENSION OF RULES

A motion was made by Mr. Gallagher, seconded by Ms. Brown and approved by unanimous vote to suspend Rule 9D and to place on final passage Resolution Nos. R2019-0027, R2019-0028, R2019-0029, R2019-0030, R2019-0031, R2019-0032, R2019-0033, R2019-0034 and R2019-0037.

- 1) R2019-0027: A Resolution confirming the County Executive's appointment or reappointment of various individuals to serve on the Cuyahoga County Corrections Planning Board for the term 1/1/2019 - 12/31/2021, and declaring the necessity that this Resolution become immediately effective:

i) Appointment:

- a. Meredith Turner

ii) Reappointment:

- a. The Honorable K. J. Montgomery

Sponsors: County Executive Budish and Councilmember Conwell

Committee Assignment and Chair: Human Resources, Appointments & Equity – Brown

On a motion by Ms. Brown with a second by Mr. Brady, Resolution No. R2019-0027 was considered and adopted by unanimous vote.

- 2) R2019-0028: A Resolution confirming the County Executive's appointment or reappointment of various individuals to serve on the Cuyahoga County Tax Incentive Review Council for the term 1/1/2019 - 12/31/2022, and declaring the necessity that this Resolution become immediately effective:

i) Appointments:

- a. Gregory G. Huth
b. Susan Infeld

ii) Reappointment:

- a. Kenneth L. Surratt

Sponsor: County Executive Budish

Committee Assignment and Chair: Human Resources,
Appointments & Equity – Brown

On a motion by Ms. Brown with a second by Ms. Conwell, Resolution No. R2019-0028 was considered and adopted by unanimous vote.

- 3) R2019-0029: A Resolution confirming the County Executive's appointment of various individuals to serve on the Cuyahoga County Division of Children and Family Services Advisory Board for the term 3/1/2019 - 2/28/2023, and declaring the necessity that this Resolution become immediately effective:

- i) M. Gabriella Celeste
- ii) Beverly R. Charles
- iii) David S. Crampton, Ph.D.
- iv) Sonia M. Emerson
- v) Christin C. Farmer
- vi) Andrew S. Garner, M.D., Ph.D.
- vii) Angela M. Newman-White
- viii) Debra Rex
- ix) Victor A. Ruiz
- x) Lakecia Wild

Sponsors: County Executive Budish and Councilmember Conwell

Committee Assignment and Chair: Human Resources,
Appointments & Equity – Brown

On a motion by Ms. Brown with a second by Mr. Brady, Resolution No. R2019-0029 was considered and adopted by unanimous vote.

- 4) R2019-0030: A Resolution making an award on RQ42083 to Advanced Server Management Group, Inc. in the amount not-to-exceed \$1,121,800.00 for print management operations for the period 1/1/2019 - 12/31/2021; authorizing the County Executive to execute the contract and all other documents consistent with said award and this Resolution; and declaring

the necessity that this Resolution become immediately effective.

Sponsor: County Executive Budish/Department of Public Works

Committee Assignment and Chair: Public Works, Procurement & Contracting – Tuma

On a motion by Mr. Tuma with a second by Mr. Miller, Resolution No. R2019-0030 was considered and adopted by unanimous vote.

- 5) R2019-0031: A Resolution making an award on RQ42355 to Joshen Paper and Packaging, Inc. in the amount not-to-exceed \$705,000.00 for janitorial cleaning supplies for the period 3/1/2019 - 2/28/2022; authorizing the County Executive to execute the contract and all other documents consistent with said award and this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive Budish/Department of Public Works

Committee Assignment and Chair: Public Works, Procurement & Contracting – Tuma

On a motion by Mr. Tuma with a second by Ms. Brown, Resolution No. R2019-0031 was considered and adopted by unanimous vote.

- 6) R2019-0032: A Resolution authorizing a contract with RPF Properties, LLC in the amount not-to-exceed \$570,116.92 for lease of office space and parking spaces for the Meadowbrook Market Square Plaza Auto Title Bureau, located at 22121 Rockside Road, Bedford, for the period 2/1/2019 - 4/30/2024; authorizing the County Executive to execute the contract and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive Budish/Department of Public Works and Fiscal Officer

Committee Assignment and Chair: Public Works, Procurement & Contracting – Tuma

On a motion by Mr. Tuma with a second by Ms. Conwell, Resolution No. R2019-0032 was considered and adopted by unanimous vote.

- 7) R2019-0033: A Resolution authorizing a Purchase and Sale Agreement with McGregor PACE in the amount of \$2,500,000.00 for property located at 14800 Private Drive, East Cleveland, Permanent Parcel Nos. 673-26-018, 673-27-066, 673-27-049 and 673-27-050; authorizing the County Executive to take all necessary actions and to execute the agreement and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsors: County Executive Budish/Department of Public Works on behalf of Cuyahoga County Board of Developmental Disabilities

Committee Assignment and Chair: Public Works, Procurement & Contracting – Tuma

On a motion by Mr. Tuma with a second by Mr. Brady, Resolution No. R2019-0033 was considered and adopted by unanimous vote.

- 8) R2019-0034: A Resolution authorizing the appropriation of real property for reconstruction and widening of Sprague Road – Phase 1 from Webster Road to West 130th Street in the Cities of Middleburg Heights, North Royalton, Parma and Strongsville; directing the County Executive, through the Department of Public Works, to proceed with the acquisition of real property required for public highway purposes; authorizing the Fiscal Officer to issue the monetary warrants to be deposited with the Probate Court of Cuyahoga County in an amount that is equal to the fair market value of the property; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive Budish/Department of Public Works/Division of County Engineer

Committee Assignment and Chair: Public Works, Procurement & Contracting – Tuma

On a motion by Mr. Tuma with a second by Ms. Conwell, Resolution No. R2019-0034 was considered and adopted by unanimous vote.

- 9) R2019-0037: A Resolution authorizing a contract with Child Care Resource Center of Cuyahoga County dba Starting Point in the amount not-to-exceed \$1,974,636.00 for management, administration and implementation of various supportive services for the Universal Pre-Kindergarten Program for the period 1/1/2019 - 12/31/2019; authorizing the County Executive to execute the contract and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsors: County Executive Budish/Department of Health and Human Services/Division of Community Initiatives/Office of Early Childhood and Councilmembers Conwell and Miller

Committee Assignment and Chair: Education, Environment & Sustainability – Simon

On a motion by Ms. Simon with a second by Ms. Brown, Resolution No. R2019-0037 was considered and adopted by unanimous vote.

d) CONSIDERATION OF RESOLUTIONS FOR THIRD READING ADOPTION

- 1) R2018-0266: A Resolution designating eligible institutions as public depositories of active and interim funds of Cuyahoga County; authorizing various bank depository agreements for deposits of said public funds, each in the deposit limit amount not-to-exceed \$200,000,000.00, for the period 11/1/2018 - 8/23/2021, in accordance with the Uniform Depository Act of Ohio; authorizing the County Executive and/or County Treasurer to execute the agreements and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective:

- i) Chemical Bank
- ii) The Huntington National Bank
- iii) JPMorgan Chase Bank, N.A.

Sponsor: County Executive Budish/Fiscal Officer/County Treasurer

On a motion by Mr. Miller with a second by Ms. Conwell, Resolution No. R2018-0266 was considered and adopted by unanimous vote.

- 2) R2019-0012: A Resolution confirming the County Executive's reappointment of various individuals to serve on the

Cuyahoga County Corrections Planning Board for an unexpired term ending 1/1/2022, and declaring the necessity that this Resolution become immediately effective:

- i) Russell R. Brown III
- ii) Arthur B. Hill III
- iii) Dean P. Jenkins
- iv) Christopher P. Viland

Sponsor: County Executive Budish

On a motion by Ms. Brown with a second by Mr. Miller, Resolution No. R2019-0012 was considered and adopted by unanimous vote.

- 3) R2019-0013: A Resolution confirming the County Executive's reappointment of Keith J. Libman to serve on the Cuyahoga County Audit Committee for an unexpired term ending 12/31/2022, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive Budish

On a motion by Ms. Brown with a second by Mr. Miller, Resolution No. R2019-0013 was considered and adopted by unanimous vote.

- 4) R2019-0017: A Resolution declaring that public convenience and welfare requires resurfacing Ridge Road from Memphis Avenue to Denison Avenue in the Cities of Brooklyn and Cleveland; total estimated project cost \$2,121,800.00; finding that special assessments will neither be levied nor collected to pay for any part of the County's costs of said improvement; authorizing the County Executive to enter into an agreement of cooperation with said municipalities in connection with said project; and declaring the necessity that this Resolution become immediately effective.

Sponsors: County Executive Budish/Department of Public Works/Division of County Engineer and Councilmembers Brady and Conwell

On a motion by Mr. Brady with a second by Ms. Conwell, Resolution No. R2019-0017 was considered and adopted by unanimous vote.

- 5) R2019-0018: A Resolution declaring that public convenience and welfare requires resurfacing Brainard Road from Cedar

Road to Wilson Mills Road in the Cities of Highland Heights and Lyndhurst; total estimated project cost \$3,708,286.00; finding that special assessments will neither be levied nor collected to pay for any part of the County's costs of said improvement; authorizing the County Executive to enter into an agreement of cooperation with said municipalities in connection with said project; and declaring the necessity that this Resolution become immediately effective.

Sponsors: County Executive Budish/Department of Public Works/Division of County Engineer and Councilmember Simon

On a motion by Mr. Brady with a second by Mr. Miller, Resolution No. R2019-0018 was considered and adopted by unanimous vote.

11. MISCELLANEOUS COMMITTEE REPORTS

Ms. Brown reported that the Human Resources, Appointments & Equity Committee will meet on Tuesday, February 19, 2019 at 10:00 a.m.

Mr. Gallagher reported that the Public Safety & Justice Affairs Committee will meet on Tuesday, February 19, 2019 at 1:00 p.m.

Ms. Conwell reported that the Health, Human Services & Aging Committee will meet on Wednesday, February 20, 2019 at 1:00 p.m.

Mr. Miller reported that the Finance & Budgeting Committee will meet on Thursday, February 21, 2019 at 1:00 p.m. (due to the Presidents' Day holiday on Monday, February 18, 2019).

Mr. Tuma reported that the Public Works, Procurement & Contracting Committee will meet on Wednesday, March 6, 2019 at 10:00 a.m.

12. MISCELLANEOUS BUSINESS

There was no miscellaneous business.

13. ADJOURNMENT

With no further business to discuss, Council President Brady adjourned the meeting at 5:38 p.m., without objection.