

# County Council of Cuyahoga County, Ohio

## Ordinance No. O2021-0007

<p>Sponsored by: <b>County Executive Budish/Fiscal Officer</b></p> <p>Co-sponsored by: <b>Councilmembers Miller, Brown, Sweeney, Conwell, Jones and Simon</b></p>	<p><b>An Ordinance</b> 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. O2014-0002, 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 Ms. Brown, seconded by Mr. Miller, the foregoing Ordinance was duly enacted.

Yeas: Miller, Sweeney, Tuma, Conwell, Brown, Stephens, Simon and Jones

Nays: Baker, Gallagher and Schron

5/25/2021

County Council President

Date

5/25/2021

County Executive

Date

5/25/2021

Clerk of Council

Date

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

Additional Sponsorship Requested on the Floor: April 13, 2021

Additional Sponsorship Requested on the Floor: May 4, 2021

Committee Report/Third Reading: May 25, 2021

Additional Sponsorship Requested on the Floor: May 25, 2021

Journal CC042  
May 25, 2021

[Clerk's Note: Electronic signatures affixed in accordance with Cuyahoga County Code Chapter 110]