

EMERGENCY

CMZ

-2023

MODIFYING Section 324-7, “Scope and Effective Period of Chapter,” of Chapter 324, “Minority and Women Business Enterprise Programs,” of the Cincinnati Municipal Code to extend the effective period of Chapter 324 to allow time for a new disparity study and report to be completed.

WHEREAS, on January 15, 2014, following a competitive proposal process, City Council passed Ordinance No. 0006-2014 authorizing the City Manager to enter into a contract with Mason Tillman Associates, Ltd. (“Mason Tillman”) to conduct a disparity study; and

WHEREAS, the Final Disparity Study Report prepared by Mason Tillman, which was dated July 2015 (“the Disparity Study Report”), identified statistically significant disparities in the participation of minority business enterprises and women business enterprises in City contracts; and

WHEREAS, on September 30, 2015, City Council ordained new Chapter 324, “Minority and Women Business Enterprise Programs” (“MBE/WBE Program”), of the Cincinnati Municipal Code to implement race- and gender-conscious programs designed to mitigate those disparities; and

WHEREAS, the ordinance ordaining Chapter 324 was effective January 1, 2016; and

WHEREAS, Cincinnati Municipal Code Section 324-7, “Scope and Effective Period of Chapter,” as amended by Ordinance 198-2020 passed on June 24, 2020 and Ordinance 429-2021 passed on November 10, 2021, provides the chapter will automatically expire on April 2, 2023 unless, prior to that time, Council finds, after authorizing an appropriate study and conducting public hearings, that statistically significant disparity continues to exist and extends the effective period of Chapter 324 for an additional five years; and

WHEREAS, the City has contracted with Griffin & Strong, P.C. to complete an updated disparity study, and while the disparity study is complete, the subsequent report and recommendations will not be completed and evaluated by the Administration and Council by April 2, 2023, which is the date Chapter 324 would otherwise expire; and

WHEREAS, an extension of Chapter 324 until October 1, 2023 will allow the MBE/WBE Program to continue without interruption while the report and recommendations regarding the disparity study are completed, evaluated, and implemented; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That Section 324-7, “Scope and Effective Period of Chapter,” of Chapter 324, “Minority and Women Business Enterprise Program,” of the Cincinnati Municipal Codes is hereby amended to read as follows:

Sec. 324-7 – Scope and Effective Period of Chapter.

- (a) This chapter applies to all contracts for construction, professional services, and non-professional services and supplies valued at \$50,000.~~00~~ or more for which a contractor provides goods or services to the city.
- (b) This chapter shall remain in effect until ~~April~~October 1, 2023 and shall automatically expire on ~~April~~October 2, 2023 unless, prior to that time, the council of the city of Cincinnati, after authorizing an appropriate study to be undertaken and conducting public hearings, finds that statistically significant disparity continues to exist and extends the effective period of this chapter for an additional five years.

Section 2. That existing Section 324-7 of the Cincinnati Municipal Code is hereby repealed.

Section 3. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to extend the effective period of Chapter 324 so the City’s MBE/WBE Program does not lapse and to allow time for the disparity study evaluation and related report to be completed.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

New language underscored. Deleted language indicated by strikethrough.