

Bill No. 4752-09

No. 24-09-OR

AN ORDINANCE

An Ordinance of the Council of the County of Allegheny, Commonwealth of Pennsylvania, amending the Allegheny County Code of Ordinances, Chapter 435, entitled "Minority Business Enterprise Program," §435-3, entitled "Advisory Committee," in order to clarify the organizational structure of the County's MBE Advisory Committee.

WHEREAS, Chapter 435 of the Allegheny County Code of Ordinances, which functions as a statutory formation of the County's Minority Business Enterprise program, was first enacted by the County Commissioners on June 18, 1981; and

WHEREAS, Section 435-3 establishes the County's "MBE Advisory Committee," which has since come to be referred to as the "M/W/DBE Advisory Committee"; and

WHEREAS, the language of §435-3.B.(1)(f) clearly indicates that one of the roles of the Committee is "[r]ecommending to the County Commissioners specific activities for improving MBE participation"; and

WHEREAS, §435-3 also establishes that the Committee is to "monitor the County's MBE efforts on a quarterly basis"; and

WHEREAS, the Committee as currently constituted has 31 members, which, while permissible under the language of §435-3, appears to function to impair the Committee's effectiveness in meeting its statutorily defined goals, insofar as the size of the body renders gathering a quorum, taking votes, and reaching a consensus far more difficult; and

WHEREAS, the Committee is currently chaired by the Chief Executive, which would appear to further impair the Committee's ability to provide unbiased, impartial recommendations regarding activities for improving the County's M/W/DBE participation and to conduct thorough and rigorous monitoring of the County's M/W/DBE efforts, both of which are statutorily required duties of the Committee; and

WHEREAS, it is therefore the desire of Council to establish a maximum number of Committee Members and establish certain limitations on MBE Committee membership and chairmanship;

The Council of the County of Allegheny hereby resolves as follows:

SECTION 1. Incorporation of Preamble

The provisions set forth in the preamble to this Ordinance are incorporated by reference in their entirety herein.

SECTION 2. Ratification of Regulations

The Allegheny County Code of Ordinances, Chapter 435, entitled "Minority Business Enterprise Program," §435-3, entitled "Advisory Committee," is hereby amended as follows:

§435-3. Advisory Committee.

- A. The ~~Commissioners~~ Chief Executive and County Council will establish an MBE Advisory Committee. The purpose of this Committee will be to recommend specific MBE goals for various types of procurement of goods or services. The Committee will also monitor the County's MBE efforts on a quarterly basis.
- B. The ~~Commissioners~~ Chief Executive and County Council will also commit the necessary resources to implement the program that follows:
 - (1) Organization. An MBE Advisory Committee will be established that will consist of no more than fifteen (15) members, selected as follows: up to five (5) members may be County department directors that are engaged in procurement activities; ~~the Law Department and with all remaining members to be~~ representatives of such civic, community, minority and other entities as the Chief Executive and County Council Commissioners may, from time to time in their discretion, designate. The role of this Committee will be to recommend specific MBE goals for:
 - (a) Construction contracts.
 - (b) Supplies.
 - (c) Development.
 - (d) Services, including professional services.
 - (e) Monitoring progress toward these objectives on a quarterly basis, and posting written quarterly progress reports conspicuously on the County's website.
 - (f) Recommending to the Chief Executive and County Council Commissioners specific activities for improving MBE participation.

(2) Appointment and Committee Membership. All Committee members shall be appointed by the Chief Executive, with the approval of County Council. Of the initial Committee member appointments, five shall be for a term of two years, five shall be for a term of three years, and five shall be for a term of four years. Thereafter, all Committee member appointments shall be for a term of four years. In the event that the Chief Executive does not offer an appointment for approval within thirty (30) days of the expiration of any Committee member's term, the Council shall nominate and approve an appointee for that member's seat. All seated Members of County Council, the Chief Executive and the County Manager shall be deemed ineligible to serve on the Committee and shall not, at any time, serve as or perform any function of a Member of the Committee. No County employee, elected County official, or party to any County contract shall serve as or perform the function of the Chair for the Committee at any time. No Committee member may serve beyond the expiration of his or her term of appointment unless and until his or her reappointment is approved.

SECTION 3. *Effective Date and Transitory Provisions*

The provisions of this Ordinance shall become effective upon final approval. As of the effective date of this Ordinance, all previously seated MBE Committee members' terms shall be deemed to have expired. New appointments shall be forwarded to Council by the Executive no later than 15 days after the effective date of this Ordinance for approval. In the event that the Chief Executive does not offer an appointment for approval in accordance with the terms of this Section, the Council shall nominate and approve an appointee for that member's seat.

SECTION 4. **Severability.** *If any provision of this Resolution shall be determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions of this Resolution which shall be in full force and effect.*

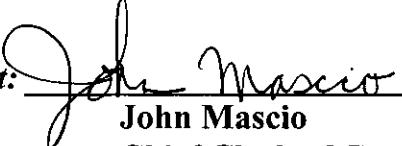
SECTION 5. **Repealer.** *Any Resolution or Ordinance or part thereof conflicting with the provisions of this Resolution is hereby repealed so far as the same affects this Resolution.*

PRIMARY SPONSOR: COUNCIL MEMBER ROBINSON

CO-SPONSORS: COUNCIL MEMBERS FINNERTY & MACEY

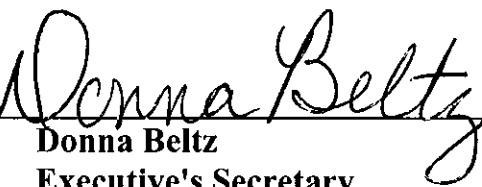
Enacted in Council, this 20th day of May, 2009.
Council Agenda No. 4752-09.


Rich Fitzgerald
President of Council

Attest: 
John Mascio
Chief Clerk of Council

Chief Executive Office  MAY 29, 2009

Approved: 
Dan Onorato
Chief Executive

Attest: 
Donna Beltz
Executive's Secretary