

ORDINANCE NUMBER 72, 2021*

***To Create and Establish the Erie County Diversity, Equity
and Inclusion Commission***

WHEREAS, on September 8, 2020, pursuant to Resolution 43, 2020, Erie County Council declared racism as a public health crisis in Erie County. In so doing, County Council found that the persistent negative effects of the discrimination in America, if left unchecked, would continue to exacerbate the morally reprehensible deprivation of people of color; and

WHEREAS, on March 11, 2021, President Biden signed into law the American Rescue Plan Act of 2021, an act generally designed to facilitate the country's recovery from the devastating economic and health effects of the COVID-19 pandemic. More specifically, the Act directed the allocation of funding to populations disproportionately impacted by the pandemic; and

WHEREAS, on August 5, 2021, pursuant to Ordinance 65, 2021, County Council unanimously adopted the Erie County American Rescue Plan Act of 2021 (ARPA) Fund and appropriated the sum of \$3,500,000 to the Diversity, Equity and Inclusion Commission subject to its creation and the formation of its membership; and

WHEREAS, the purpose of the Diversity, Equity and Inclusion Commission is to address those households, businesses and populations who have been disproportionately impacted by the COVID-19 pandemic, to invest and stimulate investment in historically disadvantaged populations and neighborhoods, to economically empower minority populations and businesses, to provide support and to contribute to the growth and improvement of Erie County's historically disadvantaged populations and neighborhoods.

NOW THEREFORE BE IT ENACTED by the County Council of the County of Erie, pursuant to Article II, Section 3B(2), Sections 1C(3), 2C(3) and Article VI of the Home Rule Charter, that County Council does hereby create and establish the Erie County Diversity, Equity and Inclusion Commission, for the purposes and intents, and in accordance with the rules and structure as outlined on Exhibit "A," attached hereto and incorporated herein.

FURTHER, in accordance with the Home Rule Charter and the Administrative Code, the DEI Commission shall consist of nine (9) members, two (2) of whom shall be appointed by the County Executive and seven (7) of whom shall be appointed by County Council. Each member of County Council shall have one (1) appointment which appointment does not have to reside in the district to which the member of County Council was elected.

This Ordinance shall be effective immediately upon adoption.

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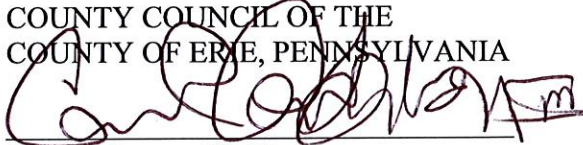
***To Create and Establish the Erie County Diversity, Equity
and Inclusion Commission***

I hereby certify that on the motion of Clear, seconded by Horton, this ordinance was ENACTED AND ORDAINED this 14th day of September, 2021 by a vote of 7 to 0.

Attest:



Douglas R. Smith
County Clerk

COUNTY COUNCIL OF THE
COUNTY OF ERIE, PENNSYLVANIA


Carl Anderson, III, Chairman

Date: 7-14-2021


Kim Clear, Vice Chairwoman


Andre' R. Horton

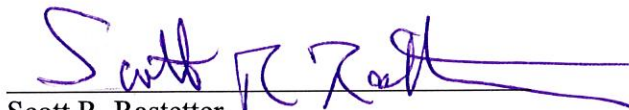
Approved by:


Kathy Dahlkemper,
County Executive


Mary Rennis


Brian Shank

Date: 9/16/21


Scott R. Rastetter


Ellen Schauerma

***AS AMENDED**

E. Erie County Diversity, Equity and Inclusion Commission*

1. BACKGROUND. On September 8, 2020, pursuant to Resolution 43, 2020, Erie County Council declared racism as a public health crisis in Erie County. In so doing, County Council found that the persistent negative impact of the historical subjugation and discrimination in America, if left unchecked, will continue to exacerbate the morally reprehensible economic deprivation of people of color. Several months later, on March 11, 2021, President Biden signed into law the American Rescue Plan Act of 2021, an act designed to facilitate the country's recovery from the devastating economic and health effects of the COVID-19 pandemic. More specifically, the Act directed the allocation of funding to populations disproportionately impacted by the pandemic. On August 5, 2021, pursuant to Ordinance 65, 2021, County Council unanimously adopted the Erie County American Rescue Plan Act of 2021 (ARPA) Fund and, in accordance therewith, appropriated the sum of \$3,500,000 to the creation and establishment of the Diversity, Equity and Inclusion Commission.

2. PURPOSE. Consistent with the ARPA and Erie County Ordinance 65, 2021, the purpose of the DEI Commission is to address and assist those households, businesses and populations in Erie County who have been disproportionately impacted by the COVID-19 pandemic, to invest and to stimulate investment in historically disadvantaged populations and neighborhoods, to economically empower minority populations and businesses, to support, impact and effectively contribute to the growth and posterity of Erie County's historically disadvantaged populations and neighborhoods.

3. MEMBERSHIP. The Commission shall consist of nine (9) members, seven (7) of whom shall be appointed by County Council, and two (2) of whom shall be appointed by the County Executive. Provided, at least seventy-five (75%) percent of the membership of the Commission shall consist of persons from diverse racial and ethnic backgrounds including African American, Latino, Asian and American Indian. All members shall reside in Erie County and all appointments to the Commission shall be approved by a majority vote of County Council.

Each Commission member shall hold office for a term of four (4) years or until his or her earlier death, resignation or removal; except members initially appointed shall draw lots to determine which four (4) members shall serve for a term of four (4) years, which three (3) members shall serve for a term of three (3) years, and which two (2) members shall serve for a term of two (2) years. Appointed Commission members, including members initially appointed for a term of less than four (4) years, shall serve for no more than two (2) terms.

The vacancy of a member of the Commission caused by death, resignation, disqualification or removal shall be filled by the County Executive or member of County Council whose appointment created the vacancy. The member appointed to fill the vacancy shall serve for the unexpired portion of the term of the member he or she replaces and until his or her successor is appointed.

4. POWERS AND DUTIES OF THE COMMISSION.

(a) The Commission shall meet regularly, at least four (4) times each year, and shall meet in the first week of January of each year to organize and elect its officers.

(b) The Commission shall maintain and exercise governing control of the operations of the Commission, keep separate records and minutes, and adopt reasonable policies, rules, regulations and bylaws to effectuate and carry out its function and purpose. The bylaws of the Commission, together with any changes thereto, shall be approved by County Council.

(c) Only actions by the Commission, taken during a formal session of the Commission, with a quorum present, shall constitute an act of the Commission.

The Commission shall, in all respects, be governed by the provisions of Act No. 175 of 1974, P.L. 486, commonly known as the "Sunshine Law." All formal actions required by the Act to be taken in public shall be taken at a public meeting of the Commission, the minutes of which shall be available to the public after approved by the Commission.

(d) The Commission shall have authority to appoint standing committees and other committees to advance and support the purposes and operations of the Commission. The Chairperson of the Commission shall appoint all committees, including the chairperson of each committee, and unless otherwise determined by a majority of the Commission, each member of each committee. No committee shall consist of more than three (3) Commission members. The Commission Chairperson shall serve ex officio to all committees, shall participate and make recommendations to each committee, but shall not have the right to vote on a matter to be recommended to the Commission.

(e) The Commission shall have the authority to hold, rent, sell, purchase, encumber and improve real estate so long as the authority is exercised in accordance with the law and purposes of the Commission, namely to support and stimulate investment in historically disadvantaged populations and neighborhoods.

(f) The Commission shall have the authority to borrow and lend money, to invest in and finance the acquisition of property, to encumber and pledge property; to finance neighborhood projects and community development, and to do all things necessary and proper to empower minority populations and stimulate the economic interests of the historically disadvantaged populations and neighborhoods of Erie County.

(g) The Commission shall have the authority to contract with and partner with third parties, public and private, to advance the interests and purpose of the Commission.

(h) The Commission shall initiate and implement an aggressive process to apply for and obtain funding from other grant funding sources.

(i) The Commission may receive local, state and federal funds and accept donations from private persons, for-profits and non-profits.

(j) The Commission shall adopt policies and procedures relating to its governance and control as the Commission deems prudent and advisable in the exercise of its responsibilities.

5. ELECTION OF OFFICERS. The Commission shall, at its annual meeting, held on the first week of January of each and every year, elect a chairperson, vice chairperson, secretary and treasurer. Nominations for each office shall be made and properly seconded. A majority of the members of the Board present and voting shall be necessary for the election of each office. The election shall be conducted by roll call vote. Officers will serve for a one (1) year term. All officers are eligible for election for up to two (2) consecutive terms. Officers who have previously served are eligible to serve again, provided he/she has not served as an officer for two (2) consecutive years.

6. CHIEF ADMINISTRATIVE OFFICER AND STAFF. A majority of the members of the Commission shall appoint a Chief Administrative Officer (CAO) who shall at all times be responsible for managing the affairs of the Commission. Further, the Chief Administrative Officer shall be responsible for the everyday operations of the Commission, provide oversight of grant applications and grant funding of third party recipients, shall initiate and implement an aggressive process to apply and obtain funding from other grant funding sources. On behalf of the Commission, the Chief Administrative Officer (CAO) shall sign, execute and acknowledge, in the name of the Commission, all contracts, document and instruments incident to the business of the Commission, and shall have such additional powers and responsibilities as may be assigned to him/her from time to time by the Commission.

7. CONFLICT OF INTEREST. No member or employee of the Commission shall acquire any financial interest in funds received by Erie County or used by the Commission to fund third party recipients including, without limitation, for profit and non-profit concerns, government agencies or any other organizations, to fund contracts, projects, economic developments or any other commission endeavor. If a conflict of interest arises, the member or employee of the Commission shall immediately disclose the conflict to the members of the Commission, who shall thereafter enter the conflict upon the minute books of the Commission and promptly notify County Council and the County Executive.

8. MEETINGS.

(a) Quorum. A majority of the members serving on the Commission shall constitute a quorum for the transaction of business. A smaller number may call the roll, record the names of the absentees and adjourn.

(b) Procedures at Meetings. The rules contained in Robert's Rules of Order, latest revision, shall govern the conduct of meetings in all cases except where a Rule is inconsistent with a rule or regulation set forth in the Commission's bylaws or any other procedural rule adopted by the Commission. The Chairperson shall decide all questions of order, subject to appeal by a majority of the members present.

(c) Agenda.

1. The Chief Financial Officer, in cooperation with the Secretary and after consulting with the Chairperson, shall prepare an agenda for each meeting and distribute it to each member of the Commission at least three (3) business days before the meeting.

2. Individuals or groups who wish to comment on a matter which appears on the agenda shall make written request to the Secretary of the Commission at least five (5) days prior to the regularly scheduled meeting. The individual or group shall be given not more than three (3) minutes within which to express their comments. Individuals or groups who have not made a timely written request may still provide commentary on a matter on the agenda, however, their time shall be limited to not more than two (2) minutes.

3. At least seventy-two (72) hours prior to a regular meeting of the Commission, the agenda shall be made available for public inspection and shall accompany the notice of publication of the meeting to the public and the media.

4. The published agenda may be amended at the meeting by a majority of the members present. No matters other than those on the agenda as amended shall be acted upon by the Commission.

5. Unless a majority of the Commission votes otherwise, the order of business for each regular meeting shall be as follows:

Pledge of Allegiance
Roll Call
Hearing of the Public
Approval of the Minutes of Previous Meetings
Reports of Commission Officers and Committee Chairperson
Unfinished Business
New Business
Adjournment

6. Items of business not acted upon at a Commission meeting shall appear on the agenda of the Commission's next meeting as Unfinished Business, and shall remain on the agenda until dispositive action is taken on the item.

(d) Minutes. The Secretary of the Commission, with input from the Chair, shall prepare the official minutes of the Commission's meetings. Minutes shall be reviewed and approved by the Commission. Following approval of the minutes by the Commission, an official copy shall be maintained on file in the office of the Chief Financial Officer. Meeting minutes shall be available to the public.

(e) Rules of Procedure.

1. The presiding chairperson shall be responsible for the orderly conduct of business at each meeting and shall preserve order and decorum at such meetings.

2. The Chairperson shall announce all decisions of the Commission and shall decide all questions of order without debate subject however to an appeal by any member of the Commission. Any ruling by the Chairperson of the Commission may be overruled by a majority of the members present.

3. Each member of the Commission desiring to speak shall address the Chair and, upon recognition by the Chair, shall confine remarks to the question under debate, avoiding all indecorous language or reference to personalities. A member of the Commission, once recognized, shall not be interrupted when speaking unless it is for the purpose of calling such person to order. If a member of the Commission while speaking, is called to order, the member shall cease speaking until the question of order is determined.

4. The roll of members shall be called alphabetically on a rotating basis, except that the Chairperson shall be called last. There shall be no secret balloting on any items.

5. A roll call vote shall be taken on every item not receiving a unanimous voice vote either in the affirmative or negative.

6. Once a roll call vote has commenced, no member shall comment further on the issue except to announce his affirmative or negative vote of his abstention.

7. All members present shall vote on all questions submitted for action. A member may abstain only when such member has a conflict of interest as defined hereunder, the Commission's bylaws or Article 6 of the Administrative Code of Erie County.

8. The affirmative votes of a simple majority of the Commission members present and voting, provided a quorum is constituted, shall be required to carry a motion. All members of the Commission, including the Chairperson, shall have the right to record their vote on any motion or resolution.

9. FINANCES, REPORTING AND ACCOUNTABILITY. The Commission's expenditures and allocations of ARPA funds received of the County shall fully comply with the ARPA guidelines, the Erie County Administrative Code and the Erie County Purchasing Code. The books, accounts and financial records of the Commission shall be subject to examination by the County Director of Finance and/or County Council at any time, Provided, the Commission shall file reports on ARPA expenditures on a monthly basis through December 31, 2021, and on a quarterly basis starting with the quarter ending March 31, 2022 and continuing thereafter until December 31, 2026.

Additionally, the Commission shall provide the County and County Council with an annual report, prepared on a calendar year basis, accounting for the receipt and expenditure of ARPA funds and other funds obtained through third party funding sources, private or

public. ARPA funds initially transferred to the Commission shall be used to cover the costs of obligations incurred by the Commission on or before December 31, 2024, as well as the continuing costs associated with funds obligated on or before December 31, 2024, through December 31, 2026. ARPA grant funds not obligated by December 31, 2024, or used to cover the costs of obligated funds by December 31, 2026, shall be promptly returned to the County.

ADOPTED by County Council on September ____, 2021, Ordinance No. _____, 2021.

***AS AMENDED**

ORDINANCE NUMBER 72, 2021

To Create and Establish the Erie County Diversity, Equity and Inclusion Commission

WHEREAS, on August 5, 2021, pursuant to Ordinance 65, 2021, County Council established the Erie County American Rescue Plan Act of 2021 (ARPA) Fund which appropriated, in part, the sum of \$3,500,000 to the Diversity, Equity and Inclusion Commission, to be restricted pending and until its creation and establishment; and

WHEREAS, on August ____, 2021, pursuant to Ordinance No. ____, 2021, Erie County Council created and established the Erie County Diversity, Equity and Inclusion Commission.

NOW THEREFORE BE IT ENACTED by the County Council of the County of Erie, pursuant to Article II, Section 3B(2), Sections 1C(3), 2C(3) and Article VI of the Home Rule Charter, does hereby establish the Erie County Diversity, Equity and Inclusion Commission, for the purposes and intents, and in accordance with the structure as outlined on Exhibit "A," attached hereto and incorporated herein.

This Ordinance shall be effective immediately upon adoption.

I hereby certify that on the motion of _____, seconded by _____, this ordinance was ENACTED AND ORDAINED this _____ day of _____, 20__ by a vote of _____ to _____.

Attest:

COUNTY COUNCIL OF THE
COUNTY OF ERIE, PENNSYLVANIA

Douglas R. Smith
County Clerk

Carl Anderson, III, Chairman

Date: _____



Kim Clear, Vice Chairwoman



Andre' R. Horton

Approved by:



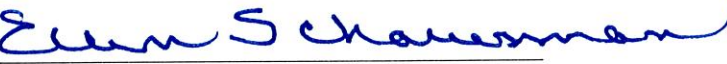
Scott R. Rastetter

Kathy Dahlkemper,
County Executive



Mary Rennie

Date: _____



Ellen Schauerman

Brian Shank

Diversity, Equity, and Inclusion Commission

A. Purpose: The purpose of the creation of the Diversity, Equity, and Inclusion Commission is to address Resolution 43 Declaring Racism as a Public Health Crisis in Erie County. Erie County is committing \$3.5 million dollars of its first American Rescue Plan Act (ARPA) distribution to create the Diversity, Equity, and Inclusion Commission to be overseen by a diverse board of director membership. Additional ARPA grant money will be proposed at \$6.5 million in the next ARPA installment.

B. Function: In accordance with The American Rescue Plan Act of 2021 H.R.1319, the function of the Diversity, Equity, and Inclusion Commission shall be to organize a structure which will invest in racially diverse populations by granting funding that creates opportunities for minority populations, lobbies for inclusive policy, and empowers minority populations throughout Erie County while adhering to the ARPA guidelines and policies.

C. Membership:

- a) **Composition:** The Diversity, Equity, and Inclusion Commission shall be governed by a Board of Directors comprised of nine (9) members. Note: If the City of Erie invests a(n) equal/greater ARPA funding, then there would be eleven (11) members.
- b) **Qualifications:** Members shall include individuals that reside in Erie County who are from racially diverse group including, but not limited to, African American, Latino, Asian, Indian, etc.
- c) **Appointments:** Erie County Council shall appoint the seven (7) members to the Board of Directors, with each member of County Council having one appointment. The County Executive shall appoint two (2) members of the Board of Directors. If The City of Erie wishes to invest and a(n) equal/greater share of ARPA Funding into the Commission, the Mayor of the City of Erie will receive two appointments.
- d) **Executive Director and Staff:** The Board of Directors shall interview and hire an Executive Director to lead the Commission including overseeing the grant funding applications, aid in the distribution of the ARPA funding, and locate additional grant funding sources to continue the Commission beyond the 2024 ARPA deadline. The Executive Director and staff shall be governed by the Board of Directors, and they will work toward the goals of the Board of Directors.

D. Expectations: Annual Report with Deliverables

- a.) The Diversity, Equity, and Inclusion Commission Executive Director and staff shall be responsible for working with the Community Futures Center and Erie County Finance to adhere to ARPA guidelines and policies for distribution of the funding.
- b.) The Board and the Executive Director will produce a 3-year plan with yearly deliverables. In addition, an annual report will be presented to the County Executive and Erie County Council.

E. The Future: ARPA Grant Funding must be allocated by 2024 but can continue to be spent until December 31, 2026. The Commission shall work to obtain additional funding to allow the work of the commission to continue in perpetuity.

*Verification of Pennsylvania State statutes will dictate this to fall under the title of a General Authority

**The title of Commission would be used and fall under the Home Rule Charter of Erie County

2021 American Rescue Plan Fund Supplemental
 Appropriation of \$26,315,751 for Establishment of ARPA
 Fund to Administer and Disburse Grant Funding

Expenditure
 Diversity, Equity, & Inclusion Commission Grant
 (3,500,000)

Amend Accounting # to Restricted
 Line
 a. Diversity, Equity, & Inclusion Fund
 068-025115-006815- 003700*
 (3,500,000) As Amended

Mrs. Clear	Motion	Motion/Yes	Yes
Mr. Horton		Yes	Yes
Mr. Rastetter		Yes	Yes
Mrs. Rennie	2nd	2nd/ Yes	Yes
Mrs. Schauerman		Yes	Yes
Mr. Shank		Yes	Yes
Mr. Anderson		Yes	Yes
Pass/Fail		P 7 -0	P 7-0

Special Language & Restrictions

Diversity, Equity and Inclusion Commission Grant *The money for this grant will be placed in a restricted account until the commission is formed and a board is seated by County Council & the Administration.