

call at 7:30 p.m. every evening for the past week giving feedback and information to key staff. The Fire Chief has spent a good deal of time at the County Emergency Operations Center (EOC) so he can provide information from us in the field as well as to get great information from them.

Fire Chief Patrick Sweeney stated that we started communicating pretty heavily with our partners at the EOC a week or so prior to any confirmed cases being reported in Cuyahoga County. He met with the Mayor and CAO to ramp up internal communications and planning meetings for directors for how we as a City would continue to operate should the situation escalate. It started escalating pretty quickly. This past Monday we had a meeting with all the directors and put out pretty broad objectives to discuss. Specifically, they asked who are the essential individuals they need working in their departments and what are the essential services the City or departments need to provide. They had a very productive meeting and they were given an update on what is going on at the EOC. The County started putting out situational reports before the first cases came out in Ohio. There are representatives from Fire Chiefs, Police Chiefs, Sheriffs, along with representatives from RTA, NEORS, the County Health Department, City (of Cleveland) Health Department, Public Information Officers (PIOs) for the City (of Cleveland) and County and the EOC. They get everyone working together to have real time information as it is coming in. This past Monday the first three cases were confirmed and the County took the lead through the EOC as opposed to the City of Cleveland. Mayor Jackson and the County executives were standing side by side at the first real briefing and behind them were all of the hospital representatives from Metro Health, Cleveland Clinic, and University Hospitals. They were sending a message that they are working closely together on this. They opened the EOC at that time. They were monitoring it virtually before that, but they actually staffed it with these various disciplines. Since then they have been running operational periods from 7 a.m. to 7 p.m. with all of the representatives from these key stakeholders, and putting out situational reports twice each day. Each one of the disciplines puts in information as to what happened during a six hour window. It is fast moving. Things are changing very quickly. We are starting to see EMS agencies respond to these calls. Fire Departments and every discipline are working very closely together. All of the Fire Chiefs in Cuyahoga County are working together assessing their personal protective equipment (PPE), when to wear it, how to put it on, how to take it off, etc. They are working with hospitals to make sure the direction they give out to their various departments is consistent which is key. We want all of the direction coming out to come from one source, funneled into the EOC, vetting it to make sure it is the right message, and then getting it out. They are trying not to have freelance messages. Those are always challenging. They are in constant communication and he is seeing decisive, quick action that needs to be taken, and he believes we are doing the right thing. We will get through this.

Mayor Weiss stated that obviously the things that we can control are the things that we are doing as quickly as we can. We are practicing social distancing whether internally or externally with staff, starting this week moving key functions out of City offices where possible, and working from home. Not everyone has historically had the capability to work from home so they are in the process of getting that for key staff like the Management Team as well as employees responsible for payroll to ensure that will continue seamlessly throughout this process. Wherever we can we will employ social distancing.

Council member Mr. Roeder asked about first responders and PPEs for Fire, Police and Public Works employees. Many of us have the luxury of choosing who we interact with, where we go, and these employees do not. They are in situations he knows in some other cities are causing difficulties. He would like to know what we are doing and if there is anything else we should be doing to protect these employees or give them to be safe.

Chief Sweeney stated a PPE is a hot topic right now so they have taken a picture of all of the Fire Department PPE assets in Cuyahoga County right now. They are starting to look at what Police Departments have as well to share assets. We know how much we have. Some cities have more, some are hurting so we are working together to make sure none of our partners are shorthanded. They have a formula after looking at what happened in Washington State as to how much personal protective equipment, including masks, goggles, gowns, and gloves they had and how much of it they used. Based on that they decided what was logical for how much they feel each Fire Department needs for the next 30 days. Some cities have more than what they think is needed for the 30-day window. They created a spreadsheet to demonstrate to Cuyahoga County, the State of Ohio, and FEMA what our assets and needs are. We are making sure that the first responders are getting clear direction on when to wear it, how to put it on, and how to take it off so that you don't contaminate yourself when you remove it and dispose of it. We are working closely with the Cuyahoga County Health Department. We also work closely with University Hospitals. Most of the Fire Departments in the heights area operate under their medical direction. There are a lot of Fire Departments that work under Cleveland Clinic. We need to make sure that the EMS departments at the three systems are not sending out different messages and are all on the same page. We are working today to make sure their messaging is being sourced into one area before coming out. The messaging they are sending out is not causing great problems operationally, but we don't want any freelance messaging.

Patricia Speese, Public Works Director, stated that Public Works has been in touch with all vendors and are fortunate to have a good supply of PPE necessary for staff. They have ramped up custodial services throughout City buildings where they are working nonstop throughout the day sanitizing all the areas that people touch. Employees typically wear a lot of PPE anyway so they are well prepared, but it has been ramped up. We have installed different sanitation facilities throughout the Service Center and trained employees on how to properly sanitize the equipment after they use it. They are trying to keep everyone in the same truck or vehicle and wiping down handles, steering wheels, and all the things that most commonly spread germs with crews. Typically staff who work outside are more fortunate with the virus because they have a larger work area and not in contact with other people daily. They have taken a lot of measures not to keep the crews together. They no longer congregate near the time clock. They have a good supply of sanitizing equipment for at least a month. Vendors are coming through every day. Monday they expect a big shipment from a major supplier and we have also partnered with the schools to buy a Clorox 360 machine that will sanitize rooms by blowing a chemical solution to sanitize instantaneously.

Council member Mr. Earl Williams asked if there is a universal standard for the sanitizer the state is asking each City to use or are we figuring things out based on our own investigating.

Director Speese stated that there are different mechanisms. There is one-minute sanitation equipment, two minute, and three minute. They are trying to get the most quick and effective product, but training everyone the proper way to use them is somewhat problematic. People think you just spray it on the table and wipe it down. You have to wait a certain time before it is effective. Whatever we have we are prioritizing on high volume areas. We want the best and strongest equipment and chemicals. We are using the standard that we have and she believes it far exceeds the state standards.

Chief Sweeney stated that a lot of these questions that are arising are new to all of us. In addition to the situational report which comes out daily, there is an information resource list that the County is putting together. Guidance on how to sanitize certain types of equipment might be a guide sheet you might see. A lot is being developed and put together in real time. The resource list is growing every day. Guidance in one place for everybody on a wide variety of issues is the goal.

Mayor Weiss stated that we are trying to steer everyone to our website. We are not creating new documentation, but linking to existing information. There is a Coronavirus page on the website.

Council member Ms. Carmella Williams asked about the first responders and if there has been any discussion on how to handle COVID-related emergencies versus standard heart attacks, etc. and prioritizing those calls.

Chief Sweeney stated that what we will probably see coming out this week is us not necessarily responding a rescue squad or an emergency apparatus to the scene of a COVID-19 call. We will start to see teleconferencing calls and medicine. We may be thinking out of the box weighing whether we need to send three paramedics to that house as opposed to taking the information from the dispatch center and getting on the phone talking to them to dig into what is going on before sending a crew there. We will start to see stuff like that happening to limit exposure and to ascertain whether they really need a rescue squad or if they should call their primary care physician. Another guidance that came out is direction for primary answering points to ask the same questions and convey that information to us. We have taken patients already in the area to the hospital that meet some of the criteria. It doesn't mean they have COVID-19 but they will undergo testing. All of that information was questioned at the time of the call, communicated to staff, and that gives them the heads up to have on the proper PPE before they arrive. Things are dialed in at the dispatch center, the information is getting out to our crews. We have done it in a confidential manner. We get alerts when patients meet certain criteria without disclosing any HIPAA information. We still have to be sensitive to that. The County is also super sensitive. They don't tell us if there is a confirmed case but they are assuring us they are monitoring and know who they are and where. The Health Department is charged with monitoring this and making sure they are diligent in staying in contact with them. If conditions of someone self quarantined at home changes they have given them clear direction on what to do. All of the Fire Chiefs would like to know if there is sensitive information they need to be careful about regarding someone in their city, but this process puts them at ease so they are not at undue risk.

Council member Ms. Carmella Williams asked if there is planning in place to communicate or inform business owners and people responsible for larger dwellings like assisted living facilities.

Chief Sweeney stated that they have put out guidance for all health care facilities, long term care facilities, and nursing homes as to what they should be doing. We are reaching out to them to make sure they have the guidelines and are following them. At a national level, the Center for Medicare/Medicaid shifted gears for the vulnerable populations. They have strong regulations that govern those environments and are shifting to infection control measures to make sure that facilities for that high risk population are being maintained in a sanitary manner and that property infection control procedures are in place and being practiced.

Mayor Weiss stated that we also have a lot of outreach through our Economic Development Department. We tried to minimize the number of staff present today but there has been outreach to the business community as well.

Council member Mrs. Moore asked since we do not have accurate numbers in the state of who and how many people have COVID-19 because it is under reported, and since they lack adequate testing kits despite the fact that some of our hospitals announced they are developing their own test kits and more

will be available in the future, what assurance do we have as a City that where there is cause our employees may get tested.

Chief Sweeney stated that we do know how many cases are in Ohio. Information is updated every six hours. As of 7 p.m. last night we had 12. That number is changing. They are hearing the same thing the public is hearing regarding testing stations. It is changing so fast. Over the last 8 – 10 hours we heard that Cleveland Clinic will be opening up a testing drive through on March 14, at 11:00 a.m. in University Circle. He is sure there are requirements before you can get the test. That is changing hourly.

Council member Mrs. Moore asked what assurance we have as an employer if an employee shows symptoms they may get tested.

Chief Sweeney stated that we have a strong relationship with our medical control hospitals. They have always stepped up to the plate for us any time we have had an exposure. It happens more often than you think. We have an infection control policy. If someone in the Fire Department is stuck with a needle there is a strict protocol to follow. When we have an occasion they walk us through the process whether Cleveland Clinic or University Hospitals.

Mayor Weiss stated that we are subject to the same limitations that everyone is. That is why the protocol of deciding who absolutely needs the test versus who does not is important to match the need with the supply. That points out why the social distancing measures are so important. Those are things we can all do with or without a test. The best thing is not get symptoms and the best way to do that is social distancing.

Council member Mr. Malone asked about staffing and limitations on what we can do now. He asked whether directors have concerns about trying to maintain staffing over the next few weeks particularly with family members or kids home from school. We will have a lot more people working from home in Shaker including Police, Fire and sanitation workers. He asked what we can do about maintaining staffing the City.

Chief Sweeney stated that we do have concerns but we are trying to alleviate them with social distancing practices being put in place. We are reducing any unnecessary exposure that we have so that we can focus on just keeping the ambulances and fire trucks staffed. We have met with all of the management team at the Fire Department yesterday to talk about staffing solutions should a number of staff members become sick and how to do that. They have instituted no travel between Fire Station No. 2 and Fire Station No. 1 to tighten things up in the fire stations. The public is not permitted to walk into the buildings to expose those environments. They have stopped all unnecessary measures to go out into the community other than responding to calls. They are hashing through scenarios based on their three 24-hour shifts. If 30% of the work force was quarantined or sick they are discussing how they would shift to two shifts. They have solutions on how Cleveland Heights, University Heights, and Shaker Heights Fire Departments could work together to consolidate some of the services running out of one station for these types of calls. He thinks we are okay.

Council member Mr. Malone asked about child care for employees.

Chief Sweeney stated that issue was raised yesterday. We know a lot of the firefighters' spouses have jobs, they are no different from anyone else having two working parents. He told all three shift battalion chiefs they will exercise extreme flexibility in working with the staff members. They are normally pretty rigid on

vacation, sick, and comp usage but they will step out of the rigid box. He has empowered the three battalion chiefs who keep the shifts running to make the decision. They do not have to call him, just keep the shifts staffed appropriately whatever they have to do.

Director Speese stated that Public Works is basically the same. She reached out to union leadership and told them we would be easing up on a lot of the restrictions as far as advanced notice for vacation time, sick time, etc. They were extremely grateful. We have several members who have asked for vacation time because their children do not have school. We also have prioritized services if 20% of work staff is off, to determine what services would be limited and streamlined. They have gone down to the worst case scenario of what absolutely must be done, and that would be rubbish pickup. We have a three phase approach to the services. The Mayor asked for us to come up with a plan and we have.

Mayor Weiss stated that we are also rolling out on Monday a policy enabling people to use sick time for COVID-19 related child care issues.

Jeri E. Chaikin, Chief Administrative Officer, stated that not only are departments identifying its non-essential services, but what they can do if they are redeployed somewhere else.

Council member Mr. Zimmerman stated that he presumes there has been close communication amongst other mayors in the Mayors and Managers Association. He wants to make sure there has been good sharing of ideas and protocols not only in terms of personnel and safety but also potential legislation.

Mayor Weiss responded that there has been. There is so much to do and there is communication electronically, but everyone has their hands full. It started with day to day issues, but for most of us our time is taken up with 90% Coronavirus issues.

Council member Mr. Zimmerman stated that he is reminding residents of that who from time to time bring issues to him that they would like him to take to the Administration. He understands what staff has been dealing with and residents have understood that. His larger point is to the extent it hasn't been happening, to do what we can to share our good ideas with others and learn from other administrations. He saw the County adopted legislation that is similar to what we are considering today. He wants to make sure there is as much of that information sharing and perhaps consistency if possible.

William M. Ondrey Gruber, Law Director, stated that Mayor Weiss asked Assistant Law Director Lisa Gold-Scott to participate yesterday in a conference call with the Mayors and Managers Association with an update from Tim Cosgrove which involved a question and answer session. There was a directive in the last few days from the Ohio Attorney General to cities about open meetings. He was in touch with the Cleveland office of the Ohio Attorney General to talk about that issue. He has also had communication with the state about using sick time and we have not had a directive from the State Auditor. If the Attorney General says yes we can spend public funds to do this, the auditor will have a say when they do audits. We want to make sure the two offices are communicating and giving us the same directives.

CAO Chaikin stated that she also has summaries of what other cities are doing.

Council member Mr. Zimmerman stated that we should also be sharing with them what we are doing.

Council member Mr. Roeder asked what the command structure is north of us, because this is often what happens in these situations with federal, state and local agencies with different policies. He senses that it is a little unclear right now. There is a lot of communication with the County, but he asked how the state, federal and FEMA pieces are fitting together. He wonders if there is a formal command structure or if we need to deal with different parties and sort through different messages.

Chief Sweeney stated that Cuyahoga County and the City of Cleveland jumped on it quick even before the first cases came out. There were probably a handful of situational reports that were being put together and monitoring in the United States. Governor DeWine and the Ohio Department of Health put out good messaging this week. Chief Sweeney, the State Fire Marshall, the County and City of Cleveland Health Department are all working with the State very closely so it is funneling up very nicely right now. He does not know about what is going on from the state to the Governor and the President.

Mayor Weiss stated that the structure is in place, but questions do come up from time to time about how something might be interpreted under a state of emergency.

Council member Mr. Roeder asked if the EOC is sorting through all of this and is our main reporting body.

Chief Sweeney responded absolutely.

Mayor Weiss stated that what we wanted to do at this moment is to put some things in place today that we hope will not necessarily be applicable, but we want to put the protocols in place where possible. There are not a huge number of things we can do in some cases because we are bound by our Charter. We are obviously sensitive to issues of transparency so we keep that in mind all the time. In general, his directive to Director Gruber was to focus on what things we should be looking at now while we are healthy, not quarantined, and to take action on those things we can only do in a public meeting. One of them is how to minimize the number of meetings versus through telephonic or other ways. He believes we are heading toward converging our work session into a telephonic briefing as an update with no deliberation or action by Council. Then he asked what else we can do to give us flexibility as needed. There are two items being put forward for Council's consideration.

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Ordinance No. 20-16, by Mrs. Moore, approving and authorizing Council to more readily make decisions of an emergency nature if significant numbers of Council Members cannot be present during the current COVID-19 crisis, and to grant the Mayor extraordinary authority to expend funds of the City for certain purchases of goods and services in order to reduce the need for Council meetings, and the duration of such meetings, during the present crisis, and declaring an emergency.

William M. Ondrey Gruber, Law Director, stated that there are two proposals both related to the COVID-19 crisis. We are looking at the scenario in which we couldn't have seven, six or five members of Council attend a Council meeting. Certainly if there is a Council meeting to make decisions, all Council members will be notified as required with plenty of advance notice and have an opportunity to attend, but if for some reason Council members are quarantined, self-quarantined or mandatory quarantined, or ill, they may not be able to attend. One thing we have received confirmation on from the Ohio Attorney General and research is that Council may not make decisions without being in person. We are trying to

plan for the situation in which we can't get all the members of Council or enough members together and if there is some disagreement we are able to have decisions made. There are some cities whose charters allow decisions to be made by majority of a quorum and that is very common among many non-profit boards. Our City Council Charter requires we have four members in attendance as a quorum. The ordinances require four votes to approve any ordinance or resolution. This legislation proposes in the situation in which we cannot garner enough Council members to attend and there is some disagreement, that we are able to pass legislation with the majority of a quorum. That means if there are four members in attendance which is a quorum they can make a decision and a vote of 3:1 would pass the legislation. If there are five members a vote of 3:2 would approve legislation. If there are six or seven members in attendance you would still need a majority, and you would need at least four votes as now. That is not changing. It is a fairly simple proposal. It has ramifications obviously but it clearly will only be used in those circumstances in which we can't get enough Council members and we really need to make a decision and there is some disagreement. The second proposal deals with having authority to spend money. The Charter tells us it is up to Council. Public bidding is required for any contract or expenditure the City makes over an amount that Council is supposed to set except there are certain types of contracts that Council can approve above the amount that they have set without public bidding. It lists the types of contracts that can be approved by Council. That same list is reiterated in the ordinance with the amount Council has set at \$25,000. It can only be changed in January of odd number years. This proposed legislation is not requesting to change that amount but the Charter and ordinances say that Council may in specific cases authorize contracts for amounts higher than the limit beyond the things which are listed. In this case we are proposing everything to continue as normal for expenditures \$25,000 or under, and formal public bidding for expenditures over \$25,000 in all cases that we can if it is not an urgent emergency. We are asking for expanded authority for expenditures up to \$100,000 for professional services, and utility services to enter into contracts for those types of purchases. The ordinance requires the Mayor to advise Council in advance if possible. An example is if a roadway collapsed over a weekend and that has happened along South Park leading into Doan Brook where immediate action was necessary.

Mayor Weiss stated that he knows this is a sensitive topic. What we are trying to do where possible is to provide for some additional flexibility in the event it is needed under these circumstances. This is a temporary measure and it can be terminated or changed by Council at any time. We are not asking for an unlimited amount of time and this is a limited category based on the Charter and our ordinances. It is just the ones that have previously been identified as ones that could be above the initial authority and Council would be provided notice in advance unless staff are unable to do so. Having these added actions in place would enable us going forward to have as few public meetings with us all in person. It may become critical that we do that or when we do have public meetings to minimize the number of items, many of which may be routine that Council would already know about, to allow them to move through them quickly.

Council member Mr. Zimmerman stated that this is a lot to unpack. He believes we all recognize that this is very serious stuff that we are dealing with. He has a number of questions. Focusing on the modification of the voting requirements where the Law Director stated that "if for whatever reason Council members cannot attend," he was not comfortable with what he heard. He does not want to be in a situation where we utilize the legislation because a member or members of Council are out of town because of vacation or for some reason that is unrelated to the COVID-19 crisis. He only wants it used for the reason that it is being brought before us and for a public health crisis that may result in our inability to do business as usual. He does not want it used for any other reason.

Director Gruber stated that the legislation states it is for a period of 90 days, which period may be extended or shortened by Council. Council can vote to end it at the March 30, 2020 Council meeting or

change it in any way. There can also be a special meeting called by Council members and change it or end it. That can be done at any time. The idea is that we are able to meet. There is nothing in the ordinance that says we have to look at the reason that Council members can't attend. The idea is that we have to have a meeting. We are trying to reduce the number of meetings so if something comes up in between and the choice is to make the expenditure and take action or it is over the limit, we would have to hold a Council meeting. If a Council member is on vacation and not sick we may have to call a special meeting to make an expenditure of \$200,000 because of the urgent nature of it. The expenditure may or may not be related to COVID-19 but it may be an emergency that we have to take care of now and need a special Council meeting. This does not limit decision making to the reason that Council members can't attend, it has to do with reducing the number of meetings to once each month and having no committee meetings to consider legislation, as well as to make certain expenditures up to \$100,000 without having a meeting or in the case of a special meeting where Council members can't attend.

Council member Mr. Zimmerman stated that he is still processing this but no matter what under this circumstance the importance of clear and constant communication from the Administration is never more important. If we are talking about reducing the number of meetings and formalizing the social distancing, we are still a City Council and still have statutory obligations to represent the citizens of Shaker Heights. He wants to hear from the Mayor and Administration regularly. That will put a larger burden on them to maybe provide a daily update of what's going on at City Hall that they would otherwise learn from committee meetings, but since they are not having those or Council work sessions, they will need to hear more updates and more often from the Administration. We will have to think about how to do that without overburdening the Administration.

Council member Mrs. Moore stated that she believes what Council member Mr. Zimmerman said was important. Normally we would have committee meetings and some Council members would sit through two hearings on an individual agenda item before getting the Council agenda packet in reasonable proximity to the Council meeting. If they don't have the opportunity to become informed about a given item whether or not it is on the final Council agenda it would be great to have an advance opportunity to digest it so they feel informed. However that can best be accomplished would be great.

Mayor Weiss stated that we can certainly do that, to provide the same level of detail of information in advance of the Council meeting to substitute for the Council committee meetings.

Council member Ms. Anne Williams stated that she shares their concerns and the importance of communication. She stated that the Vice Mayor is a really good conduit for communicating from and to Council. It is important for all of us to stay in communication.

Mayor Weiss stated that this voting proposal is controlled by Council. We will call the meetings in the normal course, it is incumbent upon the members of Council to be there. This is in the event Council is unable to be there. It is in the event of their unavailability if they call and tell us they are unwilling or unable to come to a particular meeting, and how we can conduct business. It is a very limited circumstance and it only gets triggered when Council is unable to attend.

Council member Mr. Zimmerman stated that it is really issue driven as he understands it. We talked about moving the Council meeting to the end of the month because of spring break thinking about scheduling. Irrespective of the reason for absence in this present circumstance we may not be able to put off a meeting and if we can't reschedule it because someone is quarantined or can't get back in the country and there is

legislation that needs to be addressed because of the present crisis we will have to rejigger the rules somewhat. He believes that is what we are saying.

Mayor Weiss stated it is two-fold. To the extent we only have one formal public meeting a month if that is the goal to maximize our social distancing, if something happens two days after the last Council meeting, it may be 30 days to the next Council meeting. If we have a significant expenditure for e.g., \$200,000 we would have to call a special meeting. If it is an urgent matter we will do that because we have to for the health and welfare of the community and we need to hope that all of Council is in town and available, but if for some reason you are not whether work or health related we put ourselves in the best position to make sure that the operations of the City can continue. That is really all we are doing.

Council member Mr. Zimmerman stated that we are balancing fewer meetings with the possibility of true emergency legislation if we need to spend a lot of money to buy whatever to help our safety forces be safe or our residents.

Mayor Weiss stated that this is only in the event we get down to the point where we have an urgent purchase, or an urgent matter, and we call a special meeting and we are short the number of Council members needed.

Council member Mr. Roeder stated that he understands that what we are doing here is contingency planning for all scenarios if members of Council can't make it, but what if the Mayor is unable to be present. If that is the case it would fall to Mr. Roeder as Vice Mayor, and he has not participated in a single one of these meetings. He would be starting from zero. If something happened to both of them it could fall to another member of Council.

Director Gruber stated that is not the case. Unless Council has a meeting and votes to name someone other than the Vice Mayor, the Law Director becomes Acting Mayor if both the Mayor and Vice Mayor are unavailable.

Council member Mr. Roeder thanked Director Gruber for the clarification. The point still stands in terms of overall Council knowledge and what would happen. It is not just about what might be going through the committee meetings but Council is talking with people in the community on a regular basis. The level of knowledge they have now is limited in terms of what we are doing to respond to this crisis. If there is some way to inform Council on a regular basis without it making it too burdensome so they can communicate that and be ready to act quickly with a full deck of information that would be nice. What he is hearing and feeling is it would be nice to the extent possible they have more of a knowledge base to act quickly with full information.

Council member Mr. Zimmerman stated that what comes to mind particularly because of the absence of committee meetings, is to have a weekly conference call if possible to get an update from the Administration on what is going on in terms of COVID-19 and also legislation that they should expect, routine purchases, etc. More of that would make them all feel better and help them communicate better to the residents.

Council member Mrs. Moore stated that with that method if it should be needed you get the collective intellect of the whole Council whereas individual communications by email or digitally in some form you don't benefit.

Director Gruber stated that legally we can have a weekly conference call. Logistically we have been in the mode of trying to cope with every single thing as an emergency. The Administration has dropped everything else that is not absolutely essential to work on employee policies, Council meeting rescheduling and cancelling of meetings, and dealing with school closings. Hopefully we will settle down into a new normal in the next week or so, so that things are not in crisis mode. The Ohio Attorney General reiterated that in what he issued in the last few days. We may have informational questions and answers and discussions, as long as we are not deliberating or voting on items.

Council member Mr. Zimmerman stated that is good. What this is all about is to reorient government so we can continue. Hopefully this process will finish hopefully sooner rather than later and we figure all these things out but the show must go on. We are saying here that when the show must go on, we need to play our various roles. It seems to him what we are talking about is having regular communications or weekly conference calls to get updates but not deliberate or vote which would be a good thing.

Mayor Weiss stated that if we do he recommends it is done on the weekend. He knows that may be a burden but during the week is really tough.

Council member Mr. Zimmerman stated as long as we do it.

Council member Mr. Roeder added that they can also help. There may be things they can do to assist even in the times of complete crisis. He understands the difference between administrative and legislative, but whatever that looks like, whether it means communicating out to everyone what is going on, in the different roles we play, Council is willing to do whatever they can to be a part of the response and assistance.

Council member Ms. Anne Williams stated that on a personal level she thinks the adjustment of votes needed is really creative and she appreciates it. She thinks it is going to work well in case they do have members out at future Council meetings. She really likes the idea of conference calls especially because she has a concern of going up to the \$100,000. She understands the need for it. It is hard to think we are going to do that without knowing what is going on for an extended length of time, like a month between meetings. It is challenging when they have that big gap of time. She appreciates that kind of update to them. Related to that Director Gruber mentioned a contract with Wide Open West, and she asked if there is anything in the pipeline that may come up.

Finance Director John Potts stated that we have a small Information Technology (IT) Department and we are working to have potentially a lot of employees working from home. We are doing that now as a Tier 1 stage. The Administration is making sure that payroll clerks and directors may work from home. If we reach a point where business is happening all at home with 140 to 150 people on the system, the stress of the IT Department will be significant. They may need to co-source or to sign a contract with technical specialists that can help people. That could be significant so that is something we thought of.

Council member Mr. Malone stated that his suggestion was along the lines of what we are talking about to the extent that we do have business that is not COVID-19 related and would traditionally go through committees, it would be nice to continue to include committee members somehow whether just copying them on emails, or to have the memos a few days in advance of what we normally would if there is just one meeting each month. He would suggest at that time that we also copy those committee members who would be responsible for vetting it and inviting their feedback. It would help streamline actual meetings. We may learn something from committee members too. He thinks these are sensible measures.

He was a little hesitant about the 90 days. He is hopeful it will only be 60 days or 30 days, but given that Council can at any time decide to draw back the emergency authority they have given, he thinks these measures make a lot of sense.

Director Gruber stated that the reason he suggested 90 days was only because of the circumstance if Council can't meet at all or cannot get a quorum. As long as Council can meet they can change this at any time even with 3 votes.

CAO Chaikin stated that the Administration cannot spend any money that Council has not appropriated. Any purchase would have to be done with money that is already appropriated. Traditionally we underspend the operating budget every year. This \$50,000 project is not a new \$50,000. We are renewing a contract that expires in 2023. We have to renew it for another 5 years in order to get the additional bandwidth, which is only another \$151 more each month. It is only \$1800/year additional.

Mayor Weiss stated that we appreciate the feedback and we will take all of those comments under advisement.

Council member Mr. Zimmerman stated that the next set of communications from the Administration are really important. The quicker and more comprehensive they can get back to Council and set up regular calls the better.

It was moved by Mrs. Moore, and seconded by Mr. Earl Williams, that the rule requiring ordinances to be read on three different days be suspended and Ordinance No. 20-16 be placed upon its final enactment.

Roll Call:	Ayes:	Mr. Roeder, Ms. Anne Williams Ms. Carmella Williams, Mr. Earl Williams Mr. Zimmerman, Mr. Malone, Mrs. Moore
	Nays:	None
		Motion Carried

Moved by Mrs. Moore, and seconded by Mr. Earl Williams, that Ordinance No. 20-16 be enacted as read.

Roll Call:	Ayes:	Mr. Roeder, Ms. Anne Williams Ms. Carmella Williams, Mr. Earl Williams Mr. Zimmerman, Mr. Malone, Mrs. Moore
	Nays:	None
		Ordinance Enacted

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Ordinance No. 20-17, by Mr. Earl Williams, accepting the lowest and best bid and authorizing a contract with Ronyak Paving, Inc. in the total estimated amount of \$1,688,000 for the 2020 Street Resurfacing Project, and declaring an emergency.

Patricia Speese, Public Works Director, stated that notwithstanding the Coronavirus, this is the time of year that Public Works is extremely busy planning all of the activities for construction season. Issues like street resurfacing, curbs, sewers, and tree planting are taking place right now. We are planning to go full board once this is over with. We went out to bid early for the street resurfacing contract and received five bids from various companies with the lowest bid from Chagrin Valley Paving. It was determined not to be the lowest and best bid by less than 1% due to previous experience with them where their work was deemed to be fair at best and the process was not good for the City. It was not a good experience. She spoke with colleagues who have also dealt with Chagrin Valley, knowing that Ronyak was the next lowest bidder, who stated they would not work with Chagrin Valley again as well. We had more than one issue with Chagrin Valley Paving. Ronyak has been our resurfacing contractor for two years after them and have done a great job. In her tenure with the City the only time she has issued a default of contract letter was for Chagrin Valley Paving notifying their bond counsel and bonding agent. They came in the next day and remedied the situation. When you pull a bond it can be detrimental but that is how bad it was. She cannot stress enough the severity of the issues we dealt with in working with Chagrin Valley Paving. Ronyak Paving was the next lowest bidder by 1% and were determined to be the lowest and best bid which is the criteria we use for awarding bids, according to our Charter. This item is requested as an emergency and with a suspension of the rules in order for them to hit the ground running on April 15 when the asphalt plants open. This is a big year for paving with a lot of streets and a lot of phasing options to meet.

Council member Mr. Zimmerman stated that this item was reviewed and unanimously approved by the Safety and Public Works Committee a week ago Friday. We did not anticipate there would be this explosion of events. The meeting was held at Fire Station No. 2 along with a “push in” ceremony for the new fire truck. The important thing that he thinks all of us know is that from time to time we get a situation where the lowest bid is not the best bid. That was the circumstance. There were a number of questions about it and the director was being very polite and professional by saying their performance was fair at best. They did not meet expectations. From his perspective he is no expert when it comes to this and really relies on the people that we hire and empower to make these decisions because they have to live with it. As we all know if we make a bad decision about something as important and expensive as road repairs and maintenance, we pay that price for years to come because the road is buckling and we could end up spending more money to repair it.

Director Gruber stated that there are different standards under state law. We are a charter city so we have our own standard. Lowest and best bid is not an uncommon standard. Some state agencies have a lowest and responsible bidder standard which makes it much more difficult to not award it to the lowest bidder. The lowest and best bidder standard does not mean that only if the lowest bidder is bad can you award it to the next lowest bidder, but applies if the second lowest bidder is better. You could have two perfectly fine contractors. In fact Chagrin Valley Paving has been used by our Recreation Department for path projects, where there are no disruptions of traffic, or coordination with utilities which is much more complicated with the public. In those cases they had an experience that was fine with Chagrin Valley Paving. They may be adept for that kind of project. We are not saying they have to be a bad contractor in order to award to the second lowest bidder. In this case there happened to be circumstances that we experienced and other cities have experienced which have not been optimal so there are many reasons to not award to the lowest bidder in this case. It is also less than a 1% difference. We often look at the price difference. If we are trying to award to a contractor that was 20% higher there is a higher standard that we need to meet to explain why we are not going with the lowest bidder. There are all sorts of built in contingency amounts so the two bids are virtually identical. The one being lower is basically a technicality. We are really looking at which one is best for the City’s operations in this particular circumstance. Director

Speese has spelled out why we like Ronyak and why we have worked well with them which is the key part of this and why in this circumstance they would be preferable from the technically lowest bidder.

Council member Mr. Earl Williams stated that Director Speese has stated the case very clearly and it is unusually difficult to work with someone when you have contacted their bonding company and put them in a situation of having to work with us again wondering if the bonding company will have problems indemnifying them. This is not a big stretch as far as he is concerned to go with the second lowest bidder.

Council member Mr. Roeder stated that we are looking at a bid amount of \$1,860,000 and the difference between the first and second bid is less than 1% of \$1,800,000. Any one of the situations mentioned cost more than \$14,000.

It was moved by Mr. Earl Williams, and seconded by Mr. Zimmerman, that the rule requiring ordinances to be read on three different days be suspended and Ordinance No. 20-17 be placed upon its final enactment.

Roll Call:	Ayes:	Mr. Roeder, Ms. Anne Williams Ms. Carmella Williams, Mr. Earl Williams Mr. Zimmerman, Mr. Malone, Mrs. Moore
	Nays:	None

Motion Carried

Moved by Mr. Earl Williams, and seconded by Mr. Zimmerman, that Ordinance No. 20-17 be enacted as read.

Roll Call:	Ayes:	Mr. Roeder, Ms. Anne Williams Ms. Carmella Williams, Mr. Earl Williams Mr. Zimmerman, Mr. Malone, Mrs. Moore
	Nays:	None

Ordinance Enacted

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There being no further business before Council, the Mayor adjourned the meeting at 10:26 a.m.

DAVID E. WEISS, Mayor

JERI E. CHAIKIN, Clerk of Council