

# CITIZENS' EQUAL OPPORTUNITY COMMISSION

## MINUTES

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Wednesday, January 25, 2006

6:00 p.m.

**Metro Operations Center (MOC II)**

**9192 Topaz Way, Auditorium**

**San Diego, CA**

- ATTENDANCE:** Dan Salas (Chair), Brad Barnum, Eileen Chaske, Arthur Cribbs, Rebecca Llewellyn, Sharon Marshall, Mike McManus
- CITY STAFF:** Stacey Stevenson, EOC; Thelma Chavez, EOC; Gay Davis, EOC; Celia Griffin, EOC; Marie Wright-Travis, City Attorney
- PUBLIC:** Herman Collins, Emily Yanushka, Bob Silvas, Roz Winstead, A. Hameed, J. Hameed

- Item 1: **CALL TO ORDER:** The meeting was called to order at 6:10 p.m. by Chairperson Dan Salas.
- Item 2: **REPORT:** Washington States Paving v. Washington Dept. of Transportation – analysis/report by Marie Wright-Travis (*Copy of the Case Summary was provided*). Marie Wright-Travis gave a brief summary of the case. In *Western States Paving Co., Inc. v. Washington State Department of Transportation*, the Ninth Circuit held that the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21), as applied by the State of Washington in its disadvantage business enterprise program (DBE), violated the right to equal protection under the Fourteenth Amendment. The Ninth Circuit held that the program was not narrowly tailored to further the government's interest in remedying effects of discrimination in the transportation contracting industry. The court found that the State of Washington failed to meet its burden of producing evidence of discrimination within its transportation contracting market by not producing statistical disparity studies of discrimination in the industry, and the formal complaints of discrimination it produced did not allege discrimination specific to the transportation contracting industry.

Item 3: Action: CEOC action, in response to CalTrans public comments solicitation regarding possible amendment of Cal Trans DBE program goals for federally funded contracts in light of Washington States Paving.

Three speakers presented their concerns to the commission.

MOTION: The commission will prepare and send a letter to the Mayor and City Council.

Item 4: ADJOURNMENT: The meeting was adjourned at 8:00pm.