



THE CITY OF SAN DIEGO

**CITIZENS' EQUAL OPPORTUNITY COMMISSION
REGULAR BUSINESS MEETING**

MINUTES

Wednesday, June 3, 2009

6:00 P.M.

**City Administration Building
Council Committee Room
202 C Street – 12th Floor
San Diego, CA 92101**

ATTENDANCE: Commissioners:
Rebecca Llewellyn, Brad Barnum, Daniel Salas, Debbie Day, Dr. Shirley Weber, Ph.D., Dr. Sarah Young, Stamp Corbin, Elieen Chaske

MAYOR'S STAFF: Sanna Singer – Deputy City Attorney, Nathan Slegers – Deputy City Attorney, Hildred Pepper – Director P & C, Debra Fischle-Faulk – Director of Administration, Beryl Rayford – EOC Program Manager, Christian Silva – EOC Associate Management Analyst, Laura Davis – EOC WPO

PUBLIC SPEAKERS: Ms. Roz Winstead;_Abdur-Rahim Hameed, President
BCA

Item 1: CALL TO ORDER

The meeting was called to order at 6:07 p.m. by Chairperson Rebecca Llewellyn.

Item 2: APPROVAL OF May 6, 2009 & TODAY'S AGENDA:

MOTION: To approve the May 6, 2009 Minutes & Agenda for June 3, 2009

Made by: Commissioner Shirley Weber
Second by: Commissioner Daniel Salas

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VOTE: **PASSED** (Yea- 7; Nay-0)

Item 3: **PUBLIC COMMENT:**

Ms. Roz Winstead informed:

The Commission that Council President Ben Hueso denied her the opportunity to speak before Council regarding the EOC outreach program. She further expressed her opinion of how the City's EOC Program has made many promises, and the information provided by the department is inaccurate. She also stated that the EOC program has many flaws in the way they administer and budget their program. She added examples of site visits, final summary reports, workforce reports, and certified payroll all which have not been regularly kept up. In her closing statement she advised the City to strongly push for a disparity study.

Abdur-Rahim Hameed informed:

The Commission that the BCA will not be discredited or tolerate any misinformation regarding their association. He expressed his disappointment in learning how the disparity studies have been handled by the City of San Diego in the past. He asked the city for a copy of the disparity study and has yet to receive anything. He was appalled to find out that an out of town consultant was hired for the job. Additionally he stated that of the twelve Caltrans districts there are only six African Americans; which means there is half an African American per district. He strongly feels that there is hypocrisy within the City. He also expressed his concern of how Commission should fight for the BCA and its workers, who are falling short on jobs. He then went on to add if people are going to bash the BCA, then the BCA is going to bash back.

Commissioner Chaske asked What Mr. Hameed was referring to?

Commissioners opened a discussion on Mr. Hameed issue.

Commissioner Llewellyn explained that Mr. Hamed was referring to a disparity study done by the City a few years ago.

Mr. Hameed asked if there was a disparity study done last year by Mr. Franklin Lee.

Ms. Fischle-Faulk explained there was no disparity study done and what Mr. Lee did was consult the City on programs like the SLBE. A disparity study is a discussion up for council, but no decision has been finalized.

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Mr. Hameed asked how much the City paid Mr. Lee for his services.

Ms. Fischle-Faulk replied Mr. Lee was under a consultant contract for approximately \$78,000 over two years.

Commissioner Shirley Weber explained that all information can be back tracked to the minutes from the previous meeting, which can be found in the Chair's report regarding the allegations Mr. Hameed is referring to. The issue arose by questioning a grant that had been received by the BCA. She went on to add the Commission decided to request a report from all associations receiving grant money having to do with Equal Opportunity, as to where the money had gone. Due to the high volume amount of grants expedited by the City, the Commission has no way of knowing where all the money goes without some sort of report. This is a new rule that will be exercised by all associations, not just the BCA.

Mr. Hameed replied that the BCA has been given a \$30,000 grant, which they have not received a dime of.

Commissioner Llewellyn explained to Mr. Hameed that all information requested was not to exclude the BCA, but to help move issues forward within the City, and then she decided to move forward with the agenda.

Sanna Singer, Deputy City Attorney commented that any Q&A wanting further discussions can be put on the agenda for next meeting.

ACTION(S): Ms Angela Nazareno, CDBG Program Administrator will provide a presentation on the City's CDBG Program at the July Commission meeting. Ms Fischle-Faulk to request information regarding CDBG grants awarded that are related to diversity type issues.

Item 4: STAFF REPORT:

Debra Fischle-Faulk, Director of Administration and Sanna Singer Deputy City Attorney Presented the SLBE Program Proposal-update

Q&A discussion opened

Commissioner Salas asked was meant by "Proposer"

Ms. Fischle-Faulk replied, consultant contracts.

Commissioner Salas asked why is SLBE appropriate for the City?

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Ms. Fischle-Faulk explained that SLBE Program would be an additional race neutral tool for the City of San Diego in order to help make all contracting jobs more diverse. In addition, she read the exact language in the proposal that described the appropriateness of such a program.

Commissioner Salas commented that City Council should make a finding that our statistical results in terms of diverse participation are lacking and the SBLE Program would be an additional tool in order to achieve contracting diversity.

Commissioner Barnum questioned if there is going to be a preference program for all local small business in San Diego, it could affect the low bidder rule which the city currently uses to award construction contracts. He also gave an example of an out of town contractor who bids on a contract, but does not win it due to the preference program – a similar scenario could take place if a San Diego based company bid out of town and lost due to a local preference program in that town. He recommended perhaps the City consider penalizing out of town contractors whose cities have preference programs rather than providing local preferences.

Commissioner Barnum commented that he read in the February 25, 2009 EOCP Report to Rules Committee that the city of LA and Oakland has a preference program for contracts \$100,000 and below. It would be something to consider for San Diego.

Ms. Fischle-Faulk replied by informing the Commission that many of the major cities in California have some sort of preference program and the state of California has one as well.

Commissioner Young asked the commission not to allow penalties because she feels it is a negative connotation.

Commissioner Corbin gave his definition of a local preference program and stated if a company is based out of San Diego and creates local jobs the commission should consider the program.

Commissioner Llewellyn informed the commission that the state of California has a program that Small Business receives a 5% bid preference.

Commissioner Barnum commented he read the city of LA and Oakland has a preference program for contracts \$100,000 and below. It would be something to consider for San Diego.

Commissioner Salas asked how the program will be staffed and will it

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create new job opportunities?

Ms. Fischle-Faulk answered that due to the current budget situation, no new personnel will be added and the program will have to be implemented by the current staff.

Commissioner Weber asked what percentage of business in San Diego is classified as small business.

Ms. Fischle-Faulk replied based on the federal government definition 99.2 %.

Commissioner Llewellyn asked if the current certifications will still be valid.

Ms. Fischle-Faulk stated all recognized certifications will be honored by submitting the information.

Commissioner Llewellyn asked if there is any kind of report what funding is used for specific contracting types and a forecast of upcoming contracts available.

Ms. Fischle-Faulk answered she does not currently have the information, but will have that to her shortly. Also explained to the commission how EOC does their analysis for under representation.

ACTION: Ms. Fischle-Faulk to provide Commissioners with copies of Workforce reports that have been analyzed by EOC staff.

Commissioner Llewellyn handed out copies in reference to final utilization reports.

ACTIONS: Ms. Fischle-Faulk committed to provide samples of Final Summary Reports to Commissioners by the next meeting.

Ms. Fischle-Faulk stated she is working with Mr. Pepper to get information to the commission regarding past projects awarded.

ACTIONS: Hildred Pepper, Purchasing Director to forward electronic version of past project awards to Debra Fischle-Faulk. Debra Fischle-Faulk to forward the project award list to Commissioners once received.

Ms. Fischle-Faulk also requested feedback from the commission regarding the SLBE Program.

Commissioner Llewellyn asked for an additional meeting to further discuss the program and other issue that may apply. Meeting will take place on Wednesday June 10, 2009 @ 8:00 AM.

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Item 5: CITY ATTORNEY REPORT:

Ms. Singer answered the question asked last meeting by the commission regarding the legal significance of the California Attorneys General's opinion regarding the Coral Construction case. A letter brief informing the case and will not have any binding affect on the City.

Item 6: CHAIR'S REPORT

Commissioner Llewellyn stated that there is a lot of work to be done regarding the recommendations included in the SLBE Program in order to understand everything and give productive feedback. She suggested a special meeting for further discussion on June 10, 2009

Ms. Singer suggested that the Commission continue SLBE program discussion as an action item on each agenda. This will ensure the item continues to be noticed for Commission action when appropriate.

Ms. Fischle-Faulk informed the Commission staff will be available for any special meetings.

Motion: to keep SLBE Program as a discuss action.
By: Commissioner Salas
Second: Commissioner Weber

Item 7: ADJOURNMENT:

MOTION: Motion to adjourn at 8:01 PM.
Made by: Commissioner Llewellyn