



THE CITY OF SAN DIEGO

CITIZENS' EQUAL OPPORTUNITY COMMISSION

SPECIAL MEETING

MINUTES

Thursday, March 15, 2012

6:00 p.m. – 7:30 p.m.

At

City of San Diego – City Hall

202 C Street

San Diego, CA 92101

12th floor – Committee Room

COMMISSIONERS PRESENT:

**Ron T. Cho
John Cloud
Juan Gallegos**

**Montes Jones
Jay M. Montenegro**

**Gregg Torwick
Laura Warner**

COMMISSIONERS ABSENT

Stampp Corbin, Vice Chair

Dr. Shirley Weber, Chair

MAYOR'S STAFF & Guests:

Debra Fischle-Faulk, Administration Department Director

Denise Sandoval, Administration Department Executive Secretary

James Nagelvoort, Interim Assistant Director Engineering and Capital Projects, City Engineer

CALL TO ORDER: The meeting was called to order at 6:17 p.m. by Presiding Meeting Chair, Commissioner Monte Jones. All Commissioners present introduced themselves for the record.

AGENDA APPROVAL: Agenda for this meeting was unanimously approved (6 / 0)

NON-AGENDA PUBLIC COMMENT: None

ACTION ITEM: Response to 21st Century Capital Improvement Process & Streamlining and Transparency

Staff provided a letter addressed to the CEOC from Almis Udrys, Deputy Director of IRD & Fiscal Policy of the Mayor's office as an update to the Streamlining and Transparency recommendations as outlined in the January 24th letter. Staff has also provided the January 24th letter for side by side comparison for discussion and reference in preparing the letter to the Mayor and Council on March 20th.

There was discussion regarding: MACC, Participation levels, Mandatory vs. Voluntary Goals, Good Faith Effort, Calculation of Goals and Community Outreach, Stakeholder Meeting, Sunset Clause.

After discussion the commissioners developed 5 points they would like to make or recommend for the letter to Council, they are as follows:

- **A sunset clause written into the Municipal Code for MACC Projects** – the clause should in effect end the approval for awarding MACC projects after three years unless City Council action is taken. The clause would not impact projects already under construction.
- **Public Works staff should prepare and submit an 18 month report/assessment on MACC projects** – The Commission would like to work with staff to develop performance metrics related to Equal Opportunity Contracting.
- **Public Works staff should provide the specific agenda items** for the quarterly public industry meetings to the Commission. The Commission will assist with identifying potential attendees for the meetings.
- **Public Works staff should provide the Commission with the specification language** for the first MACC contract.
- **The Commission would co-host two outreach meetings** for MACC Projects to ensure a diverse group of contractors are aware of and encouraged to participate in these projects. The first meeting would be for education and the second would be once the contractors are shortlisted and would be to provide access to potential subcontractors

These 5 recommendations will be drafted by staff into a letter for Dr. Weber to present at Council.

There was a 6th recommendation made by Commissioner Gallegos that included a “whistleblower” component. Based on that recommendation Staff mentioned that the Human Relations Commission currently investigates and mediates discrimination complaints of employment, housing and public accommodations discrimination. Title VI is the statute that is used for discrimination to City programs. Title VI ensures that access to and use of all programs, services or benefits derived from any City Activity will be administered without regard to race,

color, national origin, sex, age, disability or socio-economic status. Staff mentioned that they are the Title VI Program Coordinator. Staff asked the Commission if it would like to be the hearing board for the complaints process of the Title VI program, staff mentioned that they would introduce the program at a future regularly scheduled meeting and that training would be given. Staff feels that this would be the most appropriate commission to hear these complaints.

Commissioner Jones inquired about people fearing retaliation from a complaint?

Staff replied that there are laws regarding retaliation within the Title VI program. There are also debarment options for retaliation. Staff would also introduce the debarment language in the training.

Motion made by Commissioner Warner to approve the concepts that were discussed and add the clarification about the Stakeholder Meetings and the Sunset Clause.

Motion 2nd and passes (6-0)

Commissioner Jones suggested that the letters be posted on the internet website.

Staff agreed and will post letters.

Motion amended by Commissioner Warner to include for the assistant director of public works to come forward with the agenda items that will be presented at the Stakeholders Meetings.

Motion 2nd and passes (6-0)

All were invited to the Council Hearing for March 20, 2012 at 2 p.m. / you can also watch on City 24 via live streaming.

CHAIR'S REPORT: None

ADJOURNMENT: Unanimously approved (6/ 0) 7:45 p.m.

NEXT MEETING: April 4, 2012 at City Hall.

Materials Provided:

- Letter: Proposed CIP Streamlining and Transparency Recommendations dated 3/15/2012