



THE CITY OF SAN DIEGO

## CITIZENS' EQUAL OPPORTUNITY COMMISSION

### MEETING MINUTES

Wednesday, October 5, 2016  
6:00 – 8:00 p.m.  
City Administration Building  
Council Chambers  
202 C Street – 12th Floor  
San Diego, CA 92101

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**TAPE NUMBER:**

**CALL TO ORDER at:** 6:15 PM by Vice Chair Custodio (Acting Chair)

**ROLL CALL:**

Kristine Custodio, Vice-Chair  
Lan Jefferson  
Rafael Perez  
Monte Jones  
Susan Jester  
Cynthia Suero-Gabler

**EXCUSED:**

Dan Ortiz

**STAFF & GUESTS:**

Kristina Peralta, Director, Purchasing & Contracting Department  
Claudia Abarca, Interim Program Manager, Equal Opportunity Contracting  
Damian Singleton, Senior Management Analyst, Equal Opportunity Contracting

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**APPROVAL OF:** Meeting Minutes of August 3, 2016  
Minutes approved unanimously (5/0)

**Motion made by Vice-Chair Custodio to approve the August 3, 2016 Meeting Minutes, approved by Commissioner Jester, seconded by Commissioner Jester. Minutes approved unanimously.**

**NON-AGENDA PUBLIC COMMENT:** (1) Mr. Henry Foster

- Mr. Foster stated that he had a public comment for non-agenda item 4(C) and would like to save his comment until that item on the agenda was reached.

**DISCUSSION ITEMS:** 4(A) [Follow-Up letter to Mayor from Commission \(dated 11/4/15\)](#) addressing recommendations regarding disparity study, municipal code update and bidding and contracting processes in [previous correspondence \(dated 3/4/15\)](#).

- No discussion

**DISCUSSION ITEMS:** 4(B) [Written Response to Citizen's Equal Opportunity Commission \(2/4/15\)](#)

- No discussion.

**DISCUSSION ITEMS:** 4(C) EOC Program Manager Vacancy

- Mr. Foster introduced himself as the former EOC Program Manager – officially separated from the City of San Diego on August 29, 2016 – and stated his appreciation of the commission for their hard work, effort and service shown to him and his staff during his tenure with the City of San Diego. Mr. Foster asked that the commission continue their hard work and continue assisting the City with their non-discrimination efforts, and to give the EOC program the same support that the commission gave Mr. Foster.
- Mr. Foster stated his endorsement of Mrs. Claudia Abarca's ability to fill the interim Program Manager position.
- Commissioner Jones stated his disappointment with Mr. Foster's firing and voiced displeasure that the commission was not notified.
- Commissioner Jones stated that this was the 3<sup>rd</sup> time that someone has come before the commission requesting support and help about some of the practices the City displays in their treatment of African Americans in management positions.
- Commissioner Jones stated that under the guidance of Mr. Foster the EOC program has made significant end roads.
- Commissioner Jones stated that this was the second time staff working closely with this program have been fired and the commission not notified until after the fact.
- Commissioner Jones stated that if the Mayor and his staff treat people this way, they will not have respect for this commission and the work the commission is doing to support minority contractors.
- Commissioner Jefferson stated that it was extremely honorable for Mr. Foster to speak to the commission and support his former staff despite what he may be going through personally.

- Commissioner Jefferson stated that Mr. Foster's firing is a travesty with how things are handled at the City with people doing everything they are supposed to do and are let go due to the "at-will" process.
- Commissioner Suero-Gabler stated her concern that the commission was not notified of Mr. Foster's departure.
- Commissioner Suero-Gabler stated that during her short tenure on the commission she has witnessed lots of fluctuation in support staff, Mayor and City Attorney staff attending CEOC meetings, and an overall lack of care and concern for the commission and its mission.
- Commissioner Suero-Gabler stated that the City attempting to remove the protective classes from the commission is bothersome, especially for a commission that is supposed to be conscious of these protective class positions. Then letting go of Mr. Foster makes her wonder if the City has another agenda.
- Commissioner Suero-Gabler stated that she does not know how the commission can push their issues forward without the proper support. Commissioner Suero-Gabler mentioned other commissions with executive directors, paid staff and more overall support.
- Commissioner Perez stated his disappointment with the firing of Mr. Foster who is a respected ambassador of the community and that it feels like the City's priorities are elsewhere.
- Commissioner Jester stated that the commission does not get the same support and acknowledgement as the other commissions. Commissioner Jester stated that this city is so diverse that it is unconscionable that we don't have a functioning, effective, commission of equal opportunity.
- Vice-Chair Custodio stated her disappointment for the lack of notice that Mr. Foster was fired, considering she is the acting Chair of the commission.
- Vice-Chair Custodio asked what the proper channels are to inquire about information and notification to the commission when things of this nature occur.
- Staff stated that this issue was a personnel matter and could not be discussed at the time and that this information was intended to be relayed to the commission at the September CEOC meeting that was cancelled due to lack of quorum.
- Commissioner Jester stated she would like to thank Mr. Foster for his performance which was above excellent. He has always been a total professional during the entire time Commissioner Jester has worked with him.
- Commissioner Jones stated that he holds everyone from the Mayor's office to the Purchasing & Contracting Department responsible for Mr. Foster's firing and also stated that using the at-will clause to fire Mr. Foster is rude and disrespectful and that the City is maneuvering in a way to take away what little power the commission has.

- Commissioner Jones stated that the commission is set back tremendously with Mr. Foster's firing and to abruptly remove him from his position is disrespectful to Mr. Foster, the commission, and the citizens of San Diego.
- Commissioner Jones requested that Mr. Foster's firing be kept on the agenda and a letter be sent to HR, the Executive Staff, Ron Villa, the City Attorney and bring the Human Relations Council in on this issue.
- Commissioner Jefferson indicated that she made the following statement at the City Council meeting "How can the City of San Diego claim to be an equal opportunity employer if it can't maintain diversity among its City EOCP management and/or commissioners...especially African American males?"
- Commissioner Jefferson recommended that the commission form an Ad Hoc subcommittee that monitors these situation if within the commission's purview.
- Commissioner Jester asked is there a way for the commission to request a meeting with those who have oversight over the commission to find out what their vision for the commission's future moving forward because it feels like the commission is moving backward.
- Commissioner Suero-Gabler thanked Mr. Foster for assisting the commission with his time and support.
- Mr. Foster thanked the commission for their kind words and also thanked the past commissioners for their support as well.

**ACTION ITEMS: 5(A) Election of New CEOC Chair and Vice-Chair**

- Commissioners nominated Kristine Custodio as new CEOC Chair and Lan Jefferson as the new CEOC Vice-Chair.

**Motion made by Vice-Chair Custodio to vote for Chair and Vice-Chair, approved by Commissioner Jester, seconded by Commissioner Jones second; Election of New CEOC Chair and Vice-Chair approved unanimously.**

**ACTION ITEMS: 5(B) Annual Commissioner Retreat (52:30)**

- Chair Custodio would like to postpone the retreat until after January 2017.
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- Chair Custodio requested staff reserve the Central Library's Commission Room for the Commission Retreat on January 6, 2017 from 8:00 am to 12:00 pm.

**ACTION ITEMS: 5(C) Retract or Revise CEOC Annual Ad Hoc Report**

- Commissioner Jefferson stated the report is currently at the Mayor's office and posed two questions: (1) Do we want to provide the Mayor with a completely new Ad Hoc report or (2) do we want to ask why we have not had a response to the commission's Ad Hoc report?

- Vice-Chair Custodio stated that she would like to entertain a motion to revise or retract the Ad Hoc report that was submitted to the Mayor's office.

**Motion made by Vice-Chair Custodio to retract Ad Hoc Report, approved by Commissioner Perez; seconded by Commissioner Jester, motion approved unanimously.**

- Commissioner Perez asked if it was appropriate to mention that the commission voted and has a new Chair and has voted to retract the Ad Hoc report. Staff responded that it was appropriate.

**ACTION ITEMS: 5(D) Re-Organize Sub Committees**

- Commission votes to re-organize the sub-committees.

**Motion approved unanimously**

- Vice-Chair stated that the Data sub-committee will now be known as Disparity Study sub-committee.
- Vice-Chair stated the new sub committees and what commissioners would be the Chair and Committee Member(s):
  - Disparity Study
    - Chair: Cynthia Suero-Gabler
    - Kristine Custodio
  - Public Relations
    - Chair: Monte Jones
    - Committee Member: Rafael Perez
  - Ad Hoc Annual Report
    - Chair: Susan Jester
    - Committee Member: Lan Jefferson
  - Legislative Policy and Ad Hoc
    - Chair: Lan Jefferson
    - Committee Member: Susan Jester and Cynthia Suero-Gabler
- Commissioner Perez stated there is an opportunity for Mr. Ortiz (absent) to participate on three of the four sub-committees if he chooses.

**STAFF UPDATES: Damian Singleton, Senior Management Analyst, Equal Opportunity Contracting**

- Staff provided an update on SLBE Program, contracting updates, training sessions and outreach updates.
- Commissioner Jones asked what the participation levels of sub-contractors versus the submission of Good Faith Effort are.
- Commissioner Jones asked Mrs. Peralta what the City's procedure is for handling memorandums of law.

**CHAIR ANNOUNCEMENTS:**

- No announcements.

**SUBCOMMITTEE REPORTS:**

- DISPARITY STUDY
- PUBLIC RELATIONS
- LEGISLATIVE POLICY AD HOC

**ADJOURNMENT:** 7:57 PM

**NEXT MEETING:** November 2, 2016