



THE CITY OF SAN DIEGO

CITIZENS' EQUAL OPPORTUNITY COMMISSION

MEETING MINUTES

Wednesday, February 7, 2018

6:00 p.m. – 8:00 p.m.

City Administration Building

Committee Room

202 C Street – 12th Floor

San Diego, CA 92101

CALL TO ORDER at: 6:10 p.m.

ROLL CALL:

Kristine Custodio

Lan Jefferson

Rafael Perez

Monte Jones

Beth Kransberger

Tony Teravainen

Susan Jester

Dan Ortiz (arrived at 6:20 p.m.)

STAFF & GUESTS:

Claudia Abarca, Program Manager, Equal Opportunity Contracting

Damian Singleton, Senior Management Analyst, Equal Opportunity Contracting

Martha Rivera, Clerical Assistant II, Equal Opportunity Contracting

APPROVAL OF: Retreat Meeting Minutes of January 19, 2018

Motion by Commissioner Jester, seconded by Commissioner Perez, to approve Retreat Minutes of January 19, 2018. Passes by the following vote:

Yay: Kristine Custodio, Lan Jefferson, Rafael Perez, Susan Jester, Monte Jones, Beth Kransberger, Tony Teravainen

Nay: (None)

Recused: (None)

Not Present: Dan Ortiz (arrived late)

Abstain: (None)

NON-AGENDA PUBLIC COMMENT:

1. Rosalind Winstead:

- Ms. Winstead expressed concerns about utilization of underrepresented groups on City contracts. She provided the Commissioners with documentation that highlighted her specific concerns (attached at the end of this document) and recommends the City conduct a disparity study. Disparity study has not been conducted in over two decades.
- After her public comment, Commissioner Teravainen asked Ms. Winstead who she was in the community and what position she was giving this information from.
- Ms. Winstead stated she is a business owner and has been for 28 years who previously assisted with the City's Wastewater Program. She also indicated she is a member of various organizations in the community, board member of Alliance San Diego, and advocate for diversity & social justice issues.
- Commissioner Kransberger asked Ms. Winstead if the commission could follow up and engage with her as the commission seeks to pursue a disparity study, to which Ms. Winstead indicated it would be her privilege.
- Commissioner Jones requested there be additional dialogue on the information provided by Ms. Winstead. Chair Custodio requested this information to be added as a discussion topic for the next regular meeting in March.

2. Elida Chavez:

- Ms. Chavez introduced herself as a member of business community since 1982
- Currently Ms. Chavez is a consultant with Urban Outreach related to health, environmental, and tourism issues.
- Offered her experience to help the Commission in regards to the disparity study as she was involved with this alongside Ms. Winstead two decades ago.
- Indicated that she would provide her contact information so she can assist the Commission with work on a Disparity Study as she is a representative of the Latino and Native American communities.

Item 4: DISCUSSION ITEMS

A. GUEST SPEAKERS: Invited members of the community representing various groups.

1. Asian Business Association (ABA): Robert Ito

- Mr. Ito introduced himself as the Chair of the Government Affairs Committee for the ABA, previously the former chair and founder of the organization.
- The ABA was established in 1990 and currently has about 500 members. The ABA is a part of the Mayor's Asian Pacific Islander Task Force.
- Mr. Ito indicated that there have also been several questions on the City's spend (awards) with Asian firms and supports the need for Disparity Study based on the numbers provided. Stated that the 2010 SANDAG Disparity Study shows 16% Asian availability.
- Mr. Ito stated that information provided in City reports never meets the 16% availability when looking at awards to Asians. It is clear there is an availability to utilization issue. The City needs to have a Disparity Study to determine if the actual availability of Asian firms is at 16% or if the number is higher or lower. This will provide the opportunity to determine if the City is being successful with utilization of these firms.

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- ABA board has talked about the need for a Disparity Study on several occasions in order to determine the City's success.
- Commissioner Jones asked if the 500 members of the ABA would be able to stand behind and support the Commission in requesting a Disparity Study. Mr. Ito indicated that the ABA would be happy to partner with the City with regard to getting a Disparity Study completed.
- Commissioner Teravainen asked Mr. Ito if the ABA was the agency that represented this sector of the community (Asian businesses). Mr. Ito indicated that there was no "ethnicity Asian" and that there are other organizations that can assist such as the Filipino Chamber, Taiwanese Chamber, etc. and that he would be willing to coordinate with those organizations to help support the request for a Disparity Study.
- Chair Custodio asked Mr. Ito if there were any programs or events that currently synch up with the City's contracting. Mr. Ito indicated that within the last year, the ABA launched the Business Resource Center and they have been in contact with City staff to discuss contracting opportunities for their members and small businesses in general.

2. **Filipino American Chamber of Commerce of San Diego:** William Peetoom

- Mr. Peetoom introduced himself as the President of the Filipino Chamber. Indicated the chamber is 30 years old and is looking to ramp up their visibility.
- Mr. Peetoom stated that, in conjunction with the Federation of Filipino Chamber of Commerce, internationally, they are partnering with a sister city in the Philippines to import organic products to help combat diabetes in the Filipino community.
- Mr. Peetoom indicated the goal of this partnership is to generate economic stimulus in their home country by providing blue prints on how to export products from the Philippines to San Diego and other areas.
- The Chamber is working on establishing data as Census information is old and obsolete. The organization has migrated to a digital platform to connect with community and engage its members.
- The Chamber is also focusing on Filipino American Veterans getting assistance with housing and are working Filipino Owned Board & Care to help house displaced veterans if there are empty beds in assisted living facilities available.
- Finally, the Chamber is also advocating the Filipino food movement. The Chamber is working with 5 star chefs to recreate cultural dishes with healthy alternative ingredients. This is related to the partnership of importing organic goods.

3. **Veterans in Business Network (VBN):** Rebecca Aguilera-Gardiner

- Ms. Aguilera-Gardiner is the Executive Director of the Veterans in Business Network which is a new organization that advocates for the service disabled veteran and veteran business owner to help connect them with corporations and government agencies.
- The organization offers educational workshops, outreach events, and business resources to inform veteran business owners of opportunities available to them.
- The organization also offers a free directory to help find veteran businesses ready and able to participate on contracts.

- - Ms. Aguilera-Gardiner stressed the importance of developing relationships between a small veteran business and a large organization in order to help grow in their industry. Because of this, surveys are conducted of their members to help connect veteran businesses to larger companies or organizations.
 - Ms. Aguilera-Gardiner stated that VBN will be holding their conference on Nov. 5 & 6th of this year in Los Angeles, focusing on a new DVBE initiative that was recently established in Los Angeles.
 - VBN also has a V to V mentor/protégé program, which puts experienced veteran business owners with new veteran business owners to help develop the new business.
 - Commissioner Jones asked Ms. Aguilera-Gardiner how many members were currently in VBN. Ms. Aguilera-Gardiner indicated that there are currently 475 members in their directory.
 - Chair Custodio asked Ms. Aguilera-Gardiner if VBN would be willing to help support the Commission's request of a Disparity Study, to which she said VBN would be more than happy to support.
4. **Central San Diego Black Chamber of Commerce (CSDBCC):** Paul D. Woodard
- Mr. Woodard introduced himself as an attorney and the Co-VP for Corporate Relations for the Central San Diego Black Chamber of Commerce.
 - Mr. Woodard provided the mission statement for CSDBCC to the Commission and indicated there currently is no established relationship between the City's EOC program and CSDBCC.
 - Chair Custodio asked Mr. Woodard if the CSDBCC would be interested in participating in a joint event with other agencies such as his. Mr. Woodard indicated that the CSDBCC would definitely be interested in participating and is actually working on conducting such an event. The event is scheduled sometime in April or May and has already gotten confirmation from the Hispanic Chamber of Commerce to attend.
 - Commissioner Teravainen asked Mr. Woodard how many members are in the Chamber and what types of events or outreach is conducted. Mr. Woodard indicated there are about 100 members, and the Chamber currently holds membership meetings and "Business Bites" meetings where members can network in a smaller setting.
5. **Council for Supplier Diversity:** Ronald Garnett
- Mr. Garnett introduced himself as the President and CEO for the Council for Supplier Diversity. He stated that the focus of his organization is to leverage the relationships that diverse suppliers have with large corporations to create economic opportunities and economic value in underserved communities.
 - Mr. Garnett is happy to have provided information to the Commission on previous occasions and looks forward to mobilizing other organizations within the county that can impact economic development and also work with the Commission as a way to see how they can participate with the City in a more effective way.
 - Mr. Garnett indicated there was a previous relationship with the City when Debra Fischle-Faulk was at the City, but that ended around 2010-11. But the internal support was lost.
 - Mr. Garnett indicated he would be more than happy to work with the Commission and other agencies to host an outreach event.

- Commissioner Teravainen asked Mr. Garnett what the Commission could do to help assist meeting the Council for Supplier Diversity goals and if he could provide that at a later date. Mr. Garnett indicated workshops could help, however, it was important to identify the opportunities that are available for small business.

B. Electrical Workers Minority Caucus (EWMC) San Diego: Stephen Steppe

- Mr. Steppe had previously attended the CEOC retreat on January 19, 2018 and spoke on non-agenda public comment.
- Mr. Steppe stated he has concerns on the City's power purchase agreement through SunEdison, where SunEdison defaulted and Onyx Solutions took over.
- Mr. Steppe indicated there is a provision in the original contract that they [SunEdison] are required to do outreach because they were not in compliance with EEOC requirements from some projects they had done in Contra Costa County. Per Mr. Steppe, SunEdison was to provide an outreach program and he has asked for a copy of that outreach plan through the City's NextRequest system.
- Mr. Steppe indicated he felt that Onyx is not in compliance with the terms of the contract as they have subcontractors working on the contract, when originally they had stated there were none, and also, Onyx should be able to provide information on the work force report to show who they are hiring, where they are hiring, etc.
- Mr. Steppe has not been able to obtain the information that he is requesting, and asked what the CEOC can do to assist him with this request.
- Ms. Abarca clarified that the form that Mr. Steppe referenced as a contract document, is actually not a contract document, but a form generated by Equal Opportunity Contracting staff that highlights information outlined in the contract that will be presented before City Council.
- Ms. Abarca reminded the Commission that an Equal Employment Opportunity (EEO) Plan is a company's plan that discusses the hiring practices for their workforce. This information is not released to the public as these plans typically contain confidential information on information related to a company.
- Ms. Abarca indicated that staff had received the Public Record Act (PRA) request and that the work force report that had been provided at the time of award was uploaded into the system.
- Ms. Abarca stated that this contract was not a normal City contract nor was it procured using a standard City process. Instead, this contract is a cooperative agreement where the City has piggy backed off of another agency's procurement process. Because of the nature of the contract (cooperative agreement) the SLBE program and its requirements are not applied because this is not outlined in Municipal Code or Council Policy.
- Commissioner Kransberger asked which agency issued the original contract. Ms. Abarca indicated that this was procured through California public school districts.
- Mr. Steppe indicated that his understanding was that aside from the cooperative agreement, SunEdison signed an agreement with the City. Ms. Abarca indicated that that was correct, however, there were no subcontracting requirements or goals associated to the cooperative agreement.
- Ms. Abarca indicated that at the time this contract was being routed to Council, staff reached out to the department awarding the contract to request information on subcontractors, if any. At that time, EOC staff was told there were no subcontractors associated to the contract, which is why that information is reported on the EOC program evaluation page.

- Mr. Steppe indicated that the contractor is required to submit daily work force reports. Ms. Abarca clarified that they City would not request a daily work force report, however, there are employment utilization reports that get submitted by the contractor on a monthly basis. Further, information on payroll records submitted provide information on who was working on the project site. Ms. Abarca also clarified the difference between a work force report; which provides information for a company's entire work force, while employment utilization reports show information only on employees working on a particular project.
- Ms. Abarca indicated that the Commission is able to request that the Environmental Services Department (ESD) staff that worked on this contract, along with possibly a representative from the City Attorney's office to help explain the nature of the contract and specific requirements.
- Chair Custodio requested this be added as a discussion item to the agenda for the March CEOC meeting.
- Commissioner Teravainen asked Mr. Steppe what his interest was with regard to this contract. Mr. Steppe stated that he his role is to conduct outreach for electricians. His goal is to help place trained electricians on public works projects.

C. Council Committee Updates

- No updates at this time. Chair Custodio reminded Commissioners that the schedule for ED&IR and B&GE meetings was attached to the agenda and there should be attendance at the next regular meeting.

D. Executive Summary and Speaking Points for Discussion with Councilmembers

- Chair Custodio asked if the City Attorney had time to review the speaking points the Commission had come up with. Ms. Abarca stated that the City Attorney advising Purchasing & Contracting had not yet provided feedback, but would more than likely have that by early March.

E. Annual Report

- Chair Custodio reminded the Commission on why the last annual report was not completed. She requested that this item remain as a discussion item on the March Agenda.
- Vice-Chair Jefferson indicated that the completion of the annual report should help with the Commission's request of the Disparity Study. She indicated there was a power point that she would be sharing with the Commission for review on Disparity Studies elsewhere.
- Chair Custodio asked staff when the annual report was due. Staff indicated the report would be due in September and presented in October or November pending the Committee schedule. Staff reminded that if the annual report was not completed in a timely manner, then the City Clerk will indicate there was no report filed for that year.
- Chair Custodio requested staff route a copy of the last report filed by the CEOC to the Commissioners, as well as the one that was retracted and not filed.

Item 5: ACTION ITEMS:

a) Revision to CEOC Bylaws

- Motion to approve made by Commissioner Jester, second by Vice Chair Jefferson.
- Prior to the vote, Commissioner Teravainen asked about Section 3.8.T and whether it would be stricken. Chair Custodio indicated the City Attorney had yet to respond to that comment. Staff clarified that the City Attorney wanted all comments and revisions to the document before providing final comment to the document.
- **Passes by the following vote:**
Yay: Kristine Custodio, Lan Jefferson, Rafael Perez, Susan Jester, Monte Jones, Beth Kransberger, Tony Teravainen, Dan Ortiz
Nay: (None)
Recused: (None)
Not Present: (None)
Abstain: (None)
- Chair Custodio requested the Bylaws be forwarded to the City Attorney's office for review. Item to be added to Agenda once comment from the City Attorney's office has been provided.

b) Executive Summary & Speaking Points for Discussion with Councilmembers

- Final action on this item will be tabled until the March meeting.

c) Renaming of Subcommittees

- Chair Custodio indicated that subcommittees were actually going to be called Committees and that this discussion had not been resolved from the Retreat.
- Commissioner Perez made a point of clarification that a Committee would require quorum while a Subcommittee would not. He reminded the Commissioners that the merging of a Committee with a Subcommittee could create issues with actually having a quorum.
- Chair Custodio indicated only five commissioners would serve on a Committee. She asked what the recommendation would be for the issue of daisy chaining.
- Commissioner Ortiz indicated that the topic of Committee assignments be moved to a general discussion item on the Agenda so that there are no conflicts.
- Chair Custodio requested that this item be a permanent item under 4A of discussion items on the Agenda. Commissioner Perez stated that the assignment of Commissioners to Councilmembers still presented an issue.
- Motion by Commissioner Perez to remove the Commissioner/Councilmember assignment from the Agenda until further notice, seconded by Commissioner Ortiz.

Passes by the following vote:

Yay: Kristine Custodio, Lan Jefferson, Rafael Perez, Susan Jester, Monte Jones, Beth Kransberger, Tony Teravainen, Dan Ortiz

Nay: (None)

Recused: (None)

Not Present: (None)

Abstain: (None)

Item 6: STAFF UPDATES:

- Damian Singleton, Equal Opportunity Contracting (EOC), Senior Management Analyst
 - Mr. Singleton went over the EOC Program Update. This included information on the current SLBE application summary and outreach events for the month. No contracting updates, but an upcoming bid list was provided to all Commissioners.
 - Ms. Abarca provided the Commissioners with the current Council Committee assignments along with the Budget Priority Memos for each of the Councilmembers for 2018 for review. Ms. Abarca pointed out that only one of the Councilmembers, Councilmember Gomez, was the only one to include a Disparity Study in the priority memo.
 - Chair Custodio asked a question regarding the numbers presented in Attachment 1 of the EOC Program Update (SLBE certifications) and whether the numbers are in line with numbers for the same month in the previous year. Chair Custodio requested a comparative analysis over a five year period for certification.
 - Ms. Abarca reminded the Commissioners that the information provided will vary on a month to month basis and can depend on factors such as people failing to reapply, exceeding the income limits, or just not wanting to participate in program any longer.
 - Commissioner Jones requested a copy of the Annual Reports submitted by EOCP to Budget Committee.

Item 7: CHAIR ANNOUNCEMENTS

- No announcements at this time.

Item 8: SUBCOMMITTEE REPORTS

1. Disparity Study – Research (Commissioner Lan Jefferson)

- No announcements at this time.
- Vice Chair Jefferson reminded the Commissioners that this subcommittee was being disbanded per discussion at the Retreat.
- Chair Custodio requested this subcommittee be stricken from the Agenda moving forward. This is expected to be an overarching discussion at future meetings.
- Commissioner Jester wanted to inform the public that removing this subcommittee didn't mean they were giving up on requesting one. It's more so to rebrand it and try a different approach in order to get the community behind it.
- Commissioner Perez indicated that the rebranding as Inclusive Economics.

2. **Outreach** (Commissioner Rafael Perez)
 - Commissioner Perez indicated the only item is to discuss whether or not this subcommittee meeting would be merged with another subcommittee.
 - Commissioner Perez wanted to see about having a meeting offsite Commission meeting.
 - Chair Custodio requested this be added as a discussion item for the March Agenda.
3. **Leadership & Political Relations Committee** (All Commissioners)
 - Chair Custodio requested this subcommittee be stricken from the Agenda moving forward.
 - Chair Custodio requested the following actions for the next Agenda:
 - 1) Item 4A – Hispanic Chamber of Commerce, Juan Carlos Hernandez
 - 2) Item 4B – Council Committee Assignments for 2018
 - 3) Item 4C – Rosalind Winstead
 - 4) Item 4D – Electrical Workers Minority Caucus (EWMC) San Diego: Stephen Steppe
 - 5) Item 4E – Committee Updates
 - 6) Item 4F – Executive Summary
 - 7) Item 4G – Inclusive Economics
 - 8) Item 4F – Combine Items E & F with due dates

Item 9: MOTION TO ADJOURN: Chair Custodio, no objections.

ADJOURNMENT: 8:13 p.m.

NEXT MEETING: March 7, 2018