



THE CITY OF SAN DIEGO

CITIZENS' EQUAL OPPORTUNITY COMMISSION

MEETING MINUTES

Wednesday, August 5th, 2015

6:00 – 8:00 p.m.

City Administration Building

12th Floor Committee Room

202 C Street – 12th Floor

San Diego, CA 92101

CALL TO ORDER at: 6:01 p.m. by Chair Warner

ROLL CALL:

Laura Warner, Chair

Kristine Custodio, Vice Chair

Monte Jones

Rafael Perez

Dan Ortiz

Susan Jester

EXCUSED:

Lan Jefferson

Cynthia Suero-Gabler

STAFF & GUESTS:

Henry Foster III, Program Manager, Equal Opportunity Contracting

Claudia Abarca, Supervising Management Analyst, Equal Opportunity Contracting

Christian Silva, Senior Management Analyst, Equal Opportunity Contracting

Cheryl Stadille, Associate Management Analyst, Equal Opportunity Contracting

Kristina Peralta, Interim Director, Purchasing & Contracting Department

Rosalind Winstead, Principal, Winstead & Co.

Eleanor Payne-Thedford

Claude W. Thedford

APPROVAL OF: Meeting Minutes of July 1, 2015 ([Attachment A](#))
Minutes approved unanimously (6/0)

Motion made by Commissioner Jester to approve July 1st Meeting Minutes, seconded by Commissioner Custodio. Minutes approved unanimously.

NON AGENDA PUBLIC COMMENT: Rosalind Winstead, Principal, Winstead & Co. ([Attachment B](#))

- Ms. Winstead raised concerns regarding the termination of Dennis Gakunga, Purchasing & Contracting Director, and recommended the following to the Commission:
 1. Refer matter to the Civil Service Commission or other applicable organizations;
 2. Consider action that promotes vote of confidence for Equal Opportunity Contracting (EOC) staff;
 3. Request in writing a brief summary or report of tracking and monitoring of contracts and relevant data (award date, etc.) from all procuring departments;
 4. Report on technical assistance for SLBE/ELBE firms; and
 5. New contractor requirements resulting from SB 854 (registration & reporting to Department of Industrial Relations (DIR) for public works projects).
- CEOC Subcommittees will review the concerns raised by Ms. Winstead and will take action during the next scheduled commission meeting.
- Commissioner Jones voiced concerns regarding the treatment of City staff and personnel issues being shared with the media.
- Commissioner Ortiz requested the following:
 - Staff to add the following recommendations from Ms. Winstead to the September 2nd agenda:
 1. Consider action that promotes vote of confidence for Equal Opportunity Contracting (EOC) staff;
 2. Request in writing a brief summary or report of tracking and monitoring of contracts and relevant data (award date, etc.) from all procuring departments; and
 3. Report on technical assistance for SLBE/ELBE firms.

DISCUSSION/ACTION ITEMS: 2015 Annual Retreat Discussion ([Attachment C](#))

- Commissioners discussed potential retreat dates and selected September 11th. Chair Warner requested for staff to look into availability at the Central Library.
- Commissioner Perez suggested having a guest speaker at the retreat to provide a historical perspective.
- Chair Warner suggested having presentations during future meetings so that the commission could work on developing a strategic plan and goals for the upcoming year.
- Commissioners will develop ideas and criteria for speakers and provide information to staff by August 14th.

DISCUSSION/ACTION ITEMS: Purchasing & Contracting Staffing Memorandum (dated 7/16/15) ([Attachment D](#))

- Commissioner Jones voiced concerns regarding personnel issues being leaked to the media, previous discussions regarding diversity and African-American employees with the City of San Diego, and the future affect on unrepresented groups in the City's hiring process. Although employee issues are not part of the Commission's purview, there may be opportunities to

collaborate with other commissions.

- Commissioner Perez voiced concerns regarding momentum for the Commission's data request, long term goals, and disparity study. Kristina Peralta, Interim Purchasing & Contracting Director, stated that technical aspect of SAP & ERP streamlining efforts are on track. Policies & procedures updates for internal staff have started over with management changes.
- Commissioner Jones asked if Mr. Gakunga could be invited to provide a public comment at the next meeting. Staff will contact management.
- Commissioner Jones requested the following:
 - This discussion item to remain on the agenda for the next scheduled commission meeting.
- Commissioner Custodio shared her concerns regarding the process breakdown for the staff memorandum to becoming public.
- Commissioner Custodio requested the following:
 - Staff to look into applicable "other agencies" under the Commission's purview as stated in SDMC §26.16.

DISCUSSION/ACTION ITEMS: Public Works Contracting Changes to expedite an Increased Capital Improvement Project Program and Small Business Participation

- Chair Warner stated that the City is starting a large Capital Improvements Program and wanted to make sure procuring departments are committed to SLBE participation. To expedite this process, contract values are going up, which makes it harder for SLBEs to participate as primes. Chair Warner also voiced concerns regarding smaller projects being performed by City staff instead of going SLBEs, who may be better suited for this type of work, and staff capacity to process and review a larger volume of contracts.
- Mr. Foster stated that the Public Works Department will come back to provide updates to the commission as they come closer to finalizing processes and will go before committee in the fall.

DISCUSSION/ACTION ITEMS: SDMC §26.16 Update to Include Women & Disabled Veterans as Represented Minority Groups (Attachment E - [Clean](#), [Digest](#), & [Strikeout](#))

- Commissioners reviewed the strikeout version of the proposed update to SDMC §26.16 to include women and disabled veterans as represented minority groups.
- Commissioner Jones requested clarification between "disabled" and "disabled veterans." Staff provided clarification and there were no further concerns. Chair Warner read the proposed update to SDMC §26.16 to include this distinction.

Motion made by Commissioner Custodio to recommend ordinance as read by Chair Warner, seconded by Commissioner Jester. Vote 6/0; motion passes unanimously.

DISCUSSION/ACTION ITEMS: Disparity Study Status Update

- Mr. Foster stated that there are no updates at this time.
- Chair Warner provided an update stating the Mayor's Office is considering funding this item in Fiscal Year 2017 and looking at best methods for procurement. Commissioner Jones stated he would like to see the Mayor's Office make this a priority.
- Ms. Winstead stated that the disparity study includes anecdotal and statistical data. The quality of statistical data is key; without it, disparity analysis cannot be conducted. If data regarding goods & services procurement is unavailable, the disparity analysis will not be of value. The disparity study conducted during the 1990s was not a complete study, as it did not include goods & services procurement. The recent SANDAG disparity study has wealth of anecdotal information.

STAFF UPDATES: Christian Silva, Equal Opportunity Contracting (EOC) Program Update
([Attachment F](#))

- Christian Silva, EOC Senior Contract Compliance Officer, provided an update on the SLBE program, contracting updates, training sessions, and outreach updates.
- Council Policy 100-10 updates will go before the commission before going to City Council.

CHAIR ANNOUNCEMENTS:

- Commissioner Jester attended the Economic Development & Intergovernmental Relations (ED&IR) Council Committee meeting held July 23, 2015. Commissioner Jester mentioned a presentation from Lisa Gordon in the Office of Small Business on the small business development program that may be of interest to the commission. Chair Warner requested for Ms. Gordon to provide an overview of the program during an upcoming meeting.

SUBCOMMITTEE REPORTS:

Data Subcommittee ([Attachment G](#))

- Vice Chair Custodio (Subcommittee Chair) noted that current action items are italicized in update provided to the commission.

Public Relations Subcommittee ([Attachment H](#))

- Commissioner Perez (Subcommittee Chair) discussed the subcommittee's goal of creating content for the CEOC website on how to do business with the City and requested deadlines for the upcoming issue of the SLBE Newsletter for CEOC updates.
- Commissioner Perez asked:
 - Could the CEOC could have a Facebook page or Twitter account to provide live updates? Staff will look into the commission's social media parameters.

Bidding & Contracting Subcommittee ([Attachment I](#))

- Chair Warner (Subcommittee Chair) stated that the subcommittee is working on an update to previous correspondence sent to the Mayor's Office and reviewing upcoming changes to Public Works contracting.
- Chair Warner requested the following:
 - The internal audit review findings to be added as an agenda discussion item for next month's meeting.

Motion made by Commissioner Ortiz to adjourn the meeting, seconded by Commissioner Jester.

ADJOURNMENT: 7:47 p.m.

NEXT MEETING: September 2, 2015

MATERIALS PROVIDED:

- [Attachment A](#) – July 1, 2015 Meeting Minutes
- [Attachment B](#) – Non-Agenda Public Comment – Rosalind Winstead Handout
- [Attachment C](#) – Draft 2015 Retreat Agenda
- [Attachment D](#) – Memorandum regarding Purchasing & Contracting Department Management Changes (dated July 16, 2015)
- Attachment E - SDMC §26.16 Update to Include Women & Disabled Veterans as Represented Minority Groups ([Clean](#)) ([Digest](#)) ([Strikeout](#))
- [Attachment F](#) – EOC Program Update
- [Attachment G](#) – Data Subcommittee Update
- [Attachment H](#) – Public Relations Subcommittee Update
- [Attachment I](#) – Bidding & Contracting Subcommittee Update