



MINORITY & WOMEN BUSINESS ENTERPRISE COMMISSION (MWBE)

MINUTES

The regular meeting of the Minority and Women Business Enterprise Commission (Commission) was called to order by Clarence Boykins, Chairperson, on Thursday, June 28, 2007, at 5:32 p.m., in the Equal Opportunity Programs and Independent Police Review Conference Room, 100 North Stone Avenue, Suite 109, Tucson, Arizona.

1. Check-in/Roll Call

Members Present:

Andee Leisner
Deborah Muñoz-Chacon
Vacancy
Walter Soto
Clarence Boykins

Appointed by:

Ward 2
Ward 3
Ward 4
Ward 5
Ward 6

Members Absent:

Marlene Ashton
Eddie Muniz

Appointed by:

Mayor
Ward 1

Others Present:

Liana Perez, Director, Office of Equal Opportunity Programs (OEOP) and Independent Police Review
Lyle Rayfield, Manager, Office of Equal Opportunity Programs and Independent Police Review

2. Approval of Minutes April 19, 2007

Motion by Commissioner Muñoz-Chacon and seconded by Commissioner Soto to approve the minutes of April 19, 2007, as submitted, passed by a vote of 4 to 0.

3. Election of Commission Officers

Motion by Commissioner Muñoz-Chacon and seconded by Commissioner Leisner to retain Commission Officers as is, passed by a vote of 4 to 0. Commissioner Boykins will remain as Chair and Commissioner Soto as Vice-Chair. The next election will be held in January 2008.

4. Commission Concerns Re: City Personnel/Operations

Commissioner Boykins stated his position and commitment to have the Commission engage in an open discussion when Commissioners bring forward concerns about City personnel or City operations. He requested that there be no assassination of City personnel or clandestine meetings or conversations and that supporting documentation be supplied when the concern is brought forward. When concerns are discussed openly, the Commission will be able to forward the concern to the proper City personnel for appropriate action and/or determine if any action on the Commission's part is appropriate. Commissioner Boykins gave the example that if concerns are brought forward about the Procurement Department or process, then the Commission can schedule the item on an upcoming agenda and invite Procurement staff to attend the meeting to respond to the concerns.

Commissioner Soto commented about his past concern, brought before the Commission, regarding the retaliation ordinances of the City and the County. He stated he would like to get a copy of the retaliation

ordinance from the City of Atlanta “for comparison to the milk toast ordinance that was adopted by Pima County.” The Commission determined they have no authority regarding the County ordinance. Commissioner Soto subsequently restated his concern in terms of the City needing to implement a retaliation ordinance “with teeth.”

Motion by Commissioner Soto and seconded by Commissioner Muñoz-Chacon that OEOP staff be directed to produce copies of the retaliation ordinances of the City of Atlanta, the City of Philadelphia, and Washington, D.C., passed by a vote of 4 to 0.

Commissioner Boykins proposed the formation of a Commission subcommittee to review the ordinances when they are received. Commissioner Boykins agreed to serve on the subcommittee and Commissioner Soto agreed to be the chair. Commissioner Boykins also recommended that the Commission send a letter to the organizations listed in the MWBE Ordinance, to ascertain their interest in serving on a subcommittee to work on various projects and programs involving MWBE issues. The other Commissioners agreed this was a good idea. No action was taken on this last recommendation.

5. 2007/2008 Proposed DBE Goal Comments

Liana Perez, OEOP Director, informed the Commission that the comment period on the proposed plan was coming to an end in mid-July and the proposed goals were due to be submitted by August 1st. She provided an overview of the City’s proposed DBE goals for FTA & FHWA funded projects, as identified in Appendix C of the draft plan. A discussion ensued with the Commission regarding some of the data identified in the draft plan.

Commissioner Soto commented that he believes the City acted inappropriately in issuing a Job Order Contract with federal (FTA) funds. He said he is not sure if the City can do that and he questioned whether the City has the latitude to use specified funds for unspecified contracts, as in the contract for bus pullouts issued in January of this year.

Commissioner Soto also shared a past experience with the Commission regarding inappropriate treatment by City personnel against him that occurred at a meeting related to a federally-funded contract. He clarified that this related back to Item 4 above. Commissioner Soto further stated that, based on this prior experience, he was very much against the appointment of Mark Neihart as the City’s new Director of Procurement prior to the completion of the upcoming Disparity Study. Commissioner Soto stated that he spoke strongly against the appointment with several City Council members and was told by three of them that “there was not the political will to not just hire the guy.” Commissioner Boykins restated his commitment to discuss and resolve concerns publicly that are brought before the Commission.

6. Strategic Planning

The Commission reviewed the Strategic Planning summary sheet and prioritized several of the items identified during the May 12th Strategic Planning session. The Commission agreed that the quarterly report to the Economic and Workforce Development Subcommittee (EWDS) is to be completed by mid-July; Commissioner Boykins will work with OEOP to draft the report and submit it for review by the Commission prior to its issuance to EWDS. Notwithstanding the quarterly report, the top three items on which the Commission will concentrate over the next several months were identified as follows:

- 1) Identify potential participation barriers to the procurement process by evaluating Procurement’s bid process for possible simplification;
- 2) Monitor the utilization of MWBEs in Construction and Goods & Services by reviewing the utilization reports provided to the Commission by OEOP and developing accountability measures for departments; and
- 3) Support OEOP and community events to recruit new MWBEs

The Commission agreed that it would like to invite Procurement Department staff to the July Commission meeting to talk about the procurement process.

7. Subcontractor Performance Standards

Agreement by Commission members to table this item for a future meeting when Commissioner Ashton is present, as this agenda item was made at her request.

Commissioner Soto stated that he would like to invite Fred Gomez, AMCA President, to a future Commission meeting to learn more about the Contractor Quality Assurance committee work that Mr. Gomez told the Commission about on April 19th. Lyle Rayfield, MWBE Program Manager, serves on the same committee; she explained that the committee worked on developing a survey designed to solicit feedback from general contractors regarding the performance of City personnel (e.g. timeliness of return calls) and operational procedures (e.g. timeliness of payments) related to construction contracts.

* 8. Procurement Awards

~~Commissioner Soto commented that he would like the Commission to receive a monthly report for all new contracts both at awards as a method to understand city expenditures in relation to the MWBE Goals. Procurement expenditures to be answered by Procurement staff at the identified Commission meeting.~~

9. Disparity Study Progress Reports

The Commission agreed that it would like to have progress reports on the upcoming Disparity Study.

10. Call to the Audience

No one spoke.

11. Future Agenda Items

- * Commission Membership Requirements
- * City of Tucson Procurement Awards
- * Retaliation Ordinance Subcommittee Report
- * Subcontractor Performance Standards
- * MWBE Newsletter
- * Governor's Initiative – AZ Steps Up

12. Adjournment

Motion By Commissioner Leisner and seconded by Commissioner Soto to adjourn, passed by a vote of 4 to 0.

Adjournment at 7:21 p.m.

Next Meeting: July 19, 2007, 5:30 p.m.

* Denotes Change

REVISION: Commissioner Soto commented that he would like the Commission to receive a monthly report for all new contracts or bid awards as a method to understand City expenditures in relation to the MWBE goals.