

Equitable Contracting and Purchasing Commission

Meeting Minutes – March 17, 2016

Meeting: Spring ECPC Retreat

Date/ Time: March 17, 2016, 2:31 p.m. to 6:05 p.m.

Location: Water Pollution Control Laboratory, Bybee Lake Conference Room

Chair: Bryant Enge, Director – Bureau of Internal Business Services (BIBS)

Secretary: Melissa Walton Hendricks, Staff – BIBS

In Attendance: Commissioners

- Marcela Alcantar, Alcantar and Associates
- Michael Burch, Pacific Northwest Regional Council of Carpenters
- Andrew Colas, COLAS Construction
- Herbe Fricke, Cascade Design Professionals
- Vicqui Guevara, Valley Growers Nursery & Landscape, Inc.
- Tony Jones, MCIP
- Rosa Martinez, PMG Environmental Services, Inc.
- Andrew McGough, Worksystems, Inc.
- Maurice Rahming, O’Neill Electric, Inc.

Guests

- Josh Alpert, Mayor Hales’ Chief of Staff
- Steven Holt, facilitator, Try Excellence LLC

Introduction

- Chair Enge calls meeting to order, 2:31 p.m.
 - Chair Enge gives opening remarks.
 - Welcomes attendees and members of the public.

- Notes that there will not be an opportunity for public comment, and encourages members of the public to attend the April meeting if they want to speak on the record.
- Notes that the camera is not working, and that minutes will be taken in lieu of a recording.
- Speaks to the intent of the retreat. The objective is to examine the ECPC commission and purpose so that the commission can run more smoothly, and commissioners can feel more relaxed in their roles. This will allow the commission to operate at a more efficient level of governance, and staff will be more comfortable and connected to the commission.
- Introduces retreat facilitator, Steven Holt.
- Mr. Holt gives opening remarks.
 - Hope and goal is to make sure we effectively and efficiently can go through our agenda of items I discussed on the phone with each of you.
 - Retreat approach will be: Principles of Agreement, workshopping different commissioners' concerns, and providing feedback.

Principles of Agreement

- Mr. Holt describes the purpose of creating Principles of Agreement (POA)
 - A way that meetings are conducted – not just for this retreat, but from now on. Ground rules, so to speak. Becoming more functional in the way that you operate from now on.
 - Some examples:
 - Participation
 - Respect
 - What would you add?
 - Commissioner Burch: Transparency, truthfulness, accountability
 - Commissioner Jones: What's meant by respect?
 - Mr. Holt: Interacting with you in the way I'd want to be interacted with. Talking to you like an adult. Don't take away from the dignity of one another.
 - Commissioner Alcantar: And what is transparency?

- Commissioner Burch: I think that whatever you commit to do/ say to this group that it's clear so that we're not mislead.
- Mr. Holt: So no hidden agenda, right?
- Commissioner Jones: On accountability – yes we need to work together in this way, but we need the people who come to visit to do the same. They should apply to all stakeholders.
- Commissioner Martinez: I'd like clear, specific communication.
- Chair Enge: I'd like patience. Giving everyone enough time to finish their thoughts/ a topic.
 - Mr. Holt: yes, that goes hand in hand with the respect piece too.
- Commissioner Fricke: Raising your hand to speak to avoid interrupting.
- Commissioner Martinez: I see us as changing agents, and I want to make sure we're not wasting our time. So I want to clearly identify goals that we're working on so we don't waste the two years we are appointed.
 - Mr. Holt: I'm not sure that's a POA. We will hit on that later under goals – it's definitely going to be discussed.
- Commissioner McGough: Not just being respectful of each other, but also respectful of the process.
- Commissioner Alcantar: Commitment to the goals of the commission – not self-serving in being here.
 - Chair Enge: To piggyback on that – we need support. We might have different ideas of how to get there, but we need to support each other to move the intent of the commission forward.
 - Commissioner Alcantar: We also need the commitment we're lacking from the City
 - Mr. Holt: I think that gets into function again, and we'll get to that. But right now we're just going to get into the ground rules of how we act as a team.
- Commissioner Martinez: I would add that it's ok to disagree, but in a respectful way.

- Commissioner Jones: I'll add listening. We should be quiet when others are talking – really take the time to understand their point to gain understanding.
 - Commissioner Rahming: Are we doing Roberts Rules of Order? By its methodology it forces you to really listen.
 - Mr. Holt: The decision of how we want to implement – Roberts Rules or otherwise – will be later.
- Commissioner Jones: Staying on the agenda. We need to table items that come up that are not on it.

Vision and Mission

- Chair Enge – We're going to move to mission and purpose, would everyone go around and introduce themselves first. [Everyone briefly went around and introduced themselves]. Bryant gives background of why the commission was formed. Notes that the Commission was unanimously supported in its creation, and was just amended to increase the size of commission. I wanted to ask Josh Alpert to come today to speak to the mission and purpose of the commission straight from the mayor's office. Josh?
- Mr. Alpert: Today I personally am apologizing to the ECPC, and to each of you. Our office didn't fully invest in the commission as we should have. That was not intentional, and we apologize that it happened. We have seen what happens when we don't invest in commissions. Later this summer we're actually doing a review of all city commissions (there are about 90 of them) to get some consistency. We don't want to waste your time, and for that I apologize.
 - This commission came as a result of about 2 years of conversations with James Posey. James came in January, 2013 to say we have a big problem and we've had a problem for decades. I met with Mr. Posey pretty regularly, and he raised good challenges for City – i.e. why aren't we splitting up contracts? Why is the City not more involved in creating the pipeline to create more M/W capacity?
 - After meeting with Procurement and Bryant and his team it became clear we'd need a lot of expertise so we wanted to reach out to people in the field.
 - We went through an exercise in talking about what kind of commission this would be – advocacy or problem solving (the two types we have here at City).

- Advocacy commissions (i.e. The Human Rights Commission) purpose is to explore things that aren't really within mission of bureaus of the City. They research big issues.
 - Problem solving – that's the ECPC. That's why we need to invest in this commission – otherwise we're asking you to do our work and we're not investing in that.
 - The charge to the commission:
 - Identify existing barriers
 - Develop and recommend strategies to overcome those barriers
 - City responsibilities to the Commission:
 - Clear instruction to Commission
 - Adequately staff Commission
 - Provide resources and data as needed
 - Provide any and all information and education for the Commission to execute
 - Facilitate time for the commission to present to City Council
 - There may be other things – it should be a conversation, which is why it's somewhat vague and not written down anywhere
- So that's why we came to Council to form the Commission. That's why I'm here today. I believe in this, and there are so many reasons we need to support this commission. Any comments on that?
 - Commissioner Rahming: One of the things I'd say is we've brought to Council that we need staff, and also that we wanted the auditor's recommendations responded to, and I think you saw my email to Fred with a number of resolutions asking for data and not getting a response back. It feels one way – that we put stuff out and aren't getting stuff back.
 - Mr. Alpert: Yeah, I agree. Like I said, it's on us. The Commission has been doing work and we have not been there.
 - Commissioner Guevara: So what is your mission to change that?

- Mr. Alpert: this is good timing – the budget is open, and conversations are happening right now to get staff for the Commission, and also technology for Procurement. I wouldn't come anymore if I were you without that commitment from our office. I have been dealing with almost exclusively homelessness for 6 months. This is one of my priorities for the rest of our time in office to be here, and I've let everyone including myself down by not investing more up until now.
- Commissioner Guevara: What is the timeframe for budgeting?
- Mr. Alpert: We haven't figured that out yet. The budget is passed at end of June. We're trying to work out now and advance against that, and figure out that budget piece. Hopefully in the next month we'll have more resources. Tech stuff for Procurement – that will be funded in July after budget passes, but Procurement is working on that. How do we bring one full FTE into your commission as quickly as we can is what we're working on. And I'll be at your next meeting and hopefully the rest of the meetings this year.
- Commissioner Guevara: What exactly is your role?
- Mr. Alpert: It's like the mayor himself is sitting here. I've talked to him at length about this, and feel comfortable speaking on his behalf.
- Commissioner Alcantar: When I went to the meeting with you I went for the resolutions, and obviously there are other issues. Where does CBA/ 1%, etc. play with commission goals? What does CBA mean to this commission?
- Mr. Alpert: CBA is one part of the discussion this commission should be having, but it's not a CBA commission. Discuss and recommend strategies (plural) to move the needle on M/W businesses. CBA, alternative contracting, etc. should be the discussion. CBA should be part of the discussion, but we should be figuring out other strategies too.
- Chair Enge: I want to take us back to internally focus on how we have discussions, and work on our processes instead of asking the mayor's office about any one strategy. We need to focus on how the board will work together

- Commissioner Burch: We have a system of government. I read through this agreement that we had to sign, and each commissioner appreciates this, but we've gotten no response from Council/ the Bureaus.
- Mr. Alpert: I've been developing strategies during the homeless crisis. But the Commissioners are busy/ siloed.
- Commissioner Jones: we need timelines – that helps drive the agenda. When do we present to council? I think we've missed some windows of the budget this year already. We haven't had information to evaluate, so we can't make those requests.
- Mr. Alpert: I agree with that, but there's still time for the budget this year. The way City budgeting works is 3 bites of the apple each year. The big budget, process runs from the beginning of the year til June (mayor's proposal comes out in April then Council discusses it). Additionally, we have two budget bumps/ monitoring processes during the year – one in about 2 weeks and one in the fall. The one in the fall would your next bite at the apple after the main budget process ends in June.
- Commissioner Jones: I know we don't want to be in the weeds, but I will mention that the audit was done, and in theory there's a review after 1 year, but we can't get there.
- Mr. Alpert: For housing we've moved faster than the City ever has before, and it's still slow, so I hear you and appreciate that there are delays.
- Commissioner Rahming: In the resolution it talks about reporting back about meeting goals, and it hasn't been done (i.e. one is dated 2012). So then we have other projects that this info was tracked, but on these other projects we aren't tracking. This data suppression is a huge roadblock. As a contractor I have to supply a lot of data, but we hear so many excuses about why that isn't available from the City.
- Mr. Alpert: Yeah, part of that is I'm new to contracting. But it should be that the next step is having Christine come to the Commission and walk through everything we do in Procurement – here's what we do/ don't do. I don't know the

specifics, and it would be helpful for me as well to talk with Procurement.

- Commissioner Jones: Again, timelines. The next meeting is 30 days away. The sooner we can get specifics from your office about what you want us to do the more we can do.
- Mr. Alpert: Yeah there's public meeting law piece so we'd need to give notice, etc.
- Mr. Jones: Ok, well maybe we can get sub-committees going.
- Chair Enge: Under functions we need to discuss subcommittees.
- Commissioner McGough: I think developing a road map to identify next steps would be really helpful for me. Maybe use our current status in the media to our advantage. If today we could talk about vision, strategy, and goals – and get all this set today so we can move forward with the time we have left.
- Mr. Alpert: My goal is to have things running smoothly so that the next administration uses this commission.
- Commissioner Fricke: I would like it to be that when you go to the bureaus they recognize what an amazing resource they have here.
- Mr. Alpert: Each commissioner had appointees onto this commission and they should all have buy in. They share some blame too, it's not the mayor's commission, it's the City's commission. They all voted for it and put people on it too, and let's figure out why your bureaus aren't using it effectively.
- Commissioner Burch: I think it's been valuable to have you here because we can't move on without airing our issues. If you invite Christine I ask that you invite someone who knows what they're talking about and come prepared to answer questions. We need that transparency/ honesty. Are these resolutions law? If so can there be consequences for not following? There are things happening in City that are ignoring this commission. And they are leaving us out of loop.
- Mr. Alpert: Our city staff have different conversations when the mayor's in the room versus when we're not. It creates unsatisfactory meetings. Tell us what and who you need and we will make it happen. Having us in the room helps because they

report to us. I'm already uncovering a lot of opportunities to bring stuff before the ECPC, and I think you'll start seeing it coming from other offices too.

- Chair Enge: Let's take a brief break for refreshments and then pick up with Functionality

ECPC Functions

- Mr. Holt: One of the responsibilities of the Commission is to identify existing barriers for Minority and Women owned businesses and develop and recommend strategies to overcome barriers. What does the Commission need to do that job?
 - Commissioner Fricke: Challenge for me is communication from Bureaus to the ECPC about what their challenges are.
 - Commissioner Jones: Procedural processes need to be changed
 - Commissioner McGough: Maybe I'm confused by the word vision, but I see these as more aspirational, and underneath that is a concrete goal. Of 11 things let's figure out what do we want to do and how do we want to do those. We have some agreement on what – today I'd like to figure out the how.
 - Commissioner Guevara: I think the "how" is getting follow through on the part of commissioners.
 - Chair Enge: I'd like to piggy back on that – there are about 4 duties of the bureaus, and I'd like to follow through on the City's parts.
 - Commissioner McGough: We know the numbers are bad. Let's move on and not let perfect be the enemy of good.
 - Mr. Holt: It's hard to get to specific strategies without accurate data, is that right?
 - Commissioner Alcantar: Months ago we agreed that the numbers were bad and said we should move forward, and we're still here so I think we're stuck on this.
 - Commissioner Martinez: We have already identified that the numbers we've seen are bad. The issue is that whatever we come up with, when we come up with strategies and recommendations that they're going to give us adequate response back in order to know that we're being heard. We're ready to work, but I don't know if the City is ready to work.

- Mr. Holt: Ok, so what is the authority of the group? My reading of your charter is that you can request information and make recommendations to Council. And then you have other responsibilities – identifying barriers for M/W businesses, reporting to the community, etc.
 - Commissioner Burch: It feels like we’re talking in circles a bit here
 - Chair Enge: I think Josh will be our conduit – we can pass our recommendations onto him.
 - Commissioner Martinez: If we don’t have authority to implement how are we a problem solving Commission?
 - Mr. Alpert: Suggesting or recommending is the authority all commissions have. No commission has the authority to implement; that is City Council’s role. We need you to advise Council on steps of how we can get our M/W numbers to change. That’s different than advocacy groups that do work that no one in the city actually does. We have people in the City working on equity contracting. You’re experts in field, we think you are good people to advise Council.
 - Commissioner Colas: Were we structured in wrong format? We’re a commission, but we seem to act more like Committee. We’re not making legal discussions, why are we handcuffed by public meeting laws? We can’t even email each other. PDC can make authoritative decisions. It seems like we really are a committee.
 - Mr. Alpert: There is no longer a distinction between committee and commission for public meeting law purposes. All city staff are now subject to this as well. We’re trying to change this law, but there are monetary consequences to this. The City of Portland just joined with League of Cities and others to appeal this because it is shutting down government. We didn’t make this a committee because we didn’t want to end with our term in office – we wanted it to be a commission so that it would continue on. If we get this law changed then it might make sense to re-charter this as a committee, but right now that doesn’t matter.
 - Commissioner McGough: I’m a process guy. We know the numbers are bad. Can we get someone from City staff to write a report about why the numbers are bad? And then that can get presented to the Commission, and we can say yes this is the report we want.

- Mr. Holt: Ok, again, thinking of functionality how do we want to implement the Commission's charter?
 - Commissioner Rahming: The issue is that we say the data is bad, but some people in Procurement say the data isn't so bad. Or even that the data is good. I don't think we are at that level of agreement on data.
 - Mr. Holt: How have we been requesting data?
 - Chair Enge: Through my office and my staff.
 - Chair Enge: Let's stay on functionality – we agree the data is bad and are working on new technology for Procurement. Let's have Procurement come in and talk about the prime contractor development commission, for example. Let's form a sub-group that will meet with Procurement, and that group will report back to full commission. Looking at specific initiatives, i.e. PCDC, that the City has to increase M/W businesses in contracting.
 - Mr. Holt: So this is how we want to start implementing. Sounds like you want to create subgroups, and have Bureaus/ Procurement meet with those subgroups and then subgroups report to the full Commission.
 - Mr. Alpert: In my mind the data – what we're collecting is either not enough or the right thing, and the numbers – results that don't reach our goals – are both bad.
 - Commissioner Alcantar: But we never got answers.
 - Commissioner Rahming: I agree, I want answers to my previous questions before I put out more questions.
 - Commissioner McGough: If we could identify like 3 responsibilities and then identify goals. I would recommend breaking into 3 subcommittees with 3 people each.
 - Mr. Holt: Our goal is to walk away with strategic and actionable steps.
 - Commissioner Rahming: We did have a subcommittee that met with Fred, and we said 'these are the questions we have' and we haven't heard back. And when we to Council we submitted written recommendations, and we were not given feedback.
 - Mr. Alpert: my suggestion for next steps: First, if we can, let's move the next meeting up a couple of weeks and I'll come to that meeting with answers to those questions. And the City is working on them, just not communicating well to you. And we can then prioritize what to do next. We dropped the ball and we

can pick the ball up and keep it moving. Then from there we can talk about if we need to go into subcommittees and which ones. End goal – designing Procurement for the City. Think about that at the back of your head. If I were in charge, this is what it would look like. Those are the sorts of recs, the bigger picture is how to create a new system. So we're identifying barriers to get to that bigger picture. We have 8 months in office to push the Bureaus for these fundamental changes.

- Commissioner Jones: I think we need to improve our minutes and how we track things at a meeting. How we're setting agenda. How to make sure we're hitting our meeting agenda.
- Mr. Holt: So we want to create subcommittees, yes?
 - Commissioner Colas: How do we set up those subcommittees? Maybe the full Commission meets every other month, and on the "off" months we have subgroups meeting and doing work for a couple of hours.
 - Mr. Alpert: I'd suggest coming up with a list of all possible sub-committees. You'll want to focus in on what 3 you want to do right now. And what you want to prioritize.
 - Commissioner Burch: PTE, workforce, and contracting – those are the 3 groups I'd create.
 - Commissioner Rahming: Implementation of existing resolutions. Examining how the City implements current resolutions. I don't want to make recommendations that are turned into resolutions that don't get enforced.
 - Commissioner Colas: Maybe each subgroup should be asking that? If we're thinking of structuring these groups.
 - Mr. Holt: Yeah, maybe each subgroup reports back on that?
 - Commissioner Burch: That's like a watchdog group – we need that.
 - Commissioner Jones: That's the chair's job. Let the chair know when we're getting stuck.
- Mr. Holt: Ok, let's look at the next step – how do we form these subcommittees? All of this will drive your agenda. Some are your concerns about public meeting law are resolved.

- Commissioner Colas: Again, what’s the task and outcome – the big picture for each subgroup?
- Chair Enge: Maybe the City can be the sub-committee that is going to follow-up on implementation. Myself and Josh should be doing that. We have access to staff and can get status on next steps.
 - Commissioner Rahming: Can I be on that group?
- Mr. Alpert: Yes, and go back to the press if you don’t get answers after three months.
 - Commissioner Alcantar: Who can speak to the press?
 - Commissioner Burch: Bryant made that clear – you can speak to the press as an individual, but the Chair speaks for the Commission as a whole.
- Mr. Holt: Ok, let’s populate the subgroups:
 - Implementation
 - Bryant, Josh, Maurice
 - PTE
 - Herb, Maurice
 - Workforce
 - Michael, Andrew M., Tony
 - Contracting
 - Vicqui, Rosa, Andrew C., Marcela
- Mr. Holt: Ok, let’s talk about frequency of meetings – how do you want to structure this? There have been 2 suggestions – meeting with the full Commission every other month, with subgroups meeting on “off” months. Or, have the subgroups meet for an hour, and then have the full Commission meet for an hour every month.
 - Chair Enge: Is there an expectation that the City will staff the subcommittee meetings?
 - Commissioner McGough: I would say yes.
 - Commissioner Alcantar: I would say no. It seems like a waste of tax dollars.
 - Mr. Alpert: I won’t weigh in, I just want to say that if you decide you want staff we will provide it.
 - Commissioner McGough: I need a City person here to help navigate some of these duties.

- Mr. Holt: Ok, let's talk about the way that subcommittees will work.
 - Commissioner McGough: When I say a charter that the subcommittees are creating they should come to the full group with purpose, goals, and timelines.
 - Mr. Holt: So within each group, the subgroups decide who will be in charge of reporting back to the full Commission.
 - Commissioner Burch: I already know we'll need staff support in the workforce subcommittee – how do we get that?
 - Mr. Alpert: I'll get back to you next week, but basically we will make sure you have the support you need.
 - Commissioner Colas: We are signing up for additional time constraints. It sounds like the real work will be done in the subcommittees, and we still will be attending the full ECPC meeting every month? We are going to burn out.
 - Commissioner Rahming: We have a community interest in this process. The resolution and bylaws both say we meet monthly. We were talking about transparency, this negatively impacts transparency.
 - Commissioner Alcantar: I really see both sides of this issue. I am tired. I am really busy. But I understand the transparency piece. I feel like we have to meet bimonthly though.
 - Commissioner Martinez: I agree with meeting bimonthly – we can use technology to reach out to the public. We have a website, and we can utilize it more.
 - Commissioner McGough: Each subgroup should come up with a charter, and it's incumbent on us to make sure work gets done. We can invite stakeholders to these subgroups. I think we need to have subgroup charters by the time we meet in April.
 - Mr. Alpert: I had suggested moving the April meeting up by a couple of weeks so we're not languishing for 30 more days.
 - Mr. Holt: Can the subgroups all talk by the early April meeting to figure out how they want to function? Can all the subgroups meet before April 7? And the full group agrees to meet on April 7th instead of April 21st, right?

- Chair Enge: And Josh and I will report out to the full committee at that April meeting.
- Mr. Holt: One of my recommendations is that you revisit the bylaws. Part of this retreat is about not getting bogged down, and to create effective processes.
 - Commissioner Rahming: We had a subgroup create bylaws, and we can't disregard the results of subgroups, including the bylaws group. It says in the bylaws that we will meet monthly.
 - Commissioner Burch: I understand the frustration of having additional meetings, we're all busy.
- Mr. Holt: Ok, let's talk about actionable items in the resolution: an annual community event, community outreach, and Council presentations.
 - Commissioner McGough: Again, I think now that we have sub-groups we should have them focus on actionable items since we only have 2 years.
 - Commissioner Alcantar: Is there a 2 year deadline?
 - Mr. Alpert: No, the Commission doesn't end, and unless you want off the Commission it's customary to reappoint.
 - Commissioner Alcantar: Is there an opportunity to do a year-end report detailing what we've done and recommended?
 - Commissioner Alpert: The mayor's term end December 31, 2016.
 - Commissioner Alcantar: Ok, I think we need to set milestones so that we can get a report submitted by November or December.
 - Mr. Holt: Ok, so we're looking at how we want to do council presentation?
 - Chair Enge: Let's be organized when we do this. Contact the media so that they can see our report to Council, and get the information first hand. I had suggested a long time ago that we'd do quarterly reports to Council. We need to have a conversation with Council of how they will communicate with the ECPC so you don't feel like requests are just dropped on you out of nowhere.
 - Commissioner Jones: This has been the real challenge since day one. Our meetings will be hijacked. We're asked to weigh-in on projects when we don't have all of

the information, and if we don't weigh in then we're ignored. I don't want Bureaus/ Council to just get a "blessing" from us on their projects. We need to give them our process so that we aren't always getting contacted last minute.

- Mr. Holt: Ok, I'm going to pass around evaluations – if you could fill these out with your thoughts on the issues we've covered I'll summarize and get these to Bryant next week.
 - Chair Enge: We probably should have started here like Andrew Colas said. It's good to have Josh here so that we're aligned with the mayor's intent with forming this Commission. It's reassuring to hear everyone's passion. There's a whole community we're trying to represent here.
 - Mr. Alpert: I feel like we could go on another 4 hours, and that's good because there is real passion here. Channeled correctly we really can make a difference. We have failed you, and it's on us to deliver to you, but I need your help. I think this is great that moving forward we can be your resource. We're going to work on adequate staffing before the July budget comes out. I'm going to try to get the mayor to come to the next meeting if his schedule allows, because we are very serious about this issue – it's critical. As our list of items narrows that we are focusing on in our remaining time in office this remains on our short list.
 - Mr. Holt: It takes a lot of energy and in-stream changes to make progress so thank you all for your time today.
 - Commissioner Fricke: I think because of what's happening in our economy today it's getting them interested in working with the City of Portland – including firms who have tried to work with the City in the past. This is a new opportunity.

Meeting adjourned at 6:05 p.m.