

MBE Advisory Committee Meeting

Wednesday, November 10, 2010; 7:30 p.m.

City Hall Conference Room #2 South



Present: George Abram, Roberta Garcia and Will McCracken

Absent: Michael Murray, Carol Correthers

Others Present: Darlene Colaso, Assistant City Manager/Staff Liaison; Sharon Pearson, Committee Secretary

Others Absent: Charles Peterson, City Council Liaison

Abram called the meeting to order at 7:38 p.m.

Approval of Minutes: May 12, 2010

McCracken made a motion to approve the minutes as submitted. Garcia seconded the motion. Motion carried 3 – 0.

Define Geographic Area(s)

Pearson reviewed the data with the CCommittee for their consideration. The Committee discussed whether to include very small business and small business geographical area as the same for purchases under and over \$25,000.

Abram acknowledged that there are some sole source purchases that are made. However, other purchases from businesses for this program need to be “narrowly defined.” He continued to state that the Courts have not made a ruling on the definition of “narrowly defined.” This decision, may be decided using other court cases, as precedents, to get at the definition of “narrowly defined.” At this time the MBE Advisory Committee is using the City’s procurement purchase vicinity to develop a “narrowly defined” area.

Abram stated that based on the data before them it appears that many of the City’s purchases are from within Oberlin, Elyria, Lorain, Amherst and Wellington. Meanwhile, the area from where the City may purchase in the future may expand and/or retract and therefore perhaps this narrowly defined area could be flexible. The MBE Advisory Committee could review the program and purchases made on an annual basis. It was suggested that the Very Small Business portion of the program be identified by zip code (i.e. all Very Small Business program participants would be from area code 44074).

Garcia asked about how to encourage all employees to adhere to this new program. Abram said that the rule of law always overshadows any policy. Some of the program was not enforced before because

there was no one specifically designated to enforce it. Abram stated that equal opportunity is good business and its good economic development for the City.

Abram asked if the staff could obtain data on purchases over \$25,000 and individual data on purchases made under \$25,000 to help define the geographic areas further. Colaso stated that she will also review recent court cases on how courts have defined a "narrowly defined" area.

ACTION: Staff will obtain another report for purchases made during 2010 for items under \$25,000 and sort the information for the Committee. Staff will also review current court cases to understand the courts definition on "narrowly defined" geographic areas.

Statewide MBE/DBE Task Force Annual Meeting

Pearson stated that the annual meeting was held in Powell, Ohio near Columbus. There was a decent turnout for this event. Many who were in attendance were very pleased with the quality of speakers that the Taskforce was able to obtain. Attendees were able to gather information on procedures to do business with the State of Ohio and other agencies.

Pearson was going to volunteer to hold a quarterly meeting in Oberlin. She felt that this would be a good way to promote the Underground Railroad Project to various minority businesses from across the State of Ohio. Meanwhile, the next meeting will be held in April and one of the meetings will be in the Cleveland area. Members of the MBE Advisory Committee are encouraged to attend.

Other Business

Abram stated that although the City does not have an MBE program, since a portion of this project is funded by federal funds, there will be MBE requirements and stringent Equal Employment Opportunity requirements the City must administer.

Set Agenda for next meeting

The Committee decided the next agenda item will be to review the data obtained and finalize the "narrowly defined" geographic area so the program can be submitted to the Law Director for his review.

Meeting adjourned at 8:45 p.m.



Sharon Pearson CAP
Committee Secretary

/skp