

**OFFICE OF THE CITY COUNCIL**

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4TH FLOOR, CITY HALL

JACKSONVILLE, FLORIDA 32202

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**JACKSONVILLE SMALL & EMERGING BUSINESS SPECIAL COMMITTEE**

**Virtual Meeting Minutes**

 **August 28, 2020**

**10:30 a.m.**

**Location:** Virtual Meeting

**In attendance:** Council Members Ju’Coby Pittman (Chair), Garrett Dennis, Terrance Freeman

**Also**: Council Member Ron Salem (Visiting); Jeff Clements, Anthony Baltiero and Yvonne Mitchell – Council Research Division; Lawsikia Hodges, Paige Johnston and Julie Davis – Office of General Counsel; Steve Cassada and Melanie Wilkes – Council Staff Services

**Meeting Convened**: 10:30 a.m.

Call to Order / Introductions – Chair Pittman convened the meeting and introduced the attending Council Members. A quick procedural overview of the meeting was presented noting the intent and scope of this initial meeting.

Review of the Committee Charge – The committee’s charge was displayed on the screen for all attendees to see. Chair Pittman read through the committee charge that was established in the committee’s organizing memo that was sent out by Acting Council President Newby on August 7, 2020.

Committee Member Feedback – Following the review of the committee charge, the floor was opened to the committee Council Members for their input. Council Member Dennis expressed his enthusiasm for being a part of this committee and urged the committee to take a tandem approach and ultimately move toward creating legislation as the goal of the committee. Council Member Freeman also shared his enthusiasm for being a part of this committee and echoed the sentiment to work toward creating pertinent legislation. All of the committee members stressed the importance of this committee’ work.

JSEB Program Historical Overview Presentation, Jeff Clements, Chief of Research – Mr. Clements presented information on the history of the JSEB program and the programs the preceded JSEB. A timeline was presented that focused on pertinent legal cases and legislation related to minority set aside programs locally and at the national/federal level. The timeline spanned from 1983 to 2010. Mr. Clements said that the overarching repeating theme is that the City sets up a minority set aside program, someone sues the City, a disparity study (or the equivalent) is ordered by the City, and based on the results of the study, a new minority set aside program is established. This pattern repeats multiple times over the span of the timeline and Mr. Clements provides pertinent local legislation and federal court cases relevant for each part of the pattern.

JSEB Program Legal Perspective Presentation, Lawsikia Hodges, Office of General Counsel – Ms. Hodges provided insights into the legal cases that have led to the current incarnation of the JSEB Program. Focus was given to the January 1989 City of Richmond v. J.A. Croson Company case. This case is important because it establishes the “Croson Requirements” that will be used as a framework for establishing minority set aside programs across the country. Multiple other cases were discussed with the subsequent local actions taken the City outlined for each case. Other cases discussed include the June 1993 Northeastern Florida Chapter of Associated Contractors of America v. City of Jacksonville case and the February 2002 Utility Contractors Association of North Florida, Inc. v. City of Jacksonville case. Ms. Hodges said that one of the main challenges with establishing and maintaining a minority set aside program stems from the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution noting that any race conscious program will come with a very strict and high level of scrutiny. Ms. Hodges outlined the process of establishing a local government minority set a side program and outlined the specific Croson Requirements that must be met. Following the presentation, Chair Pittman opened the floor to questions.

Council Member Dennis suggested updating the most recent disparity study that was done through the City in 2013 saying that it is essential for this committee’s work to be based on the most current data. Council Member Dennis asked about the costs of updating the disparity study. Ms. Hodges discussed the funding that has been allocated to the JSEB Program and noted that Greg Pease, Chief of Procurement, would have more information since the JSEB program is under his office’s purview. Mr. Pease said that he thinks updating the disparity study is a great idea and discussed some of possible funding options for the JSEB Program, including professional service dollars and looking at ways to work through procurement to update the disparity study.

Council Member Freeman said that he feels more comfortable being able to go through all the data that was presented today to be able to find specific questions for Mr. Clements and Ms. Hodges and said that he agrees with Council Member Dennis’ suggestion of having a tandem approach. Chair Pittman agreed saying that there is a lot of information involved with the history of the JSEB program and opined on the importance of having an updated disparity study.

Council Member Dennis further opined on the importance of having an updated study saying that although he is not a fan of conducting excessive studies, this particular circumstance, due to the ruling of the Supreme Court, requires updated statistics to justify the program and/or changes to the program.

Visiting Council Member Salem asked if the City’s JSEB Program is the typical type of set aside program across the country. Ms. Hodges said that through her research it is clear that set aside programs vary drastically based on many facts, variables, and the study that was used as justification. Council Member Salem suggested researching other areas to see what type of minority set aside programs are being used and opined on the importance of having the small businesses eventual graduate from the program. Council Member Salem suggested having members of some of the businesses that are currently in the JSEB program to come to a meeting and discuss the pros and cons of the program. Chair Pittman confirmed that members from current JSEB Program businesses will be coming to speak at future meetings.

Council Member Freeman asked about the logistics of updating the disparity study and whether or not the committee can start working toward creating legislation without the update study. Ms. Hodges said that work can begin on the current JSEB race-neutral program, but any edits or updates to the race-based set aside program would have to wait for an updated disparity report.

Other Business / Housekeeping – Chair Pittman encouraged the other committee members to think of and suggest potential speakers for future meetings and to send suggestions to Anthony Baltiero, Council Research. The Chair suggested having meetings twice a month on every other Friday. Council Members Dennis and Freeman both agreed to the proposed schedule and said that they will back the Chair’s lead when it comes to the schedule of meetings. Meeting dates and times are tentative until an official meeting notice is released.

Public Comment (if time permits) – No public comment requests were made.

With no further comments from the committee, Chair Pittman adjourned the meeting.

**Meeting adjourned:** 11:35 a.m.

Minutes: Anthony J. Baltiero, Council Research Division

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Posted 9.1.20 2:00 p.m.