

Wednesday, May 10, 2023

3:30 PM

RE: AMENDED Noticed Meeting CMs Carlucci, Cumber, DeFoor RE 2023-0020

Location: Henry Cook Room, City Hall

Attendees:

CM Matt Carlucci

Margo Klosterman

John Nooney

CM LeAnna Cumber

Brooks Dame

Heather Reber

CM Randy DeFoor

Sheri Webber

Holden Hutto

CM Ron Salem

Phillip Peterson

Essence Wimes

Lawsikia Hodges

Kim Taylor

Audio Link:

https://jaxcityc.granicus.com/player/clip/5012?view_id=1&redirect=true&h=dafb75945b910b04224560b108634a33

Meeting Convened: 3:32 PM

CM CUMBER

Okay, hello, this feels very official. Okay, so let's go around and just to introduce ourselves. If we just go around the room and if everyone can say it loudly, someone's taking notes, minutes, so say loudly, who you are, and we'll start with Vice President Salem.

CVP SALEM

Ron Salem, Group Two At Large.

HODGES

Lawsikia hodges, Office of General Counsel.

CM CUMBER

LeAnna Cumber, District Five.

CM CARLUCCI

Matt Carlucci, At- Large Group Four.

CM DEFOOR

Good afternoon, Randy DeFoor, District 14.

PETERSON

Phil Peterson, Council Auditor's Office.

REBER

Heather Reber, Council Auditor's Office

TAYLOR

Kim Taylor, Council Auditor.

WEBBER

Sheri Webber, ECA to CM Carlucci.



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WIMES

Essence Wimes, Jackson University student and constituent.

NOONEY

John Nooney, District 4 constituent.

KLOSTERMAN

Margo Klosterman, Fiorentino Group.

HUTTO

Holden Hutto, driver. [laughter]

DEFOOR

That's my nephew.

[off-mic chatter and laughter]

CM CUMBER

I thought I recognized you. Well, it's good. It's a good business to be in these days. Make sure she's paying you well. [laughter] Yeah. Okay, great. So, I want to do this to kind of talk about the procurement bill and go through the history. Lawsikia can kind of walk through a few of the details. Do you have the side by side?

CM CUMBER

Through the chair, CM CUMBER. I brought three copies of this little comparison table that I usually do when there is a major sort of rewrite like this, so I can hand these to you...

CM DEFOOR

I can share.

CM CUMBER

Okay, perfect.

HODGES

But this is really detailed. I'm not sure what if you really want this or if you want me to do more of the bill summary?



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CM CUMBER

Yeah, so I think we'll go through a couple of things but just to say everyone kind of understands the history. We started working on this, what, a year ago, right? Over a year ago, to bring the Procurement Code up to date. It hasn't been revised in 30 years, I believe, and there are a lot of procurement tools that the state allows for that we can't do because we don't have it in our code. And we don't have a living code. So, what's happened is over the years, Council Members have kind of changed the code by lifting paragraphs out of the state code and plopping them in our code, which means that when they change on the state level, our code hasn't changed. And so, our code is wildly outdated, and it doesn't allow for things like P3s. And so, in order to do a P3 you have which is public private partnership, you would have to default to the state code. The problem with that is we don't have the expertise to do the P3 because we don't have it in our code to do it. So, we're having to conduct business on the city level using state code and so forth.

So, it's super cumbersome. It's super far behind, again, 30 years old. And so, what this does, it also, I've heard from private industry, that what happens too is that if that actually in order to make when there are things in when people want to do, or the city wants to use procurement codes that aren't in our code, and they default to the state level, then they also default to private industry. Who are registered on the state level. And so, it narrows the pool of people down to sometimes one. And so, what this does is a few things, but the main thing is it updates it to current law. So, there's some things that are just reflected that our current existing law that we don't have in our code right now. Takes out things that is there have been overridden by the state. And also, I'm trying to find what page it's on. Allows for or details out the list of procurement tools that can be used by the city and then has a catch all and the catch all is anything that the state deems legal, and that way the code will grow with, and evolve with, all of the changes that are made on the state level.

So that's kind of the overall thing. The other thing it does in order to make it a living code is it takes a lot out. Our code was very dense, and it made it where everything was prescribed in code. Rather than prescribed in the manual. And so, when we started this, I had Lawsikia look at Nashville and Indianapolis and Tampa. Nashville and Indianapolis are consolidated cities. And so, they are apples to apples. And they are doing very well, and Tampa is also doing very well. Not consolidated, but it's doing very well. And so, Lawsikia was able, she did a ton of research, and was able to find kind of the best of all worlds out of those three examples. And so, we really kind of stole a lot of good language out of the Nashville code or took it out of the Nashville code. And then you know, out of Indianapolis and Tampa.

The other thing it does is we had the Inspector General (IG) vet it and the auditors and this has been worked on, and it was previously approved by the Administration. Considering the political climate right now, I don't know if they will retract that approval because it's my name on it, but that's something that



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they're going to have to deal with, but they had previously approved it and worked on it. Council Auditors have looked at it and we've worked through, I think, almost everything, but they're here and they can speak for the Council Auditor's Office and IG worked through and we incorporated all the Inspector General's thoughts and concerns because the most waste, fraud, and abuse that happens in cities is through procurement. And so, what we wanted to do was make sure that it was as buttoned up as possible. So, we kind of cut through that and made it easier.

The last thing I'll say and then I'll hand it over to Lawsikia and she can kind of fill in the holes. There's a whole section in here that allows for online and more automated systems, if funded by the Administration and by Council, but what it does again, it becomes a living document so that in the event that Council deems it, and the Administration deems it, appropriate to fund in the future, the automation and online and so forth, that it's allowed in the code and you don't have to revisit it. So, that's that piece. Lawsikia, what did I leave out? Anything I missed?

HODGES

Right? You did a great job, Councilwoman, in summarizing. One thing that I will point out is, right now, we have three procurement committees. So, part of the Councilwoman wanting to streamline the process is we combine those three committees into one committee called the J-pack. And this is really not a new concept. If you go back all the way to 2011, I think under the Brown Administration, this same idea was proposed then, and so that's one way of streamlining. We also took the scope of the procurement committee, and we narrowed it down to be consistent with some of our other agencies in our government. So, the City of Jacksonville is procurement will, in order to, for example, put a bid advertisement out on the street you have to go to the awards committee to have them approve that. So, we've made them consistent with everybody else. It's not typical to have your awards committee actually bless the RFP document. That's something that staff would typically work on. You see that across the board and all of our other independent agencies. And so, now, you know, from an efficiency standpoint, by sort of narrowing the scope of what the committee is looking at, so now the committee is only really doing the awards, the selecting of that contractor that we're actually going to enter into a contract with. So, I want to point that out. You already mentioned the electronic aspect. A lot of this, too, was just reorganizing because if you were to take a look at our one chapter 126, our Procurement Code today, is really not reader friendly.

So, a lot of things are really not new is just reorganizing it in a way that hopefully people that are doing business with the city can more easily understand how to navigate our procurement process. We also took a lot of in-the-weeds type things, like the amount of time that you have the notice, how you think that you would normally find in that advertisement document relative to the process, etc. We lifted that out of the code, and it's intended that that detail was placed in our procurement operating manual. So



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this document, or this rewrite actually does give the Executive branch more authority and flexibility to be able to go out and quickly procure and, as Councilman Cumber said, utilize a lot of the tools that are out there and available, but the way the bill was basically proposed is that we have this rewrite, and if the Council approves it in whatever form the Council approves it in, then we would give our procurement chief a certain amount of time to actually implement those changes into the procurement operating manual.

CM CARLUCCI

Okay, thank you. Thanks for having the meeting. I've had my eyeballs on this for a long time, but I haven't really researched it, but one thing that Lawsikia said that suddenly gave me a little pause is I'm not sure I'm for anything that gives more power to the Administration to procure without the Council. We need to have the ability... well, if it gives them more opportunities to procure without our approval, I'm not so sure I'm crazy about that. So, am I right? Did I misunderstand something?

CM CUMBER

Yeah.

HODGES

Well, so let me clarify that. So, what Councilwoman Cumber tried to do is put in our ordinance code the foundational parameters that the Council would set. So, for example, the procurement toolbox, as she mentioned, right now, there's probably four tools in the toolbox. The state statute has additional tools. So, from a City Council standpoint, you would need to add to our existing code those other tools for the Administration to be able to use, but the process in which the executive branch utilizes those tools? Well, that's already outside of the Council's domain. You know, really right now, the Council isn't involved on those day to day and so there will still be a process, but that process—sort of the nitty gritty detail of how you affect a procurement document—will be lifted from the code and placed into a procurement operating manual that the mayor will be able to make changes to with the approval of this procurement board.

CM CUMBER

Does that make sense? Which is how most cities do it. Because what happens is because the way we do it, is that you end up with is a lot in the code that's not law anymore.

CM DEFOOR

So, give us an example of what changes they can make with the administration that doesn't come before the Council.



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HODGES

So right now, for Greg Pease's informal purchases, there's a whole process that's set forth in a manual document that the Council never sees. That the Chief of Procurement, standing alone, can make those changes. He can just make those changes and then the mayor would sign off on that. You know, so that concept is ...

CM DEFOOR

So, that's better.

HODGES

Correct.

CM CARLUCCI

Wait, who's appointed the committee?

HODGES

So, the committee would consist of ex-officio voting members, and that's another point that we should mention. Right now, our procurement committees, and with OGC, for example, as a representative on the committee. We've removed the Office of General Counsel from being actually a procurement committee member and the Office of General Counsel will play the same role that we normally play when we're advising boards and commissions, which is doing exactly what I'm doing right now, and sitting and giving counsel but the three other members would be the Chief Financial Officer or their designee, the Risk Management Officer or their designee, and the Public Works Director. And that's similar to how we have it right now.

CM CARLUCCI

All of which report to the mayor.

HODGES

And that's how you have it right now. So, it's three committees.

CM DEFOOR

Who is on the three committees right now?

HODGES

So, if it's General Government Awards Committee (GGAC), it is the procurement, I'm sorry, the Public Works Director, the CFO, and there's another sitting member, I can't think of who that member is right



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now. And then for the Professional Services Evaluation Committee (PSEC), it's essentially those three plus the Procurement Chief and then two members of the using agency that's participating in the procurement. So, like if it's a public works procurement, then there's two members of Public Works that would have the ability to go and score and grade. But the way that the code is set up right now, there are sitting members, from your departments, directors, that are actually the members that are making these decisions on the awards that go to the mayor. And then the mayor signs off on the award.

CM CUMBER

As far as to the representative on the committees, the big thing, first is consolidating the committees, but also taking OGC off because there's an inherent conflict. Because if OGC is on then they can't give advice. They can't give advice outside of the Sunshine because then they become part of the committee so they actually can't really do their job now the way they should do it. So, the people who are being represented on the committee's, that hasn't changed

CM CARLUCCI

Through the chair to this group or committee, or to Lawsikia, I still go back to hearing you say this makes it easier for the mayor's office to procure things without having to go through the Council. That's kind of what I heard. I am not for giving up any checks and balances on procurement whatsoever.

CM CUMBER

This actually has more.

CM CARLUCCI

It has more? Okay, that's what I heard though. That's just why my little red flag went up.

HODGES

So right now, in chapter 126, which is your Procurement Code, there's a lot of process detail that's in chapter 126. So, in that vein, because it's in the code, the City Council, if you were to make any changes to that, that would have to come to the city Council in order for those changes to be effected. So, we are taking a lot of what's in the code—Councilman Cumber is—taking a lot of that process out, but not the parameters.

CM CUMBER

Lawsikia, let me see if can cut through the legal speak. Let me give you a concrete example. So, like the catch-all on procurement: constantly the state is approving new procurement tools. Right now, the way this is written now, the city could use whatever the state deems legal. If it's not... because it would be in the Procurement Code. If you see on page five, it lists out the new procurements. Like, we can't even do



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unsolicited proposals, which is why you always see in bill proposals, and why you see all the time we get bills that say we're waiving Procurement Code because we don't have it in our Procurement Code.

CM DEFOOR

Because we get unsolicited [proposals].

CM CUMBER

We got an unsolicited bid, right? I mean, like, that's how business is done, right? So, what it adds into the manual now, it says all right, these are all as of May 10, 2023, these are all the procurement tools that the state of Florida allows. However, if on May 11, the state of Florida allows for another procurement tool that can also be used? Right now, you would have to go through a whole Council bill to be able to do it, which is why this administration just waves the code rather than... So, when we get an unsolicited proposal, rather than have a bill that says, 'Okay, well now we can add unsolicited proposals,' they'll just waive the code and say we're just going to default to the state code. This allows for the city to actually follow state law, but do it internally, which has more guardrails on it. And so, I think it's just the way Lawsikia is describing it. What she's saying is, like, if the manual, which the Procurement Director or Officer, drafts and then it goes through this committee for approval.... If the manual says for an unsolicited proposal like a two-week deadline, whatever, then that can be changed within the manual, within the process, within the going before the procurement committee. Right now, anything that's changed like that needs to go through Council and needs to actually be changed in law, which is why we have all this stuff on the books that just isn't law anymore. Like it's not law anymore because it's been overridden by the state, because the state has changed the law.

CM DEFOOR

I think that's what his—I mean I don't wanna speak for Matt—but his concern is that he doesn't want to circumvent. Even though it may make for a more streamlined process. He doesn't want to circumvent the Council. I'm just curious from the Auditor standpoint, I know that you've worked on this as well. Do you think that these changes reduce the authority and control of the Council?

TAYLOR

Kim Taylor, Council Auditor. We had several meetings with Lawsikia, with the Councilwoman, just so you know. It wasn't, you know, just one or two. We really went through it, we asked a lot of questions. It does change. We don't have concerns from an audit standpoint because a lot of it was boilerplate type describing the process that, within a procedure manual, you will still be held to certain requirements. Yes, it can be changed. And your right, the people that sit on the committee will report to the mayor. And so even though it requires that two-step approval, you do have that.



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CM CARLUCCI

But that's been the case anyway.

TAYLOR

That's always been the case. We really... I can boil it down to two suggestions or two concerns that we think—Mr. Peterson had talked with Councilman Cumber about—are policy decisions, certainly to consider. But everything else I feel like we had vetted that, you know, we looked for things to like the JEA workshop. All those changes were procurement things that were changed. Nothing was impacted there. That was one of our concerns that we didn't want to undo anything that you all had taken great steps to make sure were in place. Nothing like that has changed.

The two things that we have left, I'll briefly mention, there's an increase in, for Professional Services and Contractual Services, basically bidding out for those from \$65,000 to \$150,000. We felt like that's a big, big jump. That might be something that Council wants to consider. Maybe coming back down to \$100,000?

CM CARLUCCI

Can you restate that please?

TAYLOR

Yes, sir. For right now in the code, what it requires is anything for a professional services contract, or a contractual services, basically, anything over \$65,000 has to be bid out, and that would raise to \$150,000. So, you would have the threshold \$150,000 or under, in essence, could be done without necessarily bidding it out through an RFP process.

CM DEFOOR

So, single Source.

TAYLOR

Single source right now.

CM CUMBER

And just also for comparison, like the state of Maine, their threshold is \$250,000. And so, what they do, and what states do and cities do, is they get pre-qualified people, and then they go and they can... so then it doesn't have to... so, no, it's not a sole source, but it's a pre-qualification. But anyway, that's... right now, right now we have that tool. It's just because things are more expensive. And again, it hasn't been updated in 30 years. So, three years ago. \$65,000 was a lot of money.



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TAYLOR

Right, and that's certainly a comfort level where Council can land on what you're comfortable with as a whole. But that was one of the suggestions, maybe lowering that, and then there's a provision right now in the code—

CM CARLUCCI

Lowering what?

TAYLOR

Lowering... right now the threshold is would be \$150,000 in this proposed bill, to just potentially lowering that to \$100,000 to where you do have to do that RFP process.

CM CARLUCCI

That might be something I can support.

TAYLOR

So those are just policy suggestions. And then also, this really is a more minor one, the bill right now provides that, in essence, ourselves and other offices will get 30 days to look at the manual changes before it goes for approval by the committee and the mayor. And we were just suggesting that every time there's a change, that there's that kind of process put in place so that we have that time to vet, make Council aware, if there's something that's a concern in the manual, since that would be outside of Council.

CM CARLUCCI

What kind of change to a manual?

TAYLOR

Any change since a lot of this will be lifted from the code and go into this procurement manual that can be changed by, ultimately, approval of the committee, the procurement committee, and the mayor. Basically, that we're made aware of changes so that way we can communicate any concerns that we have to City Council.

CM CARLUCCI

How re those changes done now?



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TAYLOR

Well, right now, a lot is in the code. And so that's where a lot of it, as Councilwoman Cumber says, it requires Council action to change anything.

CM CARLUCCI

So, part of my concern is—and I like the idea streamlining, and like the idea of making... I can go from 65 to 100—but one concern I've got, and then I'll relinquish so others can speak more, but I want to make sure more companies have more opportunities to bid, and get in on the action, and the more streamlined it becomes, and the higher the numbers get, the same old companies may keep getting the work. And I want to see that, you know, everybody gets an opportunity, the more opportunities are available to more different small companies. Because the same old companies get the same old business and that's a concern to me, and I'll leave it at that. And I'm just saying it's of concern.

CM CUMBER

Yeah, it's a great concern. This actually helps that because right now, what's happening is, since we can't take unsolicited proposals, since we can't do P3s since we can't, we can't in our code. What happens is we waive the code and then the city defaults to the state law. And because it's easier. So, the city just says we're going to default to state law. And then there's only a few people who are qualified to do it or deal with the state. And right now, there's actually a big complaint within the industry, that there was like one company that kept getting the business because they were the only ones who were registered with the state and who could deal with the state. And because we didn't have the internal ability to do it, the only way we can do it now is to say, 'We'll take the state law,' and there's only one company. So this opens it up.

CM CARLUCCI

So, this opens it up to unsolicited bids?

CM CUMBER

It opens it up to a lot of different—

CM CARLUCCI

It allows more people to bid on it? Is that what you're saying?

CM CARLUCCI

It opens it up to all sorts of different procurement tools and so there aren't just one, two or three, because they're all these... the procurement systems have modernized over the last 30 years. The state has kept up to date, we have not. And so, what happens now is when someone wants to come and do a



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public-private partnership, the city says, 'Well, we really don't have anything code that allows us to do that, but what we can do is we have the ability just to waive that and go to the state.' The problem is you have to be qualified under the state code, state statute. And there's only one or two companies who can do it. So then they just default because it's easier, and say well, 'Okay, well, you get the business and then you can get the subs.' What this does is it allows the city to have a much larger toolbox so that we have the ability—the city has the ability—to actually get creative in procurement, and allows more people to be a part of the process. And the 65-100-,150 I'm kind of agnostic about it. I think 65 is a little low, but that's not a threshold. That's just... it's not a threshold that would keep people out. It's a, it's hard to explain, but it's not a sole source.

CM CARLUCCI

Well, it leaves the administration in charge of who gets to work up to 65 or up to 100. Anything over that would have to come before Council.

[off mic conversation]

CM CARLUCCI

And then the bids come back to Council... and I think they make the decision out of three, I think, right?

CM CUMBER

Or they can waive like JTA does all the time and they just waive. We don't want the three bids. We just want one. So, we can waive it. So, there's the problem, and Council Vice President Salem, I'll get to you. I think one of the overarching problems and one of the overarching reasons, when Lawsikia and I started talking about this, was we waive the code all the time. And we waive the code all the time, because our code has not been updated. And so, we're constantly waiving, which isn't a good thing either, because then we don't have control over it. Because once you waive it, then it's the Wild West. They can do anything.

CVP SALEM

Thank you for the opportunity. I came today because I know nothing about this. I've seen it on the agenda and in committee, and it's been deferred, deferred, deferred. I look at it—and I'm going to talk broad concepts here because I can't begin to comment on some of the stuff that y'all are doing because I'm not familiar with it. I look at this and I think JEA. I know Randy and I were on that committee where we went through and rewrote their whole charter, basically, over seven or eight months, as I recall, led by Councilmember Boylan. So, it just seems very complicated to me.



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[off mic comments] Yeah, she was the attorney for us. Absolutely, she was. So, this I see this, and it just seems like it's a very complicated process. I may be wrong. I look at my calendar, where it's May 10, and the 19 people on our Council are going to substantially change in six weeks. And I don't see anybody from the mayor's office here. So, I wonder. I don't know where they are in this process.

CM CUMBER

Well, they approved it before the election. I'll leave it at that. [laughter] They worked on it for the last year as well.

CVP SALEM

They're not here today. I don't know if that's a sign or... I have no idea. I'm just throwing that out there.

CM CARLUCCI

An observation.

CVP SALEM

It's an observation. So, we only have six weeks left. And it seems like, if you're going to attempt to get something with this kind of complexity in there, there need to be—at least to me—some significant workshops with the Council. Because I think it's difficult in a committee process when you only have seven of them to do that. And when we went through JEA we had a lot of people that took particular pieces of that, you know. I took the bonus part and other people took different parts and rewrote that with Lawsikia, and then I think we brought it all together at the end. Because, I think, if you don't get it done in six weeks, you're starting all over again, and you won't even be here. So, I just throw that out.

CM CARLUCCI

Well, that's why I had asked, I think it was one of the chairs of TEU, if Leanna could have a chance to share, you know, what the bill does because procurement is a major engine in making our city go. You know, it's the engine that makes all things go.

CVP SALEM

It's very important.

CM CARLUCCI

Yeah. So, changing it, I felt in many ways like you, this will be complicated. But then, at the same time, I have confidence in Councilmember Cumber to put together something that I would feel would be worth listening to, though our window is kind of closing, and we don't know who the next administration will



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be. We do know we'll have some different Council members. So, I appreciate the meeting today. And that statement is not meant to say we shouldn't take it up. It's just to say that it is complicated.

CVP SALEM

And I'm not suggesting we shouldn't take it up. I'm just saying a strategy needs to be developed quickly to bring 19 people up to speed on the complexity of this. I came today only because I knew nothing about it and I felt like it might get into next year where I would be—well, Matt and I will be here—and that's why I came. When I chaired Neighborhoods {Committee} this past meeting I turned to you and said, 'Do you want to speak to this?' And you said no at that time.

CM CUMBER

Right.

CVP SALEM

And I sense the other 16 or 15 that are not here, are not at all up to speed on this. That would be my guess.

CM CARLUCCI

Were they invited, I guess?

CM CUMBER

Oh, yeah.

CVP SALEM

Sure. They got the same notice I got and you got.

CM CARLUCCI

Did you use the city list so the administration would have gotten it also?

CM CUMBER

Yeah, I mean, we've been working on this for a year which is why the Council Auditors, you know, we wanted to make sure that it was fully vetted through the Council Auditors and they had gone through it and satisfied all of their concerns.

CVP SALEM

And that's helpful to me.



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CM CUMBER

Except those last two, you know, and those are pretty minor, easy changes. So, you know, I mean, I guess what I'll say is it's something that has been, you know, there was an attempt to do it at the end of the Brown administration, the Curry administration never took it up. And, you know, we just waive the code and it makes it ripe for you narrowing...

CM DEFOOR

They have complete control leaving it like it is.

CM CUMBER

Right, so, you know, it's...

CM CARLUCCI

Sounds like it's something that needs to be done because it's outdated, and hasn't had some updates for a long time, which is causing us to waive a lot of stuff. You're trying to bring us up to speed and I really believe in the Council as the checks and balances of this government. And so, I don't roll over every time the mayor's office says to roll over. I roll over when I'm convinced that it's the right thing to do. And the Council auditors have sprinkled holy water on it. Okay, that's who I lean on. And so, it's not that I don't want to be a team, but I get suspicious of teams. I want to know, in my own mind, what I believe is right and wrong. So, I think a lot of what you're trying to do is the right thing. I just feel like maybe I'm drinking out of a firehose a little bit right now. You know?

CM DEFOOR

I think this is the right thing. I just think we've run out of time, I'm sad to say. You spent four years on this. Because you would have to do... first of all, you've got the administration who may not be supporting it. So, if that happens, we're just gonna be wasting our time on it.

CM CARLUCCI

Well, I'll tell you what I do think, and this would be my recommendation because I believe there's a lot of things here, through your work, that need to go forth and need to be included. I think change needs to be made to the Procurement Code from just the little bit I've listened to today. Whether it's done in your timing, I don't know. But our Council President may want to look at taking up where maybe the baton is passed over to you and you turn it over to a committee that can continue to look at this. And I think it would be great if you [to CM Cumber] would come, not as a Council member at that time, because you've got the brainpower to know what you put together here. And you could explain it so poor, lowly, humble, lovable State Farm agents like me can understand.



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[laughter] Why are y'all laughing out there? [more laughter]

CM DEFOOR

I appreciate your work. I mean, a lot of work and time went into this, clearly. A lot of work and time clearly went into this. And if it's 30 years old and hasn't been, you know, changed then we know that it needs to be updated. I mean, clearly. So, I would just ask, you know, Ron, Councilman Salem, that if we can't get this done, if you would be willing to carry the torch?

CVP SALEM

Well, my initial thought to that is to have a discussion with the administration that comes in and give them a chance to review this and provide some feedback on it. Because we all know that getting something like this through without the support of the administration, whoever it is, would be difficult.

CM CARLUCCI

Well, this is an administrative function. It's just that it has not been updated. And it was created by the legislative branch a long time ago.

CVP SALEM

And I don't know why that is, sitting here today.

CM CUMBER

For the reasons that you're saying right now, and honestly, everyone says it's too much. Right? The Brown administration says too much. The Curry administration says it's too much, we're not going to touch it. And that's, unfortunately, and Kim's laughing because that's why...

CVP SALEM

I haven't heard that.

CM CUMBER

Yeah, I mean, that's why in 30 years no one's touched it. You know, like I said...

CM DEFOOR

And it's not sexy. [laughter]

CM CUMBER

The Brown administration was trying to do it.



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CM DEFOOR

I mean, the media is not going to come in for that one.

CM CUMBER

But I will say that procurement is, you know, the place that you have the most fraud and abuse, and this is the place that narrows the pool of who can do business with the city. And how we're seen as a city.

CM CARLUCCI

And that, in and of itself, demands a review of it.

CM CUMBER

Yeah, and again, you know, I think it's great. I think that, you know, obviously the Council auditors are happy with it, so they can, you know, kind of talk to folks.

CM CARLUCCI

I think the incoming Council President's right. The administration, because they're the ones that are going to be executing this, they need to be a part of it, whoever that next administration is going to be. But at some point, in your term [to CVP Salem], there will probably come a time when, for the very reasons that's been enunciated here by Councilwoman Cumber, we need to go through it very thoroughly, and implement and advance those changes that need to be advanced and some that, you know, may not need to be, well, they don't have to. But it needs a little dusting and cleaning sounds like, to me.

CM CUMBER

And the last thing I would say is, I would just caution—and I think Lawsikia would agree too—you do more damage piecemealing it than overhauling it, completely overhauling it. Because what's happened over the years is it's been piecemealed. And so, there's things in the Procurement Code that don't make sense. There's literally, if you go through it, there's on page, you know, five, it says one thing, and on page seven, it contradicts what it says on page five. And so, then it's just up to the head of procurement to say, 'Well, I'll go with this instead of this.' And so, there's no continuity. There's nothing that people can actually rely on. So that's why I think an overhaul and I would just caution in the future against kind of piecemealing it because that's how we got to where we are.

CM CARLUCCI

I gotta tell you, I really appreciate, truly appreciate, you digging into this because this is not something I'd want to dig into. It just isn't. But you have and yet, this is so important. And that took a lot of work. I highly compliment you on that. I think you're the right person to have taken this on. Whether we can get



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it done before, you know, the changeover... But it sounds like you [to CVP Salem] would be open to engaging the administration and the Council and moving ahead and looking this over in the big picture.

CVP SALEM

What I'll commit to doing—whichever wins is going to have a transition team, many of us have been through that, and I served on one or two of them—that would be the place, it seems to me, to say we have this procurement rewrite that's been done that we feel like is ready to go, to a certain extent. I'd like to hear from the procurement people, Greg Pease and those people. Where are they in this? Have they reviewed it?

CM CUMBER

They helped write it.

CVP SALEM

They helped write it. Okay. Well, I wish she was here today.

CM CUMBER

I wish the administration wasn't doing a lot of things they've...

CVP SALEM

You see where I'm coming from?

CM CUMBER

No, I understand. They were there the whole time until—

CVP SALEM

The whole time?

CM CUMBER

The whole time until the election.

CVP SALEM

Well, it may be when the changeover and some of the personalities are not a part of it, it may get done. And you ought to feel good about that if it does get done, even though you weren't there to push it through. You see my point?

CM CARLUCCI



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Well, I'll take it a step further. I think maybe not everything that's been suggested. But I think some of this has to be done. I just think it's that old, and that's why I compliment you on doing it. We can't turn a blind eye to it. You have pulled the elephant in the hallway into the room. And we need to... and I'm sure our Council President will put the right hands on it, in the right timing, and so forth. I trust you [to CVP Salem] to do that. But eventually it has to come back to Council and that's our chance to make sure that it does everything you're wanting it to do, and that I want it to do. But I've seen the Procurement Code over many years be abused. I know that happens. And I've seen it used for the benefit of a few, and I'm over the few getting the constant spoils of it. I'm over it. So, thank you. Thank you very much.

CM CUMBER

Perfect. All right. Well, thank you everyone.

Meeting Adjourned: 4:17 PM

Transcribed by <https://otter.ai> Corrected by Sheri Webber, Executive Council Assistant – At-Large, Group 4, 904-255-5159, swebber@coj.net Meeting minutes are not verbatim and are not legally binding.

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