

**GOVERNMENT OPERATIONS COMMITTEE**  
**MEETING MINUTES**  
Monday, June 1, 2020

Committee Members Present:

Commissioner Andy Herod, Committee Chair  
Commissioner Patrick Davenport  
Commissioner Tim Denson  
Commissioner Melissa Link  
Commissioner Jerry NeSmith

Committee Members Absent:

Guests:

Clayton Adams, Georgia Department of Early Care and Learning  
Melissa Davis, Georgia Department of Early Care and Learning  
Julie Donahue, former ACCGov Purchasing Administrator

Staff:

Josh Edwards, Assistant Manager  
Sherrie Hines, Assistant County Attorney  
Brad Griffin, Planning Director  
Doug Hansford, Building Inspections Director  
John Spagna, Code Enforcement Div. Admin.  
David Boyd, Finance Director  
Chris Caldwell, Assistant Finance Director

Jessica Beri, Purchasing Administrator  
Toro Holt, Senior Buyer  
Annette Loggins, Financial Services Administrator  
Krystle Cobran, Inclusion Officer  
Travis Cooper, Interim I.T. Director  
Barry Fuller, Systems Analyst Supervisor

---

Committee Chair Herod called the meeting to order at 5:35 p.m.

**A. Approval of Minutes:**

Commissioner NeSmith made the motion to approve the Minutes of the April 23, 2020 meeting. Commissioner Davenport seconded the motion and it passed by unanimous vote.

**B. Commission Identified Items of Interest:**

**Home Occupations Ordinance review, including consideration of noise-creation, material and vehicle storage, and allowances for in-home child care at the (greater) population level permitted by the state (Mayor Girtz assigned to GOC on December 3, 2019)**

Commissioner Herod welcomed guests Clayton Adams and Melissa Davis from the Georgia Department of Early Care and Learning. Josh Edwards asked Doug Hansford to clarify some information that he had provided at the last meeting. Doug said since the State regulates in-home childcare, there is not a need to adopt the Building Code appendix that he referenced at the last GOC meeting.

Clayton Adams and Melissa Davis gave a presentation on services provided by DECAL and requirements for Family Child Care Learning Homes. There is concern that there is not enough child care facilities available in Athens-Clarke County. There are a total of 41 licensed programs in Athens-Clarke County and there are 6,700 kids under the age of 5. Many facilities have a waiting list.

After a brief period of discussion, Commissioner NeSmith made the motion to amend the Home Occupations Ordinance to mirror the state regulations by allowing up to 6 children to be kept as childcare for pay in a Family Child Care Learning Home.

Commissioner Denson seconded the motion and it passed by unanimous vote.

**Review and make recommendations regarding contracting and procurement activities related to minority, local and underserved businesses, to create a favorable business environment and enhance local wealth creation. This should include outreach efforts and measureable goals and tracking. (Mayor Girtz assigned to GOC on February 4, 2020)**

Commissioner Herod gave a brief introduction of the topic and welcomed guest Julie Donahue, former Purchasing Administrator. Josh introduced Toro Holt and Jessica Beri of the Purchasing Division of Finance. Josh said he, Toro and Jessica worked with Sherri Hines and Krystle Cobran to develop the presentation for tonight. He said the goal for tonight is to provide the historical context of the previous MBE program and get everybody on the same page. Toro Holt reviewed the presentation on the MBE Program.

Commissioner Herod asked Julie Donahue to share what she thought worked well, what did not work so well, and what improvements we might make, etc. Julie explained that when the MBE policy was drafted in 1994, the governing body chose to exclude female owned businesses from the policy. The Georgia Procurement Registry includes minority designations for not only specific minority groups but it also embraces veteran owned businesses, female owned businesses and disabled businesses. She said when the program started, the biggest hurdle initially was identifying those vendors that could participate in the program. Some of the issues that had to be immediately addressed was the lack of communication. Most of the minority companies that ACC was trying to do business with were working people and did not have a staff or office to receive calls and to respond to quotes. There was a lack of experience for doing business with government as a whole and, therefore Purchasing had to develop a training program to educate them on how to specifically do business with Athens-Clarke County. One of the hurdles that Purchasing was never able to get across was the area of bonding and insurance. The government has bonding in place to protect our interests, however, most minority vendors had not been in business long enough to develop a relationship with a surety company that would provide them with that access. There were also issues with vendors being able to attend pre-bid and pre-proposal conferences. Many of the vendors just simply could not provide the volume that our organization requires in procurement.

Julie said that an education training program is a must for this type of program. The role of the coordinator is much more than identifying and certifying vendors. She believed very strongly that the coordinator must be a part of the procurement team because they are familiar with the laws associated with procurement. Not only do they serve in that capacity but they will have to provide support for this group not only prior to becoming a part of the program but throughout the program. Purchasing staff found it necessary to debrief vendors any time they were not successful in a procurement event and to share with them the errors that were made so that they could be more competitive in the future.

Julie said there is one issue that she wanted to bring to the Committee's attention. She said that more and more we are finding more convenient ways to procure goods and services, including the internet. We also have access to state and federal contracts. While that is beneficial and it allows us to expedite procurement, it also serves to ostracize this group and other local area vendors from the procurement process.

Julie stated that she thinks that this kind of program, instead of being called a Minority Business Program, should have a title that embraces all vendors. The role of the coordinator cannot be emphasized enough.

Julie said that one of the things that Purchasing did on an annual basis was to develop programs in conjunction with UGA and other local agencies to host minority vendor fairs so they could familiarize themselves with government operations and become more familiar with how we actually procure our goods and services. The UGA Small Business Center, the UGA procurement department, the Hospital Authority, and the Housing Authority were a part of this event. The budget was cut in 2012 and UGA also had budget constraints. Commissioner Herod asked about the cost. Julie said we spent around \$1,000. Jessica Beri said UGA contributed \$10,000 every year and the first expo was in 2008.

Josh asked Toro and Jessica to review current actions. Toro said that because of the technology and our wide spread reach we are able to, utilizing the Georgia Procurement Registry and our own website, do a blind advertisement. This means our advertisements are sent out there with no regard to who you are, where you come from, or what your upbringing is and that, in his opinion, fulfills out policy. Right now Purchasing encourages any vendor to come and talk to them. Even though the coordinator position was eliminated, every single person in the Purchasing Office always try to encourage vendors to call with any questions. The bid list application document provides vendors with all contact information including websites.

Josh reviewed three approaches - the current approach, a proactive race neutral approach and a race specific approach. The current policy is not written as an MBE policy but a proactive race neutral approach. The program could include the MBE focused position, focus on data collection in a more meaningful way with more capacity, development of programs to encourage access and recruitment, and revisions to the RFP language and process to make it more accessible and understandable. If the Committee chooses to be more race specific, it would require a disparity study.

Commissioner Link said that she is in favor of a race specific approach to bring equity into our local culture. Commissioner Denson agreed but asked about legal issues. Sherrie Hines said that any time you are advocating that a decision be made based on race, gender, or any other protected class you are opening yourself up to a challenge. For other communities that are doing this, there is a good chance that either they have done a disparity study or have some sort of documented long term history that makes it appropriate for them and that they can look at objectively to prove, or they haven't been challenged yet and they are rolling the dice and hoping they don't get challenged. There is a big risk, especially when you are talking about large government contracts, because if some contractor alleges that we didn't give this white, male-owned business a 5 million dollar contract and we instead gave it to someone else unlawfully, we are looking at damages of a significant amount.

Commissioner Denson asked if we could include the race specific approach and do a disparity study. He said he could imagine that study could be helpful in many ways other than the MBE program. Krystle said that one key thing it could help us do is establish a base line. In the process of creating the Inclusion Office, one of the things the task force was interested in is creating a basic accountability mechanism. The disparity study would help identify some key variables that they could begin to track moving forward. May be able to take a retroactive look also.

Commissioner Herod asked what a disparity study entails and could we implement both the proactive race neutral approach and the disparity study. Josh said they have started to identify some studies in the state of Georgia and staff will become more knowledgeable as we have discussions with these communities. What a disparity study will do is look backwards and say what has your government done in terms of the past to award funding to minority and women-owned businesses. At the same time, the consultant will be trying to develop the current status of MBEs in the community. They will be looking at Athens-Clarke County and get that base line data and will compare current state numbers of businesses to who has gotten past contracts. Many studies that staff has looked at have offered recommendations on approaches. Toro said there will still be a need for someone to interact with the community and there is no amount of data that can replace this. Toro said that with the software upgrade that Finance is considering, staff will have different data points that they will be able to look at.

Commissioner Link asked what role could the Economic Development Department have in small business development. Josh said that if the core challenge as a community turns out to be that there are not businesses in certain sectors, then the work force development group could focus on those areas. Purchasing has not worked with the Economic Development Department but are willing to.

Sherrie said that the disparity study is essential and critical to a race specific approach. She said you cannot lawfully have a race or gender based program without it. Sherrie said that the proactive race neutral approach is critically important because it can provide information as to why we would need a race specific approach.

Krystle said that she had a conversation with Economic Development Director Ilka McConnell and they are preparing to hire for two positions. One is a small business entrepreneurship position and the other is a workforce development coordinator.

Commissioner Herod asked if we wanted to reconstitute the position of MBE coordinator what is the cost? David Boyd said with benefits, upper \$50,000 or \$60,000 if you hire them at starting salary. David also said that it might be best if we develop a program to see if we can carry out the program without adding additional positions. There is a vacant buyer position in Purchasing that they are looking at reallocating to a higher level senior buyer which would also be a senior level supervisory backup position to the Administrator. This person could fill a lot of the reporting and data collection, working in concert with the other Senior Buyers. David said that using the staff that we have and the reallocated position, staff should be able to divide the responsibilities up to meet the requirements of the policy or program.

Commissioner Link said that she thinks it would be worthwhile to begin implementing the approach of data collection, developing programs and RFP language and putting the disparity study out to bid. At the very least start with the internal stuff like the data collection and RFP language and programs to encourage access and recruitment and prepare ourselves for budgeting the position and the disparity study. If funding is available in the FY21 budget, she thinks we should focus on the disparity study. Commissioner Denson agreed with this approach to do the things in #2, outside of the MBE position, and putting bids out for a disparity study and maybe doing a budget amendment later in the year to fund the disparity study.

Commissioner Herod asked if staff can proceed with the areas listed under Option 2 (the Proactive Race Neutral Approach) without a MBE position. David said that once the vacant position in his office is filled, staff would be able to move ahead with Option 2.

Commissioner NeSmith said he liked both Option 2 and 3. He would also like to help local businesses.

Commissioner Herod asked staff if they could prepare a recommendation to the Mayor and Commission that allows us to basically do the data collection, the programs to encourage access/recruitment, and more accessible RFP language/process as listed under Option 2 that would put us in a good position for moving on with Option 3 later on.

Staff will bring more information back to the next Committee meeting about the disparity study after they do some more research.

Commissioner Herod made the motion to recommend to the Mayor and Commission to move ahead with the following elements of the Proactive Race Neutral Approach: data collection, programs to encourage access/recruitment, and development of more accessible RFP language/process with the anticipation that we will also do a disparity study in the future. (This recommendation does not include hiring a MBE Coordinator.)

Commissioner Link seconded the motion and it passed by unanimous vote.

**Review of short term rentals: tax payments same as hotels; possible permitting process; health and safety related issues (Mayor Girtz assigned to GOC on November 5, 2019)**

Josh stated that the draft RFI document has been sent to the Committee members for their review. Commissioner Denson asked about the necessity based on recent legislation. Sherrie said that the one statute that passed only refers to sales tax. It does not refer to the Hotel/Motel tax. She stated that the one thing this program could provide to us is helping with things like enforcement and requiring business licenses, things that we could pursue. The one piece of legislation intending to require these market place facilitators to pay hotel/motel fees and taxes hasn't gone anywhere since March, so waiting to see if anything happens with it.

Commissioner Herod said he read through the RFI and does not see any reason not to send it out. Committee members agreed.

Commissioner Herod made the motion to send the RFI out. Commissioner NeSmith seconded the motion and it passed by unanimous vote.

The meeting adjourned at 7:30 p.m.