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LAW AND LEGISLATION COMMITTEE MINUTES

Date: April 18, 1995
Time: 1:00 p.m.
Place: City Council Chamber
915 "I" Street
Sacramento, California

The meeting was called to order at 1:03 p.m.

In attendance were Chairperson Ortiz, Committee Members Fargo, Cohn and Steinberg.

The Committee considered the consent calendar:

1.0 CONSENT CALENDAR

ALL ITEMS LISTED ON THE CONSENT CALENDAR ARE CONSIDERED AND ACTED UPON BY ONE MOTION. A MEMBER OF THE COMMITTEE OR STAFF MAY REQUEST AN ITEM TO BE REMOVED FOR SEPARATE CONSIDERATION.

1.1 Summary of State Legislation

RECOMMENDATION OF STAFF: For Information Only

1.2 AB 457 (Ducheny): Housing: Substandard Buildings

RECOMMENDATION OF STAFF: Support Legislation

1.3 AB 486 (Goldsmith): Delinquent Utility Liens

RECOMMENDATION OF STAFF: Oppose Legislation

1.4 SB 107 (O'Connell): 1995 Flood Disaster Relief

RECOMMENDATION OF STAFF: Support Legislation

1.5 SB 91 (Thompson): 1995 Flood Disaster Relief

RECOMMENDATION OF STAFF: Support Legislation

Mike Coleman, Senior Management Analyst gave a brief description of each of the above bills and explained where it currently stood and what position the City was taking. Mike will give the Committee a weekly update on the legislation pending.

2.0 STAFF REPORTS

2.1 Affirmative Action in Hiring and Contracting

- A. Affirmative Action Committee
- B. M/WBE Staff Report

Ken Fleming, Affirmative Action Officer, briefly explained his report which was endorsed by the Affirmative Action Committee. He said that the Affirmative Action program needs to be reviewed and modified. We need to review the Affirmative Action program and advance it with the times.

The Chair of the Affirmative Action Advisory Committee said that today we need to look at our work force. We have diversity, but at what levels. A resolution was read into the minutes and the Committee was asked to approve and forward on to Council.

Committee Member Cohn stated that President Clinton made a statement about reviewing our Affirmative Action Program to see if it is meeting the goals. President Clinton suggested that we eliminate those Affirmative Action program which we are not meeting those goals. Cohn wants the City to do an analysis to see if our programs are working the way they were intended.

Ken Fleming assured Committee Member Cohn that the City was doing things on an on-going basis.

Committee Member Cohn said that it was good to review work. Currently the politics are so against the Affirmative Action program that it is imperative that we do our homework. We must be able to show that we are reducing disparity. Cohn said that it was a proven fact that women and minorities make less money.

Ken Fleming stated that there is a lack of education regarding what Affirmative Action is. There are lots of myths out there. We have to educate. He brought up the impact of the "Glass Ceiling" report.

Chairperson Ortiz said that this item should come back to Committee from time to time. It is critical to use this committee as a forum.

Charlotte Boussard of M/WBE briefly described the report dealing with the the business side of this legislation. She explained that the chief objective of the City's M/WBE program is to remedy the effect of past discrimination as found in the Croson study by assisting certified M/WBE firms with identifying and participating in the City's procurement and contracting.

Jim Block the Chair of the M/WBE Committee, said that when businesses that have been granted a M/WBE contract, then hiring goes up in that community. He stated that Affirmative Action was not hiring unqualified people.

Committee Member Fargo stated that she felt that we were basically moving in the right direction over and that she is supportive of the general comment. She also cautioned of taking blanket action. Some programs do need to be changed. She supported fair changes because in some cases changes are warranted. Fargo asked whether this legislation precluded the City from continuing with its programs that were working. She also asked if this was another example of the State mandating us to do something we do not want to do.

Committee Member Cohn said that we should be careful of saying it is a local issue. Equal rights are not local. Bills may be preempted by the Federal Constitutional law.

Jim Block was asked about public input in this matter. He said that the Committee sent our mailings and notices regarding the Affirmative Action issues. He got a representative turnout. He also got some other points of view.

Committee Member Cohn stressed that we should not be rigid. 90% of the revisions are supportable but we must be very careful in our language. It would not be wise to throw out a blanket to defend every Affirmative Action program that exists.

Committee Member Fargo asked why two resolutions were presented. Wouldn't it be easier to understand to have only one resolution. The programs are related.

Chairperson Ortiz stressed that this Committee hearing was the public opportunity to have their concerns addressed.

Committee Member Steinberg stated that he was in support of the intent of the resolution and given our knowledge regarding the City's practices, could support the City's programs. He wanted the language changed to allow the ability to go through and evaluate a program. He wanted the resolution rewrote.

The Committee will forward the resolution on to Council as one resolution. The Committee voted on the intent only. At the full Council meeting they will carefully read the resolution.

The Committee voted as follows:

MOVED:	Fargo
SECONDED:	Steinberg
AYES:	Ortiz, Fargo and Steinberg
NOES:	Cohn

The meeting was adjourned at 1:55 P.M.



DEBORAH ORTIZ
Committee Chairperson



MARTI FLORES
Secretary