

# EQUAL BUSINESS OPPORTUNITY COMMISSION

## November 04, 2020 Meeting Minutes

ITEM	DISCUSSION	ACTION
	<p>Meeting held through conference call.</p> <p>Nancy Briguglio called the meeting to order.</p>	<p>Meeting called to order at 2:04 pm</p>
<p>Minutes: August 04, 2020</p>	<p>Nancy Briguglio called for approval of the Minutes.</p> <p>Minutes: Nathaniel Alston moved that the Minutes be approved, the motion was seconded by Roger Barnes.</p>	<p>Unanimously approved</p>
<p>Certifications: August 04, 2020 through November 03, 2020</p>	<p>Roger Barnes moved that the applications be approved; the motion was seconded by Sharon Pinder.</p>	<p>Unanimously approved</p>
<p>Disparity Study</p>	<p>Discussions and member comments:</p> <p>Nancy Briguglio welcomed Deputy Chief of Staff, Jennifer Jones and Assistant Chief Administrative Officer, Janssen Evelyn to the EBOC meeting.</p> <p>She mentioned that County Executive Calvin Ball met with herself, Roger Barnes and Nathaniel Alston recently at the Diversity and Inclusion subcommittee meeting, and as a follow up to that meeting, both Jennifer Jones and Janssen Evelyn were representing the County Executive's office. This was so that both of them could address the commission about the County's view and considerations on the pros and cons of Howard County embarking on a disparity study, a recommendation of which was the topic of consideration by the EBOC.</p> <p>Janssen Evelyn thanked the EBOC on submitting their FY2020 Annual Report. He mentioned that the County Executive had a conversation with Nancy Briguglio, Roger Barnes and Nathaniel Alston few days after the report was submitted. The County Executive wanted to briefly share his thoughts and some data on the work that has been done over the years, progressing towards the goals and objectives of the EBO program, and the opportunities that this program has brought for EBO firms.</p>	

Janssen mentioned that one of the potential concerns and drawback of having a disparity study was that it may result in possibly lower purchasing protection for EBO businesses. With aspirational EBO goals, the County had the flexibility to incrementally increase the percentages, which the County has proactively done in the past, and can continue to do so in the future as well.

He shared some comparable data on MBE goals in surrounding jurisdictions, and mentioned that in reviewing and comparing similar preference programs in surrounding jurisdictions, our EBO program goals and initiatives match or exceed other jurisdictions which have conducted disparity studies.

He added that the County Executive values the important role of minority, woman and disabled business enterprises and creating continued opportunities for such firms. He did not want the commissioners to misconstrue that the County Executive was not in favor of a study, but wants to look at the purchasing data, EBO utilization and have a discussion with the commissioners accordingly.

Janssen added that surrounding jurisdictions that have conducted a study, still don't have individual goals for a particular race or gender, they have an overall MBE / EBO goal that includes all EBO groups and types, similar to what Howard County currently includes in our EBO program.

Nancy Briguglio thanked Janssen for his comments and views regarding the pros and cons of a study, and asked the commissioner for their thoughts.

Roger Barnes mentioned that he also comprehends the current situation being in the middle of a pandemic and the huge contraction that economies are facing up against. He added that the role of the EBOC was to only make a recommendation and for the County Executive and County Council to decide the budgetary and economic impact of such a recommendation. He added that this was a sensitive topic and that each commissioner be comfortable in their own judgement.

Nancy Briguglio mentioned that the only downside she saw was the financial and economic side of it in terms of expenditure in conducting a study.

Nancy asked Sharon Pinder if in her experience with such programs, whether there would be any unintended consequences of conducting a disparity study. Ms. Pinder mentioned that she could not think of any. She added that you have to avoid court challenges to the program and have the data of

an independent disparity study to support your justification for preference for a particular demographic.

Neil Madan mentioned that a study would be a beneficial add on to support such initiatives and preferences. And address if there is discrimination in contracting activity.

Nathanial Alston mentioned that a disparity study will serve as a benchmark as to where we are and where we need to go. He added that a study will also help address the issue of waivers.

Cyndi Gula mentioned that an independent study will help to establish that what we are doing is making a difference.

Nancy Briguglio asked Constance Tucker if we could make the EBO goals mandatory. Constance mentioned that having mandatory goals won't survive a constitutional challenge, if there was not a disparity study in place that also justified and concluded that mandatory goals were necessary.

Nancy Briguglio mentioned that one of the unintended consequences that the County mentioned was that a study could end up with recommending lower goal thresholds than currently in place. From an overall goal of 20% a study may recommend 16% for example. So, maybe we are fine where we are also comparing our goals with other surrounding jurisdictions.

Nancy inquired with the commissioners about their thoughts after the insights that Janssen and Jennifer had shared.

Sharon Pinder stated that she would not see any reason why a study should not be done. Neil Madan mentioned that he agreed with Sharon and Roger that having a study will be a strong benefit.

Jason Peay mentioned that he supported the idea of conducting a study, which will also look at the reasoning of firms that say they can't find EBO firms and request waivers.

Jennifer Jones mentioned that our EBO goal is 20% and we always strive to exceed that goal, even without a disparity study. She added that the County is continuously trying initiatives to exceed that goal and create opportunities for EBO firms. And even with the pandemic, the EBO program has been one of Dr. Ball's top priority.

	<p>Roger Barnes asked that each commissioner give thought on their recommendation. He mentioned that he respects the County's views, but his views had not changed and that he would move forward with the recommendation for a study and maybe this current or future County Council can take a decision on the recommendation.</p> <p>Nancy asked the commissioners to circle back with their recommendations.</p> <p>Janssen thanked the commissioners for their continued time and dedication to our County's EBO Program.</p>	
Purchasing Reports	<p>Mahesh presented the Purchasing Report which included statistics for FY 21 1<sup>st</sup> Qtr. Various sections of the report to include: EBO participation, waivers and outreach were discussed.</p> <p>Cyndi Gula asked if there was an update on a new County website. Dean mentioned that the County was in the process of revamping the full website. She provided some suggestions for the EBO webpage. Mahesh mentioned that he would definitely look in to it and thanked her for the feedback.</p> <p>Vernon added that the Office of Purchasing and Economic Development were collaborating and working together in pushing out each other's initiatives for businesses out there.</p>	
Adjournment of Meeting at 3:20 pm	<p>Motion to adjourn by Nancy Briguglio.</p> <p>Next regular EBOC Meeting scheduled for December 01, 2020 at 9:00 a.m.</p>	

**EBOC MEMBER ATTENDEES:**

1. Roger Barnes (conference call)
2. Margaret Kim (conference call)
3. Nathaniel Alston (conference call)
4. Nancy Briguglio (conference call)
5. Neil Madan (conference call)
6. Jason Peay (conference call)
7. Cynthia Gula (conference call)
8. Sharon Pinder (conference call)

**ABSENT:**

1. Shahan Rizvi

**NON-MEMBER ATTENDEES:**

1. Jennifer Jones (conference call)
2. Janssen Evelyn (conference call)
3. Dean Hof (conference call)
4. Mahesh Sabnani (conference call)
5. Constance Tucker (conference call)
6. Vernon Thompson (conference call)