

**GOVERNOR'S COMMISSION
ON
MINORITY AND WOMEN'S BUSINESS ENTERPRISES**

**March 13, 2006
MINUTES**

The Governor's Commission on Minority and Women's Business Enterprises met on March 13, 2006 at 1:00pm, in the Indiana Government Center South, Conference Center Room B, in Indianapolis, IN.

ROLL CALL

Commission members present:

Charles Garcia, G. M. Construction Company
Earl A. Goode, Commissioner, Indiana Department of Administration
Tony Kirkland, Executive Assistant Governor Mitchell E. Daniels
Rae Pearson, Alpha Rae Personnel
Pam Fisher, Michael Maurer Designee, Secretary of Commerce
Nell Hill, Caesars Indiana
Martha Kenley for Thomas Sharp, INDOT
Sylvia Trotter, Trotter Construction Company

Commission members absent:

Billie Breaux, Indiana State Senator
Gregory Porter, Indiana State Representative
Priya Wharton, Tri-Star Engineering
Angela Faulkner, Target Strategies
Gary Gibson, Gibson & Associates, LLC
William Harmon, Harmon Construction

CALL TO ORDER

The meeting was called to order by Chairman Tony Kirkland. There were not enough committee members present to establish a quorum.

CHAIRMAN KIRKLAND WELCOME

Chairman Kirkland welcomed the commission members and the attendees. Chairman Kirkland recognized there were not enough committee members to establish a quorum.

DEPUTY COMMISSIONER'S REPORT

Claudia Cummings, Deputy Commissioner for Minority and Women Business Enterprises Division, gave the Deputy Commissioner's Report which was handed out to all commission members prior to the start of the meeting.

- Commissioner Pearson had a question regarding the percentage goals for Minority and Women Businesses. She wanted to know if those had changed or remained the same since the last commission Meeting

- Deputy Commissioner Cummings answered that those percentage goals had remained the same and would not be changed without the approval and vote of the commission.
- Commissioner Charles Garcia had a question regarding certification. He wanted to know if there were still going to be 2 separate programs for the certification of DBEs and MWBEs.
 - Deputy Commissioner Cummings answered that there would be 2 separate programs. That DBE is a federal program for federal dollars and more stringent and MWBE is a state program for state dollars, so INDOT will manage the federal program and MWBE will manage the state program, so as a result there would be 2 separate certification processes.
 - Discussion proceeded on the two programs moving forward together. Martha Kenley from INDOT stated that it might be possible to pass on information for the DBE certification to the MWBE.
- Commissioner Charles Garcia asked if there were two separate applications for the DBE and MWBE.
 - Deputy Commissioner Cummings answered that there are not two separate applications.
- Commissioner Earl Goode stated that in relation to compliance audits, they are trying to manage the compliance to the committed dollars. There is no guarantee that if the sub doesn't fulfill the quality expected that the prime doesn't have the right to get somebody else. It is important that the subcontractors perform to the satisfaction of the prime.
- Commissioner Rae Pearson had a question regarding subcontractors and primes. She wanted to know if MWBE had seen any instances where the primes, who already had a certified MWBE subcontract, were awarded a contract and then switched to someone they are used to working with.
 - Deputy Commissioner Claudia Cummings said she was not aware of that type of occurrence taking place. But if that instance did occur they would investigate why the current subcontractor on the contract couldn't be used and then make sure they were replaced with another certified subcontractor.
 - Commissioner Rae Pearson stated that she wanted to inquire about this and thought it would be good to have any such occurrences brought to the attention of the Commission.
- Commissioner Nell Hill had a question regarding whether we were auditing the committed and not the spent.
 - Deputy Commissioner Claudia Cummings stated that we are auditing the spent against what has been committed.

Chairman Kirkland commended Deputy Commissioner Claudia Cummings on a job well done. Chairman Kirkland also went on to commend Engaging Solutions for their success with Stadium Contracts. Chairman Kirkland made mention that the Indianapolis Black Pages had put out the complete directory of certified MWBEs.

Deputy Commissioner Claudia Cummings noted that there was not a quorum present to vote to approve the meeting minutes from the last two commission meetings or the Report to the Governor and Legislative Council, which is to be done semiannually. Deputy Commissioner Claudia Cummings stated that in order to forward the Report on, the Report needs to be ratified by the commission. She asked to send draft copies to Gov and Leg. Council, send cover letter stating they are not officially ratified. The deadlines are passed to send them on.

Commissioner Charles Garcia recommended that the draft of the Report be forwarded on to the Governor and the Legislative Council. Commissioner Rae Pearson agreed.

REPORT TO THE GOVERNOR AND LEGISLATIVE COUNCIL FOR MARCH 1, 2005 TO OCTOBER 1, 2005

On March 1 and October 1 of every year, the commission must prepare a report for the Governor and Legislative Council that summarizes of the work that the division has done over the past six months. A copy of this report was handed out to all members of the commission before the meeting and covers March 1, 2006.

- The report covers the progress made in the following areas:
 - Increasing Participation by Removing Barriers
 - Marketing and Communication
 - Increasing Capacity and Certification
 - Monitoring Participation
 - Data Collection Challenges and Participation Reports

- Commissioner Pearson added that she was impressed with the report and feels very secure in regards to the integrity of what the commission is all about.

OLD BUSINESS

DBE Certification Update

- Chairman Kirkland opened the discussion for DBE Certification Update.
- Martha Kenley passed out a list of pending DBEs to all members of the commission before the meeting.
 - Building DBE staff
 - Trying to streamline the division in order to bring on an intake person to gather documents and answer phone calls.
 - The process is going fairly smooth.

NEW BUSINESS

Data Collection System

- Deputy Commissioner Claudia Cummings delivered the Data Collection System report in place of Wendy Orange who was absent.
 - Commissioner Sylvia Trotter wanted to know if everyone was going to be on Peoplesoft and accessible. Deputy Commissioner Cummings answered in the affirmative. The Full Financial piece in regard to MWBEs has not been fully designed yet.
 - Chairman Kirkland stated that they would continue their work on this and commended Deputy Commissioner Cummings on a job well done.
- Chairman Kirkland opened discussion on how commissioners can make a difference in their community.
 - Chairman Kirkland stated that one thing to look at was, as the commissioners travel to different parts of the state, how they represent themselves and the Commission.
 - Deputy Commissioner Claudia Cummings mentioned that she had discussed talking points being put together for various subjects which the commissioners would like to know more about as well as placing the commissioners' bios and photos on our website. This would give people out in the community more access to the commissioners and would allow them to know who the commissioners are.
 - Deputy Commissioner Cummings went on to emphasize the importance of the Commissioners working with the MWBED business relations individual in their region.
 - MWBED employee Paula Vandevanter suggested that the commissioners contact information be published in the newsletter. That suggestion was given affirmed by Martha Kenley and Commissioners Charles Garcia, Rae Pearson, and Sylvia Trotter.

- Commissioner Goode inquired as to whether the commissioner members were used as hosts for events in their region. Deputy Commissioner Cummings replied that they were not, but that would be a great idea.
- Commissioner Garcia stated that as commissioners, they are very committed to doing what is best for the state and their representative areas.
- Deputy Commissioner Cummings stated that we would work on having the commissioners serve as hosts and getting their information on our website and in our newsletter. Deputy Commissioner Cummings also asked if there was a specific subject the commissioners wanted to be put into talking points
 - Commissioner Rae Pearson answered that one subject they get a lot of questions about is INDOT certification and stated it was something that they needed to know more about.
 - Commissioner Charles Garcia answered that having a blurb on a monthly basis covering current issues would be good.
 - Commissioner Sylvia Trotter suggested updating the commission monthly, so they are up to date when they attend the commission meetings.
 - Martha Kenley stated that she could forward to Deputy Commissioner Cummings the MW/DBE side by side to share with everyone else.
- Deputy Commissioner Claudia Cummings stated that they realized they had neglected to pay the commissioners for their travel expenses and will be getting out those documents for the commissioners to sign and return to us.
- Deputy Commissioner Claudia Cummings confirmed that the commissioners were receiving the email send outs from MWBED.
- Deputy Commissioner Claudia Cummings opened discussion on Non-profit certifications.
 - Deputy Commissioner Cummings began the discussion by stating that when she first came on Non-profits were being certified. However, the only reference to Non-profits is who should sign the document which can be found in the Indiana Administrative Code. The requirement that the owner have interests in profits and losses and assets is in the statute passed by the General Assembly.
 - Deputy Commissioner Cummings stated that she would think that statute takes precedence.
 - Deputy Commissioner Cummings introduced Judge Scott.
 - Deputy Commissioner asked the question: Should we be certifying non-profits?
 - Deputy Commissioner Cummings read the current 6 certified non-profits:
 - Indiana Black Expo
 - Community Action of Indianapolis
 - Indiana Latino Institute Inc
 - The Sisters of St. Francis Health Services for Alternative, Holistic Medicine and Herbal Drugs
 - Phoenix Education and Training
 - Indiana Minority Health Coalition
 - Commissioner Rae Pearson stated that our department is for Minority and Women Business Enterprises. Non-profits and Enterprising Businesses are not the same. She stated that for discussion purposes she would vote that we do not certify Non-profits.
 - Commissioner Sylvia Trotter stated that her question would be: Why did they want to be certified?
 - Commissioner Rae Pearson stated that policing Non-profits is not something our department is going to want to undertake.
 - Judge Scott stated that what the commission has to answer is if the statute the General Assembly adopted permits that kind of certification. In regard to non-profits, reaching the definition of ownership and control is going to be very difficult. The commission is limited by what the statute states they can do with certification. With the language in the statute dealing with ownership and control, it is hard to fit non-profits into that category.

- Commissioner Earl Goode stated that even though a quorum was not present, they could still ask the commission what direction they wanted to take. When a quorum was present, they could then vote to affirm that or vote to send it in another direction.
- Judge Scott stated that it was important to read the language of the statute and then decide your course of action, whether that be to support the statute or ask the General Assembly for an amendment.
- Commissioner Goode asked for a clear presentation of the statute to be sent to the members. Then have an agenda item for the next meeting affirming this or taking another course of action.
- Commissioner Sylvia Trotter felt it was important for the commissioners to read the statute and then come back and discuss it.
- Judge Scott thought it would be helpful to inform the non-profits and invite them to the next meeting to hear their perspective and then determine the commission's stand after hearing all sides of the issue.
- Deputy Commissioner Cummings stated they would hold off on any action until a decision is made by the commission.

The Commission then took public comments from the audience.

ADJOURNMENT

Meeting adjourned at approximately 3:00pm.

Respectfully submitted,

Sheri Leeman
Commission Secretary