



Business Enterprise Council
OUTREACH SUBCOMMITTEE MEETING
Wednesday, May 29, 2019
1:30 pm – 3:30 pm
Room 4-404
Via Teleconference Number - 888-494-4032
Access Number - 2587213722

Minutes

SUBCOMMITTEE COUNCIL MEMBERS IN ATTENDANCE

Hedy Ratner, Karen Eng, Alex Bautista, Emilia DiMenco, and Bola Delano

SUBCOMMITTEE COUNCIL MEMBERS NOT IN ATTENDANCE

Jesse Martinez and Khari Hunt

OTHERS IN ATTENDANCE

N/A

COUNCIL SECRETARY

N/A

CMS STAFF IN ATTENDANCE

Terrence Glavin



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AGENDA

- I. Welcome
- II. Call to Order
- III. Roll Call
- IV. Posted Business
 - Approval of September 25th, 2018 Outreach Subcommittee Meeting Minutes
 - Approval of November 27th, 2018 Outreach Subcommittee Meeting Minutes
 - Approval of February 20th, 2019 Outreach Subcommittee Meeting Minutes
 - Approval of March 26th, 2019 Outreach Subcommittee Meeting Minutes -will be approved at the next meeting
 - Update on BEP Council Member Attendance Policy (including phone participation)
 - Update on Access to Analytics to Define Data that will Help Measure Success
 - Update on BEP One Pager
 - Update on the BEP Onboarding File
 - Update on Survey Monkey
 - Update on the Promotion of BEP Events by Council Members
 - Update on Inviting Agency Directors with High Spend to Come Before the Council
 - Outreach Update
- V. Define Action Items
- VI. Suggestions for Full BEP Council Meeting Agenda Item(s)
 - Next Council Meeting – June 24th, 2019
 - Next Subcommittee Meeting – August 19th, 2019
- VII. Public /Vendor Testimony
- VIII. Adjournment



I. Welcome

Chair DiMenco welcomed everyone to the meeting.

II. Call to Order

Chair DiMenco called the meeting to order and requested a roll call.

III. Roll Call

Roll call conducted. Quorum was established.

IV. Posted Business

- **Approval of September 25th, 2018, November 27th, 2018, and February 20th, 2019 Outreach Subcommittee Meeting Minutes**

Vote taken and the minutes for September 25th, 2018, November 27th, 2018, and February 20th, 2019 are approved. The minutes for March 26th, 2019 will be approved at the next meeting.

- **Update on Business Enterprise Council Member Attendance Policy**

Chair DiMenco stated there is a draft of what the Attendance Policy should be, and all the Outreach members should have copies as well. Counsel Glavin read the Attendance Policy to the committee.

Chair DiMenco said it is unlikely that a member is absent for three (3) council meetings. She said notification is critical. Member Delano talked about having alternates. Counsel Glavin said the Outreach Subcommittee must be careful regarding alternates because this is an appointed council. Regarding proxy, he cautioned the Outreach Subcommittee to make sure the proxy is not deviating from policy. Chair DiMenco gave an example of an ill member who is committed to the Subcommittee and said the Subcommittee needs to let the Governor know this member is valuable. Chair DiMenco said the Outreach Subcommittee must keep track of the attendance of the member so that there is no Attendance Policy abuse.

Member Delano said she represents an agency, so if she cannot attend, she should be able to send someone to represent the agency. She said that is the difference between agency and non-agency appointments because the members are appointed by the Governor and the members are external. Counsel Glavin said he believes that is consistent with the policy, but he does not believe that applies to non-agency appointments. Chair DiMenco asked Counsel Glavin if it can be specified in the Attendance Policy draft that an agency can identify one or two individuals in the case they are unable to attend the meeting. Member Eng expressed caution over the use of proxy in relations to voting. Counsel Glavin said if the member is non-voting it should not be an issue. Counsel Glavin stated the Attendance Policy is easier for the agency but said he would like



to further contemplate. He stated this idea would be good to have memorialized in the Attendance Policy and have it work for non-attendance. Counsel Glavin stated the goal is to have the Attendance Policy ready for the full Council meeting or the Subcommittee meeting. Chair DiMenco said unless there is a major adjustment it can go to the full Council meeting. Member Bautista said he would like to see a draft within two weeks so that people with comments can express them before it heads to the full Council. Counsel Glavin said we can send an email to the members, since it is in a draft form going to the Council. He said if by chance there are no comments, by unanimous consent, it can be sent to the full Council. He also said if there are any objections they can be communicated by email. Chair DiMenco said they should give it a try and see how it goes.

Member Bautista sought clarity on the issue of Full Council, subcommittees, and Special Committees. Counsel Glavin explained the differences to him. Member Bautista also discussed two instances where one can be in breach of this policy. The first instance has to do with consistent absences without notifications. The second instance is when even with notification, if you are absent for three sessions, you are in breach. He said this applies to all three types of meetings. He wants to know how this breach will be determined. Chair DiMenco said we should keep reading the document to see whether we will need additional documents to deal with that.

Member Ratner wanted to know whether there needs to be a ruling or the policy on phone participation. She said she is away during the winter but always participates via phone. Chair DiMenco said she thought in the past the Subcommittee had voted to allow the person using the phone to participate. She wants to know whether the document must specifically state that and whether it must be voted on by the Subcommittee or Council for participation at the time of the meeting. Counsel Glavin said no because approved attendance is attendance whether you are in person or not. He said if phone attendance must be memorialized, that is a separate matter that should be addressed. He said if you are voting on it at every meeting, it does not have to be in the By-Laws and it is fine. He said if you are going to start voting on it on a case by case basis, then you will have to memorialize it in a formal action.

Member Bautista made a comment regarding absences for the meetings. He said he is never absent at the large body meeting, however recently he has been absent once or twice for the Outreach Subcommittee meetings. He wants to know who should be notified in the event of an absence. Chair DiMenco said Counsel Glavin should be notified. Counsel Glavin stated he is not the Secretary, but his position is the Acting Director for BEP, therefore, he is Acting Secretary as well. Member Bautista said Counsel Glavin should email all Subcommittee members and disperse to the Chair. Member Delano said for the sake of clarity, Elias should be responsible to inform the Chair. Chair DiMenco said given Elias's situation, the notice should be given to higher-ups because it is about the attendance, quorum, and minutes. Counsel Glavin said whomever it is, the Secretary is the individual that should be responsible for the attendance. He said the Secretary will give notices to the Chair and to all the subcommittees. Member Delano asked if Counsel Glavin is not available who should get the notifications and inform the Chair. Counsel



Glavin said that is a valid point, because he is not always in his office, but agreed that the higher-ups with more accountability should deliver notifications to the Chair but make sure Elias has some input.

Chair DiMenco asked Counsel Glavin if he was out of the office for several weeks would someone be able to access his emails. He said yes. He said the notifications can be handled by the Secretary and Elias will be there for support.

Chair DiMenco said when this topic was generally discussed at the Council meeting, there was lots of grumbling and she believed the Subcommittee is going to get a lot of push back on this topic. Member Delano said this needs to be done because they were appointed for their expertise and interest in BEP. Member Delano said the Subcommittee needs to make it very clear that the member is not appointed just to say they are on the BEP Board. She said the member is appointed to contribute to the BEP program and the agenda for State Government. She said we will get push back but it must be done. Chair DiMenco said it is good practice. She further said members should sign a commitment letter. She said this is done at the Tollway. Member Delano agreed.

Member Bautista said he likes to legislate for the future not persons. He said being reliable is irrelevant and regulating to the Council Secretary. He said there should be clear responsibilities carried out by the Secretary and that the individual should be given the discretion to determine what is best. He said we must recruit members who must conduct themselves in ways to be flexible but accountable. He stressed that he would like to have a Council that is engaged. He emphasized that the real goal is consistency, communication, and expectation. He said there needs to be an accountable mechanism. Counsel Glavin asked Chair DiMenco whether she would like to work with him on this draft before a unanimous consent vote is sent out via email to all the members. She agreed.

Chair DiMenco said the issue of extended illness has been addressed with this document. Member Eng did not agree with the Attendance policy language, because she does attend a lot of Subcommittee meetings, and she is a participant not just a body. She said when she is absent it is due to her business. She does not want to be penalized because of absences. She said this is just a recommendation. Chair DiMenco said there are always special circumstances that must be taken into consideration. But she explained that outside of illness, she thinks not being able to attend for six months will be an issue. She said this is not intended to be punitive but there should be some parameter around this issue. She stated there being some people that have not been attended for nine months. Member Eng want to know whether this is only a recommendation or an absolute. Chair DiMenco said what is a recommendation is going to be presented to the Governor. She said what would be an absolute is what will be required before we put it in front of the Governor. She said this policy will be at the discretion of the Governor. She said the problem we have is everybody has something else to do. She said her view is if one does not have the time to do this, that is understandable. She said unless an absence is temporary or unforeseen, people should be attending the meetings. She stated she has missed



meetings but has not missed three (3) consecutive meetings. Chair DiMenco said there are six (6) meetings in a year the Outreach Subcommittee members attend. She further said if a member missed two (2) meetings, and the member attended a meeting and missed the next (2) meetings, they are still in compliance even though that member has only attended (2) meetings a year. Chair DiMenco said the member is still part of the committee and the member is in compliance. Chair DiMenco said Member Eng's point is valid regarding some members sitting on multiple subcommittees. She wondered aloud if it would be wise to reduce the amount to subcommittees one is a part of.

Counsel Glavin said maybe there is a way to craft this issue considering your attendance on the subcommittee's level. He said for example, if the member is missing one (1) subcommittee meeting all the time, the member is disrupting the subcommittee business. But, if the member is evenly dispersing their absences across the subcommittees, the same number is quite a bit less disruptive to any one (1) subcommittee meeting. He said perhaps there is a way to craft this issue so that if the member has a certain amount of time, and the member is going to be busy, and the member does the best they can by scheduling so that they are not absent too often at subcommittee meetings, and is not disrupting the Subcommittee business, then this would be acceptable.

Member Bautista said he is happy with the Attendance Policy relating to people missing the larger group's meeting for three (3) consecutive meetings. He said that is a public forum with the public present and therefore should be taken quite seriously. Member Delano reminded everyone that the objective of the Attendance Policy is that lazy members should be removed. She said Member Eng has been committed as well as herself and therefore this would not be applying to her. She said members should not forget why the Attendance Policy is needed. She said the subcommittees have had members who have not attended a meeting in a year. She said the Outreach Subcommittee needs to make sure that members are accountable for not attending the meetings. She said the Outreach members need Member Eng on the Subcommittee, and that the Subcommittee is not targeting Member Eng, because as she mentioned earlier, if she must travel for her business, she will notify the Subcommittee. She said the Subcommittee knows that Member Eng cannot attend the meeting and told Member Eng the Subcommittee understands the nature of her business.

She said the problem is with the other members is that do not notify the Subcommittee. Member Delano said the Outreach Subcommittee had to cancel three (3) meetings due to no quorum. She thinks the Outreach members should push this issue and make the members who do not notify the subcommittee aware that the Subcommittee means business, and hopefully, if the members cannot be committed, they need to resign. She said the Subcommittee would be able to recruit individuals who are committed.

Member Eng said since she has been on the Council Board they have had more meetings and leadership on this Council. She said sometimes it feels that they do not value her time. Chair DiMenco said the point of all this is to make sure the Council values everyone's commitment and



time. Member Eng asked whether this is a policy or a commitment. Chair DiMenco said both. She said the Attendance Policy will be addressed as a policy. Member Bautista said according to the policy, once it goes into effect, Member Eng's absence from the BEP Council would be brought in and the determination would be made whether her Attendance Policy is resolvable or not.

Chair DiMenco summarized where they are at: 1. "Unbroken" is changed to "adhering to the attendance requirement outlined in this policy"; 2. Member Bautista is going to review it before it is sent out to members of the Committee; 3. Counsel Glavin is going to be working on the language that will allow an agency to be represented with an alternate. Chair DiMenco said these are the three (3) follow-up steps.

Member Bautista stated he has a related issue that needs to be resolved which had become controversial in the past – the Media Shelter Market. He talked about the ability to phone in regarding the Shelter Market. He acknowledged that the Outreach Subcommittee does not have jurisdiction over attendance, but said it is affecting business. He said that the Outreach Subcommittee is going to take on the responsibility and address some of the related issues. He asked whether some of the related issues are due to the Outreach Subcommittee incorporating the policy or if this was a separate policy from the Attendance by phone. He recalled at the opening of the meeting, it provided and gave authority to bodies; it facilitated participation in person but allowed the adoption of rules that permits phone participation. He said it is strict and is outlined by the Attorney General that if there is a complaint about whether there was a proper permission of the individual to participate in the business and development, the policy goes to quorum voting, but he does not think policy goes to participation.

Chair DiMenco said her understanding is that in the big meetings we have the option to vote on whether phone participation is allowed, for not just voting, but also for participation. She does not know if she is right. She said they can handle this in two ways: 1. Outline a policy on phone participation; or 2. Vote on it at every council meeting depending on what the circumstances are at every meeting. Counsel Glavin stated that the policy can be written independently from the phone participation issue because once we define phone participation and decide if there is a better route on an as-need basis and end up defining it in a bylaw or other document, we can define participation by phone as attendance and it will bring it into the policy even after the fact. Chair DiMenco stated that right now her understanding is that the individual must be in a government location and must be a video conference. She said other than that, there is a vote. Chair DiMenco said if the Council was going to write that phone participation is considered a physical participation on all matters, she wonders whether it would address the point the Council is trying to make and whether it is something the Outreach Subcommittee wants to do. Member Delano said the Outreach Subcommittee should leave the policy as it is. She stated she still thinks the Outreach Subcommittee should ignore the personnel issue that comes with the policy. She said if the individual cannot attend the meeting then the individual cannot make it, but they must be aware that if they miss three (3) meetings, they will have to meet with the Secretary. She stated in the past there has not been any guiding principles regarding attendance at BEP



therefore we are grappling with drafting an Attendance Policy which will encourage and make sure the members attend the meetings. Member Delano said the Outreach Subcommittee needs to let the Council know our subcommittee means business about this policy. She said right now, this is one of the most crucial meetings because no one is asking the member to attend, and members need to know they were appointed for their expertise and must be accountable. She stated, it is up to the Council Secretary's discretion to remove the member. Member Delano stated that at this point, the Outreach Subcommittee does not have guidelines in place regarding a member not attending meetings.

Member Bautista stated his support in putting out an Attendance Policy. He wants to ensure a correct process with impartiality. He stated the Attendance Policy is not about any personality enforcement. He stated he is not a fan of participation, but if members are going to phone in, the members should know what the standards are, and the standard will be used to determine whether the member can participate. Chair DiMenco wondered whether the Attendance Policy should state that any phone participation must be agreed upon by the Council or subcommittee. Member Bautista liked suggestions that phone participation be an independent policy because it will enshrine the expectation of attendance. He stated the Council can have a separate policy that provides guidance and instruction and how the larger body evaluates a request to appear by phone.

- **Update on Access to Relevant Data that will Help Measure Success**

Chair DiMenco stated the item on the agenda had to do with what Outreach Manager Lopez is doing to get more WBE's in the program. Chair DiMenco asked Counsel Glavin if he knows whether manager Lopez has any programs on the WBE's. Counsel Glavin requested more time on this item.

- **Update on BEP One-Pager**

Chair DiMenco stated there was a request for speakers to come before the Council to talk about how their supplier diversity programs are working. The Subcommittee thought it would be appropriate to present them with the One-Pager, so they knew what BEP was all about. Chair DiMenco stated Counsel Glavin had prepared something so that the Subcommittee could review and give comments. Counsel Glavin read the draft document entitled "Business Enterprise Council for Minorities, Females, and Persons with Disabilities".

Member Delano asked why the Veteran's Program is not included. Counsel Glavin responded the Veteran Program is a different Act. Member Bautista asked Member Delano about her status on the Council. Member Delano said she is serving in an advisory role. She explained that for too long the Comptroller's office was not represented on the Council, but it is now being seen as very important to have representation. She stated she was not a voting member.



Chair DiMenco talked about the Data Sharing and Usage Agreement that the Comptroller's Office has with BEP. She said the issue is the confidentiality of the business owners and how the information is going to be accessed. She stated she does not know where the Council is at this point but stated Associate Deputy Director Ngwayah sent the document out and asked for Council feedback. Chair DiMenco said it involves the financial information of clients being shared with an agency outside of the original agency. She said it seems to her the Council needs approval from clients to do this because it was not disclosed from day one.

Member Delano clarified the issue of vendors' information. She said before the vendor is paid, they already have their information. Chair DiMenco said she was concerned about their financial records. Member Delano said they were not asking for their financial records and only want the requested information for matching purposes. Chair DiMenco wants to know whether there is going to be a discussion at the next full Council Meeting. Counsel Glavin said if there were no objections, the goal was to enable the Director to sign the agreement to memorialize it and discuss it at the full Council meeting. Counsel Glavin said if there is an objection, it would be open for discussion at the full Council meeting. Chair DiMenco said she will have to object because she needs more clarity on the issue.

Member Bautista asked what would happen if a person is appointed by the CMS Director to be the Deputy Director for BEP but is denied by vote of the Council as Secretary. Counsel Glavin said in such a scenario, that appointee cannot be the head of the Division.

Chair DiMenco asked the Subcommittee if a Department head was invited to speak before the Council, would this information be enough to provide the Director background on why he/she is sitting in front of the Council and why the Council wants to hear from the Department head. Member Bautista said the information is 80 percent there. He said it would be helpful if there was an explanation of what the subcommittees do. Chair DiMenco said the objectives of the subcommittees should be added. Counsel Glavin said because it is a one-pager he will try to fit it in the document.

- **The BEP Onboarding File to be Provided**

Member Bautista said he started putting together a bunch of resources and he thought this would be a really good idea for all new members on board to joining BEP. He said Member Doria said the Council already had one at the last Council meeting. According to him, this made him slow down to see what they already had. He also said Outreach Manager Lopez was working on getting onboarding file information. Counsel Glavin said Outreach Manager Lopez said there is an onboarding file that includes: Council member responsibilities, subcommittee missions/objectives, subcommittee members, ethnic information, Public Act, JCAR Rules, and BEP staff contact information. Member Bautista said if he could get a copy of the document from Outreach Manager Lopez, he would include it with his report and give this information to the Outreach Subcommittee in the next meeting. He talked about receiving a handout that was a two-sided document of the Guide References for Robert's Rules of Order that he will find and



include and have Chair DiMenco review. He said he does see some opportunities for a couple of tasks for different groups. He said he will give Chair DiMenco the first draft.

- **Update on the Survey Monkey**

Chair DiMenco wanted to know the status of the Survey Monkey and if any other member besides Member Ratner and herself had responded. Counsel Glavin responded that very few had. He said he would get the information from Outreach Manager Lopez and email it to the Chair. Member Delano said the objective of the Survey Monkey was to hear from the subcommittee members in terms of what agency heads they would like to hear from. Chair DiMenco stated they wanted to hear in terms of their spend and plans to expand their spend.

Member Delano said it would going to be very difficult to get all the agencies' heads to come in and talk, but she said when the Council have their Data Share Agreement, it is part of the information showing what each agency has spent. She said this information will show the agencies that are under-achieving and they could be called upon to explain the reason for the underachievement. She said this is all the more reason we need the data.

Chair DiMenco said she heard Member Delano say to let us wait until the Subcommittee receives all the data to see what the agency is doing and question whatever the numbers are from the Director and how the Director's numbers are going to come up. Chair DiMenco's suggestion is that the Subcommittee ask the Director about their programs and provide the Subcommittee a number as well as how the Director measures their success, so the Subcommittee won't delay it until the Subcommittee has their own numbers. She said the Subcommittee will memorialize what the Director told them in the minutes, and when the Subcommittee gets the final numbers, they can go back to the minutes to see what the gap is and if there is a gap at all.

Member Bautista recommended that the Survey Monkey be sent out again. He said the problem with the Survey Monkey is that it is probably going to the recipient spam folder. He said it would be nice to have the link put in an email and sent out again.

Chair DiMenco said an outline of what our expectations are should be given to agencies heads.

- **Update on the Promotion of BEP Events by Council Members**

Chair DiMenco reminded the Subcommittee that this is one of the things the Outreach Manager had asked the members to help promote BEP's events. She asked Counsel Glavin whether he had an update. Counsel Glavin said the update will be provided at the next meeting.

- **Update on Inviting Agency Directors with High Spend to Come Before the Council**

Chair DiMenco said this topic was discussed previously.



- **Outreach Update**

Chair Dimenco asked Counsel Glavin whether Outreach Manager Lopez had given any updated information on Outreach. Counsel Glavin said the update will be provided at the next meeting.

Chair Dimenco said there were two items for the next meeting:

- Update on Access to Relevant Data that will Help Measure Success in Outreach Update
- Outreach Update

V. Define Action Items

- Approval of the March 26th, 2019 minutes at the next meeting
- The Subcommittee will be working on the Attendance Policy
- Subcommittee will outline expectations for the One-Pager
- Member Bautista will receive information from Counsel Glavin regarding the BEP Onboarding File
- Counsel Glavin will be sending out the Survey Monkey again
- Update on the Promotion of BEP
- Update on the Outreach at the next meeting
- Chair DiMenco will send out an email on Data Sharing and Usage Agreements

VI. Public/Vendor Testimony

None

VII. Adjournment

Member DiMenco moved to adjourn. Member Bautista seconded. Meeting adjourned at 3:30 pm.