

INTRO 14-5

A RESOLUTION TO BE SUBMITTED BY LEGISLATORS WHYTE, MILLER-WILLIAMS, GRANT, KOZUB, BOVE, MARINELLI, LOUGHRAN & RATH

RE: Establishment of MBE/WBE Utilization Advisory Board

WHEREAS, the Erie County Legislature Community Enrichment Committee officially met on May 11, 2011 at 1:00 pm for the purpose of discussing the County's compliance with its three different local laws pertaining to MBE/WBE utilization, namely local law 1 of 1987, Local Law 5 of 1994, and Local Law 9 of 2005; and

WHEREAS, section 1 of 1987 Local Law 1 outlines at least four specific ways in which the contractor must submit evidence of compliance to the County MBE/WBE Office, including the requirement to submit copies of all subcontracts and/or purchase agreements with MBE's and WBE's within 15 days of contract award; and

WHEREAS, section 1 (G) and (H) of 1987 Local Law 1 indicate that minority and women owned businesses must become certified by the Erie County EEO Division; and

WHEREAS, the Erie County EEO Division has developed a "County of Erie, City of Buffalo Joint Certification Committee" to review minority and women owned businesses wishing to become certified under the requirements of the Law; and

WHEREAS, section 2 of 1987 Local Law 1 indicates that the County Executive shall appoint a MBE/WBE Utilization Advisory Board of nine members, the composition of which is supposed to include minority and female contractors; and

WHEREAS, section 4 (A) of 2005 Local Law 9 requires that every Department annually prepare a written plan for the utilization of bona-fide minority and women owned businesses for professional, technical, or other consultant services; and

WHEREAS, section 4 (C) of 2005 Local Law 9 requires that the County Executive submit a summary of each Department's plan to the Legislature simultaneously with the annual proposed Budget; and

WHEREAS, section 5 (F) of 2005 Local Law 9 requires that the County EEO Division prepare an annual report to the Executive and the Legislature on the compliance of the Departments with the Law; and

WHEREAS, at the meeting of the Community Enrichment Committee on May 11, the Black Chamber of Commerce and other individuals and businesses expressed serious concerns about the enforcement of the different components of each of these laws; and

WHEREAS, the EEO Office also testified at the Committee Meeting and it became clear that some of the required reports either do not exist or have not been filed with the Legislature and that the MBE/WBE Utilization Advisory Board currently does not exist; and

WHEREAS, if the MBE/WBE Utilization Advisory Board were established, it could serve to ensure that the different enforcement and reporting requirements of all three laws were properly in place, as well as serving as a point of contact for the community with regard to effective MBE/WBE utilization; and

WHEREAS, the MBE/WBE Utilization Advisory Board could also advise the Administration and Legislature on necessary changes to the laws that might result in better MBE/WBE utilization.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature calls upon the County Executive to immediately establish the MBE/WBE Utilization Advisory Board, as required by section 2 of 1987 Local Law 1; and be it further

RESOLVED, that the County Executive openly and publicly seek applicants to serve on the Board as well as solicit names and recommendations from any organization in Erie County advocating on behalf of minority and women owned businesses; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the EEO Director, the Personnel Commissioner, the County Attorney, the Black Chamber of Commerce, the Challenger, the Criterion, Panorama Hispano, the Hispanic Women's League, Hispanics United, the Women's Business Center at Canisius College, and the Buffalo Niagara Partnership.

FISCAL IMPACT: None for Resolution.