

Members:

Hon. Matthew J. Driscoll, Chair
Mayor
City of Syracuse

Daniel G. Lowengard
Superintendent of Schools
Syracuse City School District

Hon. Calvin Corriders, Treasurer
Commissioner
Board of Education

Dr. Ruben Cowart
President and CEO
Syracuse Community Health Center

Hon. Bea González
President
Syracuse Common Council

Hon. Nancy K. McCarty
Commissioner
Board of Education

Hon. Laurie Menkin
Commissioner
Board of Education

Kenneth Mokrzycki
Director of Administration
City of Syracuse

Hon. Van B. Robinson
Councillor
City of Syracuse

Hon. William M. Ryan
Councillor
City of Syracuse

Secretary to the Board:

Christine M. Fix
Director of Intergovernmental Affairs
City of Syracuse

Advisory Staff:

Joseph W. Barry, III, Esq.
Senior Assistant Corporation Counsel
City of Syracuse

Nicholas DiBello
Assistant to the Superintendent
For Facilities and Construction
Syracuse City School District

Bill Owens
Contract Compliance Officer
City of Syracuse

Mary Robison, P.E.
City Engineer
City of Syracuse

Brian Roulin
Commissioner of Finance
City of Syracuse

Joseph Rufo
Chief Financial Officer
Syracuse City School District



Matthew J. Driscoll
Mayor
203 City Hall
Syracuse, New York 13202
(315) 448-8005
Fax (315) 448-8067



Daniel G. Lowengard
Superintendent
725 Harrison Street
Syracuse, New York 13210
(315) 435-4499
Fax (315) 435-4015

JSCB

Joint Schools Construction Board

www.jscb.us

MEETING MINUTES FOR 4/5/07

Board Members present: Mayor Driscoll, Superintendent Dan Lowengard, Calvin Corriders Dr. Ruben Cowart, Bea Gonzalez, Laurie Menkin, Nancy McCarty, Ken Mokrzycki, Van Robinson,

Board Members absent: Bill Ryan

Meeting minutes from 3/21/07 were accepted and put into the record.

Board Members were provided a copy of a memo from Kenneth Mokrzycki, JSC Board Member to the City of Syracuse Purchase Department which stated that he was recusing himself from the supervision of JSCB requests for proposals or competitive bids issued through the City's Division of Purchase so as to avoid any appearance of a conflict of interest with his role on the JSCB.

The Board was also given a memo from Joe Barry, Senior Assistant Corporation Counsel, that contained a copy of the New York State Open Meetings Law and five advisory opinions from the New York State Committee on Open Government that discussed the limited reasons whereupon a public body can enter into executive session to discuss contract matters.

The JSCB Secretary informed the Board that she had received three Freedom of Information Law requests which were distributed for the Board's information. The requests will be handled according to the JSCB FOIL Policy dated September 21, 2006.

The second comment period for the Program Manager RFP ended on March 21, 2007. All of the comments that were received by that time were distributed. The Board reviewed the comments and the corresponding sections of the RFP and discussed minor grammatical corrections to be made with the Advisory Staff.

In addition, the Board received comments from the Minority Contractors Association of Central New York which included a letter from Attorney Terrence D. McKelvey. In that letter, Mr. McKelvey stated that, in his opinion, the Board's Diversity Plan could not withstand a legal challenge. Joe Barry informed the Board that they would need to enter into executive session in order to discuss his legal opinion on this matter. A motion to go into executive session was made by Van Robinson and seconded by Calvin Corriders and was voted on by the full Board. In that session the Board received legal advice from Senior Assistant Corporation Counsel Joe Barry on issues surrounding the Diversity Plan.

The Board members returned to regular session and continued the agenda.

Before proceeding to vote on the Findings Statement in Resolution #6 of 2007, Board Members gave statements as follows:

Councilor Van Robinson said, "We've seriously taken into consideration some of the concerns of the Minority Contractor's Association and there has been some question among us as to whether our plan would meet the legal requirements. That, based upon the fact that, I know that this Board has pledged itself to ensuring and enhancing minority participation and also increasing these numbers which I believe is part of the issue that some of the minority contractors have based on past experiences. Now I do know that also within our RFP and we've publicly stated that whatever our numbers are in Phase 1 they would definitely be ramped up in Phase 2. In addition to that, there has been some question relative to our Diversity Plan, and whether or not it would meet the full basis under the law. The RFP is based upon the current disparity study performed by the City and also its MWBE participation goals which have been met and hopefully will increase in the near future. With that, I would dare say that we have a problem with public consideration and some misunderstanding and a lack of trust by some of our minority contractors and it is my recommendation to this Board that we meet with them in the very near future with the Board to insure them of the concerns that this Board has and the fact that we want to ramp up and improve minority participation within these programs. With that, I would dare say that to avoid any additional delay in moving this program forward; that what we do is approve the RFP with the understanding that we will meet with the minority contractors and anyone else who is concerned about this issue in the very near future."

Commissioner Nancy McCarty said, "I think Van said it all. There was agreement that we move forward."

Commissioner Calvin Corriders said, "Van did mention it all. We will have that conversation with the contractors but we will continue to move our agenda forward."

Mr. Ken Mokrzycki said, "I concur with that. We have an ambitious plan ahead of us and we have as a goal increasing minority participation and I think a meeting would be a good next step."

President Bea Gonzalez said, "For me a lot of the angst around this topic has to do with trust and past history. So I look forward to continuous open dialogue with the minority contractors around this very issue so we can get ourselves to a place where we move forward knowing that our decisions will have a profound impact on this community for a long time to come."

Commissioner Laurie Menkin said, "I'm not going to be repetitious. I think everyone is making points that we felt strongly about from the very beginning and I think this is a new opportunity. Regardless of what has happened in the past, 10, 15 or 20 years ago, this is a new opportunity for our City. We've been very clear from the very beginning about the desire of the Board to be as inclusive as possible and to more than exceed the minimum guidelines. And I think we are committed to doing that."

Dr. Ruben Coward said, "I would echo all that I've heard. I would make only a couple of supplemental comments as to what I've heard. And that is, this Board has gone on record to have a commitment to increase minority participation and we are hopeful for the commitment and to implement as many activities and efforts as deemed reasonable and possible to insure that it happens. Absolutely I echo the desire and commitment to meet with the minority contractors and any other body that can offer suggestions and recommendations to assist us in achieving the same and to do so as soon as feasible."

Superintendent Lowengard said, "You can't really add anything more except to say we want to remove any barriers that are there and really, from a schools point of view, build a capacity where we're building the next generation of contractors and that's really our dream."

Mayor Driscoll said, "I want to thank the Board for their comments, I certainly agree with everything. I think it's important to remember that the framework for this entire project was really a dream to not only renovate all of our schools to make them the best facilities for our children anywhere in the United States but was also based on opportunities for all of the people and certainly our neighborhoods as well and I think that this Board has clearly committed to that. And I will say on behalf of the Board that we certainly look forward to an open dialogue with some of the members who may be in this room today or not and would invite them to have that conversation once again."

The Board then reviewed the draft Findings Statement which detailed their response to the comments received on the Program Manager RFP during each of the comment periods. The Board then passed resolution #6 of 2007 which authorized the adoption of the Findings Statement in response to public comments.

City Engineer Mary Robison reviewed the changes that has been made to the PM RFP based on the comments reviewed earlier in the meeting. The Board approved each of the changes and passed resolution #7 of 2007 which authorized the Board to issue the final PM RFP.

It was decided that the Board would not begin reviewing the Bond Underwrite proposals as there was insufficient time remaining to thoroughly discuss the proposals with the Fiscal Team. Board Members were asked to continue reviewing the proposals in advance of the April 19, 2007 meeting and come prepared to ask questions of the Fiscal Team and discuss the proposals.

The meeting was adjourned. Next Board meeting will be held on April 19, 2007 from 8:30 am to 10:30 am in the SyraStat room in City Hall.

Board minutes prepared by Christine M. Fix, JSCB Secretary. A complete audio recording is available upon request.