

HENNEPIN COUNTY

MINNESOTA

FINAL COMMITTEE AGENDA

BOARD OF HENNEPIN COUNTY COMMISSIONERS County Administration Committee

Tuesday, April 17, 2018
1:30 PM

Chair: Peter McLaughlin, District 4

Vice-Chair: Linda Higgins, District 2

Members: Mike Opat, District 1

Marion Greene, District 3

Debbie Goettel, District 5

Jan Callison, District 6

Jeff Johnson, District 7

1. Open Forum

When invited to the podium, please identify yourself, keep your remarks to no more than three minutes, direct comments solely to county board members, and speak respectfully. Your remarks should be limited to topics that are relevant to Hennepin County.

2. Minutes From Previous Meeting

- A. 04/03/2018 County Administration Meeting Minutes

3. Discussion

Routine Items

A. 18-0139

Amd 2 to Agmt A166008 with Solutran, Inc. for the provision of the Healthy Savings Program, to eligible employees with Hennepin County health insurance, incr NTE by \$30,000 for a new total NTE of \$80,000, no change in contract term

Items for Discussion and Action

B. 18-0140

Authorize County Administrator to supplement and enhance the Small Business Enterprise Program

4. Old Business

A. 18-0117

Authorize submission of letter of interest to Vera Institute of Justice - offered by Commissioner Greene

Items for Discussion and Action – Revised

18-0140R1 Revised

Authorize County Administrator to supplement and enhance the Small Business Enterprise Program

HENNEPIN COUNTY

MINNESOTA

COMMITTEE MINUTES

Chair: Peter McLaughlin, District 4
Vice-Chair: Linda Higgins, District 2

BOARD OF HENNEPIN COUNTY COMMISSIONERS COUNTY ADMINISTRATION COMMITTEE

TUESDAY, APRIL 3, 2018
12:30 PM

Members: Mike Opat, District 1
Marion Greene, District 3
Debbie Goettel, District 5
Jan Callison, District 6
Jeff Johnson, District 7

Commissioner Peter McLaughlin, Chair, called the meeting of the County Administration Committee for Tuesday, April 3, 2018 to order at 12:33 PM. All Commissioners were present except Commissioners Debbie Goettel who was absent, and Commissioner Linda Higgins who joined the meeting later.

1. Open Forum

Commissioner Peter McLaughlin opened the Open Forum portion of the meeting at 12:34 PM, the following person made public comments:

1) Leslie Davis

No other persons came forth, Commissioner Peter McLaughlin moved to close Open Forum at 12:37 PM and approved - 7 Yeas

2. Minutes From Previous Meeting

A. 03/20/2018 County Administration Meeting Minutes

APPROVED

Commissioner Linda Higgins moved to approve the Minutes from the Previous Meeting, seconded by Commissioner Jan Callison and approved - 6 Yeas 1 Absent: Goettel

3. New Business

Addendum

A. 18-0138

2018 Spring Youth Sports Grant awards

PROCESSED

Commissioner Jan Callison moved to approve, seconded by Commissioner Mike Opat and approved - 6 Yeas 1 Absent: Goettel

4. Old Business

A. 18-0117

Authorize submission of letter of interest to Vera Institute of Justice - offered by Commissioner Greene

LAID OVER

Commissioner Marion Greene moved to lay this item over until April 17, 2018, seconded by Commissioner Mike Opat and approved - 6 Yeas 1 Absent: Goettel

5. Adjourn

There being no further business, the meeting of the County Administration Committee for Tuesday, April 3, 2018 was declared adjourned at 12:39 PM.

Yolanda C Clark
Deputy Clerk to the Board

HENNEPIN COUNTY

MINNESOTA

Board Action Request 18-0139

Item Description:

Amd 2 to Agmt A166008 with Solutran, Inc. for the provision of the Healthy Savings Program, to eligible employees with Hennepin County health insurance, incr NTE by \$30,000 for a new total NTE of \$80,000, no change in contract term

Resolution:

BE IT RESOLVED, that Amendment 2 to Agreement A166008 with Solutran, Inc. for the provision of the Healthy Savings Program, to eligible employees with Hennepin County health insurance, increasing the not to exceed amount by \$30,000 for a new total not to exceed amount of \$80,000, with no change to the contract term be approved; and that the Chair of the Board be authorized to sign the Amendment on behalf of the County; and that the controller be authorized to disburse funds as directed.

Background:

Hennepin County supports the health and wellness of its employees by providing programs, tools, opportunities and resources to participate in wellness activities. The Healthy Savings Program was added as a second tier incentive (following the reduced office visit co-pay) in mid-2017 to encourage employees to participate in more wellness activities earlier and throughout the year.

Engagement summary through March 2018:

- 1,253 participants
- 85% engaged (weekly)
- Fresh produce purchases: **\$147,700**
- Total savings: **\$32,439**

The purpose of health incentives is to encourage healthy behavior. This incentive encourages healthy eating and sustained healthy behavior by providing discounts on qualified healthier items and fresh produce. It has been shown that healthier employees are more productive and result in fewer health care claims, reducing the overall cost and liability for the county's health insurance.

Survey results (n=435)

- 82% would be interested in earning the Healthy Savings card again
- 47% participated in more activities because of the Healthy Savings incentive
- 30% report buying more produce when using the card

Several enhancements will be implemented in 2018 to strengthen the program:

- welcome e-mail to include barcode that can be used immediately
- card issuance process shortened from 45-60 days to 14-21 days
- continued negotiations with retailers and farmer's markets
- increased promotion of produce discount and Healthy Savings app

Employee Health and Wellness staff will continue to evaluate the impact of the program throughout 2018 by engagement measures, member surveys, activity participation and customer service trends. The Healthy Savings pilot program will conclude on December 31, 2018. In early 2019, a final pilot evaluation report

containing results and recommendations will be presented to County Administration.

ATTACHMENTS:

Description	Upload Date	Type
-------------	-------------	------

HENNEPIN COUNTY

MINNESOTA

Board Action Request 18-0140

Item Description:

Authorize County Administrator to supplement and enhance the Small Business Enterprise Program

WHEREAS, the county conducted a disparity study in 1995 that showed substantial disparities in the amount of contracting dollars awarded to minority-owned and women-owned firms compared to firms owned by white men in certain sectors of county contracting; and

WHEREAS, in 1996 the county implemented a Small Business Enterprise program in response to the 1995 disparity study in an effort to utilize race- and gender-neutral remedies to reduce disparities in county contracting; and

WHEREAS, in 2016 the county conducted a disparity study which was completed in 2017 that showed that despite the long term use of a race- and gender-neutral program substantial disparities continue to exist in the amount of contracting dollars awarded to minority-owned and women-owned firms; and

WHEREAS, these substantial disparities are statistical evidence of discrimination in the marketplace in which the county spends dollars; and

WHEREAS, the 2017 disparity study included anecdotal evidence of discrimination against minority- and women-owned firms; and

WHEREAS, the statistical evidence and the anecdotal evidence of discrimination found in the 2017 disparity study establish a compelling governmental interest for Hennepin County to remedy discrimination in the marketplace in which the county is a major participant; and

WHEREAS, it is a goal of the county board to reduce such disparities through the implementation of narrowly tailored measures.

Resolution:

BE IT RESOLVED, that the Hennepin County Board of Commissioners directs County Administrator to supplement and enhance the Small Business Enterprise Program with narrowly-tailored race and/or gender-conscious measures to address the disparities documented in the 2017 Minnesota Joint Disparity Study; and

BE IT FURTHER RESOLVED, that the County Administrator is directed to continue to utilize race- and gender-neutral measures to redress the disparities documented in the 2017 Minnesota Joint Disparity Study; and

BE IT FURTHER RESOLVED, that the County Administrator be delegated authority to use and implement programs authorized by Minnesota Statutes 383B.145, Subd. 5 (Set-Aside Contracts) and 471.345 Subd. 8 (Procurement from economically disadvantaged persons); and

BE IT FURTHER RESOLVED, that the Joint Powers Agreement of the Central Certification Program for the period May 1, 2018 to December 31, 2020, with automatic annual renewals, be approved; that the annual Hennepin County contribution provided therein be authorized; that the Chair of the Board be authorized to sign the agreement on behalf of the county; and the Controller be authorized to transfer and disperse funds as directed; and

BE IT FURTHER RESOLVED, that the County revise its construction and non-construction AA/EEO contract compliance requirements to be consistent with those promulgated by the State of Minnesota and direct non-exempt contractors with non-construction contracts to maintain a workforce certificate with the Minnesota Department of Human Rights; and

BE IT FURTHER RESOLVED, that the Purchasing and Contract Services Department, with input from other county departments, develop department-level contract inclusion goals and measures to reduce contracting disparities, including for architectural and engineering contracts; and

BE IT FURTHER RESOLVED, that the Purchasing and Contract Services Department report to the County Board annually on the utilization of: 1) SBE firms, including women- and minority-owned firms, in county contracts; 2) workforce participation of women and minorities in construction contracts; 3) participation of apprentices in construction contracts through the county's Workforce Entry Program; and 4) participation of probationers and persons under county supervision in construction contracts.

Background:

In 1996, the County Board authorized the establishment of a race- and gender-neutral Small Business Enterprise (SBE) contracting program, based on the results of a 1995 disparity study. The Board's action was supported by case law that required a public entity to first consider race- and gender-neutral measures before implementing narrowly-tailored[1] race- or gender-conscious measures to remedy documented disparities in its contracting portfolio.

Since authorizing the county's SBE program, county staff have aggressively sought to include SBE firms in county contracts. The success of these efforts has led to national recognition of the county's SBE program. For example, in 2014, the county's SBE program was cited by a national research and economic justice organization. The Insight Center for Community Economic Development, as among the nation's best-administered race- and gender-neutral small, minority- and women-owned business enterprise programs, by a city or county.

In 2016, the county participated in a joint disparity study led by the state, along with eight other state and local entities – the Departments of Administration and Transportation, the Metropolitan Council, the Metropolitan Airports Commission, the Minnesota Colleges and Universities System, the Metropolitan Mosquito Control District and the Cities of Minneapolis and St. Paul. The county paid \$160,000 to participate in this \$1.4 million study.

The study found that the county's neutral SBE program produced a greater utilization of minority-owned business (MBE) firms in county contracts than all but one of the other eight participating entities, which all administer race-conscious MBE programs. However, notwithstanding the comparative success of the county's SBE program in promoting the inclusion of MBE firms in county contracts, the study found substantial disparities still exist in the utilization of available MBE and women-owned business (WBE) firms sufficient to warrant the introduction of narrowly-tailored race- and gender-conscious measures.

In light of the 2017 Joint Disparity Study findings and recommendations, County Administration is recommending the County Board supplement and enhance the SBE program. This recommendation reflects a recognition that the county's SBE program has maximized its full potential and that increased utilization of small MBE and WBE firms in county contracts will require enhancing the SBE program with the use of race- and/or gender-conscious tools. Such supplementary measures could include setting contract-based SBE and/or SWBE goals, at the prime- or sub-contractor level, or the enhanced use of shelter market programs, wherein available prequalified small MBE or WBE firms are given consideration for contracts. In recent years, the county established several sheltered market programs for the benefit of SBE firms, such as the Tax-Forfeited SBE Home Rehabilitation Program, the Targeted SBE Program, the IT Umbrella Contracting Program and the Consulting Services Program. These programs have incorporated a

variety of race- and gender- neutral measures intended to reduce disparities. These recommendations are intended to supplement and create alternative options not eliminate the current SBE program.

We are asking the County Board to delegate authority to the County Administrator to evaluate and employ narrowly-tailored race- and gender-conscious tools, on a case-by-case basis, to redress the disparities documented in the 2017 Minnesota Joint Disparity Study.

Authorize set-aside contracts to promote private employer pathways for persons with disabilities, probationers and persons under county supervision - We are also requesting the County Board delegate authority to the County Administrator to award a limited amount of set-aside contracts under either of the two separate authorities cited in the resolution, to eligible businesses and organizations, in furtherance of the county's employment pathways programs, such as the Productive Day Program. In recent years, the County Board and the Housing Redevelopment Authority have authorized set-aside contracts under these authorities to businesses and non-profit entities that employ persons with disabilities, probationers (through the Productive Day Enterprise Program) and other persons under county supervision who reside in Hennepin County. Use of this set-aside authority is a critical element of the county's disparity reduction strategy for expanding career pathways with private employers for the above-noted populations.

Renew Joint Powers Agreement (JPA) for the Central Certification Program (CERT) - In 1999, Hennepin County, Ramsey County, the City of Minneapolis and the City of Saint Paul (collectively, the Collaborative) launched a centralized program for certifying small businesses (SBEs), women-owned businesses (WBEs) and minority-owned businesses (MBEs). The certification program became known as the Central Certification (CERT) Program. In 2004, the two cities and the two counties entered into a joint powers agreement (JPA). Under the JPA, the City of St. Paul was designated the "Lead Agency" of the collaborative, with responsibility for administrative matters. The city has continued to serve in that capacity and the other collaborative members each pay an annual administrative fee to the city, based on actual costs. In 2017 the county paid \$29,762.

The CERT Collaborative has been an effective structure through which the county has collaborated with the other Metro-area local governments to develop and deliver business development services and resources to local small businesses. The term for the new JPA is May 1, 2018 through December 31, 2020, unless terminated sooner.

Streamline AA/EEO contract compliance for non-construction vendors - It has been a long-standing Hennepin County policy to accept a non-construction contractor's evidence of affirmative action/equal employment opportunity (AA/EEO) compliance from another public entity, such as the Minnesota Department of Human Rights (MDHR), in lieu of requiring the business to submit an affirmative action plan to Hennepin County for approval. At present, 369 county non-construction vendors had their affirmative action plans certified by MDHR, which shows that the state and county share a large common pool of vendors.

We recommend further streamlining county AA/EEO requirements for non-construction vendors by requiring them to maintain a workforce certificate of compliance from the MDHR. This change will provide vendors with one common path to AA/EEO compliance that will better position them to do business in the State of Minnesota where the MDHR certificate is widely accepted.

The Minnesota Human Rights Act requires a business interested in a state contract to obtain a workforce certificate from the MDHR prior to bidding on, responding to a request for proposal, or executing a contract for goods or services in excess of \$100,000. Therefore, any vendor may submit an affirmative action plan to the MDHR, which issues workforce certificates for a four year period for a fee of \$150.

The staff time that will be freed-up from approving and monitoring affirmative action plans will be refocused

on efforts to include historically underutilized businesses – small MBE and WBE firms - in county contracts.

Purchasing Department to Coordinate department-level contract inclusion goals to reduce contracting disparities - We are recommending the Purchasing Department work with other departments to set department-level, and where applicable, program-level, contract inclusion goals based on a department's historic and authorized spending in relation to the available SBE, SMBE & SWBE firms for such contracts. The applicable programs to which contract inclusion goals would apply include the Consulting Services Program, the IT Umbrella Contracts Program and the Designer Selection Committee process.

[1] "Narrowly-tailored" means that serious consideration has first been given to race- and gender-neutral measures, and that any race- and gender-conscious measures have been designed to be limited in nature. Courts have given weight to several factors when evaluating whether a race- and/or gender- conscious program is narrowly tailored, including: (1) flexibility; (2) good faith efforts provisions; (3) waiver provisions; (4) limited to remediate discrimination within the local government's jurisdiction; (5) program is reviewed for efficacy and is intended to be of limited duration; (6) tailored to relevant labor market; (7) limited to benefiting only those minority groups for which there is evidence of discrimination; and (8) the program's impact on rights of third parties is considered.

HENNEPIN COUNTY

MINNESOTA

Board Action Request 18-0117

Item Description:

Authorize submission of letter of interest to Vera Institute of Justice - offered by Commissioner Greene

Resolution:

BE IT RESOLVED, that the Hennepin County Board of Commissioners authorizes the Chair to submit a letter of interest to Vera Institute for Justice detailing interest in joining their SAFE Cities Network; and

BE IT FURTHER RESOLVED, that submittal of a letter of interest does not constitute a commitment of further funding by the county.

Background:

Vera Institute of Justice's SAFE Cities Network is a group of geographically and politically diverse local jurisdictions committed to keeping communities safe and strong by protecting due process and providing legal representation to immigrants facing deportation.

For members of the SAFE Cities Network, Vera provides potential matching funds to local legal service providers doing removal defense along with infrastructure support that includes:

- Training and technical assistance for Network legal service providers
- Program performance and outcome monitoring
- Streamlined program administration
- Strategic support to jurisdictions

Current Request:

This item requests authorization to submit a letter of interest that is a requirement of the program and includes:

- why jurisdiction is interested in joining
- plan for funding removal defense
- clarify types of removal defense and eligibility requirements
- define types of support or technical assistance needed from Vera

ATTACHMENTS:

Description	Upload Date	Type
HC letter of interest	3/19/2018	Letter
VERA fact sheet	3/19/2018	Backup Material

DRAFT

March 27, 2018

Annie Chen
Program Director, SAFE Cities Network
Vera Institute of Justice
233 Broadway, 12th Floor
New York, NY 10279

Dear Ms. Chen,

Thank you for the Vera Institute of Justice's invitation to join the SAFE Cities Network. Please consider this Hennepin County's letter of interest. Hennepin County is interested in learning from other local jurisdictions committed to keeping communities safe and strong by protecting due process and providing legal representation to immigrants facing removal.

Hennepin County is a diverse regional hub with a strong and expanding economy that attracts new immigrants, and has thriving existing immigrant communities. There are 45 cities in the county, including Minneapolis. According to the United States Census Bureau, in 2015 Hennepin County's population was 1.223 million. The percentage of residents estimated to be born outside the United States was 13.4%.

In the 2018 budget, the county board identified \$250,000 to support legal defense for income-eligible county residents involved in removal proceedings. The monies currently reside in the administrative contingency budget, and are ready to be spent pending the issuance of a request for proposal (RFP). Membership in the SAFE Cities Network would greatly enhance data collection and reporting as that money is spent. Additionally, should Hennepin County secure a "catalyst" grant, local funds will stretch that much farther.

With the possible addition of \$100,000 in "catalyst" grant funds from the Vera Institute, the vision is to take the \$350,000 total and spread the money out over two years (\$175,000 in each of two years). An RFP that reflects this two-year commitment would be issued in lieu of one with the one year commitment for the lesser amount. Financial support for legal representation will be available to Hennepin County residents who qualify financially, and who are facing removal proceedings.

Hennepin County is interested in the Vera Institute's technical assistance in these ways: administration of the RFP process and funding to legal service providers; training and technical assistance for providers (as identified by the providers themselves); program performance and outcome monitoring to understand the impact of representation on family unity, economic impact and court proceedings and outcomes; and strategic support and best practices.

Attached is a list of contacts at Hennepin County for this matter. Please let me know if you have any questions.

Sincerely,

Jan Callison
Chair of the Board

Contact Information

Hennepin County
300 South 6th Street
Minneapolis, MN 55487

Marsha Unthank
Public Safety Administration
612-596-6752
Marsha.Unthank@Hennepin.us

Elie Farhat
Principal Aide, Office of Commissioner Marion Greene
612-348-7125
Elie.Farhat@Hennepin.us

Want To Keep Your City SAFE?

Frequently Asked Questions about Joining the SAFE (Safety and Fairness for Everyone) Cities Network

What is the SAFE Cities Network?

[SAFE Cities](#) is a group of 11 geographically and politically diverse local jurisdictions around the country that are committed to keeping communities safe and strong by protecting due process and providing legal representation to immigrants facing deportation.

What are the requirements for becoming a network member?

Vera requires that each jurisdiction:

- dedicate public funding to removal (deportation) defense, preferably for detained immigrants,
- aspire to a “universal representation” model, which serves all immigrants in removal proceedings,
- assign a government official or staff member to be a liaison to the network,
- support Vera’s collection of data on funded representation to support the evaluation of the project, and
- sign a Memorandum of Understanding with Vera.

What does Vera provide?

- **Potential matching funds** through a catalyst grant to a local legal services provider doing removal defense. *Please note that Vera’s remaining catalyst funding is limited and will be provided based on availability.*
- **In-kind infrastructure support, including:**
 - **Training and technical assistance for Network legal service providers** – Vera provides initial training and regular continuing education and skill-sharpening, including through peer-to-peer sharing of best practices and challenges. Vera also provides problem-solving support in managing detention facility and immigration court stakeholder relationships.
 - **Program performance and outcome monitoring** - Vera collects quantitative data from legal services providers and qualitative data from regular site visits and other contact with the sites to monitor program performance, report the progress and findings to funders, and identify important trends that may inform technical assistance and program management. With an eye toward evaluation, Vera has created a secure network database targeted at measuring the impact of representation on **family unity, economic impact, court proceedings and outcomes.**
 - **Streamlined program administration** - Vera can assist in the procurement process by running competitive RFP processes to identify qualified legal services

providers, negotiating contracts with chosen providers, and administering funding to providers based on work performed.

- ***Strategic support to jurisdictions*** – Vera can provide communications and messaging support as well as strategic guidance around securing continued funding of the program. Vera also provides a forum for government officials within the Network to share information and challenges

How can my jurisdiction be considered?

Submit a brief **Letter of Interest** detailing your jurisdiction's interest in joining the Network and proposed program model. The suggested length is 2-3 pages (not including optional attachments) and should address the following:

- 1) why your jurisdiction is interested in joining the network, including whether your jurisdiction has a large immigrant population or detention center;
- 2) how your jurisdiction will fund removal defense, whether through the use of public funds and/or public-private partnerships. Be specific as to amounts, timing and certainty of the funding, and whether there are anticipated obstacles or challenges;
- 3) indications of the city or city leader's commitment to funding counsel for immigrants;
- 4) the type(s) of removal defense legal representation that your jurisdiction is funding or intends to fund. If it is known, describe (1) who will be providing the services, and (2) what, if any, the eligibility requirements for clients will be; and
- 5) the type of support or technical assistance that your jurisdiction is interested in from Vera.

Please also include the following contact information:

- Agency/Office Name:
- Address:
- Primary Contact Name and Title:
- Primary Contact Telephone Number:
- Primary Contact Email:
- Other Related Contacts:

Please submit your Letter of Interest by e-mail to SAFEcities@vera.org with the subject line as "SAFE Cities Letter of Interest from [Name of Jurisdiction]."