

## Economic Opportunity Committee Meeting Transcript - 11/09/2015

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>> Troxclair: Hello and welcome to the economic opportunity committee. It is 1:17 and we're going to get started with citizen communication. Michael fossom. Michael, you will have six minutes. >> Our city [indiscernible] Program. Our current policy is humane, it always has been, it's based on best practices. It protects public safety. We've had no coyote attacks on humans in ten years. In October the animal advisory commission and chief of animal services officer Hammond sent recommendations that are going to come to city council by changing the poll time sensitivity. They want to audit our current program with Travis county, hire a wildlife specialist, convince Travis county to try to participate in that program and paying for our program, throw out the wildlife management plan and allow lethal action only for unprovoked human attack. Why are we concerned about coyotes? Coyotes carry rabies. They can attack people and kill and maime pets. People and pets must be treated or put in quarantine. The economic opportunity committee is concerned about tourism, events and sports and

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changes to these -- this program will affect these negatively. The economic contribution, these sectors to our economy is building billions of dollars a year. Tourists are attracted to our unique outdoor and many venues are outdoors and community trails and bike lanes. Which coyote management plan would work better to support these priorities? The existing program which includes hazing, education, outreach or hazing based defacto, no kill factor that is now being rejected by cities where that policy is failing because it endangers the safety of citizens and pets. We have to remember coyotes are predators. They do kill or maime our pets. To many people pets are family. There's a high cost to treat any surviving pets as you can see in the lower left-hand corner of the slide. We also have to remember coyotes also attack people and rabies in Texas is is a ongoing state health emergency. You are looking at trauma to people, the cost of medical care, the cost for treating rabies exposure and if folks go to the emergency room and they do not have insurance, then the taxpayer picks up the tab for their treatment. Other cities that have tried hazing are reverting back to our current policy. In seal beach they voted to adopt a program similar to ours. Cities around Colorado, coyotes are knocking down little kids and biting them. The people complained that they hazed the coyotes but they come back and they have to have everybody haze them or there's absolutely no chance the program having any success at all. So let's look at example of the Denver area. Since they instituted this type of program, they have a 237% increase in attacks on

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people. They have to form park ranger posses to shoot rubber pellets at the coyotes and there are trails

people like to use are closed for months at a time. There are some examples of the trail closures. And if you look at the red arrow you see not only do the coyotes run wild in those areas, they also bite children there as well. Now, our current program is supported by research. These are some of the papers from which that program was developed and you can download and read these papers. However, if you want to read a paper about the efficacy of hazing you can't do that because there are no papers like that out there. I want you to stop and think about this for just a minute. The humane society of the U.S. Are pushing hazing programs all over the country. Dr. White, who is a coordinator for that program, held a hazing seminar here in town. When I asked her in a meeting how many papers there are on hazing, she had to answer zero. Just imagine if I came and said I have a new system to relieve traffic congestion at music venues, I need some money for that, I'll ask you for that money, but it's going to cost 90% less and cut accidents by 50%. You would say, well, that's great, show us some engineering drawings about what you are talking about. I said well, there have been no engineering studies and there is no science that backs up what I just told you. Hopefully you would simply laugh me out of the room. This is no different. Why are we even considering this type of policy when there is absolutely nothing to back it up. So here's the action I would ask. I would please ask that you reject the recommendations when they come to city council. Our existing policy is based on scientific research, best management practice, it's demonstrated that it works. We've had no attacks on people

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since 2005. The proposed program has no scientific basis. Hazing programs are failing in the cities they are tried, cities are reverting to our policy. Adversely affect public safety. We can expect more coyote attacks on humans as attacks increase in number. Tourism, attendance and sporting events will decline. People are going to stay home rather than risk coyote encounter. Many of those events are held outdoors. Trails will also be closed for months as aggressive coyotes are reported and what's the economic impact of that? I have just a little time left. [Buzzer sounding] Let's look at the -- our current policy -- thank you very much. >> Troxclair: Thank you very much for that presentation. You are making the rounds to the committees. This is the third time, I've heard it in audit and finance and health and human services and thank you for making sure we're educated on a topic. We have two more people on the list for citizen communication. Is April Mims here? I also have Kelly Kay here. Do you want to speak separately or together? >> I will be using her time. >> Troxclair: You have six minutes. >> Thank you members of the committee. My name is April Mims. I'm a representative of Lyft. Lyft is a transportation network company that's been operating in Austin for over a year. We have tens of thousands of users and thousands of drivers who rely on our platform. So you may be asking how does this relate to economic opportunity. The the answer is everything. Lyft has a mission that's built around providing economic opportunity for austinites by providing them with the chance to earn flexible supplemental income. I have a handy book that goes into detail about all the economic benefits.

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But just a few of the stats are that over 78% of our drivers are driving less than 15 hours a week. And it's important to remember that because this is a really a platform that people who are nurses, teachers, graduate students are relying on in order to make ends meet and it's really a life line for many people. This is especially true for communities of color who have been disproportionately disadvantaged. 50% of our drivers identify as a racial minority. I just had a driver yesterday when I was in the city and I found that this driver, he said he was a biochemist and his dream was to come to America and become a pharmacist. Currently he's in grad school at U.T. His cost of living here he admitted has been very high and he said he was fearful that he would have to leave the city if it had not been for Lyft providing him

with that flexible supplemental income. We recently did a little background into our driver community and we found that in east Austin 20% of our drivers lived in an area that's defined as a under served neighborhood by the U.S. Census bureau of U.S. Department of housing and urban development. So this is a huge economic opportunity for people in Austin. And it's not just about the drivers. It also has to do with the opportunities for communities. So through Lyft we are building opportunities for communities. Especially those who are in an area that is traditionally under served by public transit or other forms of transit. Out of 5,000 rides, we found that 52.1% of rides in Austin started or ended in an area that was considered under served by the U.S. Census bureau, U.S. Department of housing and urban development. We also found through a driver survey that spending by Lyft passengers has generated about 225 million for local economies. So the economy is why should

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we care about this. And I think what's important to point out is that as you've probably heard we're in the process of having a very detailed, very public, very thorough policy discussion about the role transportation network companies should play in Austin and what regulations should be provided. And it's important for us to remember that even though the effect focus of this, whatever regulations put in place will have a huge impact on this committee and for all the people of Austin because if we can't attract drivers to come and take advantage of work opportunities, we are missing a chance to empower our community. We will have fewer drivers and it will be very difficult for us to operate in Austin. I thank you for your time and I hope I have an opportunity to speak with all of you individually. Thank you. >> Troxclair: Can you repeat that -- you said 52% of rides start -- can you repeat. >> Out of 5,000 rides, 52.1% of rides in Austin started or ended in an area defined as under served by the U.S. Department of housing and urban development. >> Troxclair: So under served just in terms of socioeconomic status? >> Exactly. >> Troxclair: Implying people in 50% of the rides are serving people who may not have other means of transportation, I guess. >> Right. >> Troxclair: Thanks. >> Thank you. >> Troxclair: That is all the citizens communication. Did we have anybody here to speak on an item that's not on the agenda? Okay. I'm sorry to my committee members. I skipped number 1, approval of the minutes. We'll go back and see if anybody would like to make a motion to approve the minutes from the last meeting. >> So moved. >> Troxclair: Councilmember Casar moves and councilmember Houston seconds. All in favor please raise your hand. All right. Minutes are approved. Item number 3, discussion and recommendation regarding

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nominees to the codenext land development code advisory group. >> Casar: Chair, I know we discussed professor Richard Hammond on the the last meeting so I would move to nominate him. >> Houston: I have met with him and I support that so I'll second that motion. >> Troxclair: Okay. Any other comments or questions? Okay. I guess all in favor of recommending professor Haman to the full council for approval raise your hand. And that passes with a vote of 4-0. That will bring us to item 4, consider and develop a recommendation regarding fair chance hiring practices concerning the use of conviction history in hiring and fair chance hiring practices by private employers in the city of Austin. We are going to -- because this is the -- we had a full public hearing on this item last council meeting, but there was a request to take further public communication so we have decided to take five speakers from each side at three minutes apiece. And I have a list -- okay. These two lists are a little confusing but the people I have to speak in favor, Ben [indiscernible] Gary Stevens, Uber Alexander, Jerry Davis and Jacklyn Kahn. Let me see if there is anybody else and try to reconcile these two lists. There are several other people signed up on the list, but we are going to take five so I'm going to go ahead and go with the list that I just mentioned unless I hear of a change.

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And it looks like there is one person, Diana Muldro here to speak neutral and Pamela Bratton to speak against. Anybody else neutral or against that I'm missing? Okay. All right. Well, we will start -- let's go ahead and start with Gary Stevens and we'll hear from Huber Alexander after him. >> Good afternoon. Thanks for your attention. I've been here before to speak on similar issues. Give you a little history of myself, my name is Gary Stevens, vice president of Green Stream International, that's a company headquarters in Austin, Texas. We have facilities globally. We employ nearly 200 people at any given time in the Austin area. We're proud to be headquartered here. We are a reverse logistics company specializing in personal electronics. I'm co-founder of a staffing agency here in Austin, Texas that specializes providing this type of employment to people considered with barriers. The main reason I want to talk with you, Green Stream, we've grown that company from \$50,000 in revenue to \$250 million in revenue and it was built on the policies that we're talking about here today. We strongly believe that we do not discriminate for any reason against anyone. And that includes a criminal background. Perhaps a drug history. A lot of times those go hand in hand. We have found tremendous success, the most loyal employees by hiring people with barriers. I've seen countless times, I don't have the time to tell you a you will the success stories of people who come through my facility and are desperate for employment. We're happy to provide that to

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them so they can then go and take care of their significant others, their financial responsibilities. We've instituted policies that are smart business that enable us to take care of these people and help them into a transition into a stable life. Provide them with opportunities they've never been given before with a pat on the back and someone who believes in them. We encourage the city of Austin, we are here because we love this city. Our customers are not here, it costs more money to do business here but we are proud to be part of Austin and we would for you to get on board that we've built a successful for profit business with. Are there any questions anyone? >> Troxclair: Any questions? Thank you. The next speaker is Huber Alexander and Norma Headrick after them. While you are coming up to the podium, I have to say I ate a delicious barbecue sandwich at the airport from Hoover's and I took a picture on the wall there. Thank you for providing us the great food not only at your restaurant but at the airport. >> Thanks for the opportunity to talk about fair chance. It's really something that I never thought about, never thought was an issue and probably a big part of that is just growing up with the values of golden rule and treating, you know, how you treat the least of ours. He that is guiltless cast the first stone. I personally have a lot of pride helping the people I grew up with. These [indiscernible]. I never gave it a second thought about why not. It only makes sense -- as the gentleman said right before me, it's always -- I'm always pleasantly surprised and amazed the gratitude you get back from folks. We've been in business

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thankfully for 17 years as of last month and one of -- one of our early examples of this is my right-hand man that we hired about three months after we were open. College educated and he has no shame in telling his story about not giving opportunities after he got into trouble that was alcohol, drug related, but created a felony offense and never thought twice about it. He had never worked in the restaurant business. This is the only restaurant he's worked and he's been, again, just an incredible asset, incredibly loyal and valuable. [Inaudible] Two weeks ago. There was a guy we hired as a dishwasher and he's living

in transitional housing. I didn't know at that time the time -- another employee about six months ago, he expressed this incredible amount of gratitude like thank you to give me an opportunity. For me it's about common sense, it's about not adding to recidivism and having people go back to prison if we don't give them a chance, who will. I'm more of the carrot guy versus the stick and obviously I wish we would have these conversations as proactive instead of reactive in creating mandates. As a small business person, I'm really careful and I was leery about trying to use the stick and beat people over the head, but I'm happy to be that poster child so say it works and I had a chance to look at some of the wording. We've had some conversations and when we talk about putting that in a form of conditional employment versus on the original app, you know, that really makes sense to me where if there are some folk that are fearful of, you know, being penalized, discriminated against on the initial application, it makes sense if you really have those concerns to move that stage of questioning to, you know, if

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you really are serious about hiring this person, you know, having that, you know, that question asked for sensitive positions and other roles. But for me -- [buzzer sounding] -- To be the poster boy to talk about it's the good thing, it's the right thing, it's the common sense thing to do. >> Troxclair: Thank you. I have a quick question. That's one thing I've been thinking about sense our last meeting too is how -- what could we do or have there been ideas that have been pondered either by the cities or the business communities to provide incentives or the carrot, as you called it, instead of pushing down a mandate from the city level. Do you -- have you had any of those conversations in the stakeholder meetings or do you have ideas how that could be accomplished? >> I do apologize for arriving late on the scene and having the dialogue and exchange and pretty much at the end of the one stakeholder meeting I did express more coming from the carrot and the stick so a lot of things have developed. I've never been motivated, never used any tax break incentives or anything because that was never my motivation. Hiring these folk have been an afterthought, it's been a nonthought actually so I've not been able to give much input. The one thing I felt more comfortable since this morning moving it again away from the initial application, I'm still leery as the independent business person understanding the struggles of mandates, mandates, one thing I don't want is consequences of the business owner saying they are making me do something else again. That's where my mixed feelings come in and I wasn't able to rely that early in the process. I wish we had these conversations sooner so we could do preventive, proactive versus reactive now. And I did see some of the

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points made in what I read, a lot of this is new to me in this ordinance versus why not that I'm absorbing after I arrived here this morning. >> Troxclair: Okay. Thanks so much. >> Casar: Chair, I have a couple of quick questions and thanks for coming, Mr. Alexander. Obviously green stream spoke before you, \$250 million business, not saying your pork roast isn't worth \$250 million, but you are a smaller business so I think obviously it's part of this committee's work to help train people and to provide carrots, but in particular rule that we're discussing right now, that would do the things that you described. Would you see that as a burden to a small business or a burden to you or a business like you to ask the question if they have to at the end of the process instead of at the beginning? Would you see that something that would cost folks money or make it difficult? >> After I read, it's still part of the hiring process. It's not the initial application so that in itself personally would make sense to me and not be a burden. Again, the word maybe other folk would be reactive to that, but really, you know, for me it makes a whole lot of sense because if your initial interview process you feel good about the potential candidate, you've had a chance to interact and see some of the measurable things one on one before you get to that question,

and if that person is really serious, hopefully you've got all these other things that are in this person's favor if you want to make them a conditional offer. For me personally, no, that would not be a burden because not that I would even need to to begin with, but if I had not had the position I have now being able to at least have that opportunity to ask the questions before I actually make the hire, that in itself does not seem to be burdensome in itself. Because you have that opportunity before you actually hire that person, if there's some sensitive things

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concerned, money handling or whatever it may be, you have that opportunity, you just delay that question or that part of the process after your initial, you know, application. So that does make sense to me and I don't see that as being a burden in itself. >> Casar: Great. Thank you. My staff can share it with you, just doing that in the city of Durham, they actually did a study over four years after doing exactly what you said, moving the question to the end of the process and they saw six to seven times increase in the number of folks with criminal histories that they had hired on at their own city. And so when folks do ask the question at the front end there has been research showing more folks do get hired if they move it to the back end and I'm happy to hear about what you all are already doing and hopefully if we have more folks doing just that, I think we would get rid of some of the unintended consequences. >> And I did read the statistics and it was eye opening for me to see that. If the council does choose to pass again, and I would expect resistance, here we go again, again, I'd be very happy to be the poster boy to say it does work, give it a chance. I can see some resistance, but it does make sense to push it forward a little bit and, you know, proof is in the pudding for me and I'll be happy to echo that to whomever whenever. >> Casar: Thank you. >> Troxclair: Councilmember Houston. >> Houston: Good to see you. The ban the box is a piece of this fair housing ordinance so I want to talk to you just a minute about compliance and enforcement of how we do this. Do you have any concerns or feelings about how would we enforce to ensure that people are in fact following the rules as we set them forth? >> You are saying fair housing -- >> Houston: I'm sorry, fair chance. I had housing on my mind at

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the last meeting. So this is fair chance. >> To make sure I'm clear on what you are asking me. >> Houston: About tracking the number of people who come in and penalties for not providing people an opportunity to get jobs. >> I'm going to come from more that libertarian side of, you know, fewer mandates if at all possible. I really do worry about unintended consequences because I hear from my fellow small business people about government mandates. What I don't want to happen is unintended consequence of it being too burdensome. We've got so many things to track and keep track of and I do want this to -- I would -- I would hate to maybe put that on the front side as we're trying to go forward. One step I like as far as moving that to, you know, once a conditional offer of employment. When you get to asking people or making them in theory to do things that penalize them, it's an automatic turnoff because it's one more thing to keep track of. I could go on an on been things we have to track locally and state, federal, the whole bit, so I do worry about one more thing to check off. Someone may not do or follow up on anyway. So I'm more hesitant to -- again, I'm going to come from the carrot perspective as opposed to, you know, okay, you didn't do this and let's fill out these forms to keep adding one more piece to keep track of to turn in, to submit. So I hesitate to put that on business folk, ton to be honest with you. >> Casar: If we did something for small businesses where we had a pretty extensive education campaign and then if somebody was found to ask the question early in the process instead of at the end, if they were to receive a warning and be explained what

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the law was and then if later down the road they -- after getting the wording still were asking the question up front instead of at the end, then received a fine, would that seem to you to be a fair way of doing the ordinance, making sure we educate folks, have a drawn-out implementation, give people a warning if they break the rules and then only if they continue to ask the question at the beginning of the process instead of at the end if they are a small business? >> No, fair question and I really want to represent the real world as I interpret it, as I know it. The conversation I have out there I can tell you you are going to get pushed back in resistance and resentment because we'll be required to do one more thing. I'm going to come from the carrot speaker suspect I have to say -- perspective to say let's do this. If people can get out of the emotional response of why can I not have it on -- that's a big step, you know, just emotional response why not on my application. So we're going to move it to this other place forward. But then if you pile other things on top of that right away, I just see in the real world people are going to be I'm sick and tired of one more mandate. That's going to be a response to a lot of folk. The sense up there in the real world, in the business world is we're overwhelmed with mandates. I've got to be honest and straight with you so I'm going to come from less is best, and again carrot versus stick. And I think truly again just to think and answer you guys, to think about the unintended consequences, I get theoretically what you are talking about, but I'm telling you the real world there's going to be a gap between good intentions and what you want and intended results that may occur. For me just kind of to take the steps forward without necessarily them hearing the negatives right now and perhaps come back at some other point if you don't get the results you want.

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I would rather see the results occur with the carrot and again educating and promoting and, you know, folk like myself saying hey, it really does work and convincing them with the carrot before you produce the stick. That's my honest perspective about that. If it's something that could be delayed if you didn't get the results as opposed to right away on the front side you were starting with reactive mode and people are going to react to your reaction, you know what I mean? And I worry about unintended consequences again when people hear that coming. You know, that's just my opinion what you are going to get in the real business world. >> Casar: Thanks. >> Troxclair: Thank you so much. I think we all really value your contribution to our community and your perspective on issues like this that are going to impact small businesses. Thank you. >> Thank you for the opportunity. I really do appreciate it. >> Troxclair: Next we'll have Norma Hemmert and then Jerry Davis. >> Good afternoon it's Norma Hemmert. Thank you. Manager for small construction company in Austin, Texas. And I have been doing this job for over 40 years. I have never asked anyone at the beginning of the hiring process about a criminal background. What we do at my company right now is we have them fill out the application, we interview them, we see what they are capable of. We have a lot of former incarcerated people that do work for us and they are very pleased to be working for us. Upon review of the application, we determined whether or not to offer the employment to these people. We do check the criminal background on them. We also check their driving

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record if we do offer them a job as a driver. We do believe in giving everyone the opportunity to start over, to start fresh. They have paid their debt to society after being in prison, whether it's state, federal, county, everyone deserves a second chance to be able to provide for their families. And yes, it's a scary question to ask at the beginning. Most people don't want to answer that. Former incarcerated people

that we do have working for us are the best employees that we have right now. They are grateful for the opportunity to work for us. They are grateful to be able to provide for their families. And they are very appreciative of the opportunity to give back to the community, to become a member or rather a productive member of society once again. They have proven again to be excellent employees, thus reducing the recidivism rate in our community which we do have here in Austin. Our jobs that we offer them range from loader operators, bobcat operators, crew leaders, drivers and laborers. In addition, we think that the fair chance hiring policy is a very important step in the right direction for the city of Austin. I am the hiring manager for my company. And I can say that for our business it would not be a problem and it would not incur any additional moneys and/or any extra energy on our part to do any of these steps for the fair chance hiring policy. We can educate our staff to use the dps records and we can comply with the points proposed for this policy as well. Austin has already implemented policies like the plastic bag

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ban that was passed sometime back that requires businesses to modify their practices, and this is no different. [Buzzer sounding] I know we all agree people's lives matter equally or more than plastic bags, I would hope. At this time we feel this is a needed for these families to be able to survive now, not tomorrow, but today. People need jobs. >> Troxclair: Okay. Thanks you so much. >> The plan is not to help them survive. At this time I implore you to please pass this. >> Troxclair: Thank you very much. >> Thank you. Do you have any questions for me. >> Troxclair: Members, any questions? Thank you. >> Thank you. Have a lovely afternoon. >> Hi, my name is jerry Davis, I'm president and CEO of good will of central Texas. We're a 1500-person organization so that makes us one of the larger employers in Austin, central Texas, I should say. We've chosen fair chance hiring practices in our organization for some time now and I would also share with you that at any time we've probably got about 200 people that have a background including two of the vice presidents that report to me. I think it's important when you are considering this to look at the long game. This isn't just about banning the box and getting it off the application. This is about successful employment for the people that -- that are affected by this sort of situation or any action you take. Successful employment, making

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a good hire is the best way to add value to a business. A business that's made up of people obviously and if you make an excellent hire your chances of having a successful business go up exponentially. So why would I do this? The first is that I can tell you that our organization has grown about 10% a year, which is a pretty about metric for what a successful business looks like. And I know, and this is a research thing, this isn't me being touchy Feely is that a exclusive business organization has a strategic advantage because of the variety of opinions and backgrounds and schools that come to that table. The second reason this is important to me is that as everyone knows we have a worker shortage and this is an untapped group as well as many others that are there waiting, as you've heard put to eloquently to work. So I have a couple of recommendations. The first is that I think you need to phase this in so that everybody understands what the intention is and that you have ample time to give people the really good awareness of what the benefits are going to be to their organization. What is the value add to a private business. They need to have the time to understand what you are saying because frankly a lot of people here ban the box and they already have negative impressions. You need to overcome that. The second is that I think it's difficult, not in every situation but for many situations especially for someone who has been incarcerated for a while to go from being locked up one day to being an employee the next. I think that's just too hard in many cases. So what I would recommend to you if you are thinking of

scaling this, not just doing it for a few people, if you are talking about making this a citywide or countywide

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approach and we're talking about thousands of people because there are about 250 people moving to Austin every week with a background. [Buzzer sounding] That is obnoxious and I should stop. I'll say this one last thing quickly. Start a transitional work program. We're starting one at good will. I found out actually next week and I can share more information about that if you would like. Thank you. >> Troxclair: I have one quick question. You said that at the beginning of your presentation that good will has chosen to use fair chance hiring. >> Right. >> Troxclair: Do you mean that you have -- don't ask about criminal history on the initial application or do you mean something broader -- >> That is correct. >> Troxclair: Okay. So then -- so we have -- just for background, this committee did vote unanimously last meeting to move forward with ban the box ordinance which would prohibit private businesses from asking about criminal history on the initial application. So then -- so then -- I think it's important to understand in my mind because it's part of what I think some confusion last week, the difference between ban the box. Some of the other regulations that have been proposed include requiring that businesses keep records for two years, potential penalties for people who don't, I guess, follow the regulations. What else have we talked about? Sending official notices of why that person wasn't hired, et cetera, et cetera, which has been 'em compassed in a broader term of fair chance. I'm trying to understand the good will just bans the box or other the other things? >> We do ban the box.

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We do do that. We have positions like many companies where if you have a felony, you are not able to be considered foamer. Frequently what we do is if someone is not eligible for this position and we have another one, we'll try to shuttle them that way or to another employer who we think might hire them. >> Troxclair: Okay. Thank you. >> Anything else? All right. >> Troxclair: Okay. We will have Jacklyn Kahn next. >> Hi. Thank you again for letting me speak with you. I know I've met with several of you and staff members your best friend or maybe not. And, you know, we've extended the offer to meet with your office to councilmember troxclair and it's always open. Happy to be a resource. If you are open to meeting with us and going over some of these things. Some of the questions and concerns that have come up, I just want to talk about them. First of all, fair chance hiring, ban the box, acronyms always confusing. When we think of fair chance hiring an ordinance within one piece is ban the box. It's more than like having a sign at a grocery store please bring your bag, it's like bringing 25 cents to buy a big. It's like click it or ticket so you need a full enforceable ordinance that also includes banning the box. For certain jobs. It's not going to apply to Uber or Lyft. We're not asking people to be police officers or teachers, these are just jobs that we're already eligible for that we wait until the conditional offer, that we have an education piece.

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So that's another thing -- we started talking in may stakeholder meetings, having a period of time where we can educate employers. And as far as being extra burdensome really only one of the things we're asking is providing criminal history results to the applicant. A piece of paper, showing that piece of paper to the applicant saying here's your personal information that we have. Is this correct? San Francisco does something where they just attach the question on to an informal survey that they already send business owners so that's a way to collect data. We're not asking for employers to have a whole bunch

of other paperwork. But I think that to talk about just what the carrot is and how much extra work this is going to be wouldn't be a mistake. We wouldn't normally talk about civil rights in conjecture of how much work is this going to be. There's title 7 which is the federal civil rights act that, you know, you can't discriminate someone based on their color, but there's an open opportunity for people to be sued currently employers in Texas without having some guidelines to follow up for fair chance hiring policy based on the federal guidelines that the eeoc set. This in a way protects employers if we're looking long term. I also want to talk about -- sorry, so many things ... We're not talking about criminal penalties. We're only talking about education piece. Maybe followed up with civil fines, but having a period of time where we talk about -- you guys can set that, it can be a year, it can be six months. I don't think we're at that step yet. We're just asking this be passed to full council so we can really consider it more. [Buzzer sounding]. I just want to add to the last point, it's a lot to go from prison to work.

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You know, we worked for free in prison every day. When I got out, I went to work at U.T. With an ankle monitor, went to work and it was just fine. This is something that we need to be talking about, how to help people reenter the community. >> Troxclair: Thank you so much. Any questions? [Applause] >> Troxclair: Your testimony and your involvement and the whole ban the box movement in general really speaks to a failure nationwide and statewide of -- of our communities being able to effectively engage with ex-offenders. I do think that there is a lot of work to be done and I hope that we are looking at -- at opportunities. I know that you probably are, but I would be happy to work with you on any -- I think part of this equation is changing our laws at the statewide level and looking at expungement opportunities and really making it -- making it -- yeah, so I guess that is an important part of the equation, too. If you're not already engaged on what we can do as a state to make sure that ex-offenders have every opportunity to get back on their feet and to find employment that is appropriate to their skill level and intelligence and all of the wonderful things that you and others in your similar situation have to -- have to contribute to our economy and our society, I think that would be a step in the right direction. >> Thank you. I mean, I think that the Numbers of of people that have been expunged in Texas is maybe three. So if we're going to talk about this, we need to first talk with it in Austin. Because we're still in Texas. So it has to happen here

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first. >> Thank you. S. >> Troxclair: Okay, thanks. Okay, is Dana Muldrow here. Diana is speaking neutrally on the item. >> I want to thank the chair and everyone for allowing me to come forward and talk about this. I'm Diana Muldrow a policy analyst at the Texas public policy foundation, right on crime, we are neutral to today. I would like to express that we do support improvement in the reentry process. There's a whole lot of evidence that says employment in that process really has positive results on recidivism rates and that's very, very important. I do want to say we're cautious about several portions about what's been suggested, particularly in the fair chances ordinance. In particular we're hesitant about the waiting period that's been suggested. There's not a particular date period on that, but it could be a serious penalty and cost to employers that are considering hiring. So if there's a waiting period that's required, if there's a review going on for somebody who thinks there might have been something in their rejection that was improper, that could be a serious penalty for employers. Additionally, and perhaps more importantly, we are very concerned about the penalties that come to employers under this, whether or not there could be new criminal records created or a civil liability created for these employers. Even if they're simply -- particularly for small business employers, if they are simply unaware of these regulations -- both of my parents are small business employers, I would be surprised, honestly,

if they were aware of these new regulations or aware of these discussions that have been going on. And honestly, I think that would be contrary to the real purpose of fair chances. I think it's to create and ease the path into reentry instead of creating potential new criminal records. We're very sympathetic to this desire for reform in

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this area, it's very needed. However, we just want to be sure that it's done appropriately and properly. And that people are educated on the benefits and small businesses are educated on the benefits that there are in hiring these people and having broader hiring practices, particularly because private employers are already beginning to implement these practices themselves. For example, Koch industries removed the box on their applications. We just want to make sure that these sorts of things are being done the most appropriate way possible. We are very supportive of reentry expansion. We particularly non-disclosure we having very supportive of expanding known disclosure options, not the same as expungement but allows sealing of criminal records. We would love to see it expanded to non-violent felonies, right now it's non-violent misdemeanors. We just want to make sure that this is done as appropriately as possible. >> Troxclair: Thank you. I think that I asked this at the last hearing, but honestly I can't remember the response from the other gentleman who came from tpp because you all do so much work at the statewide level. Can you just expand or clarify so -- what y'all are working on in regards to I guess the non-disclosure? >> Recently an expansion of who is eligible for non-disclosure. Right now it's for a certain non-violent, non-sexual misdemeanor offenses, we would love to see that expanded to non-violent felonies. But additionally there's been changes in 2003 on Texas' rules on employer liability for how you hire and supervise people with criminal records, so those are two areas that we've been involved in. >> Troxclair: Do you think -- I know I guess the -- there have been some significant reforms made on this front in recent years. Do you feel like expansion of that non-disclosure to non-violent felonies is a possibility in the upcoming legislative sessions? >> I think we're going to

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try. >> Troxclair: Okay. Good. Thank you. >> Casar: Chair, just one or two brief questions. Were you in the group of folks from the foundation that were able to meet with my staff? >> Yes. >> Casar: I hope they communicated to me, but I will communicate now that the motion that we made last time, I think it might have been somebody else from your organization that was here last month, didn't include the waiting period portion. But I just wanted to make sure that's clear for y'all for when you -- >> That's going to be removed? >> Casar: I don't think that we're talking as much about the waiting period. I think an initial warning and then fines thereafter, but not criminal penalties like we have seen in some other states is what the committee is contemplating. Does that sound more appropriate to y'all? >> Definitely. We're still cautious, but those are two things that we were very concerned about. >> Casar: Okay, well, thank you. >> Thank you. >> Troxclair: Okay, our last speaker is Pamela Bratton. Pamela is speaking against the item. >> Pardon? >> Troxclair: You are speaking against the item? >> Yes, yes, sort of. I mean you had to pick, so we're certainly -- I represent my company, which is a staffing firm and we employ hundreds of people. I am also here on behalf of the Austin chapter of the society for human resource management and the Texas association of staffing. I'm a member of both of those organizations. And we just have a few concerns about some of the line items that are in it. Trust me, we absolutely are not opposed to ban the box and we do support fair chance hiring. My firm has a -- has a number of folks that we employ and assign on temporary job assignments who have criminal history. So we are not opposing that. There are some of the details that we do oppose. I apologize for being late to the party, so to speak, as stakeholders. But the human resources

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community, this -- the society for human resources was not an invited stakeholder in the beginning. Yet, as you know, most hiring comes through a human resource departments of some sort, whether it's just the recruiting department or talent acquisition. There's a few things that I just wanted to mention and, of course, we've talked about title VII of the 1964 civil rights act. In April of 2012, eeoc produced guidelines to help employers know how to hire better. Issued the three green factors in what you must consider in hiring practices to not be discriminatory. Those green factors, of course, you've already outlined in your fair chance hiring. But one of the things that I would kind of like to talk about are some of the line items in your proposal that cause us to be concerned. One is the record keeping factor. As you can imagine, my company, a staffing firm, we interview hundreds of employees a month. So giving written notification to every temporary position of why they didn't get hired and whether or not they had a criminal record is a little bit burdensome from our perspective. Another thing is, in the topic of giving applicants notice who had a criminal history of what was found, that's already covered under the fair credit reporting act and it's called adverse action. So employers must provide candidates with that criminal history report so that they can contest it already and there is a whole process outlined already in federal statute. We do oppose the dps only as the background check source. As you know, the number of folks moving to Austin, Texas every day is incredible. And dps does not necessarily capture all of the -- all of

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the possibilities of people moving in from out of state. Most large firms, I know most staffing firms, we have a relationship with a -- with a background check reporting firm who is compliant to fcra, typically goes back only seven years in criminal history. [Buzzer sounding]. >> Troxclair: You can finish your thought. >> Houston: Can you tell me what fcra is? >> I am so sorry. It's the fair credit reporting act. >> Troxclair: All right. Can you repeat one more time, so the federal -- there is already -- this is the first time that I'm hearing this. There is a federal requirement that if -- if an employer pulls background check they have to provide that information to the -- >> You have to tell the candidate what was the source of that background information, you have to provide then the contact information for that reporting agency, and they that or correct that. >> Casar: Ma'am, they also have to have somebody sign-off on the background check being run; is that correct? >> Absolutely. You have to have permission to run a background check. >> Casar: So what would be the burden of having that background -- when you are already letting somebody know what you are going to run a background check and then you have to report to them later what the -- what was in the background check, what would be the additional burden of that being part of the city ordinance as well that they have to provide the background check -- >> No, no, no, that's not the part that I was opposed to. It was reporting to you every candidate that we interview and reject who might or might not have had a criminal record. >> Casar: Thank you. >> Troxclair: In keeping -- and keeping records for -- I -- I don't know if that's part of

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councilmember Casar's motion or no. There was some part about records retention for up to two years of the applicants. >> We do, the compliance piece of that is the part that's really concerning to most of the human resource professionals. It is not not hiring. Truly, one of the things that we would recommend that's been said here several times is a comprehensive education program for both newly released folks and employers. Some employers just don't know how to look at someone's criminal

record and say, "Hey, you know, that really doesn't stop him from running a warehouse." Or "That doesn't stop him from doing this job or her." It's just an education process that I think the city should welcome from the human resource committee, from the human resource community in training a great training program that helps the candidates and the employers. >> Troxclair: Okay. I appreciate your willingness to contribute to that. Because if that is a part of what we ends up moving forward with, maybe the city staff can continue to collaborate with you to put that education piece together. The main part is non-compliance fines or other penalties? >> The regulatory piece of reporting, that's the hard part. We do want to put these folks to work. It helps us all. It makes us a better community. >> Troxclair: Okay, thank you so much. >> Casar: What I would offer is I would hope that today the committee has the staff move forward with putting together that compliance piece, you know, we have great hr staff here. Sounds like you are connected with many folks that could help sort of smooth out that process. But while many different cities do this in different ways, we aren't -- today I think my intention is to vote on getting the process started of us putting together that compliance piece. But as a previous speaker mentioned, you know, there's got to be some sort of enforcement and compliance

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piece and I would like for it to be the best that it can be. So thanks for coming today. What I would just ask if you could just get in touch with my staff, we can plug you in with our city staff as they develop that component. >> Absolutely. I am the compliance officer of my company, so happy to have those conversations. >> Thank you. >> Thank you. >> Troxclair: Okay. That is the end of our speakers. Are we ready for the staff presentation? Good afternoon, Julia Hays from the human resources department. As we begin our presentation today, we wanted to do just a little bit of background information, since this is our second presentation, but we feel that there's some pertinent information from the first presentation that is very much connected to the directions that were provided to us from the committee. So as we start today, we would like to take you through the process for what we -- which we followed that was in direct adherence to the resolution relative to how to begin this process. We were given very clear directions within that resolution as to who to engage in a stakeholder process, to provide some options. And in our initial presentation, we also included information about -- about the benchmarks that we had seen in other cities to give the committee an opportunity to better understand some of the -- some of the information that's found within other resolutions. We also evaluated other resolutions of other cities and so today what we would like to do is to do a very brief review of the information that we found in other cities and the initial stakeholder group as a result of the resolution, we would like to go back over

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the information that resulted from that group to clearly articulate what that stakeholder recommendations included and in addition to that, we're going to take you through the additional components per the directives of this committee in the October meeting, which was to include additional information that we received from stakeholders that were targeted in the business community and provide you some general concepts that we would like for you to review as you have continued deliberation and conversation relative to a possible resolution. So what we have for you today is just to provide you that update and we -- we took into consideration so much of the feedback we received from the stakeholders. Our goal today is to try to be as transparent as possible in providing you a wealth of information that is representative of all of the different perspectives. It's unfiltered information that came directly from the stakeholders and we tried to put it in a format that will understand some of that feedback based on different ideas and concepts. So activities since our October

meeting, we started out in may with this resolution. Our staff worked through June, July and August and September to conduct the stakeholder meetings, we provided the information to a number of entities that were identified in the original resolution, we reached out to the chambers of commerce, other stakeholder groups and we provided you in the October meeting with that list of businesses and entities. The direction that we received at that meeting were to go back out and we have additional information for you relative to the stakeholders that we included in the business process. We also wanted to create, we only had three weeks to get all of this done since the last meeting before we had to be prepared for today. So in that period, what we tried to do to maximize our opportunity to get the feedback, were to come up with a diversity of ways to capture it. So we scheduled another

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stakeholder meeting, we also went through our chambers of commerce, or smbr department, we also sent invitations out to those employers who have participated in previous job fairs that the city of Austin has held, we also reached out to human resources professional organizations which you have heard from today, to make sure that we reached out to those hr communities that could provide feedback as well. And we attempted to target businesses that represented the span of businesses in Austin, so we tried to reach out to our larger companies and smaller companies to make sure what we provided you today was representative of the feedback we would receive from the community. As a result of that, we also created an online survey for those companies who just didn't have the time to come out and reach out to us. So there was an online survey we sent to everyone who attended our session in addition to all of the other companies. We sent it to the committee members so you could send it to companies within your areas. We also held two online webinars where we provided the information to allow businesses to call in and participate. So that was our strategy relative to trying to reach out to capture the information for you today. In the original stakeholder group and I've kind of tweaked the language so that you understand the difference between our original stakeholder group, which was defined in our resolution, and the additional stakeholders we received, we want to make sure that we are clearly articulating everyone's perspective and we didn't want to call it business versus the regular stakeholders because there were businesses included in the original resolution. So throughout this presentation, we will reference the resolution stakeholders simply to reflect those that we initially reached out to. And here you see just the list of some of those entities that participated. We had four stakeholder sessions in our original process. And we had anywhere from 14 to 18 individuals who participated in each of those sessions. In addition to that, on

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August 18th at the end of the four sessions, there were recommendations from that stakeholder group and we have broken those down to you the same way we did in our original presentation and we broke it out into two pieces. Now, you've heard several -- a lot of feedback from several different entities about understanding the definitions of just a -- distinctions of just a simple ban the box and fair chance hiring. I will share with you that I believe this stakeholder group would suggest to you that it's a combination of fair chance and ban the box that creates what they believe to be truly effective ordinances as it relates to cities. So this is the original recommendation list that came from the original stakeholder group. From a ban the box perspective, our resolution spoke to just private sector, but the stakeholder group wanted to recommend to this committee that public and private sector employers with 10 or more employees be responsible to adhering to such proposed ordinances. The applicant not asked about criminal history until identified as top candidate. The ordinance goes into effect 60 days from passage. The additional recommendations included the employer maintain records of applicant

who were provided offers. I think you heard some people speak to that today. We will go into a little bit more detail about that piece. Employer retain personnel and employment records. Employer identify positions requiring background checks prior to the application process. Employers utilize the dps as the only entity to conduct background checks. Employer required to include language on background checks and on job postings and announcements. Employer to provide to candidates a written conditional offer or notification of non-selection. The employer ensures individual's criminal history reports remain confidential. The city shall review vendor policies and ensure consistency with ordinance. And that the city only do business with vendors that

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have adopted fair chance hiring practices. Now, when we presented to this you in October we presented the entire list with no individual recommendations relative to implementation so that we can give you a transparent review of what the stakeholder committee wants you to consider. As a result of these -- of that presentation, you asked us to go back to the private sector and attempt to get additional feedback from businesses. And the process that I just described to you, here's a little bit more information relative to our results. We reached out to 200 plus businesses and in the description I provided you. 16 businesses and individuals participated in the 10-27 in-person forum. 20 businesses or individuals participated in the November 3rd online forums which were two sessions. Of the 200 plus we sent out for the survey online, 47 businesses responded to that survey. And I provided your offices copies of the questions that were included on that survey, so we didn't ask for the actual company name. We didn't ask for that in our face-to-face stakeholder meetings. But we did ask about the size of the business so we can give you a better scope of what that feedback was. We've also provided you on this slide just a glimpse into the entities that participated in the in-person community forum that we held. What we did in those forums was provide the feedback of what the initial stakeholder group recommended. And then allowed them an opportunity to ask questions about those recommendations and then we broke the group out into four sections to talk about the -- their feedback relative to each component event. He also had a committee member here who was actually a part of that stakeholder meeting that participated and we did our best to try to emulate that same opportunity for feedback during the online sessions as well. So we are optimistic that

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while the number of businesses may be lower than what you would want to see for a city as large as Austin, what we did find is that some of the feedback was consistent across -- based on the representation, that we have for you. Here is just a sample of some of the stakeholders that were contacted. Some of the ones that are not included on here were also Dell and IBM who were a part of -- who have been a part of our job fairs in the past. And one of the challenges that you face when reaching out is identifying the appropriate person. So we have been shifted to lawyers, to -- to different compliance officers in the different companies and so unfortunately we were not able to get companies to respond to our requests for telephone interviews to try to get more information as we did, and our benchmark process, but we wanted to at least let you know some of the businesses that we have reached out to and contacted in an effort to obtain information. And for those who participated in our previous slide, you can see that we did try to do our best to get a good representation of Austin businesses to participate in this process. So as we go into the business stakeholder feedback, I have two slides that really represent some of the general comments that we received from businesses. And as we go through this slide, I won't read each one to you, but I think it's important to kind of point out, you have heard some of the information from those who have spoken today. But businesses are very

concerned about additional regulation. From the city. They are very concerned of the legalities that could possibly come with retaliation clauses and being required to maintain certain amount of records. The businesses also share that as we evaluate when it would be appropriate to ask the question, the majority of the businesses that we spoke to had some support for a general or basic ban the box, but there was a diversity of responses relative to if it's -- if

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the box is banned in the initial application, at what stage in the process would you ask the question, would it be after the initial interviews, would it be after your top 5 candidates, would it be after your top candidate? So there was a great deal of discussion in the implementation of when to actually ask that question. We also had questions relative to organizations and businesses who deal with vulnerable populations and in making sure that we exempted those businesses, daycares, nursing homes, that were required by some state or federal statute to have to ask these questions to require them to go through this process, when ultimately they would be required to ask those questions, seemed to be a burden for those who participated in the process. They also asked for strong consideration of a longer educational period, providing more opportunity for businesses to receive the information and as we have here on this powerpoint slide, anywhere from 90 to 100 days to one year were the types of recommendations we received and those additional stakeholder meetings. In addition to that, there was consensus across the board relative to not being restricted to dps records only because dps would be restricted in terms of their ability to provide out of state information. So there was some consistency across the board relative to -- to taking -- making sure that they had the ability to utilize other entities for their background check, because of not only other states, but military discharges and arrests that were not yet convictions. So that was something that did result from that as well. In addition to that, there were some concerns and clarifications. The human resource entities that participated, spoke overwhelming about just such a variety of hiring processes and creating any -- any ordinances would impact those processes and times,

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it would also create somewhat of a burden for those who have online systems because they would have to pay to make adjustments to those online systems. So that was the -- the concerns from our human resources entities, but we also had concerns from our general businesses relative to those who were working in people's homes, cleaning entities and other companies, such as that. Overarching concerns about record retention and the creation of entities that were required -- that would require any level of record retention beyond what the companies have already put in place. Incentive-based was recommendations that we heard consistency versus plans that would actually [indiscernible] Fines and concerns and some wanted to just be able to independently and internally create their own monitoring and not have the city do that for them. The delay in the process and the caution of indemnification of businesses, who is liable? Is it the business or the applicant? The individual in the business. So those were all concerns that we received. Overall, they -- when we tried to condense it, the first two slides were really me trying to be transparent and not summarize for the stakeholders. But this slide for us in our overall summary really speaks to what we thought were the overarching concerns relative to the presentation of the recommendation from the 8-18 stakeholder team. They basically included do not require record keeping aside from what's already required by law, including an extensive education component before assessing fines, emphasizing warnings before enacting penalties, having exclusions for employees working with vulnerable populations, include longer implementation time frames, not limiting to dps, removing the box from the initial application but don't go any further in terms of

implementing when they do it after the application has been submitted and the initial interview has taken place,

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and the position should be advertised if it will require a background check so applicants are aware. This is the feedback we received from the businesses. Now, on the survey, I just have that information that's listed whoer for you in terms of -- listed here for you in terms of survey results. Some of the feedback we received was very consistent with what we received in the other pieces. We did get 47 respondents and I have that listed for you in terms of their size and scope. Also asking questions that were the same as the information that we provided you based on the person to person and the webinar sessions. But we wanted to provide you survey details specifically so that you had an opportunity to see and understand that information as well, since we do have documentation of -- of their responses. One of the things that we also looked at in terms of the respondent, the survey responses, is also understanding, making sure that we understand the current restrictions already in place in federal and state statutes. We spoke about that and you heard about that from some of the other citizens who have spoken today. And so we had all of the questions listed here before you in terms of requiring to provide a copy of the criminal background report to job applicants, 51% of them -- 53% of them said yes and 46% said no, so in terms of what's already established, you had a lot of support from businesses already relative to that. What penalties should businesses be assessed for violations? 80% recommended mandatory training and warnings as a part of that process. And if the -- if the fair chance hiring resolution were to pass in any form, how long afterwards would it become effective, as you can see 64% of those participating indicated they would like to see 180 days or more. >> Casar: Chair, one quick question. I thought we just heard, perhaps I got confused about this, in the fair credit

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reporting act, there's already a requirement -- >> I will have to look to the law department. It's my understanding that's not a requirement. Not a mandate. But it is a part of the recommendations, but I'll have to get clarity on that. It was my understanding, Mr. Washington, is here as well, but it's my understanding, I think Anne is here as well from the law department. We will get some confirmation and let's -- unless mark would like to speak to that. >> I just want to clarify to make sure that whenever there's a refusal of the job opportunity, that the candidate gets an opportunity to be made aware of the source and if asked for copies of the -- of the source, the -- the check itself that they are entitled to do that, that is the case. >> Casar: That's the case in federal law already that. That being a part of our ordinance -- so I guess my, you know, it's interesting that I appreciate that 53% of them supported it. But it sounds like it's already a requirement under federal law so we would be imposing no additional burden other than it being a part of our city's policy; is that right? >> And to the lady that spoke earlier from arma, Austin society for human resources management, I think there's an education component that would need to occur to not only inform employers of whatever our local preferences are, but also an opportunity to educate on federal law in general. >> Thanks. >> As we get into some of the concepts that we are presenting to you, we will kind of speak back to that except as well to kind of connect it to the concepts we're presenting today. As we move forward, we also did some staff analysis, we looked at the other benchmark cities, I'm happy to review that information, it's in the powerpoint so each of you had an opportunity to see it again. The companies in the cities we reached out to. In terms of the private employers that we spoke to,

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we did try to reach out to the private employers here, who already have a form of ban the box in national and international companies. We did reach out to some of these entity that's have not responded to us yet. But we are trying to reach out to get additional information, we have been moved to national offices, corporate offices, legal offices, we have not had an official opportunity to get additional details but we did attempt to each out to these employers per your request. Some of the benchmark, some of those attended assumed that we were going to be in complete alignment with what we found. Really we were providing you information that we -- of what we saw in other cities. Some we want to point out to you is this is a relatively new initiative in many cities. Spanned from 2012 to 2015, so there were some questions at the end of the last meeting relative to data supporting how these types of initiatives could change for the positive for cities and there's not a lot of information available because of the small time that we have, but we did try to reach out to see if we could get some information and we're not as successful. I think staff were able to look at one city that we did not benchmark in Hawaii that actually had some data to support what they had. We can provide that to you after this presentation if you would like to look at it. As we looked at the benchmark cities we were trying to evaluate when it became effective, the minimum number of employees that a company had in order to comply with the legislation, who actually does the enforcement and what were the actual penalties. We have taken some of this information into consideration for the concepts that we're going to present to you as well. As we looked at this information we also contacted Seattle, San

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Francisco, district of Columbia, that do not answer the questions in terms of lessons learned. I think we shared that with you all last time, one of the most important lessons learned was creating a substantial education plan, which I think is -- has been something that you continue to hear from us and from the stakeholders on from a variety of places. We wanted to make sure we also spoke to that. The concepts that we are presenting to you today, those concepts take into consideration not only benchmark information, but also the stakeholder feedback and in addition to the lessons learned from a variety of the cities in which we reached out to. The other thing that we did that we think is important, we will move right into our concepts, we went out and evaluated the actual ordinances and resolutions that 7 already available for those benchmark cities to try to figure out key components to those resolutions, what are some of the things common across all of the resolutions and in order to give you this information relative to things, you may want to consider in your discussion of the resolution moving forward. Basically what we found is that the resolutions and/or each city called it something different. Legislation, resolution, ordinances, they had definitions to help us clearly understand and interpret who's impact and who we're talking about. All of them included a ban the box, all of them also had when to inquire about conviction history, certainly this committee would want to make some decisions as to when you would want that to take place. 88% of the resolutions that we did review had criteria for criminal history, as we go through you can see there's 12 different areas that we looked at. All 12 of these areas that we presented to you at the last meeting, we have taken them into consideration as we looked at the concepts. As we created some policy

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concepts for your consideration today, we not only looked at the different options themselves, but we tried to answer some questions that we heard during the last committee meeting through the media and through the stakeholder sessions. To providing you some concepts today, we also want to talk to you in looking at those concepts education plan options, enforcement and fines options or concepts,

legal impacts, resolution stakeholder concerns, business concerns and possible needs and resources. So at this time, we're going to pass out a larger document, I couldn't get all of that information on a powerpoint. So I have for you a large document here and I'll provide you just a moment to pull that out. >> Casar: Chair, a quick question before she moves on to this part about the cities. In any of the benchmark cities that we went and researched, did they all have some number of those fair chance components or were there some that -- that, you know, I think we had some discussion last time about just banning the box and waiting on some of the fair chance components until this meeting. In any of those cities, did they have a significant portion of the fair chance policies or were they just ban the box without any other enforcement or guidelines? >> Yes, in some of the cities that we benchmarked some components of fair chance hiring that they have included. The reason why -- we gave you a document we can provide you another one where we actually wrote down each ordinance and told you yes or no as to whether or not those portions are included. I think that is a better representation of what was included. If we need to pass that out again, the yes/no break down of the ordinances that were included, it was a document that said comparison of ordinance provisions by benchmark. So in the areas where you see yes, that information was included, so that document pretty much shows you that in the majority of the cities that we

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benchmark, there were components to their ordinance that's included some fair chance hiring components. We are passing that again to you today in case you need it. Any additional questions relatively to the benchmarking and other information we researched relative to the consent in the resolution we evaluated? >> Troxclair: In the last committee meeting there were some questions about liability for the businesses, liability, safety and costs. Were those things -- looks like they were discussed at the stakeholder meeting, but was there a follow-up information for -- about any of those concerns? >> So when the initial team -- initial stakeholder team that was presented talked through all different types of components relative to fair chance hiring and ban the box, relative to concerns of liability and concerns relative to the enforcement piece. It resulted in what you saw in terms of their recommendations. As we went into the business meetings, we presented to them what the stakeholders created but we also separate from the stakeholder process had a team of people who helped create a document that we're about to go over. A portion of that team came from our legal team to talk about it. One of the reasons why we didn't talk about it in general, I think, is because we needed to be very specific to the laws that were relative to Texas and things that were applicable to us and so in this analysis and I'll go into a little bit more detail, we have a -- we have the law department here, we try to give you some legal impacts of the concepts that we have presented. So that should answer some of the questions that have come up not only from the stakeholders, but from the committee as well and certainly if you have additional questions we'll try to answer them. >> Okay. >> Troxclair: Okay.

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I will let you finish your presentation then. >> So the legal impact is a part of it. As you have a document in front of you, you'll see that we created three concepts. Beginning with a concept that was reflective of the vote that you took on last meeting which was a basic ban the box concept and it expands all the way up to concept C, which is reflective of the complete recommendations of the resolution stakeholder team. So our span of concepts reflect ban the box with a level that goes all the way up to the complexity of the resolution language presented to you at the October meeting. In addition to that, if you will see right below that, we include some recommended information on education plan and then we talk on the next page of enforcements, fines, legal impacts. So I will take you through each piece of that for each

plan. So the concept that we have before you, for you for your discussion today include a concept a which would be removing -- ban the box, which would be removing the question of criminal history from both paper and online applications, for businesses that don't have an application, they would also have to extend to non-written inquiries for the scheduling of interviews. So if you don't have an application, you wouldn't ask that question at the time that you would be contacting potential candidates based on resumes that were received if you don't have a formal application. I know that was a question that came from the committee, so that is included in concept a. This -- this particular concept is at employers of 15 or more. And we that one in concept a for your discussion. When you look at the other cities that we looked at, their minimum number of employees in order to be impacted range from 1 to 20, with the majority of them following in the 10 or 15 size. So this is just a concept

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that we included the 15 as the larger number of employees for your discussion. And as you see here, we've noted that this would exempt all state and federal regulations. Those that are doing hirings just exclusively for vulnerable populations such as daycares, they would be exempted from this option because they are already -- there are already laws in place to support asking for criminal background check for those. In our concepts we are recommending exemptions for those entities who are exclusive vulnerable populations, we can go into more detail. If you have a company where some position is a vulnerable population, you would still adhere ban the box but you would have the opportunity in those instances not to for those positions that require it. Which is something that you saw in the stakeholder feedback. Now on the education plan, I think it's really important to note here that these are just some basic, simple recommendations to -- to initiate the conversation. You have heard earlier from some of the stakeholders about the ban the bag process which is probably the city's most robust to date activity where there was some connectivity to businesses and compliance. In that instance they hired a consultant to come in to assist with the research. So we are recommending just some fundamental components of an education plan, but we would certainly like to say, depending on the complexity of the final resolution, we would recommend coming back to the education plan to really cater it to the level of extensiveness that you would like to see in that plan and then associating any dollars required to make that plan happen. But in just general principle, the concept that we have here would be for something as basic as ban the box and the concept C, a three to six month campaign, hiring a consultant to do the extensive promotion, that you feel would be appropriate city-wide

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website, social media, conference calls, news releases but we would like to some subject matter expertise for someone in the marketing field to help create a plan based on your feedback that would be successful. Now, on concept a, as we talk about the education plan, we would also point out that if you move to the enforcement recommendations, we are recommending that it be -- the investigations of any lack of compliance go through our employee -- our eeo fair housing, equal employment and fair housing office. They currently are already established but I would like to point out we don't currently have the staffing to support this. So in our information we do have recommendation in a preliminary state to talk about adding costs for staffing and resources to support that. What you see in the enforcement and fines, three month education plan with warnings and [indiscernible] Assessments. However, I will tell you what we heard from the stakeholder, they are looking for an education period and then once the implemented resolution is in place, possibly creating some additional opportunities for potential fines to be -- not to be associated and warnings be given so that there's continued opportunity for education after the implementation of any resolution, where if there is an infraction

identified, there would be opportunity for training and education and not immediately going into a system where there are fines associated. However, one of the things that you will notice in all three of our concepts is that we are still recommending the first infraction be a warning, with a three month period to correct a violation. A second infraction would be 250. Any subsequent violations would be 500. We really felt like that no matter which concept you would consider, the level of severity would be probably pretty much the same, we put that as a concept for you to

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evaluate all the way across concepts a, B and C in terms of the fines and enforcement, on the education plans there are some variations. The more complex or the more detailed our resolution we have concepts that suggest to you opportunities for -- for an extended period of campaign and extended period of education. We also are recommending more intense education plans, depending on the level of scope. Our concept B, is ban the box, and what you see in red are the things that are extra in that particular concept that you don't see in plan a. So red represents additional pieces and what you see in red in concept C are extra pieces that you don't see in B. So we try to help you clearly identify the evolution between our concept a and our concept C. On our concept B. It really is reflective of the conversations that took place at the last committee meeting, where the -- where the ban the box would be in place to include clear definitions, which we want no matter which version you are to consider, employers of 10 or more, define when an employer can inquire about the background checks, there's a lot of questions as to when this concept would suggest when the top candidate has been identified. Understanding that the administrative burden that we continue to hear about would not be in effect for those who have 10 or less employees. We would want everybody to ban the box, but as we lay it out here for your employers with 10 or more, would be required to -- to -- to adhere the additional components that you see here. Define criteria in the evaluation, just allows us an opportunity to evaluate positions prior to posting, prior to recruitment, to determine if there are opportunities for positions not to require background checks if possible.

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Encourage employees to re-evaluate those positions and this concept includes a notification of adverse action of non-selection. But it does not include an appeal period. So in some of those other ordinances that you saw that was -- that was opportunity to tell them that you didn't get the job, here's the information, here is where and then in some of those -- some of those ordinances and legislation, there was an appeal period where the employer was required to hold the position until such appeal period, in case there was some -- some misinformation, included in the background check. Our concept C would just include notification without the appeal period. And then a retaliation clause to help those who actually report -- report those instances to us. So the retaliation clause is included in the concept B, and in our concept -- concept C. In addition to that, and -- that's a lot of information, so we've tried to lay it out for you in a way that's easy to understand, we have included some information from our city attorney's office relative to potential legal impacts for each one of those concepts that we've presented to you. We also tried to take the information we received from the resolution original stakeholder team and the businesses and we've laid out based on those concepts here are some concerns directly that -- that would directly relate to those concepts so that you can kind of compartmentalize those concerns into the concepts that we have presented to you so that you will have that as well. In addition to that, the resources that we as a city believe in a very preliminary state that we would need in order to execute concepts that are relative to the ones that we've listed before you. And so we've tried lay that information out as well. That kind of concludes the concepts and what we've provided to you. We have

the team of people who have done the research to help today to answer any questions that you may have

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as a result. >> Troxclair: Can you expand on -- on the retaliation clause, what would that entail? >> That part was a part of the information that was reviewed by the city attorney's office relative to creating language specifically to retaliation. So I would ask for the city attorney's office to be able to speak a little bit more about that piece. >> Good afternoon, [indiscernible] Morgan, interim city attorney. The retaliation piece would just say no one would retaliate against you that had that kind of a claim. I know we are working for a legal memo for all of you on this whole concept and Monica is doing a good job, she's in a hearing this afternoon. There are concerns, of course, that we have about enforcement going forward and we will provide all of those to you in writing. >> Casar: Chair, to give some context, I think, for example, if someone was working at the company in hr and knew that it was continued to be put on the front page of the application, if that person were to bring that up, we would not want them to suffer some sort of retaliatory action for letting us know that they are putting it on their job applications, for example. And however it is that we could potentially enforce that or include that in the ordinance, I would be interested in hearing the best way for us to do that under state law. >> Sure. One thing that we will be working is to make sure that the enforcement is there. It's a policy that you all are very interested in. It's an important one for the city. We want it to roll-out in a way that can be enforced so that would be a big part of the work that we do for you. >> Troxclair: But we don't have the legal -- the legal issues, were one of the main issues that I think we talked about at the last committee hearings, so I wish that we had that. I understand that it's been a short turn around time and you all have a lot of other things on your plate, but we

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don't have that information. >> It's important to know where you all want to go with this to figure out how to best draft an ordinance and work on those issues. >> Troxclair: A lot of the legal issues surrounded I think a couple of the businesses had said, you know, we're in the -- we have businesses where we're, you know, giving our employees keys to other people's buildings because they're going in to do work or whatever -- whatever the business might be that they're -- hiring people for other people just like the hr woman who was here brought up. And I think their concern was or one of the gentlemen brought up an instance where he hired someone that had -- I guess -- I don't remember the exact story. But basically his customer turned around and sued him and he was worried about not only legal implications for the businesses, but then I was wondering if somebody -- if one of the businesses was going to turn around and sue the city. >> Casar: And, chair, I had some discussions with folks that brought the same up to -- to us as we sponsored this. And reminding them that they can still background check, just when they identify their top candidate, should clear any sort of concerns about the background check. The issue is that running the background check as the beginning of the process as far as, you know, lots of studies have shown has a disparate impact, discriminating against different groups of people, the goal is to not discrete against folks but have a disparate impact against a community that we want to help, but at the same time protecting them from liability, just don't run the background check trying to protect yourself from liability in the way that winds up having this heavily disparate impact so we can balance civil rights and this option. >> Troxclair: I would love for you to have the opportunity to respond, too.

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I guess the most relevant instance where I could see this happening would be in the relevancy of conviction. The city says if we adopt a policy that defines what is relevant to certain job positions and somebody hires an employee within that realm, but so that I think would be where -- where I could see a potential issue. >> Sure, it's a concern that businesses are going to have but, you know, we can't prevent people from suing one another under any circumstance. >> Troxclair: Sure. >> So we will just put the best parameters in place that we can as we draft the ordinance. >> Troxclair: Okay. >> I will also add in the document that we provided you that the city attorney's office has provided you legal impact of those concepts. >> Troxclair: Okay, great. >> So it is included in the documentation. But as Anne just indicated, Monica is working on a thorough memo to kind of take you through each of the concepts and legal pieces. She provided general information just for your review in this document under legal impacts located on the back page, page 2 of your document. So that information is included in the information we have provided you. I would also point out, councilmember troxclair, based on your concern, we did get that information in the session that's we completed -- sessions that we completed which is why we given you three different concepts, you look concept A and B takes that into consideration. So we have provided you some diversity in order for your own determination as to whether or not the priorities that are important to you are reflective in the different concepts. So the diversity in concepts is really also an attempt to look at some of the concerns that you have to determine if there's some concepts here that address those concerns appropriately. >> Troxclair: And did you have any ideas or discussions with businesses about providing incentives for businesses who choose to do this on their own instead of doing a blanket mandate? And when I say incentive, I don't necessarily mean a financial incentive or a

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subsidy. Was there any thought give tone that approach? >> If you lookty resolution language for the initial process we followed that to a T in terms of putting a group together to talk about the creation of ban the box and fair chance hiring principles for implementation. I can tell you in that session because that wasn't a part of the resolution we did not speak to incentives. And when we had the business stakeholder meetings we simply provided them the recommendations that had been created from the initial stakeholder and can is them to provide feedback. There was no formal entities in both of those to create resolution options, but to speak to incentives. We did not go to that level in terms of our interactions with the businesses. >> Troxclair: Okay. And I'm trying to think outside the box here, no pun intended. [Laughter]. I'm the only one who thought that was funny. [Laughter]. Anyway, about what possible incentives there could be other than financial incentives even though that may not have been in the initial resolution, like I know that there is the city and the state have different rehabilitation programs. There's a state -- I think it's called prison entrepreneurship program that has been very successful and is being copied in other states whereas people are getting out of prison they're paired -- they do through training and are paired with businesses in order to gain skills that they need to then be able to create their own businesses within a short time of being released. So I was just wondering if there was some kind of partnership where the businesses who voluntarily opted in could maybe partnered with some of those people where -- we could -- I don't know. It seems like there's a potentially bigger picture, some bigger picture opportunities here that we

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may not be thinking about if we're just limited to ban the box. But it sounds like that really hasn't been contemplated so I will continue to think about it. And for the business owners who are here I would welcome any suggestions on the site of the subject. >> And chair, that's something that we certainly talk

about and I see this as a big picture solution. We have about 12,000 folks on top of the tens of thousands of people already in Travis county, 12,000 people coming in every single year with some sort of criminal history, so you need some really big picture solutions and so if you look at, for example, in Durham, city of Durham saw an increase of about 30% to about 16 or 18% of the employees having a back ground because they did this. If we expand this to all of the businesses I think that's how we could tackle some of the scope of the problem paired with some of the suggestion of others about us doing transitional work for training and re-entry programs. As we know even with affordable housing there's a small amount of money and a small number of units in figuring how how we do things to deal with the scope of the issue. >> We also want to point out in the information that we provided you from the businesses the idea of incentives versus penalties, so in that general discussion of consider incentives, we have provided you that information, but we would be remiss if we didn't already share -- share with you that the entities in our community, the re-entry groups already create collaborations, already work with businesses, are already working with private sector to try to encourage fair chance hiring. So we do have a lot of the stakeholders who participated in our process who are already as a function and mission of their entities working to try to educate businesses and collaborate to provide those opportunities. So I would also refer back

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to our initial list of stakeholders that were in the resolution because I think many of them who participated are those experts who are already doing those collaborations. >> Troxclair: Members, any questions? >> Gallo: I did want to thank staff. This was really good and deep work that we went through for the three different alternatives and the level of detail that you provided is really helpful. I think it will also help here today when working with council that when legal gets involved and starts going through the specifics that things are lined up easily to hopefully make their work easier too. It's really important - it's a really important issue that we're looking at today and I appreciate councilmember Casar's leadership on this matter. >> Troxclair: Councilmember Houston? >> Houston: I too want to thank the staff of human resources for their comprehensive work they've done. I support both of the ban the box and the fair chance hiring, but I've heard from several business owners, including my constituent in district 1, about some of the concerns they have about penalties and fines and creating a civil record for somebody that may not have understood. So I think we really need to think about that more and the educational piece I think is paramount so that people understand I'm not -- I don't remember how long the educational process was for the plastic -- >> Troxclair: The bag ban. >> It was one year before implementation was their education plan period. >> Houston: And does your concept have three to six months up to a year, right?

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>> Yes, ma'am. >> Houston: Depending upon [indiscernible] >> Yes, ma'am, I would also point out to you relative to category 4 first question, that the legal staff talked about administrative enforcement. When you get more details about what you're looking to do the attorney's office will talk to you about the difference between the options for civil enforcement and administrative enforcement, but they are recommending here the administrative enforcement and I think that memorandum you will receive from the city attorney's office will go into a little bit more legal detail. >> Houston: Okay. Thank you so very much. It was just very interesting to see interim city attorney Ann Morgan up on that side of the dais. [Laughter]. Thank you. >> Troxclair: Councilmember? >> Gallo: You know, it's the education versus penalty aspect of this I had also keyed in on as I was looking at the handouts before the meeting today. And I appreciate the fact -- that's a big thing for me too is we need to do our best to educate the

community whenever we have some fundamental and far-reaching changes. And that goes to letting people know that we're even thinking about things. And then once we do pass them giving people an opportunity to accommodate the level of change. So I do support -- I think you had it in here on your page 9 of the business stakeholder comments, that was a big thing for the business owners, takeaway penalties offer incentives instead and have an education plan with no penalties. I think that we do need to balance it off of the potential of bad actors and so I see with the second or third incursion or instance of a violation that the penalties do increase. I guess I would ask some of our good employers if that makes sense to them assuming that they are coming from -- I think that Mr. Hoover would say that Mr. - - Mr. Alexander would say -- I

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would ask you would this be fair to have an education program in advance and then for those repeated infractions and violations of this new ordinance, what do you think about having some kind of an enforcement penalty? >> My encouragement again would be to focus on the education and awareness. So many people as you guys have said, are not aware of this coming, first of all. And if we could delay perhaps even penalty phase -- I really did like part of the conversation of 180 to a year. I would fall towards that one year before anything, give us a year to educate, to teach, to train and to show folks that it's not going to be a burden moving that back to -- you know, away from battling the initial informant. I feel it would lessen any push-back from my employers. >> Gallo: The proposal has a three-month rollout? Is it three months or six months? Three to six months? So it sounds like we're batting in the same general range that you are as well. >> I think the longer time, the longer curve for education, for training and for acceptance the better will be my recommendation to you. >> Gallo: Thanks so much. >> Troxclair: Councilmember Houston? >> Houston: The question on the table is do we move this forward to the full council? >> That's correct. >> Casar: I'd like to move that we draft an ordinance to send back to council and I know our attorneys once we think about having an ordinance be able to advise us well on the technical aspects of this. I'd be most in favor of sort of a hybrid between B and C.

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If we were to start with concept C my motion would be to have concept C but not to include an appeal period for the requirement on city vendors. It sounds like there may be some legal and -- as well as reasons to limit that. To sort of bring back what's possible. If they are in the city limit and they are a private employer this will affect them anyways. So whatever they do on city vendors that purchasing and legal have the ups records and have the records retention it be reasonable and standard practice and only apply to those employers of 10 or more so that the administrative burden is -- we have no administrative burden on the small employers with less than 10 and that we let hr talk to those other cities and put together what is enforceable and reasonable. >> Houston: I have one question about concept C under the hiring of a consulting firm to do work. How much is that going to cost us? And is that in the budget we just passed? >> It is not in budget that you just passed and there is no cost estimates to that at this time because it would depend on the level of -- marketing and the level of outreach you would want. And in the ban the bag example they did an rfp for a consultant and so they went out and did a competitive process for it. They had internal staff and they hired some additional temporaries to participate in that process. Community, I would have to defer that question until we have more direction in terms of council to us in terms of what that process would entail. >> Houston: But if we did-- if the council voted on concept C that would be an additional 358,000?

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>> Casar: And I -- >> Houston: I'm just asking the question. >> What you see here on this documentation is the cost of just the administration for us. So that does not include any of the outreach component. That would be an education plan. So the entire education plan and outreach would be a separate cost that has not been developed or determined and vetted through finance or budget at this time. >> So this is just for additional full-time equivalence? >> And part time resources, just in our department for that execution. >> Houston: Okay. >> Casar: Chair, sorry, the point I was trying to which clarify and I apologize for interrupting is my motion is pretty much between B and C and so I imagine Austin would be somewhere in that range since there would not be need for appeal period or to check that folks were use case D.P.S. Or anything like that. So my motion is sort of a hybrid of those two. >> Houston: So would it help -- thank you, chair. Would it help staff if we went through and identified what it is that we're combining? A combination of B and C? Would that help or do you understand that it's a hybrid between B and C and you all will figure out what the differences are? Because we've already identified some things that we would take out or put in. I just need direction so that we know what we need to do to help you get us an ordinance that we can vote on at the council level. >> Mark Washington. That would be helpful in terms of understanding the policy components. And I just wanted to clarify on the costs. These costs are very preliminary. We have not had the time to -- like we would exhaustively go through an actual budget process with doing all the evaluation of the components. These are just based on our understanding of what potential criteria expectations would be. So that would be very helpful to get very specific

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feedback from the committee and that we could further refine both the ordinance and maybe also refine some of the cost estimates. >> Casar: Let me see if I can be clear. If it was exactly what you have listed on concept C, but just not including an appeal period to be held, looking to legal and purchasing's guidance on how to handle vendors, not requiring businesses to use D.P.S. As the sole vendor. And then on records retention, bringing back an ordinance that is reasonable and only requires sort of records for those larger employers of 10 or more. >> Exactly concept C -- I believe it's the second to last page provided by our staff. >> It may be easier to use -- >> Casar: I was trying to use the copy that the whole community and the city has. >> Troxclair: Because it's really clear in a different color what the differences are in want concepts. Want to you. >> Casar: I think I may end up saying the exact same thing. It would be concept C, yet it would not include the reevaluation of positions, nor would it include requiring dps. We would look to purchasing and legal's expertise on how to handle our vendor policy, but I imagine as I said, if we are already applying this to all private employers in the city that we're covered there. And finally for city staff to do what is right from benchmark cities about requiring any sort of administrative compliance so that the ordinance is enforceable. >> Houston: I'd like to add the 12-month campaign educational.

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>> When we talked about the education plan and the 12-month campaign we also included in the enforcement piece an additional period and for plan C we looked at a period of one year education with just warning. So that would be if you go with what as a concept for C that would be a one-year period to just educate and then after implementation there would be another year where you would not issue fines, but warnings that include an education plan. Is that specific to what you're speaking to? >> Houston: That's me, yeah, I would like that. >> Pool: And I notice that the tiered finding system occurs after one year. So after 12 months the first bullet has the first infraction, a warning with three months to

correct the violation. Second infraction is 250-dollar penalty. Any subsequent infractions would be \$500 per infraction. That and be after the one year of education plus three months of the first warning. That would seem to address the concerns that the community brought as far as the education and time to ramp up. >> And the other piece to it is if there's one company that didn't do the ban the box they would get multiple complaints from one. The three month period allows us not to have multiple issues with just that one violation and the three month period would allow them to fix it without us having to come back and give them -- like if five people called in one week they would have three months to fix it before we would move to the level 2 of infraction. >> Houston: So part of this training will be done with the human rights commission as well? >> We were waiting for additional direction. We just gave you some concepts to consider with an education plan, but we feel like that the scope of that needs to be bigger than just the hr team and so that's why you see the recommendation of a consultant and/or other entities to help us draft what that plan would look like and who would be those

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we collaborate with to do it. >> Pool: Would it also be appropriate to ask for your staff to work closely with councilmember Casar's office further after we finish working with this here, before it comes to council, if there are any other elms of this that you wanted -- any other elements of this that you wanted to flesh out or define? Would that work. >> Casar: >> I feel comfortable with the team touching base with my of the council offices as they develop it. >> Houston: So councilmember Casar, on page two of the large document are we going for criminal enforcement or are we just going to go through -- where are we on that? >> Casar: Councilmember, this may be something that we need advice from legal on, but my understanding is that we are -- that we're limited in the kind of enforcement that we can do. Can y'all help me understand that? >> You could do either, but our E.M.S. Would be an administrative enforcement -- our recommendation would be an administrative enforcement process. >> Casar: Let's do that now and if you deliver a legal Mo -- >> [Inaudible - no mic]. >> Casar: Yeah. >> Troxclair: So just to clarify in the difference between concept B and concept C and what you're proposing, so you are proposing still including the employers must maintain records and all information must be tracked and reported? >> No. There I asked for human resources based on the size of the employers, larger employers often times already have lots of requirements for the kinds of records they have to retain. And so my understanding is that human resources has worked -- talking to benchmark cities about what's a reasonable expectation for records for those larger employers, but not to require any records retention for employers smaller than 10. And then on the employers that are larger than 10, having human resources just come back with an ordinance that makes sense. I want to make sure it's enforceable on our end while

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at the same time being reasonable about not making folks create bunches of extra records. >> Now, we've included some information that may speak to that under the enforcement and fines area. We didn't talk a lot about it, but what we're recommending -- I'm going to focus on B and C for now under enforcement and fines, our eeo office would hire an investigator. Also when those complaints would come in they would come to that office. If we make a decision that it's a violation or non-violation, the employer or the employee who filed the complaint or candidate could appeal and that appeal would go to a hearing officer, which is why you see in concept B we were recommending that's why that cost is a little bit higher in terms of administrative needs. We have a hearing officer that would review it and that officer would give us a proposal for decision that would then go to the human rights commission. So it would minimize the cases that go to the human rights commission to only be those that have gone

through appeal and been heard by a hearing officer. So when you see the enforcement for B versus C, C also includes a paralegal that would work with the city attorney's office, assist with that, and B would include a hearing officer. That speaks to what our recommendations are in terms of process as relates to identifying violations. >> Pool: I have one question about the authorities given to the human rights commission? Do they have sufficient authorities like subpoena powers if necessary or would the human resources office be the ones who issue the subpoena? >> Under the enforcement -- it's listed for you under concept a, but as the city attorney's office has informed us under the administrative enforcement there is less ability to enforce, cannot subpoena records. So I'm not really sure of the subpoena power that would be given. We would have to go back to the city attorney's office to determine that. But it's my understanding that there would be limited opportunity for subpoena power for the commission. >> Pool: Okay. I think that can be handled

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if you would consider this thought. As we were looking at the ethics review commission, for example, does it have subpoena powers currently? And there were two options along the lines of providing that to that commission. One is simply to make that possible for that commission, but the other avenue would be to have a direct line of communication from the commission. It could be the human rights commission in this case or ethics review commission, whichever body has subpoena power, so they could make the request of the body that has the subpoena powers and maybe that would be another avenue to get to that desired end. >> We'll check. >> Pool: Thank you. >> Houston: Then I need to ask a question regarding the ordering of it. It seems to me that -- without being a lawyer, that it would go to it would go to human rights commission first and if the human rights -- if the person was not satisfied with the human rights, then they would go to the administrative hearing rather than have the human rights commission be the final arbiter. >> The reason why we set it up this way is we don't know the volume of complaints that would come and if we do it with the hearing officer first it would minimize the amount of work to be done by the commission because their scope of work would be just beyond this piece. We were afraid if everything went directly to the human rights commission it would inundate them and they wouldn't have the ability to focus on some of the other goals given to the commission. So the the thought that was the hearing officer would circumvent some of that work load and only present to them decisions that had already been thoroughly vetted by a hearings officer to also help make the decision a little faster because the commission has information that is already summarized that they can review for consideration. So that was the thought behind the process before you. >> Pool: Thanks for explaining that because that would then seems it would obviate the need for them to have subpoena powers. So maybe the hearing officer

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would handle all of that. We need to make sure that person has ability to request the necessary documents. Okay. >> Troxclair: >> Casar: Is S -- >> Troxclair: Councilmember Casar, so you -- I know that we let this conversation get much further than I should have without a second, but did somebody second his motion? >> Houston: I'll second it. >> Troxclair: Councilmember Houston seconds his motion. So I just want to be clear. You already clarified that the employers are still going to have to maintain and report and track some of their records. And then this concept would also include relevency of conviction and rehabilitation. >> Casar: Yes. And it's my understanding there is already lots of federal law on what's relevant or not and I trust the legal department will make sure we do this well. There's already eeoc guidelines about what's relevant and not relevant. I think we can craft something that makes a lot of sense. >> Troxclair: Okay. I guess back to my -- it's hard for me to make a determination without the

background legal memo, I guess, that we've been talking about because that's where -- based on our conversation just now it seems that's where opportunity for potential legal risk really increases. It's hard for me to make a determination on that piece until I have more information. And when I think about the scope of the different jobs out there, I am struggling to understand how the city is going to dictate for every kind of potential job. I don't know. It just seems like -- I always imagine your legal risk, barometer. And that one piece is where I see the barometer -- the needle kind of move up pretty significantly and the amount of legal risk that we're opening up our businesses to as well as the city. >> I would think for this as you're moving it forward, we

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won't know that kind of specific detail and when you -- we try to create an ordinance now working with you all to make sure that it fits with what you all want it to do and then we'll continue to tweak those pieces as we figure them out. >> Troxclair: Okay. >> Casar:, can I ask you to add to the elements of concept C so that we're really clear. >> Casar: I'm happy to do it either way. >> Troxclair: As we go through the list it gets more complicated because there are details about like legal impacts. So just so that we have clear direction. >> Casar: I can be really clear and I'm trying to really stick to the ordinance portion with the amendment from councilmember Houston about the year long education campaign. So from concept B to C, the addition would be the relevency of conviction being included, the -- some direction to our staff to consider our vendor policy, the job in posting language be inclusive and giving notice to folks, and some level of the employers retaining records such that it's enforceable well. And I think as Ms. Hays said, I think this is the same on both of them, the top candidate is when you've got your conditional offer. And that's what I modified from not really in Co bar or just to have our purchasing staff and city legal think through the vendors piece. My understanding is if we pass this ordinance all private companies will be required to do it and may obviate the need to handle vendors, but I think Mr. Scarborough in purchasing is really a sharp

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guy and knows how many contracts we purchase and probably can come up with if there's any need to include this in our purchasing policy or not. >> And can I clarify with staff really quickly? There is a difference between concept B and C in regards to defines when an employer can inquire into criminal background. And B says when a top candidate is identified and C says when a written or verbal conditional offer is made. Is there a substantial difference between the two of those? >> I'm sorry, say that last part again? >> Troxclair: One says when a top candidate is identified and then the other says when a written or verbal conditional offer is made. Is there a substantial difference? >> It's really meant to be the same in terms of the timing. I think when we're talking about concept C that was the language that came directly from the stakeholder group. And concept B that was really more our language, but I think it's the same time. >> Troxclair: Are there any other questions? Comments? Y'all are ready to vote? >> Houston: Did you put the dps? >> Casar: I move to not include dps given some of the information we've gotten from our staff. And again, thank you to our staff and to this committee and to all of the folks involved for how much time and work's been put into this. I imagine Austin it will take some time to draft it and we'll see everyone at council. >> Troxclair: One of the things is to maintain, track and report all their records. I'm not sure that that piece is totally necessary in order to get to the heart of what we're trying accomplish here, which is to help ex-offenders get jobs and make sure that everybody is treated equally without discrimination or bias. And I do think that that presents a difficult burden for a lot of our employers regardless of the size.

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So I guess I was hopeful -- I voted for the ban the box, I voted for concept a at our last committee meeting and I was hopeful that we were going to be able to get to a good place where we could vote this out unanimously. But I'm really concerned about that piece. I'm just not going to be able to support the concept as is. >> Casar: And chair, I hope that perhaps when it comes back from staff and we actually have what that records retention looks like that hopefully we'll be able to allay some of those concerns. And I appreciate you making the comment and I think that you being supportive of the other components about having trouble with that is a fair position and maybe we'll get your support on it once the records retention piece is written. >> Troxclair: Councilmember Houston? >> Houston: I'd like to call the question. >> Troxclair: All right. All in favor please raise your hand? All those opposed? The resolution passes with everybody in support with me opposing. Thank all in favor for all the time. I will just reiterate thank you to our staff for putting this information together. You did a really great job of making a comprehensive draft policy concepts for us to consider that made it really clear what the implications were. I appreciate it. Okay. All right. We'll move on to item number 5, discussion and possible recommendation regarding continuing the city of Austin's partnership with the local economies council and the Austin independent business alliance to host the annual local business conference. Oh, and we have one speaker, Hoover Alexander.

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>> I thank y'all for your time again. I would just like to voice support for Austin independent business alliance and our executive director. I have been a late joiner on groups, including the greater Austin restaurant association and also the Austin independent business alliance. The local business conference has proven very invaluable for me getting out of my cave, just working trying to run my business, and plugging in to a larger group, even beyond restaurant group. And it's really been eye opening, really meaningful. It's really allowed me to connect and see common things that we need to work on. And I feel more empowered, more knowledgeable as far as being a citizen servant as far as other folks that are not as involved. It's not as tuned into things that are going on with our city. I definitely recommend, definitely support getting continued support from the city to enable small businesses like myself to have a platform to come together and to be able to increase our knowledge, our information and empower us better to really, as I said, serve our community. The small business employees are indeed -- you've heard many times leverages -- leverage people to the larger communities as far as who we hire, who we influence, and the aiba, the Austin independent business association and the business conference, has been a great, great resource for me personally. Thank you. >> Troxclair: Thank you. >> Are you ready for me now? >> Troxclair: I think we're ready. >> We're here today, and thank you so much for allowing us to present this to you. This should have been included in the backup material, but I think there's a question whether it was or not. So first you have before you a resolution that is sponsored by councilmember

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tovo, and the resolution really addresses just continuing the local business conference program and continuing the partnership that we've built with this moving forward. And all this resolution asks for is for the council to direct -- I mean city manager Marc Ott to negotiate on this, on a multi-year contract to continue this partnership and to find appropriate funding sources for it. So it's not actually allocating money today or approving it today, but just moving it to the next stage to take a look at this. The second document that you have is a sheet on just why this conference is important. I did not ask business

owners to come here today. Hoover Alexander happened to be here for an earlier issue so he agreed to stay and speak on our behalf, but he does serve on our leadership circle for the conference and has been an integral part of that process. This conference, we've had it for two years. The next one will be the third year, is the only place where local business owners get the opportunity to come together and talk about what the major issues are for them as local business owners and for the local business community. It's the only place where they have a say in what the priorities are, what the goals are, and what could really happen to make Austin a more thriving community for local business. So I would implore you to continue this process. Austin has become quite known in the entire country for this. To the best of my knowledge we are the only city in the nation doing anything like this. I'm a part of a 10-member national local policy council. The other nine members are

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from across the country in different cities. They are all addressing one or two issues that might be better lending resources, it might be property ownership or something like that, but it's only one thing. We are the only city looking at this on such a scale. Last week I was invited to participate and be speaker on a webinar that was put on nationally by the Balle association, business association for local lending economies. They're huge and been around a long time. And that was addressing local policy changes and local policy for local business. So we've developed in our partnership quite a national reputation for this and I would love to see the city continue this reputation. The second part of what you have in front of you I believe you've all seen before because I've been here before talking about these goals, one of the things that we do at the conference is we talk about what would make Austin a more thriving community for our local business community? When we ask that question we get about 300 answers, as you could imagine. But this group, the business owners themselves, last year we had 70 business owners in attendance, from 11 different business organizations, including all the chambers and community lenders. The business owners prioritize what's important. We create a list of four to six goals to work on for the following year. We form a leadership circle which Mr. Alexander is a member of this year. And that leadership circle agrees to meet monthly to help come up with programs, plans, procedures, policies, ideas on how to achieve these goals that were set at the conference.

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Some of these -- we've been very successful with this. We've been a good voice to the council to the business community. Frankly some of the things they come back to me with are huge and are probably going to take the rest of my natural lifetime to achieve, but it's good to have that clear, concise, collective voice from the business community that says this is what's important and these are things we'd like to address and how can we do that? Are there any questions so far? Of anything I've put before y'all? The documentation, like I said, I think I presented in August as well, is about the goals from the last conference, the policy ideas or the program ideas that have come from the leadership circle and we'll be coming back to you with those again on how to make some of these things happen. So the really important part about this is the community involvement. This isn't just aiba, isn't just me, is businesses from across the city, from across different business organizations. To my knowledge it's the only event that we all, all 11 business organizations participate in on anything like this. >> Troxclair: Thank you for bringing this to us and for being here today. >> Casar: Chair, I have a question for either the committee or perhaps for Ms. Ellison. I'm certainly supportive of this council and the conference. I think my only question here is just thinking about our city manager and our city staff form of government and actually listing the amount that we're supposed to negotiate for considering it's sort of a negotiation, we want to make sure that we are putting our staff in the best position to negotiate on anything. And while I

imagine that y'all over there are great

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negotiators, I just want to make sure we set good precedent in the way we pass resolutions. I wanted to see if what your thoughts would be if something like this were would be recommended by this committee, just letting the city manager know that we desired to continue our partnership and to negotiate with the parties about how to do so just so we don't decide the negotiations before they occur. >> And that's really what the resolution says. That's all it's asking for. >> Casar: Okay, great. Then maybe I needed to read closer on the back page. >> Troxclair: Thank you have a question, councilmember Houston? >> Houston: To you for being here. First of all, why wasn't this included in your request for the budget that we passed in September? How did this get out of cycle? >> Well, it's on the unmet needs list from the economic development department, and it wally was in the budget -- and it actually was in the budget by director, Mr. Johns chose to support our ibiz districts instead of this. This. It wasn't it didn't make it to the top of the list, but he supports other things. There is a collection of items that aiba does to support the program and the economic development department. >> Houston: So how did you come up with the 40,000-dollar amount? >> It's looking at the contract that we had for this was 20 and we're looking at expanding it substantially to include more research, more business, more businesses' involvement and greater involvement. I think we can handle probably up to 150 business owners on this and now that we have some experience under our belt for doing this for a couple of years. And the other component of it is that in part I would

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like to see us do a documentary film on the process we're doing since we're the only ones in the country doing this. I get calls from economic development departments around the country and other independent business alliances all the time seeking as to how we actually do what we do. >> Houston: With all the creative film people here we couldn't partner with them and have them queue it for you -- >> Do it for free? >> Houston: We get -- they get it, we have to save some money. We have to think about partnering with people that are already here. So that may be a way to queue that up for them. >> I understand the partnering. Aiba does that quite a bit. I try to not ask anyone from the creative community to work for free. I may not be able to pay them what they would get in the public sector, so to speak, but I try not to ask them to do their work for free. >> Troxclair: Councilmember pool? >> Pool: I was looking at some information about the ibiz district program. The panel discussion looks like the audience is limited, much more limited than what your proposed local business conference would provide and more of a one-way presentation on what the city's currently working on. What I liked about what your presentation is, it's a convening of local business entities in the city and talking about what they see as their needs so it's more of a bottom-up, where the city isn't telling them what the city thinks they need, but rather the small business entities coming together to tell the city what they've identified their needs are. >> You're solution correct in that assessment. The panel discussion in getting connected was awesome. Rodney Gonzalez and [indiscernible] Were there. Rodney was amazing.

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I'm sorry, I know him well so I should say Mr. Gonzalez, was absolutely amazing. He was there in a very tough commission -- tough position. And there were I want to say maybe 30 people in the audience. Do you know how many? About 30? Of the people in the audience that I knew that were aiba members who later spoke to me about it, they were blown away. It was a terrific presentation. But it was just that,

it was a presentation. From Ms. Holthrob was doing, it was about things that would be coming up next year. So it was a terrific presentation and nothing should be taken away from it because it wasn't a two-way street. In fact, we all liked it so much we're talking about doing that same panel discussion again later -- next year in the spring or summer. But they're two completely different things. >> Pool: I'd be happy to make a motion to approve this resolution to move it forward. To the council. >> Troxclair: Councilmember pool makes a motion. >> Houston: I'll second it for discussion. >> Troxclair: Councilmember Houston seconds it for discussion. Do we have any staff here who can speak? I'm sorry, I didn't see you. You're hiding there. >> Good afternoon, sill knowiahol throb with economic development. >> Troxclair: Any questions for her? So it sounds like the decision was made that for the funding that was identified for programs with

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independent business alliance that the decision was made to put the money towards a different program rather than this program? Can you just expand a little bit on why this resolution is in front of us or what the history is? >> As part of the resolution that was adopted into December 13, 2012, it required the city manager to plan the next small local business summit for 2013 and hold this summit annually in order to allow for current small, local business owners the opportunity to provide feedback on their interaction. So as part of the contract that we negotiated with aiba it was our desire or understanding as part of the getting connected to have that one on one dialogue. So it's part of the contract -- so as part of the contract that's how we as a department plan to move forward with the local business summit. >> Troxclair: I'm sorry, can you restate that? You plan to move forward with the local business summit by having one on one dialogue? >> Having the panel during the getting connected. So instead of having the separate, we were merging it in with our getting connected. >> Troxclair: Okay. So instead of having a separate event you felt like the purpose of the conference could be accomplished by incorporating it into an existing event. >> Yes. That was our plan. >> Troxclair: So where would the funding -- if this wasn't already in our budget, where would the funding come from if this passed? >> The city manager would have to help us to find the funding because right now we don't have any extra funding in our budget. There was some items that we funded, self-funded for new initiatives as part of the budget, as part of the budget savings process, so we are just tapped out right

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now. >> If I can speak, I believe that councilmember tovo has identified three potential sources of funding, and is prepared to discuss those with the city manager should this get to that stage. >> Troxclair: Okay. Councilmember pool? >> Pool: And I guess what I'm hearing is that the local business entity is looking for a different or maybe an expanded acknowledgment of their role in the small business conference that you're anticipating. And because that's not being addressed or met, they're interested in providing that opportunity again, which they've already done at least once to good effect -- twice to good effect. Would there be really any reason why in a city as thriving and with so many different folks engaged in different levels of business that we wouldn't have the ability to have more than one gathering of folks? We could have more than one conference, right? There's no rule that says only one conference for small business in Austin. And I want to make the distinction between small business and local business because my chief concern is of course small local business, but there's also a difference in how different businesses self-identify. >> Exactly. As part of our department's charge we serve small business no matter if you're considered local or this expanded version. So we're here to serve the entire population. And there is no reason why you can't have two. We already plan to have it as a component again as a part of getting connected because we've even expanded that which has taxed

our department budget, but again as you know that we had the first day for creatives and we heard last week through our needs assessment with

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the creative sector, with the music sector and just trying to stretch the resources to cover all bases that we have, but again it is still a part of getting connected so I look forward to working together to have that component, but again there's no reason that you could have two, three or four a year. >> Pool: And I think the idea that is being promoted here is there would not need to be any stress on the staff resources of the economic development department. It sounds like this is -- it sounds like this is managed entirely by the aiba folks. They're looking for funding from the city, which it sounds like the mayor pro tem tovo has some ideas about where to find it. I think it's pretty exciting that we would have this much energy and this much interest and this much already developed and they've got two years to kind of set a foundation. I really wouldn't want to see the city do anything to kind of slow it down or suppress this really good energy. >> I love the energy, it's just within our budget there are no additional resources, but we would support, continue to support because we hear concerns -- the same concerns from business owners of space, funding. It was just unbelievable the assistance that's needed. >> Houston: Thank you both for being here. My question I guess is what is the role of the chambers in supporting small and local businesses? They get money from the city so what do they do to help encourage small and local businesses and give them a forum to talk about the issues they have? Maybe we should pull some money from them. >> Councilmember Houston, you are correct. We do support the various chambers and their sectors. They do have a small

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business component. I don't have their performance measures in front of me, but again they support small businesses, they support export/import growth for their specific sectors so the hispanic chamber, black chamber, gay and lesbians chamber and the Asian chamber, so you are right they do have their small business focus too, I just don't have the performance measures related to our contract in front of us, but I can get that for you. >> Houston: No, I understand that. I'm asking for -- we continue to create silos in this city, so if the chambers have think specific silos about what they're doing with small businesses based upon the demographic, why don't we share some of that money over to the business alliance so that they can be together and small businesses can have those and the demographics can participate in ibiz? >> We support that. They participate in our summit, they participate in our outreach programs. They come together to support all of our activities. So whether it's our training programs that they don't provide and they stress that to their members when we're having -- at the end of the month we're having family business loan bankers round table, they will be there in support. So again, it's not to -- we're not trying to operate in silos, but they have identified a certain niche. In the big scheme of things they do -- in the big scheme of things they do come together and work together with the city and aiba. So I think it's more resources out there. >> May I address that as well? I want to discourage silos and this is one of the areas that we can do that. We worked closely, as I said, with 11 business organizations, all four chambers except four community lenders. People fund, we've also worked with them.

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And the way that we work with them on this is participation, but we invite each of those entities to invite five of their member businesses who are small local businesses to the conference. So in the end we really have a fabulous group and a wonderful cross-section of all sorts of business owners. From all

sorts of businesses. I will say that if you analyze the contracts that the city has with the other chambers, you'll see that 70% of the money goes directly to recruitment of businesses coming to Austin. That's fine. That's not what we do. We're concerned with the businesses who are here. So that recruitment aspect and that bringing businesses from other cities, states, countries, to Austin is the focus of our economic development department. We focus entirely on who's here now. Who are the businesses that built this city? If somebody comes here as a business owners and moves their business here, we certainly embrace them because then they're a local business owner, but we really don't do recruitment. This is one of the few things done for our enormous existing business community. We estimate that there are between 50 and 60,000 locally owned businesses in Austin. >> Troxclair: Councilmember Casar, did you want to make a motion to strike the specific amount out of the resolution? Was that what you were wanting to do? >> Casar: Yes. And I can leave it up to y'all to help me finesse it, but I think the idea being that we desire the city manager to negotiate a contract to support this. This council at the conference. >> Pool: What I was going to propose is that we strike the words in the amount of 40,000 per year so that it then reads that the city manager is directed to negotiate, and note that it's just negotiate. This is not to execute also

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because it will come back to us or to council as the executed contract. With the local economies council to continue the city of Austin's participate in hosting the annual business conference. >> Troxclair: Which are makes a motion to strike in the amount of \$40,000 approximate year and councilmember pool seconds it. Is that correct? >> Pool: That sounds good. >> Troxclair: Any discussion? >> Houston: I have one more. It says be it resolved to have it done by December 17th. We're so crunched for time we're asking staff so much. Is that -- the city manager staff is not here, but that's you all. Right? >> I haven't seen the resolution. I haven't dialogued with the city manager's staff. So we could have until January. We do have a lot of things going on. >> Pool: What I might suggest is that we can leave this date in here. We can get the resolution to council and maybe we can change because the city manager will be at that meeting and we can adjust the response date with his input at that time. Because I think that's a good point. I would like it to have his input. >> Houston: Yeah. >> Troxclair: So are you making a motion to change it? >> Houston: I'm making a motion that -- >> Troxclair: Hold on. Let's vote on councilmember Casar's change first before we get too busy. First let's vote on the motion to strike the phrase in the amount of \$40,000 per year. All in favor please raise your hand? Any opposed? It passes unanimously. Go ahead, councilmember Houston. >> Houston: I'm trying to think of -- trying to give staff -- because everybody knows how overwhelmed everybody is about the amount of background and information. I'm trying to give them enough staff to really -- time to really vet this before we end for December the 17th. And when do we come back?

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>> Pool: The last meeting in January looks like it is -- it's the last Thursday. It looks like it's an Austin energy meeting. So I don't know yet what will be on that agenda, but I think it's January 28. >> Troxclair: Do you want to say by January 31st? >> Houston: Is this something time sensitive? >> No, there is not. But I would also like to say that we've already worked out a scope of work with the small business program because this was originally in the budget. And so we have a scope of work already done, ready to go. And I think that stage of it doesn't need to be done if that's part of what you're looking at accommodating. >> Pool: So what we might do is just -- go ahead. >> Houston: I'm just trying to say -- because we're saying that the city manager is directed to bring back a negotiated contract and propose funding on the 17th, which is -- >> Pool: It sounds like the scope has been worked out, so it's a matter of

identifying where the funding will come from. We do need to -- >> Troxclair: Do you want to just say by the end of January. >> Houston: How about by the end of January 2016? >> Troxclair: Sure. >> Casar: I think that's fine. We could even include as soon as is reasonable, but or by January. >> Troxclair: Okay. >> Houston: I'd like to move that instead for approval on December 17th that we say by the end of January 2016 or as soon as practical. >> Troxclair: Okay. >> Pool: I'll second that. >> Troxclair: Okay. Councilmember Houston makes that motion. And councilmember pool seconds it. All in favor? That amendment is passed unanimously. Okay. Do we have any other questions? For me, you know, this is a - - this is a tough thing for me because -- was this in -- did anybody else have anything in backup? >> It should have been, not sure why it wasn't. >> Troxclair: Did you get a copy?

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>> Yes. >> Troxclair: Because it's always hard when we don't get information until we're on the dais. You know, of course, I want to support our local businesses, I really appreciate everybody that your organization does for your local businesses and local business owners. I just really feel that, yeah, we have a lot of unmet needs. This is something that was I guess identified in the original budget documents and -- and that -- that state an unmet need, I just feel an appropriate time to have that conversation would have been in the budget. I just don't know what other conversations -- it's one thing to have issues like ban the box come up where we are developing policies and we just don't have a -- anything to vote on or a grasp of what wasn't to do until the vote that we just took. When something is brought forward and considered during the budget and we made a decision not to include it, it's hard for me to then come back and retroactively and say -- I guess for that -- for those reasons I can't support this resolution, but I hope we can -- I think we all have the same goal here [multiple voices] I hope that I can get assurance from you that, I mean, whether or not this passes that you will continue to engage with the local business -- >> We will always engage the local business. They work together. The chamber alliance works together greatly. So I don't want to imply silos. But again as part of the resolution moving forward because there are several unmet needs, that's why we incorporated as part of getting connected. We already have a forum, a venue, if there's extra

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funding that can support local businesses we're definitely all for it because their needs are many, too, just lot a lot of. >> Troxclair: I know -- [multiple voices] >> Unmet needs -- >> Troxclair: I agree with you. Of course if there are extra funds that are department -- that our department or staff -- we have to trust to some extent the -- that our staff is prioritizing, you know, the funds to the best of your ability and I -- I know next meeting, we're going to be talking more about music and the music census and the unmet needs in the music realm. >> I'm sure that you got a copy of the creative needs assessment that was issued last week that dovetail right with the music needs and so -- >> It's just hard for me to single this out as something that retroactively should have been included in our budget. But I will -- nobody else has any other -- >> Houston: It's hard for me, too, as we sat through that process, and as I was able to process the budget process about two weeks afterwards, make it all make sense, there were things that didn't get funded at all and so if there's extra money somewhere, I -- I want to find out where that -- that golden goose is so that I can do it because there are things that I look back in my -- not only just for the area, but for my local businesses who are not part of the small business district, they've got some severe needs and we've got a pilot program that's working at -- on the 12th street for the business owners. But, you know, it feels -- it feels like I'm robbing peter to pay Paul. If it had been a part of it and if -- if it had been bubbled up to the top, but here we are after the fact trying to find money, which

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everybody now will be asking me, well, can you find money for my project that didn't get funded? And they do that because they watch this stuff and I'm going to have to say, no, I don't know where to find that money. So it's struggle for me because I know that you do good work and I know that the people that you support are very grateful for the work that you do, the city is very grateful. I'm a supporter of local business getting as much business as they can because we are running them out of town. The cost of living in this city has gone up so high that many of our local businesses are having to close shop. So this is a hard one for me, too. But -- but it's hard. >> Troxclair: Okay. Any other comments or questions? >> Casar: I guess my question is if the -- if there's anything that we can do to amend this to make folks more comfortable. If not, then we can just move on with the way that it is. >> Houston: Well the only thing that will he -- that gives me the ability maybe to vote for it is that the mayor pro tem has figured out where the money will come from. I don't feel like it's being taken away from something else. Maybe there's something. I'll have to wait and hear where she's getting the money from. >> Casar: I think I'm at the same place. I'm going to vote for this in the spirit of understanding that we're not just going to direct the city manager to find the money no matter what. But instead we want to hear what those options are before we make any adjustments to the way we're doing this thing. >> Troxclair: Okay. Well, okay. Well so all of those in favor of the resolution as amended? Please raise your hand. I'm going to abstain from the vote until we get that information. So the resolution passes with 3 votes in favor and one abstention.

[4:06:57 PM]

>> Thank you. >> Troxclair: Okay. Thanks. Okay. >> Troxclair: I'm going to try to get us out of here on time y'all. Next we're going to move on to item no. 6, discussion and recommendation of the disposition of \$2.4 million in fee refuse view from white lodging service corporation. Do you have a presentation for us? >> Well, we uploaded the same presentation that we gave to audit and finance committee. We have some, as y'all know, we did not expect additional funding from the white lodging settlement. So I'm here to answer any questions that you all may have. But we do have new recommendations for the business retention program and I have David Culligan here to speak to those changes but -- pool and I are both on audit and finance, but we have two other members here who probably did not see the presentation that you delivered there, so, you know, either -- I don't know if you want to go through the whole thing or if you can just give a brief overview, but I think it's important for everybody to understand kind of the background of where we are and why we're considering it in this committee.

[4:08:57 PM]

So the business retention and enhancement program was created on February 14th, 20 [indiscernible] As a 24 month pilot program. [Multiple voices] >> Houston: Is this the document? Does everybody have this? You got it online. Okay. We're good. So it was ratified in 2009 with a permanent creation. It supports the reestablishment of businesses on congress avenue and east sixth street. It provides low interest loans for eligible users and established to stimulate retail investment. I'm just going to do a quick overview. The current uses includes facade improvement, tenant finishout, business-related equipment, and again the low interest loans were up to \$250,000, but could be expanded to 750,000 for special needs. The eligible area includes defined as congress avenue, bordered by 11th street on the north, town lake on the south and alleys directly east and west of congress and the area of east sixth street bounded by congress avenue on the west and southbound frontage road of I-35. There's a map included in your packet that outlines the area and outlines the fee area. The sources of fees includes the

temporary use of right-of-way, vacation of right-of-way and license agreement. To date we have provided two loans, one to el sol Y la Luna and apple annies, el sol created 8 jobs and apple Annie's created 20 jobs. I'm going to let David come up and give changes -- >> Pool: Before you move on to that can I have a question? Can you tell us how much money is in the, retention

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and enhancement fund. >> Currently council approved an appropriation of one million with a department of the two -- a deposit of the 2.1 million, there's approximately 3.4 million in the fund now. >> Pool: Then there's 2 million from the jw settlement coming to this fund? >> It's already been deposited into the fund. As parts of the settlement, it was determined by the legal department that the fees should be deposited in the source that would have originally earned them. >> Pool: How many years has the fund been in existence? >> Since 2007. >> Pool: Ate yeast and we've loaned out \$500,000. >> Yes. >> Pool: And then there was a transfer of 1.5ish give or take million from that fund to general revenue, I guess. >> Exactly in 2014. >> '14. >> That was at council's direction. >> Pool: Do we know what that money was targeted for? >> It was to balance the general fund. I have that information I can get to you, I didn't bring it down. >> Pool: Okay. Thank you. >> All righty. I will let David explain the general overview. >> Sure. Just to give you more context for the rest of this presentation, we work collaboratively with the downtown Austin alliance to be able to promote this program for individual users within the program and we constantly get their feedback as to how it is we can be more competitive in being able to loan out any dollars, because, of course, this was one of our first loan programs within economic development. So I'm on slide 6. We meet on an annual basis to be able to evaluate the program with downtown Austin alliance. We have Molly Alexander here today to promote how it is exploring different opportunities for changing of this program so it would be more competitive. Within the evaluation we have heard from our team

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that the service area doesn't match what it is that we are trying to do in terms of maximizing small business loans in the downtown area. It doesn't reach the current downtown market analysis that -- that they are hoping to support. The program is meant to attract quite a few companies and we would like to focus the company in -- I'm sorry, focus the program in on how it is that we are actually retaining some of the companies that already exist in the downtown area. The current eligible projects don't reflect some of the identified needs within the business area. And we're really finding out that some of the different financial and compliance measures for this program are a little too restrictive for some of the companies that are looking at the program, especially those companies that are local. And finally, the process itself is cumbersome. A lot of these companies are noticing that the program itself is open, they are subject to a lot of our public requirements in terms of records being made available to the public, it is a very slow-moving process as well. And so when you are in a market where the loan is comparable to the market rate loans, the bre program is being overlooked at this point in time. So we are coming to you with a series of recommendations, this is slide 7 where we would actually look at expanding the area in which companies could utilize this actual program. Not expanding the fee collection area, that would remain the same at this point in time, but actually opening up the boundaries to be able to incorporate more of the businesses that are a part of downtown. You would see this would include the red river cultural district and also include the daa target market analysis area as well. We are looking at expanding the guidelines, as I said earlier, to also include some of the existing businesses that are within the area. We would also like to look at the potential for hosting

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or programming up to three different music and night life venues on an annual basis, because we think that is a current MIX the downtown area. It's been very successful what we would like to see is a program that would mirror in terms of guidelines what it is that's available for some of our different companies here. And finally on slide 8, just a few more program recommendations. We want to catalyze these different spaces around the downtown area. We would like to make them more attractive, more business friendly, more consumer friendly. That means helping to activate these spaces, hosting more opportunities for maybe even better awnings, facades, window improvements, sidewalk cafes, those types of activations that help to drive more foot traffic in and around this business district. Of course, as we've been hearing, a lot of our local companies aren't financially eligible for the program. So what we would like to do is offer a non-loan funding component which would help to elevate some of the company's financial status and being able to take part within this loan program. So we will be coming forward with those recommendations to be able to revamp this program, hopefully make the cycle of loans continue to grow, we would like to see more job growth from these smaller programs, but of course our focus is to continue to preserve the downtown area, preserve the small businesses that are here within the downtown area, and really what we would like to see in redevelopment services is that this is a sustainable program itself that we could hopefully look to bring to other districts in the future. So that in a displacement or any problems that some of our smaller companies are facing from larger developments taking place, could be assisted through a similar type of program as well. So if you have any

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questions, that would conclude our presentation. >> Troxclair: Great, thanks so much. When you say that you're going to I guess bring back recommendations for the revamping, are you going to bring them back to economic opportunity? >> I believe that would be the process, yes. We would come back with some formal type of recommendation, maybe that's in the form of a report. So that we would have all of the different recommendations in place. Again, this is all coming from our work within the community itself, identifying what are some of the shortfalls within the program. So I think what we would like to also do is maybe look at some different best practices. But again looking at what it is that we have seen with family business loan program and the success there. We just wants to help make the connections. >> Troxclair: When would you anticipate bringing those recommendations back? >> I would say -- I would say December. >> Troxclair: In December, okay. Councilmember Houston? >> Houston: When you said working with the community, how do you define community? >> I would say the community that is within those boundaries that are right here. But, you know, you are very right, that we are working in other parts of the community where we're hearing a lot of the similar needs from smaller businesses. So that's why we say, you know, we would definitely like to see this as a pilot that we can hopefully rule out other parts of the city in the future, but as of right now, the program is defined to a specific location within the downtown area. >> Houston: My concern is regarding some of the issues that members of my -- the music community have expressed to me about the fact that Austin is becoming event music focused rather than having music all the time like they used to have music venues on sixth street, now they use djs. This is going to make that even more complicated because you're talking about again having music events rather than live music across the downtown area. So we're going to become like a south-by-southwest every other weekend, but it's going to be downtown and I have concerns about the congestion that that's

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going to cause and then that has all kinds of implications about policing and safety and so I don't see any of that in these program recommendations. >> Maybe I miscommunicated something. This loan program is eligible for the small businesses or businesses that are located within the downtown area or within those boundaries that currently exist. What we would like to provide within the recommendations are the ability to work with those music venues and some of the night life establishments so that they can better attract more activity within their location. So we're not looking at events. This wouldn't be eligible for events. It would be a business as it currently stands looking to makement improvements to that location, seeking a loan to be able to finance that type of activity. >> Troxclair: So no -- even though the money, you know, unless council changed its mind between now and December, the money has been deposited in this account but it won't be spent until a decision -- until we have another conversation in December? >> No. The recommendations that we're bringing forth currently are just for the business retention and enhancement program. By way of financial process, if council wanted to do something else, that would require a budget amendment and that's a different process. >> Troxclair: But we could -- we could make the decision to change the parameters of the business -- of the existing program, the business retention and enhancement program. >> Yes. >> Troxclair: And then money could be spent in different ways than it's currently being spent, as long as it fits within the guidelines of the original program [multiple voices]. So I guess my suggestion would be -- well, first I

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want to make sure that I'm clear and that the councilmembers understand that this money can be reallocated if you decide that you want to reallocate it to something, we could have a discussion about that, but she said it would require a budget amendment. But my recommendation would be to just think about this over the next month. We are planning to have much more in-depth conversation about what our needs are in our music community in December, so I know that I'm kind of jumping off topic here, but so please bring me any ideas or suggestions but we're going to have a presentation by the head of our music department and anyone else who wants to participate. There are some really innovative ideas. I was really alarmed at the results from the music census, I think after spending time in Nashville recently and really seeing that they have live music in every venue downtown all the time and it just breaks my heart that we don't have that in Austin very much anymore. So I think that live music fits absolutely within the original intent of the business retention and enhancement program, especially because we've seen so many live music venues that are shutting down or having to relocate. And so I guess I'm kind of jumping the gun here, but I just wanted to say let's think about it for the next month. Let's hear and have a really broad discussion in December about what our needs are and what money within this program could possibly be used for, and then kind of go from there. Does anybody else have any other thoughts or suggestions? Yes, councilmember pool. >> Pool: I think that's a great idea. I have some thoughts, too, about good uses for the bre and the fact that we've had it for a number of years and really haven't done much with it is a concern to me, given the needs in that part of the city.

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And the variety that's out there, the ways that we can help, so, yeah, I'm open to a robust conversation about it. Sounds like a good idea. Councilmember Casar? >> Casar: We may have to talk to legal about it. Maybe I'm misunderstanding what you said. My understand is that we can't reallocate this money out of the bre to something else. >> Sure can. They did it in 2003. >> Casar: Let's chat with legal off line, considering the settlement for this chunk of money -- >> I agree. >> Casar: I think that's probably does

that we need to -- [multiple voices] >> Elaine hart, chief financial officer. I did check before this item came before the audit and finance committee, the supplement does not restrict the reallocation of the monies. >> Casar: That's interesting. I think when we accepted the money, I got a different interpretation. >> You did get a different interpretation. >> Casar: We'll just rounds out the conversation offline. >> I spoke with Meghan Riley, check with her again. [Multiple voices] >> Casar: I think beyond the settlement, I was trying to keep it simple, there were concerns about when a fee [indiscernible] Since we're talking about this over the next month, we've got plenty of time to sort that out. >> Troxclair: I guess that I would just say that I hope that we -- yeah, there are a lot of potential doors that we could open but I feel like I owe it to our economic development staff and our downtown culture arts community to at least have a conversation first about what the potential best uses are for the money within the program. If we have that conversation and decide there's a better use for it, then somebody could proceed with it with a budget amendment in a different area, but I think with all of the needs that we have identified that we

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should probably have that conversation first. Councilmember pool? >> Pool: I would definitely like to see the money used in the central business district and in the expanded area that y'all have outlined. When I was thinking about it, I was limiting the use for that specified area. Just to give you an idea about kind of -- kind of how out of the box I was thinking. Not terribly out of the box. >> Troxclair: Out of the box but within the boundaries. >> Pool: Absolutely. >> We look forward to having creative cultural conversation. >> Pool: That's the kind we like to have. >> Troxclair: Councilmember Casar? >> Casar: Of course, I'm excited about what we could do within [indiscernible] But I was under the impression that we needed to use it here specifically. I would want to consider all options, though, if there are other options primarily because this money was given in a settlement of a lawsuit that we had when people weren't paid what they were supposed to be paid building a building, trying to find a nexus on that issue is also important. So like I said, we've got a month to think about it. But this was a settlement after, you know, lots of workers were -- it was used as a negotiating chip to try to get workers paid a decent wage building that hotel. When that didn't happen, this was part of that agreement. So I think we have both the needs of the central business district and the history of the case to take into consideration if all options are open. >> Troxclair: Okay. Did y'all have -- y'all are done? One more? Oh, okay. I'm seer, that I didn't ask. Did we have any members of the public signed up to speak on any of these items? Okay. So then we are moving on to item no. 7, briefing by the economic development department to provide an overview of the freescale

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enterprise department. >> Good afternoon. Before you I wanted to provide an overview of the freescale enterprise zone program or project. There's an rca, item no. 13 that will be on your agenda for November the 12th and -- and we think it's been requested to have it postponed to the 19th. But this is the [indiscernible] I'm going to be speaking to. >> Troxclair: Is it possible to close -- for anybody to close that blind? I'm blinded over here. >> Pardon? >> Was this provided in our backup? >> Troxclair: Do you have any extra copies by any chance? >> She's getting it for you now. >> Sorry for that interruption. >> I'm sorry for the sun. >> Troxclair: It's not your fault, don't worry. >> The Texas legislative -- legislature codified the Texas enterprise act in the government code in 1993 and amended the act in 2003. The legislature established a process whereby areas

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characterized by acute distress are identified to encourage private investment with the removal of necessary governmental regulation barriers to economic growth and to provide tax incentives and economic development program benefit benefits. The Texas enterprise zone program will talk about that first. Economic development -- it's an economic development tool for cities to partner with cities in economically disincreased areas. Essentially the disadvantaged workers program to assist in creating jobs for the hard to employ. The Texas legislature currently authorizes 105 state designations each biennium. We have just crossed over into a new biennium September the 1st, so there was a new allocation of 105 that went across the state. The city of Austin is eligible to receive up to nine enterprise project designations based upon eligibility or competitiveness of the project every two years. Management state sales use refund is 1,250,000. The state of Texas computes its maximum potential refund based upon a comprehensive capital investment, number of jobs created or retain up to 500 and a maximum refund per job allocation of \$2,500 per job for a single project designation. The enterprise zone designation period is five years. The city of Austin's program as such was created by ordinance in October the annth, 2007. Updated ordinance was November the fourth, 2010 to maximize Austin's competitive advantage at that point in time. As you know, during 2008 and 2009 is when the recession came in. That program became much more popular across the

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state of Texas so therefore the competitiveness of more projects being submitted to the state was there and we wanted to be just as competitive as everyone else. A promotion of capital investment program areas of the city, if the resolution is approved a company is eligible for a refund of state sales and use tax. Now, there's a requirement. Projects within the enterprise zone, within the zone, so to speak, companies have to commit to hire at least 25 percent of their new employees that meet economically disadvantaged enterprise zone residents or veteran requirements. Projects that are located outside of the zone, those are companies that commits to hiring at least 35% of new employees that meet economically disadvantaged enterprise zoned residents or veteran requirements. No new hires are part of this particular project. If attrition occurs either rule above applies based on a zone location. >> Casar: Sorry, chair. Can you clarify that last point? About no new hires being a part of the project? Help me understand because traditionally -- >> So this is a job retention project. So it allows for the capital investment within a particular area, such as this being the enterprise zone designated area. So it allows for that investment of capital so that the company can stay there and maintain current levels of their employment. If they were, for instance, like this particular case, they're in an enterprise zone program or area, if they were to stay attrit a number of employees, then 25% of of those new hires would have to be from the disadvantaged criteria. >> Casar: So the but for calculation is that if we

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did not include these incentives that new hires would not have these requirements put on them. I guess my question is just traditionally in an incentive or economic development deal it's what are we getting if -- what are we getting for the designation? Sort of what is the public getting in exchange. So what you're saying is part of the exchange is -- >> Capital investment in the area, especially in the area that's-- where there's a large plethora of disadvantaged residents in the area, as well as veterans and those kinds of benefits would be for the community. That's the public benefit. >> Casar: Okay, thank you. >> Currently freescale conductor was is located in Austin. They are a legal company that develops solutions to provide security connections, automobiles, add intelligence to everyday items. As a leader in processing and sensing solutions, freescale is driving a more innovative and connected world for the future. Current

employees -- there are currently approximately 912 employees at the location, which is on Ed Bluestein on that location. Freescale looks forward to be part of expanding Austin and Travis county, business community. Capital investment for this particular project is 11 million. Six million of it is for building renovations and five million is for manufacturing equipment such as software and computers and those kinds of things that would help them maintain their competitive edge in that particular sector. Timeline, December 15 through December 2020. Here is a map of the area, as you can see here. The eligible area can be defined as the area around Freescale, the Freescale site. The flag indicates that the

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site is identified as an enterprise zone with a property of three .90%. This is based on the company's address and the area around it, which is based upon the centennial census for 2010. Businesses within this area who are nominated by the city or county are eligible for tax refund under the state's program based on capital investment and the number of jobs created, which in this case will be 500 as retention project. Also you see the purple outlined area. That is an area that is the 2000 enterprise zone area that is no longer current. Then we have blue Santa outlined area -- blue area outlined portion is the 2010 enterprise zone area that is current and then the Orange outlined area is the 2010 distressed county area that is currently in place at this point in time. Freescale employee wages as you can see, total number of full time jobs to be retained number of jobs on site are 912. Total number of full-time jobs to be retained for program benefit are 500. You can see the job categories, executives, manager, supervisors, staff, entry level and the various levels throughout as well as their average annual wages. Prior council action, chapter 380 agreement, the city of Austin has never entered into a chapter 380 agreement with Freescale semiconductor. The enterprise zone application of the city has never nominated Freescale semiconductor prior to this point in time to the state's enterprise zone project. That concludes my briefing

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at this point in time. I'm here to answer any questions you may have. >> Troxclair: Councilmembers, any questions? Councilmember Casar? >> Casar: I thought I heard you say that we aren't scheduled anymore to take action this Thursday or did you say we are? >> It's on for this Thursday but asked to be postponed until the 19th, which is the next week. >> Casar: And that slide about wages, I notice that it did say the average wage for staff and I imagine there's some variation there. So I was going to ask the question at tomorrow's work session, but now that you're here if you have any more information on that, that may be informative, just knowing that there's probably a lower limit and upper limit and some sort of spread of employees on the staff side. I imagine not everybody is paid 75,000, but some are paid more or less since that's an average. >> Yes. >> Casar: That might be interesting information for us to know. >> More details? >> Casar: More details on that instead of the average more of a spectrum and understanding how -- considering this is going to -- if this is passed it's going to lock folks in, the new hires would be brought in from -- of lower income residents my hope would be to understand when those folks are hired sort of what job quality are they considering. >> Okay. >> Troxclair: All right. Doesn't look like we have any more questions. Thank you very much. >> If you have any more questions, I'm free to answer. >> Troxclair: Councilmember Houston? >> Houston: We don't have that backup so if you could send that to us. It may be there now. It wasn't when my book got printed. >> All right. >> Troxclair: Thank you very much. As I mentioned, in December we're going to be talking about, let's see, music issues. We're also going to be having a report from our snbr department about

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there's a disparity study that we'll be talking and talking about mbe/wbe issues, and what else? I guess we'll reconnect on the \$2.4 million in economic development funds that we just talked about, and I don't know that this necessarily needs to be on our agenda and I wish I had said this when the advocates and stakeholders were here on the ban the box item, but, you know, I've been working with some of the other councilmembers on our legislative ad hoc committee and I think one thing that we may want to consider adding is supporting legislation that speaks to -- what did sheika it? Non-kiss -- did she call it, nondisclosure of certain non-violent crimes. And if you have any suggestions, councilmembers, of other things that we want to consider within our legislative priorities please let me know and I can pass them on to the rest of the committee. Okay. All right. Well, thank y'all so much. We are going to adjourn.