



City of Madison

City of Madison
Madison, WI 53703
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Meeting Minutes - Approved EQUAL OPPORTUNITIES COMMISSION

Thursday, November 10, 2011

5:00 PM

215 Martin Luther King, Jr. Blvd.
Room LL-120 (Madison Municipal Building)

1. CALL TO ORDER / ROLL CALL

The meeting was called to order at 5:02 p.m. by Coco Bustamante, President.

Present: 7 -

Brian L. Solomon; Coco Bustamante; Brian Benford; Sean A. Saiz;
Katherine Cramer Walsh; Tom Grogan and Benjamin M. Nerad

Absent: 2 -

Charles E. McDowell and Donna V. Hurd

Excused: 1 -

John L. Quinlan

Guest(s): Mark Woulf, Alcohol Policy Coordinator; UW-Madison Journalism students

Staff: Rachel Campbell, Ariel Ford, and Lucía Nuñez

2. APPROVAL OF MINUTES

On a motion from Walsh, seconded by Benford, the October 13, 2011 minutes were approved without correction. Motion passed by voice vote/other.

3. PUBLIC COMMENT

None.

4. DISCLOSURES AND RECUSALS

None.

DISCUSSION ITEMS

5. [24423](#) The Use of Drivers' Licenses and Passports Only in Permitting Admission to Madison Bars

Woulf reported that the Mayor's Office, DCR staff, and City Attorney staff have been working together to draft a letter regarding bars' acceptance of drivers' licenses and passports only in granting admission, as the policy may be considered discriminatory against disadvantaged groups. They hope to send the letter to bar owners within the next two weeks, after which the Mayor's Office will meet with owners to get their input and then incorporate their findings into a Tavern Safety Training Session in December. Nuñez added that language regarding public accommodations protections from MGO 39.03, the Equal Opportunities Ordinance, will be added to the letter, and that the City Attorney's Office is currently looking into state laws regarding entry to and/or service in bars.

Discussion ensued on how proactive the EOC can be in preventing discrimination. Woulf and Nuñez noted that 39.03 and the EOD are complaint-driven, and that it would probably be much faster to try to educate bar owners now rather than attempt an ordinance change that could take six to eight months minimum to pass. Commissioners are empowered by 39.03 to bring complaints to the EOD on the behalf of disenfranchised individuals, although this has not occurred in recent memory. Nuñez agreed to look at the exact ordinance language pertaining to this and forward it to the Commission.

Nuñez also noted that EOD staff have conducted trainings on 39.03 compliance in several downtown bars. While the ordinance does protect against discrimination in public accommodations, if a policy is enforced uniformly it is not considered discriminatory. The problem arises when a policy is enforced with some people and not others.

On a motion from Benford, seconded by Ald. Solomon, the Commission agreed to form a subcommittee to track the issue and work with the Mayor's Office, DCR, and City Attorney's Office in helping to inform the public. Motion passed by voice vote/other. Benford, Saiz, and Walsh volunteered to serve on the subcommittee.

DCR Mayoral Liaison Astra Iheukumere arrived at this time. The Commission discussed the role of the police, why certain ID cards are considered acceptable and others are not, uniformity of policy application and discrimination, and the legality and practicality of informal testing. Iheukumere noted that the role of law enforcement is to enforce law, not to create new laws, and that the focus of any discrimination claims should be on consistency of application, not whether one kind of ID is more or less acceptable than another. The Commission agreed that ultimately educating bar owners on best practices and inviting citizens to file complaints with the EOD may be the most efficient and effective way to deal with this issue rather than an ordinance change, and that the subcommittee can help inform the public on their rights.

6. [23313](#)

Black-owned nightspots in Madison

Attachments: [1997 eoc report alcohol licensing.pdf](#)
[wsj article black owned nightspots.pdf](#)

Bustamante reviewed the Commission's discussions on this topic. As Grogan

needed to leave shortly and quorum would be broken, it was suggested that the item be tabled till the next meeting. On a motion from Benford, seconded by Ald. Solomon, the item was tabled. Motion passed by voice vote/other.

Woulf left at this time.

The Commission agreed to take up items 7 and 12 out of order, dispensing with the other reports for brevity.

7. [24422](#) AB 286, Relating to Permitting Employers to Refuse to Employ Convicted Felons and Preempting Municipalities from Prohibiting Activity Allowed Under the State Fair Employment Law

Attachments: [AB 286](#)

Commissioners and staff reviewed the legislative text of AB 286 and its legislative history, as well as that of SB 207. There have been no changes to the text since the last review, and it was noted that the Senate might not take the item up till January.

REPORTS

8. [15179](#) PRESIDENT'S REPORT--For information only. No action required.

The EOC President will summarize meetings attended and other related activities on behalf of the Commission since the last Commission meeting. For information only. Any item raised for future discussion will be posted on the next agenda.

Skipped for brevity.

9. [13093](#) DIRECTOR'S REPORT--For information only. No action required.

Lucía Nuñez, DCR Director, will report on the following:

- a. Her activities and meetings since the last meeting.*
- b. Update on agency activities.*

Skipped for brevity.

10. [08357](#) DIVISION MANAGER'S REPORT--For information only. No action required.

Ariel Ford, Equal Opportunities Division Manager, will report on the following:

- a. Activities of the Division since the last meeting.*
- b. Update on staff activities.*
- c. Update on the EEOC Contract.*

Skipped for brevity.

11. [08358](#) COMMITTEE REPORTS--For information only. No action required.

Reports summarizing discussions at meetings held since the last meeting. For information only. Any item raised for discussion appears under Unfinished Business or will be posted as "Introduction of Future Items From the Floor" on the next agenda.

- a. EOC Executive Committee
- b. EOC Employment Committee

Skipped for brevity.

12. [13853](#) APPEALS COMMITTEE REPORT

For information only. No action required.

Bustamante reported that the Committee met on October 6, 2011 and affirmed the Hearing Examiner's Decision and Order affirming a finding of No Probable Cause in MEOD Case No. 20092125, Thompson v. Dungarvin Wisconsin, LLC.

Iheukumere left at this time.

13. [12507](#) COMMON COUNCIL UPDATE--For information only. No action required.

Ald. Brian Solomon will provide an update on Common Council actions since the last Commission meeting.

Ald. Solomon briefly reported that the Mayor's Office has been revitalizing Neighborhood Resource Teams and at least one coordinator position has been created. The Council's budget meetings are coming up next week, November 15, 16, and 17 if necessary, and the DCR's budget is in good shape. The Council has also been responding to a multitude of state legislation of late, and Ald. Solomon argued against the removal of R Place's liquor license.

Nuñez announced that the Clerk's Office is conducting a mock election at the UW campus on Tuesday, November 15, from 1 p.m. till 4. City Clerk Maribeth Witzel-Behl and Nuñez have also been conducting several meetings a week with various community groups to get the word out about Voter ID regulations.

14. [15741](#) INTRODUCTION OF FUTURE ITEMS FROM THE FLOOR

The Commission agreed to table Item 6, Black-owned nightspots in Madison, until the next agenda.

15. **ADJOURNMENT**

On a motion from Benford, seconded by Nerad, the meeting was adjourned at 6:07 p.m.