

**MADISON EQUAL OPPORTUNITIES COMMISSION
JANUARY 13, 2011**

OUTLINE OF POWERS AND DUTIES OF THE COMMISSION

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1. State Authority for Local Equal Opportunities Commissions.

See Wisconsin Statutes secs. 66.0125 (employment) and 66.1011 (housing), together with the broad authority of sec. 62.11(5).

2. Madison General Ordinance sec. 39.03.

A. Establishes Commission, sets illegal discrimination rules, provides for powers and duties of Commission, and establishes procedures for hearing complaints.

B. Powers and duties in sec. 39.03(10)(b), MGO.

1. Examine causes and extent of discrimination.
2. Informally recommend solutions to individual cases of discrimination.
3. Education and training on discrimination.
4. Consider complaints of discrimination.
5. Test and investigate discrimination, and bring complaints.
6. Annually report to the Mayor and Common Council.
7. Adopt rules and regulations.
8. Issue subpoenas.
9. Designate staff or commissioners to carry out these duties.

C. Of these duties, the quasi-judicial role of considering complaints, as expanded upon in sec. 39.03(10)(c), MGO, is the broadest and most significant power of the Commission.

3. Quasi-judicial Bodies: The Necessity of a Lack of Bias.

A. Quasi-judicial bodies must be impartial. A litigant's right to due process is violated if a member exhibits bias in fact or the risk of bias is impermissibly high. *Marris v. City of Cedarburg*, 176 Wis. 2d 14, 24-25 (1993).

B. A risk of bias may be shown by statements or actions during the proceeding or outside the proceeding.

- C. See Formal Opinion 07-003 of the City Attorney to the Chair of the Plan Commission:

<http://www.cityofmadison.com/attorney/documents/2007opinions/07-003.pdf>

4. Suggestions for the Commission.

- A. Maintain integrity of the complaint and hearing process, as it is the Commission's most powerful tool. Avoid bias or indications of bias.
- B. Maintain compliance with Open Meetings Laws.
- C. Use the Commission's educational and public hearing process if there are specific issues you think need examination or a higher profile.
- D. Be careful of media exchanges. It may blunt the power of the Commission.