



City of Madison

City of Madison
Madison, WI 53703
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Meeting Minutes - Approved AFFIRMATIVE ACTION COMMISSION

Tuesday, May 12, 2009

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 5:10. Augustine Tatus presiding.

Present: 8 -

Joseph R. Clausius; Bert G. Zipperer; Christian L. Odom; Augustine S. Tatus; Donna V. Hurd; James J. Chiolino; Bhavani "Shree" Sridharan and Lucia Nunez

Absent: 1 -

Sharyl J. Kato

Excused: 1 -

Theola V. Carter

2. APPROVAL OF MINUTES

A motion was made by Zipperer, seconded by Odom, to Approve the Minutes of the April 14, 2009 meeting. The motion passed by voice vote/other.

3. PUBLIC COMMENT

None.

Commissioners introduced themselves to new members Jim Chiolino and Donna Hurd.

REPORTS

4. [14148](#)

DIRECTOR'S REPORT- Presented for information only. No action required

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

-Her activities since the last meeting

-Staff activities since the last meeting

--Update on the Proposed Drivers License Recovery Program

-Activities of the Equal Opportunities Commission and Commission on Persons with Disabilities since the last meeting.

Lucía Nuñez reported that the Common Council adopted amendments to the

curfew ordinance at its last meeting. The Equal Opportunities Commission had opposed the proposed amendments. The Common Council did not change the curfew hours, but did put in all the exemptions.

5. [14091](#)

DIVISION MANAGER'S REPORT

Norman Davis, Affirmative Action Division Manager, will report on activities of the Division since the last meeting, including:

-- Requests from Contractors for Appeals

Norman Davis attended the Small Business Conference co-sponsored by the City of Madison and the Chamber of Commerce. This is the third such conference. This is the first time the Affirmative Action Division has participated in the conference planning. Good information was presented. Davis had hoped to increase the diversity on panels and staff assisting in the conference. Unfortunately the speakers the Division recommended were not available to participate.

Davis thanked the Commission for its assistance with and feedback on the appeal. The appeal period has passed on that appeal. The contractor may re-apply in the future.

The Commission's comments will be incorporated into the training that the Division provides for new Commissioners.

The Division has been seeking compliance from 2007 contractors. They started with over 200 that were in non-compliance. They are now down to five. Davis hopes to complete the process soon. This is the first time the Division has completed the process including disbarring contractors and assessing penalties.

Construction projects are going well. Davis is seeing good participation on major projects and some not so big as well. Staff continues its monitoring.

Davis expects that the vacant Contract Compliance Monitor position will be announced in the near future.

Davis is working with the City Attorney's Office on training for new Commissioners on the appeal process.

Commissioner Kato arrived at 5:20 p.m.

Present: 9 -

Joseph R. Clausius; Bert G. Zipperer; Sharyl J. Kato; Christian L. Odom; Augustine S. Tatus; Donna V. Hurd; James J. Chiolino; Bhavani "Shree" Sridharan and Lucia Nunez

Excused: 1 -

Theola V. Carter

Many of the 2007 contracts have been paid out. However, the contractors have

new projects with the City and the Division is seeking to recover from future contracts. The Division has exhausted its good will in the process. Multiple attempts have been made to contact and meet with the non-compliant contractors. Money has been spent with these contractors in 2009.

Tatus also thanked the Appeals Committee members.

With regard to Commonwealth Development, Davis will meet with them first. He could invite them to a Commission meeting as well. The construction aspect is important, but vendors are also important. Davis wants to be sure the process is open to as many as possible.

6. [07972](#) COMMON COUNCIL UPDATE BY ALD. CLAUSIUS--Presented for information only. No action required.

Clausius stated that with regard to the curfew ordinance, the votes were never there. Clausius has worked for a County-wide curfew for a number of years. He was glad to see the exemptions added.

On another issue, non-profits are losing their tax exempt status as the results of changes made by the State. There is not a lot the City can do. The Common Council has passed a resolution encouraging the Governor and the State Legislature to change the current state of the law. Many of those affected were providing low income housing. Due to delinquent taxes, they may have to raise rents. This is a problem State-wide, not just in Madison. The City was involved in a court case which significantly narrowed the tax-exempt status of many organizations.

The Legislature passed an amendment in the State budget two years ago, but the Governor vetoed it.

DISCUSSION ITEMS

7. [14546](#) Election of Officers or Selection of Nominating Committee to Propose a Slate of Officers

After a brief discussion, the Commission agreed to appoint a nominating committee to provide a recommended slate of officers in June.

On a motion made by Zipperer and seconded by Hurd, the Commission appointed a Nominating Committee composed of Commissioners Kato, Sridharan and Zipperer to recommend a slate for Chair and Vice Chair at the June meeting. Motion passed by voice vote/other.

8. [14146](#) Discussion regarding Proposal to Authorize Boards, Commissions and Committees to sponsor ordinances and ordinance amendments

Attachments: [Resolution.pdf](#)

The draft proposal was not available for consideration. Wick has drafted a report providing historical background on the current policy. The last piece of information was received today, so the report will be available for the June meeting. The Commission agreed to defer action on this item until the June meeting.

9. [14333](#)

2009 Annual Report of the Affirmative Action Division on the Representation of Women, Racial/Ethnic Minorities and People with Disabilities on City of Madison Committees, Commissions and Boards

Attachments: [2009AnnualReportCommitteesDRAFT2.pdf](#)
[Report Attachment 1.pdf](#)
[Report Attachment 2.pdf](#)
[Report Attachment 3.pdf](#)

Hill distributed a revised report (attached to the Legistar File) dated May 12, 2009.

Nuñez explained that Agenda Item 10 is the raw data that was used to compile this report. This data is not in a useful format. It was recommended that the Commission recommend to the Common Council that the report in Item 10 be placed on file.

By way of background for new Commissioners, it was explained that the Common Council adopted a resolution last year that requires the Affirmative Action Division to report annually on membership on boards, committees and commission and on management salaries. This is this year's report on board, commission and committee membership. The report on management salaries will be available next month.

After approval of the report, it will be introduced to the Common Council. The City needs to emphasize recruitment of Latinos and Asians to serve on boards, committees and commissions. Also, information on the representation of people with disabilities on boards, committees and commissions is difficult to quantify. For the first time, members are being asked to self-identify to ensure better data will be available in the future. The City needs targeted strategies to improve the diversity on boards, committees and commissions. The City can improve diversity across the board.

Hill reviewed the attachments to the report and explained that the format for information on race and ethnicity conforms to that used by the federal government. Individuals are asked to self-identify their race and ethnicity. Provision of this information is voluntary.

There is no longer a requirement that members of City boards, commissions and committees be U.S. citizens. The ordinance and forms require that individuals be City residents.

A new brochure has been developed to hand out on City boards, commissions and committees for use in recruitment. The DCR has also developed a brochure of its own on the commissions and committees it staffs. Other departments have been encouraged to develop their own brochures. It was suggested that Commissioners be provided with a supply of each brochure so

that they may assist in recruitment.

Hill is working with the Mayor's office and the Madison City Channel to develop a public service announcement for use in recruitment of new members. Nuñez plans to contact radio programs such as La Movida, WORT and to attend La Sup and LUCHA meetings. The Wisconsin Organization of Asian Americans and Wisconsin Women of Color were also suggested as recruitment resources. Nuñez made a presentation to Communities United. Education will be important to make people aware of the importance of participating on City committees.

Department and Division heads need to be more aware of the need for diversity on their committees and to do recruitment. The goal is for every board, commission and committee to have diverse representation. Zipperer stated that he was struck by the fact that less than 2/3 of boards, commissions and committees have racial/ethnic minority representation.

The Commission asked that a chart be provided showing the representation on boards, commissions and committees without the members of DCR commissions and committees, for informational purposes. Hill agreed to provide this chart at the next meeting.

There are 87 boards, commissions and committees with 679 members. The data in the report counts only filled positions. Vacancies are not included. At any point in time, approximately 10 percent of positions are vacant. 563 slots were filled at the time the data was compiled. In addition, the report excludes positions that the Mayor does not appoint (such as County positions on the City/County Board of Public Health). The report uses updated information from March. The report from the Mayor's Office uses February data. It was agreed that the report should be amended to reflect the date that the data represents—March 20, 2009.

A motion was made by Zipperer, seconded by Kato, to Approve the report as amended. The motion passed by voice vote/other.

The Commission will be notified when this item will be on the Common Council agenda.

Ald. Clausius agreed to be a sponsor for the report.

It was suggested that graphics be added to the report to display the numbers.

10. [13531](#)

Report from the Mayor submitting the affirmative action status of boards, commissions and committees.

Attachments: [AA stats com mbrs.pdf](#)

A motion was made by Zipperer, seconded by Kato, to RECOMMEND TO COUNCIL TO PLACE ON FILE - REPORT OF OFFICER. The motion passed by voice vote/other.

11. [14537](#)

Consider amending ordinance and rules on appeals to the Affirmative Action Commission to increase time frames to add time to the appeals

process to give the Appeals Committee adequate time to prepare for the hearing.

Wick distributed draft ordinance amendments provided by the City Attorney's office. Rule amendments will also be needed. These will be included on the May agenda.

A motion was made by Kato, seconded by Zipperer, to Approve the proposed changes as amended (see attachment). The motion passed by the following vote:

Excused: 1 -

Theola V. Carter

Ayes: 8 -

Bert G. Zipperer; Sharyl J. Kato; Christian L. Odom; Augustine S. Tatus; James J. Chiolino; Bhavani "Shree" Sridharan; Lucia Nunez and Joseph R. Clausius

Abstentions: 1 -

Donna V. Hurd

Clausius agreed to sponsor the ordinance amendments.

Clausius left at 6:30 p.m.

Present: 8 -

Bert G. Zipperer; Sharyl J. Kato; Christian L. Odom; Augustine S. Tatus; Donna V. Hurd; James J. Chiolino; Bhavani "Shree" Sridharan and Lucia Nunez

Excused: 2 -

Joseph R. Clausius and Theola V. Carter

12. [12950](#) 2009 Workplan Development

Copies of the last workplan were distributed and reviewed. Davis stated that work has begun on the awards presentation—planning is in its infancy. He welcomes Commission input. The goal is to positively recognize the progress made by contractors.

In-service training will also be provided on Division activities due to the number of new Commissioners.

Davis recommended that the Commission concentrate on 2-3 goals for the coming year. The list of 9 new initiatives adopted in 2006 was probably overly ambitious.

Zipperer would like to see Commissioners have a better understanding of the court decisions that impact their work, so that they can defend and promote affirmative action.

An overview of the Language Assistance Program was provided.

It was agreed that there would be an on-going discussion of the workplan.

13. INTRODUCTION OF FUTURE TOPICS FROM THE FLOOR

None.

14. ADJOURNMENT

**A motion was made by Sridharan, seconded by Kato, to Adjourn at 6:45 p.m..
The motion passed by voice vote/other.**

Minutes prepared by Cynthia L. Wick, DCR Executive Assistant