



City of Madison

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

Thursday, April 8, 2010

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 5:00 p.m. by Bert Zipperer in the absence of the chair.

Present: 8 -

Coco Bustamante; Brian Benford; John L. Quinlan; Bert G. Zipperer; Katherine Cramer Walsh; Amanda L. Harrington; Charles E. McDowell and Steven H. Morrison

Excused: 4 -

Brian L. Solomon; Nia Enemuoh-Trammell; Carousel Andrea S. Bayrd and Donna V. Hurd

Staff Present: Lucía Nuñez and Cindy Wick

2. METROPOLITAN MILWAUKEE FAIR HOUSING CENTER PRESENTATION ON TESTING FOR HOUSING DISCRIMINATION

Tobi LeMahieu was present to provide information on the Metropolitan Milwaukee Fair Housing Center. She distributed brochures.

Commissioner Nia Enemuoh Trammell arrived at 5:04 p.m. and assumed the chair.

Present: 9 -

Nia Enemuoh-Trammell; Coco Bustamante; Brian Benford; John L. Quinlan; Bert G. Zipperer; Katherine Cramer Walsh; Amanda L. Harrington; Charles E. McDowell and Steven H. Morrison

Excused: 3 -

Brian L. Solomon; Carousel Andrea S. Bayrd and Donna V. Hurd

LeMahieu reviewed programs offered by the Center including enforcement, outreach and education, fair lending and inclusive communities. She described the testing program.

The Center performed 20 tests in 2009 in Madison. The number dropped statewide in 2009 from about 300 to 250. Housing discrimination is generally

under reported and undetectable.

The Center also conducts systemic testing in communities to determine if discrimination is occurring. The top 3 types of discrimination reported are race, disability and familial status. In Madison, discrimination based on disability surpassed race discrimination.

The Center has a contract with the City of Madison through the Community Development Block Grant Office to perform testing and conduct rental management training. If the Center is not going to have enough individual tests to meet its City contract, it does systemic tests.

LeMahieu indicated the Center would be interested in renewing its working relationship with the Madison Equal Opportunities Division for complaint referral. Commissioners expressed interest in further discussion of this topic.

Morrison stated that poverty drives people to take what they can get. Testing can make it harder for people to find affordable housing. He stated that his experience with the Latino community is that there is so much distrust of government agencies and other institutions. He advocated that aggressive education of landlords and people in poverty is what gets people into housing.

Enemuoh-Trammell indicated that this would be a topic for on-going discussion.

3. APPROVAL OF MINUTES

A motion was made by Walsh, seconded by Solomon, to Approve the Minutes. The motion passed by voice vote/other.

5. [17876](#) Consideration of amendments to the Equal Opportunities Ordinance, Section 39.03 Madison General Ordinances including the addition of protections for citizenship status, gender identity, student status, genetic identity, domestic partnership status, or status as a victim of domestic abuse, sexual assault or stalking

Attachments: [39.03 Amendments 2010 E Version \(2\).doc](#)

4. PUBLIC COMMENT

No public comment was received.

7. [17833](#) REPORT OF THE EOC AD HOC COMMITTEE TO DEVELOP TRAINING PROPOSAL

Attachments: [EOC Ad Hoc Cmte on Training Proposal 3 3 10 min.pdf](#)

The Commission took this item out of order because Commissioner Walsh had to leave early.

Walsh stated that the Ad Hoc Committee had identified a number of individuals and organizations that could provide training, but that there would be a cost. Nuñez indicated that the department did not have funds for a trainer. It was agreed that it was inappropriate to ask Commissioners to pay for the trainer.

It was agreed that individuals would be sought to conduct training at no cost. Commissioners were asked to give names to Walsh.

A motion was made by McDowell, seconded by Morrison, to Accept the Ad Hoc Committee Report. The motion passed by the following vote:

Ayes: 8 -

Coco Bustamante; Brian Benford; Bert G. Zipperer; Katherine Cramer Walsh; Amanda L. Harrington; Charles E. McDowell; Steven H. Morrison and Nia Enemuoh-Trammell

Abstentions: 1 -

John L. Quinlan

Excused: 4 -

Brian L. Solomon; Carousel Andrea S. Bayrd; Donna V. Hurd and Mirenda A. Burke

Commissioner Walsh left at this time.

Present: 8 -

Nia Enemuoh-Trammell; Coco Bustamante; Brian Benford; John L. Quinlan; Bert G. Zipperer; Amanda L. Harrington; Charles E. McDowell and Steven H. Morrison

Excused: 4 -

Brian L. Solomon; Katherine Cramer Walsh; Carousel Andrea S. Bayrd and Donna V. Hurd

6. [17716](#) RECONSTITUTE THE EOC AD HOC COMMITTEE ON TASERS

Attachments: [2009 Taser Report.pdf](#)
[MPD Taser Data.pdf](#)
[07.30.2009 EOC Taser Comte Minutes.pdf](#)

In the absence of Commissioner Hurd, no action was taken on this item.

8. [17718](#) CREATION OF AN EOC AD HOC COMMITTEE ON CCAP
(CONSOLIDATED COURT AUTOMATION PROGRAMS)

a. Review Assembly Bill 340 and recommend action

b. Review Wisconsin Supreme Court Rule, Chapter 72 re: Expunction of Circuit Court Records and recommend action relative to current request for review of the rule from the Wisconsin Bar Association to the Wisconsin Supreme Court

Attachments: [AB-340\[1\].pdf](#)
[WSR 72.pdf](#)

Enemuoh-Trammell provided a brief description of CCAP and explained that there is a proposal before the State Legislature affecting the information available relative to arrest and conviction records. She suggested creating an ad hoc committee to study the proposal.

Morrison stated that his contacts have indicated that the bill is dead. Zipperer suggested the ad hoc committee might still be a good idea.

A motion was made by Benford, seconded by Morrison, to Refer this item to the next meeting. The motion passed by the following vote:

Ayes: 7 -

Coco Bustamante; Brian Benford; John L. Quinlan; Amanda L. Harrington; Charles E. McDowell; Steven H. Morrison and Nia Enemuoh-Trammell

Noes: 1 -

Bert G. Zipperer

Excused: 5 -

Brian L. Solomon; Katherine Cramer Walsh; Carousel Andrea S. Bayrd; Donna V. Hurd and Mirenda A. Burke

9. [16996](#)

NOMINATING COMMISSIONER JOHN QUINLAN TO REPRESENT THE EQUAL OPPORTUNITIES COMMISSION ON THE CITY-COUNTY REV. MARTIN LUTHER KING, JR. HUMANITARIAN AWARD COMMISSION

A motion was made by Morrison and seconded by Walsh to approve the appointment of Commissioner John Quinlan to replace Commissioner Nia Enemuoh-Trammell as the Commission's representative on the Rev. Martin Luther King, Jr. Humanitarian Award Committee. Motion passed by voice vote/other.

The nomination will be submitted to the Mayor for submission to and confirmation by the Common Council.

10. [17715](#)

Supporting the adoption of the Report of the Dane County Task Force on Racial Disparities in the Criminal Justice System by the Dane County Board of Supervisors.

Attachments: [Resolution Supporting Dane Co Report](#)
[Dane Co Task Force on Racial Disp in Criminal Justice Sys.pdf](#)
[17715 - Registration Forms 5-4-2010.pdf](#)
[17715 - Registration Forms 5-4-10 \(2\).pdf](#)

A motion was made by Zipperer, seconded by Benford, to approve the resolution and ask Ald. Solomon to Refer for Introduction to the Common Council. The motion passed by voice vote/other.

11. [17877](#)

Proposal to Honor the Memory of Dr. Anthony L. Brown, Former Director of the Equal Opportunities Commission

Attachments: [Dane County Ord 54, 09-10.pdf](#)

A motion was made by Morrison, seconded by Benford, to Accept the recommendation of the EOC Executive Committee to propose that the City adopt a policy allowing City employees to use paid leave to donate organs or bone marrow and that the change be designated to honor the memory of Dr. Anthony L. Brown, former Director of the Equal Opportunities Commission. The motion passed by voice vote/other.

Núñez informed the Commission that the Common Council will act on a resolution honoring Dr. Brown at its next meeting.

This is the first step in a long process to obtain approval. Núñez will first contact Human Resources, Labor Relations and other appropriate City contacts before introducing anything to the Common Council. It was agreed that at the appropriate time, Commissioners Enemuoh-Trammell and Zipperer will reach out to the family to make them aware of the proposal.

12. [17878](#) Discussion regarding returning to the full Commission review of cases on appeal

The EOC Executive Committee has requested that the full Commission discuss this issue prior to their making a recommendation for action.

A motion was made by Morrison, seconded by Benford, to Rerefer to the next meeting of the EQUAL OPPORTUNITIES COMMISSION. The motion passed by voice vote/other.

13. [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.

Enemuoh-Trammell reported that she has been reaching out to individuals to encourage them to apply for membership on the Commission. She encouraged other Commissioners to do the same.

A new item that she will ask the Executive Committee to examine is the City's use of eminent domain. She stated that she has been contacted relative to the CDA's use of eminent domain. There have been allegations that historically it has had a disparate impact on people of color.

In order to better organize the EOC Executive Committee agenda, if an individual introduces a new agenda item, they will be asked to take lead responsibility for the item. She wants individuals to take ownership of issues. If an individual does not have time to take on this responsibility, they need to tell Enemuoh-Trammell so that she can find another individual to accept lead responsibility. Discussion relative to prioritizing Executive Committee items will be placed on the next Commission agenda for discussion.

Enemuoh-Trammell has been in contact with Mitch at the UW Law School. He has indicated that he wants to work with her on a Pro Se Manual (for unrepresented complainants and respondents). He has a new group of students starting in May that can work on the project. She will request an opinion from Assistant City Attorney Adriana Peguero about whether the Commission can create the manual and if there are limitations on the content of the manual.

Enemuoh-Trammell is looking for Commissioners to assist as editors. Harrington, Morrison and Zipperer volunteered to assist.

Enemuoh-Trammell provided a flyer on the UW clinic to distribute to complainants and respondents.

Enemuoh-Trammell stated that she may consider assisting in training and working with the students at the Clinic in preparing cases. If she does so, she would have to resign from the Commission.

14. [17832](#)

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.

Lucía Nuñez reported that she contacted the City Attorney to see if there is anything in the works to draft an ordinance regarding penalties for parents of out of control children, as requested at a previous meeting. The City Attorney has received no request to draft such a proposal.

The Commission on People with Disabilities has asked that an ordinance be drafted to set a goal for new construction of public housing for 10 percent to be fully accessible. The current standard is 5 percent.

That Commission is also working with Emergency Management on issues relating to special needs populations. There is discussion of an on line registry. The registry would be used in the case of a natural disaster or other times when a community-wide emergency exists.

The Affirmative Action Commission has completed training on conducting appeals. It is anticipated that a number of appeals will be considered in April.

Nuñez thanked the Commission for passing the coverage for genetic identity.

15. [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.

In Ald. Solomon's absence, Zipperer reported that the ordinance amendment allowing Commissions staffed by the DCR to introduce ordinances and

resolutions was considered by the Common Council. Although the proposal failed, the vote was closer than expected. Nine members of the Common Council voted in support of the proposal (Aye: Eagon, Solomon, Rhodes-Conway, Kerr, Palm, Cnare, Verveer, Bidar-Sielaff and Rummel; No: Skidmore, Schmidt, Bruer, Compton, Clausius, Schumacher, Clear, Pham-Remmele, Sanborn, Maniaci and King). Zipperer stated that he was questioned for 40 minutes.

16. [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

No Report.

17. [13853](#) APPEALS COMMITTEE REPORT

For information only. No action required.

Morrison reported that the Committee met on March 11 regarding Case 20051069, Larry v. Peterson. The Committee affirmed the Examiner's award in the case.

Zipperer reported that the Appeals Committee met on April 8 and considered Case 20053154, Nichols v. Mental Health Center of Dane County. The Committee affirmed the Hearing Examiner's recommended decision that no discrimination occurred on a 2 to 1 vote.

18. [15741](#) INTRODUCTION OF FUTURE ITEMS FROM THE FLOOR

Quinlan suggested that the Commission look at the proposed changes being discussed for the Verona Road Interchange. These changes could have a profound impact on the Allied Drive neighborhood.

19. **ADJOURNMENT**

The meeting adjourned at 7:00 p.m.

Minutes prepared by Cindy Wick, Executive Assistant, Department of Civil Rights