



City of Madison

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

Tuesday, June 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 5:13 p.m., Bert Zipperer presiding in the absence of the chair, vice chair and second vice chair.

Present: 6 -

Ald. Joseph R. Clausius; Bert G. Zipperer; Sharyl J. Kato; Donna V. Hurd; James J. Chiolino and Bhavani "Shree" Sridharan

Absent: 6 -

Theola V. Carter; Christian L. Odom; Augustine S. Tatus; Michael M. Johnson; Toriana T. Pettaway and Lucia Nunez

Staff Present: Norman Davis and Cindy Wick

2. APPROVAL OF MINUTES

A motion was made by Ald. Clausius, seconded by Chiolino, to Approve the Minutes of the May 11, 2010 meeting. The motion passed by voice vote/other.

3. PUBLIC COMMENT

None.

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

Cindy Wick provided the Director's Report in the absence of Lucía Nuñez. She distributed copies of Legistar File 18594, a Common Council Resolution relative to immigration introduced by title only on May 18 by Ald. Shiva Bidar-Sielaff and unanimously adopted on June 1.

Wick also distributed an updated attendance chart for 2010. It was noted that the chart should have listed Commissioner Johnson as present at the May meeting. A corrected chart is attached to these minutes.

Wick circulated a list of the summer festivals that the Department of Civil Rights will have booths at. She asked Commissioners to sign up for time at at least one summer festival.

5. [14091](#)

DIVISION MANAGER'S REPORT

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

Norman Davis reported that educational sessions will be provided by staff each month for the next several months.

The Affirmative Action Division has begun compliance reviews for 2009 purchases. Approximately 200 contractors/vendors were notified of the need to file their affirmative action plans by June 18, 2010. Division staff will then meet with agency representatives and an Assistant City Attorney to seek the best contact information for each vendor to pursue compliance from those that have not filed complete plans.

There will be approximately 90 special public works projects this year totalling over \$50 million. These include Biolink, Truax, Edgewater Hotel and grants from the Department of Energy.

Commissioner Torianna Pettaway arrived at 5:20 p.m.

Present: 7 -

Ald. Joseph R. Clausius; Bert G. Zipperer; Sharyl J. Kato; Donna V. Hurd; James J. Chiolino; Toriana T. Pettaway and Bhavani "Shree" Sridharan

Absent: 5 -

Theola V. Carter; Christian L. Odom; Augustine S. Tatus; Michael M. Johnson and Lucia Nunez

A Job Skills Bank will be held next Monday. The Division has hired Austin Johnson as a Contract Compliance Monitor to work on these special projects. The vacant Contract Compliance Monitor previously filled by Bertha Gaona is now being filled part-time. Recruitment for that position was limited to current City employees. Recruitment just closed and interviews will be held soon. The addition of this Monitor will allow more in-depth review of contractors. The Division is also locking into additional software solutions for monitoring these projects.

A consultant has been chosen for the Central Library project but the City is not yet ready to proceed with contractor selection.

The Division will look at taking a more aggressive approach to its use of the red-flag process. Currently if a vacancy exists and the position has under-utilization of women, racial/ethnic minorities or individuals with disabilities, the position may be red-flagged by the Division if there are candidates certified by the Human Resources Department for the agency to consider whose hiring would reduce under-utilization. Currently there are 12 positions vacant for which there is under-utilization for women. Davis is concerned that the longer a goal is unmet, the greater the pressure to reduce it. This should not be necessary. The Division is meeting with agencies. One recently agreed to an additional round of interviews and he is hopeful that an affirmative action hire will occur. The red-flag process needs to be incorporated into the Mayor's Administrative Procedural Memos. The Division will work with the Department of Human Resources to accomplish this. Davis will keep the Commission posted on progress and believes this can be accomplished in the next two months.

On Wednesday and Thursday Davis will conduct interviews to hire an AASPIRE Intern for the Division for the summer.

A meeting will be held with Dane County and the Department of Transportation to find ways to work cooperatively centered primarily around the high speed rail project as well as the Iron Road and Allied Drive redevelopments.

6. [07972](#)

COMMON COUNCIL UPDATE BY ALD. CLAUSIUS--Presented for information only. No action required.

Ald. Joe Clausius reported that the Edgewater project is proceeding. Five resolutions were debated and adopted to implement this project. The City is still waiting for some additional approvals before this project can begin.

Clausius stated that there have been many people in the trades who have been seeking employment since 2009. He hopes that the Edgewater will jump start the construction industry in Madison again. The upcoming Job Fair on June 14 at the East Madison Community Center will be a good opportunity. The Central Library project is also moving forward.

Clausius was not present at the June 1 Council meeting to vote on the immigration resolution, but did support it.

It was explained that 5-6 outreach sessions are being provided. Individuals attending the Job Fair will get at least three interviews. Individuals are being advised that if not selected, to network with those there to obtain future positions. They have been encouraged to look for ways they can stand out. At least half of the 14 individuals hired at Truax will have continuing employment opportunities. Suppliers are also invited to the Job Fair and could provide longer term career opportunities. These will be prevailing wage jobs with substantial compensation. The Job Fair is open to walk-ins.

Subcontractor bidding just closed for the Truax project. It included a 25 percent EBE goal.

7. [15830](#)

Appointment of Members to the Subcommittee Created to Explore and Recommend Ways for the Affirmative Action Commission (AAC) to Have Meaningful Dialog and Formulate Action on How the AAC Operates, the Type of Information it Receives from the Department of Civil Rights, and Recommendations on New Information the AAC Should Review.

This item was referred until Commissioner Odom is present.

8. **PROPOSAL TO ADD PROTECTED GROUPS INCLUDED IN SECTION 39.03 MADISON GENERAL ORDINANCES (THE EQUAL OPPORTUNITIES ORDINANCE) TO SECTION 39.02 MADISON GENERAL ORDINANCES (THE AFFIRMATIVE ACTION ORDINANCE)**

This proposal was placed on the agenda by Commissioner Odom. The objective was not initially clear.

Davis suggested that the Model Affirmative Action Plan includes all of the protected classes found in the Equal Opportunities Ordinance. Amendments to that ordinance are being proposed to add citizenship status, gender identity, genetic identity, domestic partnership status, or status as a victim of domestic abuse, sexual assault, or stalking. He suggested that perhaps Odom was concerned that Odom wants the non-discrimination clause in the Affirmative Action Ordinance to reflect these new protected classes, rather than requiring

goals and timetables for them.

The Commission agreed that this was something it wished to pursue. Clausius agreed to sponsor the amendment and Wick will request that the amendments be drafted for the Commission to review it at its next meeting.

9. PRESENTATION ON THE ROLE OF THE AFFIRMATIVE ACTION COMMISSION

Wick provided an overview of the duties and responsibilities of the Affirmative Action Commission as defined by Section 39.02(3) Madison General Ordinances. The Commission is composed of eleven (11) members, one of whom shall be an alderperson. One member shall be designated chairperson by the members of the Commission. Members shall be appointed from the entire City, and at no time shall the total of women, persons with disabilities, and ethnic minority members constitute less than a majority. All of the members shall be committed to the extension of equal employment opportunities and shall be representative of the affected and/or under-represented groups of the Madison community. They shall receive no compensation for their services.

The Director of the Department of Civil Rights may appoint the Affirmative Action Division Head to serve as an ex officio nonvoting member of this Commission. The Commission shall make its own rules and regulations for the carrying out of its duties.

The ordinance also provides for the appointment of two Alternate Members. The Mayor may appoint upon an annual basis two (2) citizens to be alternate members of the Commission and shall designate which alternate is the first alternate and which alternate is the second alternate. The first alternate shall act with full power when any other member of the Commission is absent or must abstain because of a conflict of interest. The second alternate shall act only when the first alternate abstains or is absent or when more than one (1) member of the Commission abstains or is absent.

The Commission members shall be appointed for terms of three (3) years and their terms shall run until their successors are confirmed.

The Affirmative Action Commission shall have the following duties:

1. To annually review, approve and recommend the Citywide Affirmative Action goals and timetables as proposed by the Affirmative Action Division Head. (Am. by Ord-06-00078, 6-30-06)
2. To advise affected and/or other under-represented groups of their rights under the Affirmative Action Program.
3. To disseminate information and to educate the people of the City of Madison to a greater understanding and practice of Affirmative Action Employment for all affected and/or other under-represented groups.
4. To render from time to time, but not less than once a year, written reports of its progress, activities and recommendations to the Mayor and Common Council.
5. To recommend and review such rules and regulations as may be necessary to promulgate the City's Affirmative Action Program.
6. To develop and review the contract compliance requirements of the City of Madison and to develop a policy with respect to vendors and contractors.

7. To make specific recommendations to the Common Council so as to bring all appropriate ordinances into conformity with the policies of this ordinance if necessary.

8. To provide administrative review of decisions of the Contract Compliance Officer to grant, deny or revoke certifications as a Minority Business Enterprise (MBE), Women Business Enterprise (WBE), or Disadvantaged Business Enterprise (DBE) as these are defined in Sec. 39.02(9)(a)9.-11. of these ordinances and in the City of Madison Disadvantaged Business Enterprise/Minority Business Enterprise Program as approved by the Common Council; and a Small Business Enterprise (SBE) as defined in the Small Business Enterprise Program approved by the Common Council. The Commission shall adopt procedural rules for the conduct of such appeals. Sec. 39.02(3)(d)8. Rev. 12/15/09 39 – 4 (Am. by ORD-09-00034, 3-14-09)

9. To approve a City of Madison Civil Rights Compliance Plan, in order to maintain City compliance with Title VI of the Civil Rights Act of 1964, as amended. The Affirmative Action Division Head shall coordinate the preparation of the Plan for the Commission's approval. Every City department which receives funds covered by Title VI shall cooperate with and assist the Affirmative Action Division Head in the preparation of the Plan.

Title VI: The City of Madison assures that no person shall on the grounds of race, color, or national origin, as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100-259) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. The City of Madison further assures every effort will be made to ensure nondiscrimination in all of its federally funded program activities.

Wick agreed to prepare a report that tracks the activities of the Commission categorized by type of duty as defined in the ordinance.

10. INTRODUCTION OF FUTURE TOPICS FROM THE FLOOR

Topics for future meetings will include:

1. How can we make attendance at meetings better?
2. How does attendance at Commission meetings compare to attendance of other City boards, Commissions and Committees in terms of meetings cancelled due to lack of quorum?
3. Language policies used in court systems--Wick will consult with Kato to formulate the agenda item.

11. ADJOURNMENT

A motion was made by Hurd, seconded by Kato, to Adjourn. The motion passed by voice vote/other at 6:30 p.m..

**Commissioners should contact Cindy Wick at 267-4900 or
cwick@cityofmadison.com regarding their attendance at this meeting.**

