



# City of Madison

City of Madison  
Madison, WI 53703  
www.cityofmadison.com

## Meeting Minutes - Approved EQUAL OPPORTUNITIES COMMISSION

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Thursday, August 12, 2010

5:00 PM

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

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### 1. CALL TO ORDER / ROLL CALL

The meeting was called to order at 5:01 p.m. by Bert Zipperer, Vice-President.

Present: 11 -

Rick Cruz; Lisa B. Subeck; Brian L. Solomon; Coco Bustamante; Brian Benford; John L. Quinlan; Bert G. Zipperer; Katherine Cramer Walsh; Amanda L. Harrington; Charles E. McDowell and Donna V. Hurd

Excused: 1 -

Nia Enemuoh-Trammell

Staff: Clifford Blackwell, Ariel Ford, and Eric Kestin

Guest: John MacNamara, Union Cab

### 2. APPROVAL OF MINUTES

Zipperer suggested that in Item #11 "cost of copying" be changed to "availability of the electronic file" in the first full paragraph.

A motion was made by Benford, seconded by McDowell, to approve the minutes with the suggested change. The motion passed by voice vote/other.

### 3. PUBLIC COMMENT

John MacNamara of Union Cab of Madison spoke in support of Item #9. He explained that cab companies feel the change is necessitated by the Madison Police Department's change regarding how it responds to calls of non-payment of cab fares. The changes listed in the proposed legislation are based on the taxi drivers' experiences in Madison, because these are the high risk scenarios when people do not pay. MacNamara asserted that non-payment occurs at Union Cab approximately 2-3 times a month and at Badger Cab approximately 10 times a month. Annually, Union Cab loses approximately \$4,000-\$5,000 each year for non-payment of fares. Cab companies feel that requiring a pre-payment for everyone without discretion would be cumbersome for taxi companies and may cause misunderstandings with regular customers, and this is not currently the industry standard.

A motion to take Item #9 out of order was made by Benford and seconded by Solomon.

Motion approved by voice vote/other.

9. [19032](#)

Repealing and recreating Sec. 11.06(7)(e) of the Madison General Ordinances to permit drivers of public passenger vehicles to charge estimated fares in advance for rides.

Attachments: [Version 1](#)  
[CC registrations 19032.pdf](#)

The Executive Committee recommended that this item go before the full Commission for a vote. The Executive Committee had concerns that this legislation was discriminatory as written because it is too permissive regarding driver discretion.

Commission discussed this issue.

A motion was made by Benford and seconded by Quinlan not to approve the language presented because the potential for discrimination is high and some of the language is so ambiguous that it would be difficult to apply consistently.

The motion to RETURN TO LEAD WITH THE FOLLOWING RECOMMENDATION(S) TO THE TRANSIT AND PARKING COMMISSION was passed by voice vote/other.

This Ordinance was Return to Lead with the Following Recommendation(s) to the TRANSIT AND PARKING COMMISSION

4. [15179](#)

PRESIDENT'S REPORT--For information only. No action required.

*Nia Enemuoh-Trammell, 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.*

In the absence of President Enemuoh-Trammell, Ariel Ford gave the report based on a communication from Enemuoh-Trammell.

Staff gave a successful training to Law Students from the UW-Madison Law School Neighborhood Clinic. Enemuoh-Trammell got a second commitment from Assistant City Attorney Peguero to look into the pro se litigation manual for an opinion on whether the Commission can do it. Enemuoh-Trammell missed the DCR picnic to serve as a panelist in a race relations class at Concordia. Enemuoh-Trammell attended the Urban League Leadership Summit and brainstormed with other community activists about how we can collaborate.

5. [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.*

Director Lucía Nuñez was at the Urban League presenting information on public participation in City Committees and Commissions. In her absence, Ford presented her report. Nuñez apologized for not being in attendance. Nuñez has spent considerable time focused on the budget.

6. [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.*

Ford reported that the Diversity Picnic was held on July 29, 2010 and Alphonso Studesville received the Rev. James C. Wright Award. She also stated that based on our current cases she has requested that the EEOC contract be modified to 60 from our original number of 87 cases. The staff believes we can reach that number. Also, new Commissioners will be contacted to set up training with a staff member.

7. [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.

Solomon presented. There are no new updates regarding items related to the EOC. The focus of the Council for the next few weeks will be on the budget.

8. [19332](#) COMMITTEE REPORT

*Report summarizing discussions at meeting 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 Topics from the Floor" on the next agenda.*

- a. EOC Executive Committee*

Katherine Cramer Walsh indicated that the amendments to MGO 39.03, the Equal Opportunities Ordinance, were introduced to Common Council last week and will hopefully be discussed at the Council's first meeting in September. She asked that Commissioners and concerned citizens should please show up to speak on these amendments. There is no update on the Commission's proposed policy to allow City employees to receive paid leave when they donate bone marrow. She welcomed the new Commissioners and the Commissioners made introductions.

10. [19349](#) Amending Secs. 9.49 and 39.03 of the Madison General Ordinances to clarify judicial review and revise the Equal Opportunities Ordinance.

Attachments: [BODY](#)

EOC Hearing Examiner Clifford Blackwell raised one legal issue regarding current proposed amendments. A new definition called "protected class membership" has been created to eliminate the repetitious listing of each of the protected classes each time they are mentioned in the ordinance. This will create new causes of action because the long list of individual protected classes has been removed and replaced with this phrase. Certain protected classes such as "familial status" will now be protected in Employment, Public Accommodations etc., rather than just Housing. Blackwell believes the "Drafter's Memo" needs to be changed to reflect this change.

## 11. ENFORCEMENT OF COMMISSION ORDERS

Blackwell presented the issue of the enforcement of Commission orders. Currently there are three cases where Final Orders of the Commission have been issued and the Respondents have refused to pay damages awarded. Under the current ordinance, the Commission may refer the matter to the City Attorney's office for enforcement. The issue is that there is no process to get this information to the City Attorney's office, so what type of process does the Commission want staff to use to inform the Commission when this situation arises?

Walsh presented the EOC Executive Committee recommendation. The Executive Committee believes that the Appeals Committee should be the body that refers the matter to the City Attorney's office.

A motion was made by Walsh, seconded by Benford, that if an Order of the Commission to pay damages is ignored by a party, the staff will notify the current Appeals Committee which will meet and make a written request to the City Attorney's office to enforce the Order of the Commission.

The motion passed by voice vote/other.

## 12. [14908](#) REPORT OF THE EOC NOMINATING COMMITTEE AND ELECTION OF MEMBERS OF THE EOC EXECUTIVE COMMITTEE

The following roster for the new Executive Committee was proposed:

President: Enemuoh-Trammell  
Vice-President: Zipperer  
Secretary: Bustamante  
Member at Large: Quinlan  
Member at Large: Hurd  
Alternate: Cruz  
Alternate: Vacant

A motion was made by Bustamante and seconded Benford to approve the roster.

The motion passed by voice vote/other.

13. [15741](#) INTRODUCTION OF FUTURE ITEMS FROM THE FLOOR

As of last year, Wisconsin law requires that employers must offer contraceptive coverage in prescription plans. The Catholic Diocese and St. Mary's Hospital have indicated that women who use this benefit may be terminated. In addition, St. Mary's female patients will continue to not have access to contraceptives. Depending on how this action is handled, it could be discriminatory on the basis of sex.

14. ADJOURNMENT

It was moved by Benford and seconded by Solomon to adjourn. Meeting was adjourned at 7:05 p.m.

Minutes submitted by Eric Kestin.