



City of Madison

Meeting Minutes - Final

EQUAL OPPORTUNITIES COMMISSION

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

Thursday, June 14, 2007

5:00 PM

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

1. CALL TO ORDER

The meeting was called to order at 5:05 p.m., Bert Zipperer presiding.

2. ROLL CALL

Present: Brian L. Solomon, Victoria S. Selkowe, Bert Zipperer, Katherine Cramer Walsh, Carousel Andrea S. Bayrd, Megin H. McDonell, Charles Holmes-Hope, Michael W. T. Howe and Steven H. Morrison

Absent: Desmond C. Steward

Excused: Nia Enemuoh-Trammell and Lauren M. Woods

The Commission observed a moment of silence in memory of Jeff Erlanger, whose funeral was held that day.

3. PUBLIC COMMENT

Dr. Jean Daniels registered and spoke relative to the Nuisance Ordinance proposal. She described problems she has had with noisy neighbors and the response she has received from the Police Department. (Registration is on file).

4. APPROVAL OF MINUTES

A motion was made by Howe, seconded by Selkowe, to Approve the Minutes. The motion passed by acclamation.

On a motion made by Howe and seconded by Selkowe, the Commission took item 11(a) out of order. Motion passed by acclamation.

11. UNFINISHED BUSINESS

a. Chronic Nuisance Ordinance

04196

SECOND SUBSTITUTE - Creating Section 25.09 of the Madison General Ordinances to establish that certain premises may be declared Chronic Nuisance Premises.

A third substitute ordinance was being prepared, but is not yet available for discussion.

Ald. Brenda Konkel spoke regarding the proposal. She stated that there are many things about the proposal that are bothersome. Separation of the Building Inspection and Police Department portions of the ordinance has been recommended. Issues of concern include the definition of premises, currently the same number of calls triggers the ordinance regardless of the number of units. The current version allows too much Police Department discretion in this regard. Konkel is also concerned with how this proposal inter-relates with the arrest and conviction record protections found in the

Equal Opportunities Ordinance, particularly relative to screening of tenants. The list of offenses is long and broad. There are misdemeanors for lesser offenses that trigger the ordinance, while felony charges for more serious offenses do not. She specifically mentioned the "person associated with" an apartment as too vague. The protections relative to retaliatory eviction are unclear and discretionary and belong in Chapter 32. Incidents involving domestic violence are at the discretion of the City Attorney and the Police Department. Employee training by the Police Department should also include the staff of the Equal Opportunities Division. While the ordinance now includes a sunset provision, no reports are required to be submitted.

It was noted that the ordinance is not ready for action. It was requested that staff prepare information for the Executive Committee on how the Equal Opportunities Ordinance relates to the proposal relative to arrest record protections.

A motion was made by Morrison, seconded by Howe, to Table until the third substitute is ready for action by the Commission. The motion passed by acclamation.

5. ANNOUNCEMENTS OF COMMUNITY EVENTS

Commissioners were reminded of the Juneteenth Celebration on Saturday, June 16 in Penn Park.

Outreach will hold their annual banquet at Monona Terrace on July 20.

6. PRESIDENT'S REPORT

Zipperer reported that he and others from the Commission and the Department had attended the funeral that morning for Jeff Erlanger. It was very touching.

7. DIRECTOR'S REPORT

No report. Nuñez was unable to attend. Ariel Ford presented information on her behalf as part of her Division Manager's report.

8. DIVISION MANAGER'S REPORT

Ford introduced Claudia Catota, the new Investigator/Conciliator who replaced David Lopez.

The offices of the Department of Civil Rights moved into their new space on June 12. It is hoped that the offices will be well settled in the next month so that the July Commission meeting can be held there.

Staff participated in four job fairs held by the Madison Urban Ministry (MUM) for individuals who have been released from incarceration. The agency has experienced a significant increase in inquiries relative to conviction record discrimination in employment.

Ford reported that the Summer Celebration of Diversity Picnic will be held on July 19 at Warner Park.

Staff be conducting training for new lawyers at Axley Brynelson Law Firm in July.

Two Town Hall meetings are being planned for late July and early August. These will be neighborhood-based. Warner Park and South Madison and Lake Point are locations under consideration. The first Town Hall meeting was held at the Deaf Club.

Approximately 50 individuals attended. Despite some problems with the Deaflink system, the meeting went quite well.

9. LIAISON REPORTS

a. Common Council: Solomon agreed to inform the Council that the EOC could not act on the Nuisance Ordinance because the latest draft had not been released for discussion.

b. Affirmative Action Commission: Selkove reported that she has been elected Chair of the Commission. The Commission approved two resolutions calling for studies relative to hiring and appointments to boards, committees and commissions. The original resolutions were to study gender composition. The Commission recommended the addition of race and disability to the studies. The Commission also took action on a proposal relative to cross-representation on DCR Commissions. The AAC voted to support the change recommended by the Chairs of the Commissions. Further discussion of this issue appears under Unfinished Business, Item b.

The AAC heard updates from staff on the State Legislature's Special Committee on Affirmative Action. The Commission plans to write a position statement for consideration at its next meeting.

c. Commission on People with Disabilities: Howe reported that the CPD had approved language in March relative to cross-representation on DCR Committees.

10. COMMITTEE REPORTS

a. EOC Executive Committee: McDonell reported that the Committee had discussed options for having Commission representation on the EOC Employment Committee, including having two Commissioners share the responsibility. McDonell can attend noon meetings if another Commissioner can attend morning meetings.

The Committee also discussed the Real ID Act. No new information is available. The rules by Homeland Security have yet to be finalized, although the input period has ended. There does not appear to be any effort underway by the Wisconsin Legislature to protest implementation of the Act.

Topics for training for Commissioners was also discussed. Ideas included: training for new Commissioners only, more detailed training on specific protected classes such as arrest and conviction record, legal standards for cases and an overview of reports issued by the Commission such as the ones on traffic stops and alcohol licensing.

b. EOC Employment Committee: The EOC Employment Committee has recessed for the summer. Their last meeting included informational presentations by MUM, Youth Services and Commonwealth.

On a motion made by Morrison and seconded by Selkove, the Commission appointed Commissioner McDonell to attend noon EOC Employment Committee meetings. Motion passed by acclamation.

c. EOC Ad Hoc Committee on Check Cashing--The Committee has not met.

d. EOC Nominating Committee--The proposed slate of officers was presented. President Zipperer called for additional nominations three times. No additional nominations were made.

On a motion made by Solomon and seconded by Selkove the Commission cast a unanimous ballot for the slate of officers as presented: Bert Zipperer, President;

Carousel Andrea Bayrd, Vice President; Michael Howe, Secretary; Charles Holmes Hope and Steve Morrison, Members at Large; and Desmond Steward and Megin McDonell, Alternates.

11. UNFINISHED BUSINESS CONTINUED

b. Cross Representation on DCR Commissions

The proposal of the chairs of the DCR Commissions was included in the meeting packet. The EOC Executive Committee endorsed changing "shall" to "may," but did not endorse the language relative to additional meetings of the chairs or the Commissions.

Selkove reported that the Affirmative Action Commission concurred with changing "shall" to "may." The AAC voted to continue to explore ways for the Commissions to work together.

A motion was made by Morrison and seconded by Solomon to endorse the Affirmative Action Commission recommendation.

Allen cautioned the Commission that changing "shall" to "may" could pose a problem. Normally the Mayor would have the authority to nominate individuals to more than one Commission or Committee. The use of specific language granting him this authority in ordinances for three Commissions, could mean that he would not have this authority for appointments to other City boards, Committees or Commissions where similar language does not appear.

A substitute motion was made by Morrison and seconded by McDonell to eliminate the requirement for cross-representation in all three ordinances of the DCR Commissions and to request that the City Attorney draft ordinance amendments to that effect. Motion passed by acclamation.

A motion was made by Selkove and seconded by Morrison stating the Commission's desire to explore ways to continue to look for ways to connect the work of the three DCR Commissions. Motion passed, Commissioner Howe abstained.

12. NEW BUSINESS ITEMS

a. Election of EOC Representative to Serve on Rev. Martin Luther King, Jr. Humanitarian Award Committee.

On a motion from McDonell and seconded by Selkove the Commission recommended Commissioner Nia Enemuoh-Trammell to serve as the EOC representative on the Rev. Martin Luther King, Jr. Humanitarian Award Committee. Motion passed by acclamation.

13. CLOSED SESSION

A motion was made by Howe, seconded by Selkove, On a motion made by Howe, seconded by Selkove, the Commission voted to convene in closed session pursuant to Sec. 19.85(1)(a) and (b) State Statutes. The motion passed by the following vote:

Absent: Steward

Excused: Enemuoh-Trammell and Woods

Aye: Solomon, Selkove, Zipperer, Walsh, Bayrd, McDonell, Holmes-Hope, Howe and Morrison

The motion passed.

- a. Presentation by Assistant City Attorney Roger Allen relative to proposed settlement in Case 20033011, Nichols v. Bucks Madison Square Garden

On a motion from Bayrd and seconded by Howe the Commission approved the proposed settlement in Case No. 20033011. The vote passed by the following vote:

Absent: Steward

Excused: Enemuoh-Trammell and Woods

Aye: Solomon, Selkove, Zipperer, Walsh, Bayrd, McDonell, Holmes-Hope, Howe and Morrison

- b. Case 20052134, Norris v. Cost Cutters

On a motion from Bayrd and seconded by Howe, the Commissioner's voted to consider the Respondent's appeal in Case 20052134 after the Hearing Examiner has issued a ruling on damages. The motion passed by the following vote:

Absent: Steward

Excused: Enemuoh-Trammell and Woods

Aye: Solomon, Selkove, Zipperer, Walsh, Bayrd, McDonell, Holmes-Hope, Howe and Morrison

14. ADJOURNMENT

A motion was made by Howe, seconded by Selkove, to Adjourn at 6:15 p.m. The motion passed by acclamation.