



City of Madison

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

Meeting Minutes - Amended AFFIRMATIVE ACTION COMMISSION

Tuesday, September 23, 2008

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 p.m., Vicky Selkove presiding.

Selkow welcomed Theola Carter and Sharyl Kato. Commissioners introduced themselves.

Present: 7 -

Sharyl J. Kato; Theola V. Carter; Joseph R. Clausius; Bert Zipperer;
Augustine S. Tatus; Nitza A. Pfaff and Victoria S. Selkove

Absent: 1 -

Bhavani "Shree" Sridharan

Excused: 1 -

Christian L. Odom

2. APPROVAL OF MINUTES

A motion was made by Zipperer, seconded by Ald. Clausius, to Approve the Minutes. The motion passed by voice vote/other.

3. PUBLIC COMMENT

No public comment was received.

UNFINISHED BUSINESS

8. [11123](#)

Update on plans for implementation of recommendations contained in reports to the Common Council on diversity on City boards, commissions and committees and representation and salaries in top management.

Hill distributed the following materials:

1. New City of Madison Boards, Commissions and Committees brochure
2. New DCR Commission and Committee brochure
3. An Action Plan for Implementation of the Annual Report on the Representation on Committees, Commissions and Boards

4. Boards, Commissions and Committees Outreach Strategies
5. A Draft Action Plan for Implementation of the Annual Report on Salaries in Top Management Positions
6. A complete listing of all City boards, commissions and committees

Commissioners were asked to forward any comments to Wick via email.

Zipperer asked if we can track how many times the commission brochures are accessed on line. Hill will check into this.

The Division's goal is to complete implementation of all of the recommendations contained in the two Commission reports prior to the end of the year.

It was agreed that Selkove and Tatus will work with Davis and Hill to complete the implementation plans.

Roll Call

Commissioner Shridkin arrived at 5:25 p.m.

Present: 8 -

Sharyl J. Kato; Theola V. Carter; Joseph R. Clausius; Bert Zipperer; Augustine S. Tatus; Nitza A. Pfaff; Victoria S. Selkove and Bhavani "Shree" Sridharan

Excused: 1 -

Christian L. Odom

9. [07992](#) Recruitment Strategies to Assure Diversity in City Hiring--Harper Donahue, Recruiter

Attachments: [07992 Registration Stmt.pdf](#)

Harper Donahue, Recruiter, stated that City hiring is slowing down. As a result, he is concentrating on training. He monitors the hiring process every step along the way and is using the red-flagging system with many positions. Hiring authorities must justify their hire. He is looking at enhancements to the system. He wants to implement a report card for each hiring authority, evaluating them based on the diversity within their department when they meet periodically with the Mayor.

Ethnically diverse hiring panels are now being required. Donahue will help identify individuals to serve on hiring panels as needed. Affirmative Action is working closely with the new HR Director Brad Wirtz.

Donahue would like to see hiring authorities receive training on the hiring process and interviewing at least every couple of years.

Donahue agreed to provide Commissioners with an overview of the City hiring process.

10. [11523](#) Presentation by Christie Hill, Civil Rights Coordinator, on Updating the Civil

Rights Compliance and Affirmative Action Plans.

Hill distributed initial drafts of the City of Madison Affirmative Action Plan for 2008-2012. Commissioners were asked to send comments to Hill via email within the next week.

7. [10515](#) Amending Secs 33.07(7)(m) and 39.02(9)(e)1.a., and creating Sec. 39.02(9)(e)3. of the Madison General Ordinances to clarify procedures relating to Public Bidding and Affirmative Action Plans.

Attachments: [Version 1t.pdf](#)

Selkove stated that she, Augustine Tatus and Norman Davis met with City Attorney Michael May relative to the need for rules and training relative to an appeals process. Rules will be discussed at a future meeting and training will be provided for Commissioners. It is possible that appeals could be heard by a subcommittee of the Commission in order to expedite scheduling.

This ordinance establishes bright line approval for public works contracts. It adds language allowing contractors to appeal if their Affirmative Action Plan is not approved. Appeal processes also exist for vendors, on-site audits and the certification of targeted businesses.

If a contractor appeals, it is up to the Affirmative Action Manager and his staff to prove that the contractor is not in compliance.

Zipperer asked if having staff with which the Commission has a close working relationship present the case might not represent a conflict of interest. The City Attorney has not raised this as a concern. It is a presentation of facts, not opinions.

Roll Call

Clausius left at 6:35 p.m.

Present: 7 -

Sharyl J. Kato; Theola V. Carter; Bert Zipperer; Augustine S. Tatus; Nitza A. Pfaff; Victoria S. Selkove and Bhavani "Shree" Sridharan

Excused: 2 -

Christian L. Odom and Joseph R. Clausius

- [10515](#) SUBSTITUTE Amending Secs 33.07(7)(m) and 39.02(9)(e)1.a., and creating Sec. 39.02(9)(e)3. of the Madison General Ordinances to clarify procedures relating to Public Bidding and Affirmative Action Plans.

Attachments: [Version 1t.pdf](#)

A motion was made by Sridharan, seconded by Carter, to Return to Lead with the Recommendation for Approval. The motion failed by voice vote/other.

Excused: 2 -

Christian L. Odom and Joseph R. Clausius

10515

Amending Secs 33.07(7)(m) and 39.02(9)(e)1.a., and creating Sec. 39.02(9)(e)3. of the Madison General Ordinances to clarify procedures relating to Public Bidding and Affirmative Action Plans.

Attachments: [Version 1t.pdf](#)

Discussion:

(The following discussion took place based on numerous questions from Commissioners.) The Engineering Division does conditional approval under the State Statutes. The authority does not extend to Affirmative Action Plans. It has been suggested that Affirmative Action Plans be conditionally approve, but the Affirmative Action Division does not adopt this practice based on the responsibilities stated in Section 39.02 Madison General Ordinances.

The current proposal gives appeal rights to contractors whose Affirmative Action Plans have not been approved prior to the award of a contract. 4:30 p.m. on Wednesday is the bright yellow line. This also amends the standard specifications. The language is different in different documents and the ordinance could be viewed as inconsistent. It gives a few more days to comply. No recommendations from the contracting community were noted with regard to this proposal.

A motion was made by Zipperer, seconded by Kato, to RECOMMEND TO COUNCIL WITH THE FOLLOWING RECOMMENDATIONS - REPORT OF OFFICER that the ordinance be redrafted to reflect the same deadline for Public Works and Affirmative Acton--Friday at 1:30 p.m.--prior to bids being opened. The motion passed by voice vote/other.

Excused: 2 -

Christian L. Odom and Joseph R. Clausius

REPORTS

4. **10214** DIRECTOR'S REPORT- Presented for information only. No action required

Larry Studesville, Interim DCR Director, will report on the following:

- His activities since the last meeting*
- Civil Rights Compliance Plan/AA Plan*
- Summary of staff activities since last meeting*

Norman Davis reported in the absence of Larry Studesville. He stated that there were 90 vendors from 2007 that had not complied with Affirmative Action requirements. That number is now down to seven. These seven have been completely non-responsive. Those contracts must be cancelled. Davis may

also seek an additional remedy--disbarment for two years. The Affirmative Action Commission will need to convene a hearing relative to these seven contracts in the next few months.

5. [10223](#) LIAISON REPORTS--Presented for information only. No action required.

Updates on business since the last AAC meeting
- Equal Opportunities Commission - Zipperer/Selkove
- Commission on People with Disabilities - Studesville

Zipperer reported that the Equal Opportunities Commission is looking into seeking drafting of an ordinance that would allow a Commission or Committee to sponsor an ordinance proposal in lieu of an alderperson. He would like this discussed at a future Affirmative Action Commission meeting as well.

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

No report.

11. **ADJOURNMENT**

A motion was made by Sridharan, seconded by Kato, to Adjourn. The motion passed by voice vote/other. The meeting adjourned at 7:00 p.m.

Minutes prepared by Cindy Wick, DCR Executive Assistant