



City of Madison

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

Thursday, September 11, 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 5:07 p.m., Bert Zipperer presiding.

Present: 7 -

Bert Zipperer; Erika H. Braunginn; Nia Enemuoh-Trammell; Katherine Cramer Walsh; Carousel Andrea S. Bayrd; Megin H. McDonell and Steven H. Morrison

Excused: 3 -

Brian L. Solomon; Brian Benford and Lauren M. Woods

Staff: Clifford Blackwell, Claudia Catota, Ariel Ford, Eric Kestin, Larry Studesville, and Cindy Wick.

Guests: Ronald Trachtenberg and City Attorney Michael May.

2. APPROVAL OF MINUTES

The Aug. 14, 2008 minutes were approved on a motion made by Morrison and seconded by Braunginn with the following correction: Page 5, Item 11, 09790, should read: "A motion was made by ..." Motion passed by voice vote/other.

<http://legistar.cityofmadison.com/calendar/#current>

3. PUBLIC COMMENT

Ron Trachtenberg
33 E. Main St. #500
Madison, WI 53703

Representing: Grosso Properties Investments, LLC
Regarding Item 6, Chronic Nuisance Ordinance

Trachtenberg represents Grosso Properties, which is constructing homes in Owl's Creek. His clients intend to rent to Section 8 eligible families. Trachtenberg distributed a memo from Lt. Carl Strasburg, Madison Police Department, to Brad Murphy and the Plan Commission urging denial of additional conditional use permits for the development based on the number of police calls. Trachtenberg requested meetings with the Madison Police

Department and Chief Wray to discuss their concerns. Meetings have not been scheduled. Trachtenberg's request to see police reports has been denied, because they involve ongoing investigations.

Trachtenberg believes the actions of the Police Department have a discriminatory and disparate impact on his clients' business interest.

4. **ANNOUNCEMENTS OF COMMUNITY EVENTS--For information only. No action required.**

Braunginn encouraged Commissioners to attend Rhumba 4 Rainbows on September 19.

On October 16 and 17 the YWCA will sponsor a Racial Justice Summit in cooperation with the Seeking Tolerance and Justice Over Hate group.

UNFINISHED BUSINESS

5. [11839](#) EOC Appeal Process--Review of Process for Appeals to the Equal Opportunities Commission for Complaints of Discrimination

Attachments: [DRAFT OF NEW EOC APPEAL PROCEDURES.pdf](#)

Zipperer provided background on how this topic came before the Commission.

Blackwell provided an overview of his care-related job duties.

Zipperer explained that this meeting is being used to give Commissioners the opportunity to brainstorm and discuss options. The issue will then go back to the EOC Executive Committee for formulation of a recommended policy for action. The EOC Executive Committee intends to bring this new policy before the full Commission in October.

Zipperer reviewed Rule 11 with Commissioners.

City Attorney Michael May outlined areas of concern, including:

-- Rule 11.4 says the Commission reviews case materials. However, the present practice is for only two Commissioners to conduct a full review.

This rule does not adequately reflect the present practice. Whatever action the Commission decides to take, it needs to be accurately reflected in its Rules.

May suggested that the Commission needs to define its role as either 1. an appellant body that puts the onus on the parties to present any errors or omissions, or 2. a body that will review the entire record and is free to make modifications even if not raised by the parties.

If the Commission continues what it does now, the parties do not know what

the recommendation of the reviewing Commissioners is. They could request that this recommendation is shared with the parties and give them a chance to react to it before the full Commission acts.

Zipperer noted that putting the recommendation in writing using templates has been a fairly recent change. There was the belief expressed that they were not working as had been expected and that the practice could be dropped at any time.

Ariel Ford raised the question of whether a panel of three Commissioners conducting the review and making the decision would be acceptable.

Commissioners expressed their opinions.

Morrison stated that he is not comfortable with just reviewing the decision and briefs without a thorough review of the record. He would like to find a way to keep the full Commission involved and still increase the City Attorney's comfort level.

Enemuoh-Trammell supports a more comprehensive level of review. If the number of Commissioners is limited, they need to be well-trained and know what resources are available to them.

Walsh stated she is okay with a three-person review.

Braunginn stated that a comprehensive review should be conducted.

Bayrd wondered if how appeals are handled should be different if there is a party or are parties that are unrepresented.

Enemuoh-Trammell reminded the Commission that not all attorneys are created equal and advised against different processes.

Blackwell suggested two alternatives. Different types of appeals could be handled differently: No Probable Cause Appeals one way and Appeals On The Merits another. Or have a smaller group of Commissioners review and decide what type of review should be conducted. May stated that he had concerns about the latter option. The State Court of Appeals uses different types of reviews for different types of cases. The second option is more of a certification process, where certain more complicated or precedent-setting cases might get kicked up for a review by the full Commission.

Zipperer suggested that Commissioner education become a component of every meeting.

It was suggested that we also want to look at whether a process adds time to the processing of a complaint. We need to balance that out.

Enemuoh-Trammell suggested that the Executive Committee could be the appeal body with cases having wider impact being handled by the full Commission.

Blackwell excused himself from the meeting at 6:07 p.m.

6. [11587](#) Chronic Nuisance Ordinance Amendments

Attachments: [CNP EOC changes.pdf](#)

On a motion made by Morrison and seconded by McDonell, the Commission voted to recommend introduction of the amendments to the Chronic Nuisance Ordinance with the addition of its recommended modification to (3)(a)6 at the top of Page 4 to read, "statement that the Premises owner shall implement, when appropriate, alternatives to eviction when formulating an abatement plan." Further, the Commission recommends adoption of said amendments by the Common Council and directs that its explanatory memo be submitted as its report to the Common Council.

Motion passed by voice vote/other.

NEW BUSINESS

None.

7. [00997](#) CLOSED SESSION

The Commission will convene in closed session pursuant to sec. 19.85(1)(c) state stats. to consider cases on appeal.

Morrison moved and McDonell seconded to go into closed session pursuant to sec. 19.85(1)(c) state stats. to consider cases on appeal. Roll Call:

Ayes:

Bayrd, Braunginn, Enemuoh-Trammell, McDonell, Morrison, Walsh, and Zipperer.

Nays:

None.

Absent:

None.

Excused:

Benford, Solomon, and Woods.

Motion passed.

- [09790](#) Appeal in Case No. 20051011, Terry v. YWCA, Appeal of Ruling on Damages--Commissioners Woods and Enemuoh-Trammell

Enemuoh-Trammell moved and Bayrd seconded to affirm the Examiner's ruling on fees and damages, but to award \$93 in costs to the Complainant based on the offer made by the Respondent's attorney after issuance of the Hearing

Examiner's decision. Roll Call:

Ayes:

Bayrd, Braunginn, Enemuoh-Trammell, McDonell, Morrison, Walsh, and Zipperer.

Nays:

None.

Absent:

None.

Excused:

Benford, Solomon, and Woods.

Motion passed.

8. ADJOURNMENT

It was moved by Bayrd and seconded by McDonell to adjourn at 7:00 p.m.
Motion passed by voice vote/other.

Minutes prepared by Cindy Wick, DCR Executive Assistant.