



City of Madison

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

Tuesday, July 8, 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 5:08 p.m., Bert Zipperer presiding.

Present: 7 -

Joseph R. Clausius; Bert Zipperer; Tracey A. Caradine; Augustine S. Tatus;
Nitza A. Pfaff; Victoria S. Selkove and Bhavani "Shree" Sridharan

Staff present: Norman Davis, Affirmative Action Division Manager; Larry Studesville, Interim Director, Department of Civil Rights; and Cynthia L. Wick, DCR Executive Assistant

2. APPROVAL OF MINUTES

A motion was made by Sridharan, seconded by Ald. Clausius, to Approve the Minutes with the correction that the date of the meeting was April 15 rather than 14.. The motion passed by voice vote/other.

3. PUBLIC COMMENT

Any member of the public wishing to speak to items on the AAC agenda or other related matters, shall do so at this time. Speakers are required to pre-register and are limited to 3-minute presentations. Commissioners may ask questions of speakers after all registrants have spoken.

There was no public comment.

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*

Studesville reported that Christie Hill is working on finishing up action plans to

implement the recommendations contained in the two reports that the Commission submitted to the Common Council.

She has also begun development of the new Affirmative Action Plan. It is anticipated that the initial draft of the plan will be ready for Commission review in August.

Studesville has been in regular contact with Lucía Nuñez. She is finishing up treatment and hopes to return to work approximately August 1.

Studesville asked Norman Davis, Affirmative Action Manager, to provide an update on his Division's activities.

Davis stated that the Affirmative Action Division is working with contractors to build the capacity of Minority Business Enterprises (MBEs). This Thursday, he is on the agenda for the CDA to discuss DCR's role in their projects/contracts. Recently, his staff did not get the opportunity to review the request for proposals for the Villager Mall project. He is working to tighten up the process so that this doesn't occur in the future.

AA staff are working closely with agencies who are non-exempt. This is the first year they have been able to do comprehensive follow up with contractors that have not filed their Affirmative Action Plans. The process usually involves meeting with the agency, the contractor, the City Attorney's office and the contracting agency or agencies to make every attempt to get a plan filed. Those that request a hearing or fail to file a Plan and don't request a hearing would be eligible for a hearing before the Affirmative Action Commission.

The Division does not have an interest in disrupting City business. It will work with the contractors to achieve compliance before a contract is cancelled.

Of about 80 contracts all together, Davis anticipates that only 12-18 will be problematic. Compliance equals submitting their Affirmative Action Plan. The contractors they are likely to have to work with are suppliers that have had multiple payments throughout the year that exceed the \$25,000 aggregate.

If the contractor has less than 15 employees, they can request an exemption. If not exempt, they can submit their own plan, the City's model plan or State or Federal plans and still comply with City requirements.

The City ordinance requires submission of a plan within 30 days of execution of a contract. Davis or his staff send a letter if the plan has not been submitted after an additional 30 days.

In an appeal, the Affirmative Action Commission determines what sanctions, if any, there will be. Options include no sanction, disbarment from contracting in the future, or loss of the existing contracts.

Zipperer asked that Davis provide an outline of information summarizing the enforcement and appeal process found in the ordinances. The ordinance appeals process will be placed on the next agenda for further discussion.

Studesville reminded Commissioners that the DCR Diversity Picnic will be July 17 at the Warner Park Shelter. Commissioners were encouraged to attend.

5. [07972](#) COMMON COUNCIL UPDATE BY ALD. CLAUSIUS--Presented for information only. No action required.

Clausius reported that the tone and direction of the Common Council has really shifted. The last meeting involved a discussion regarding bus wraps. Twenty have been approved. The Council's next big concern will be the 2009 budget process. Policing and the homeless situation will be major items of concern.

6. [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

Equal Opportunities Commission: Zipperer reported that the Commission will not be meeting in July. The Commission has requested amendments to the Chronic Nuisance Ordinance and continues to wait for the amendments to be drafted by the City Attorney's office. The due date for the Commission's annual report to the Common Council on the ordinance is coming up and Commissioners will be working on that report soon.

The Chronic Nuisance Ordinance is being considered for use in one area where there have been a large number of police calls to a four-building complex. The Commission wants to be sure that the civil rights of the residents in these neighborhood are respected.

The Police Department also has to file its report in September. Studesville encouraged Commissioners to share ideas with him to incorporate in the report. There was brief discussion relative to the value of the Commission submitting a joint report with the Madison Police Department.

The EOC appeal process is being reviewed

Commission on People with Disabilities: studesville reported that the Commission's focus remains on housing for people with disabilities. The use of a DVR intern to assist with this project is being reviewed.

UNFINISHED BUSINESS

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.

The Commission expressed concern about its role in appeals for this ordinance provision and other appeal provisions. Before being able to implement the appeal provision the Commission needs to develop an appeal process and

conduct training for its members.

It was noted that there is a citation error in the ordinance. Wick will bring this to the City Attorney's attention and get it corrected.

Davis reviewed the types of appeals that can be brought to the Commission. A more detailed presentation will be made at a future meeting by City staff.

A motion was made by Tatus, seconded by Zipperer, to RECOMMEND TO COUNCIL TO REREFER - REPORT OF OFFICER to the AFFIRMATIVE ACTION COMMISSION for continued discussion at its August meeting. The motion passed by voice vote/other.

Commissioner Pfaff left at 5:52 pm

Selkove will meet with City Attorney Michael May prior to the next meeting. Studesville agreed to schedule the meeting and to attend along with Davis.

8. [09766](#) Selection of a Member to Represent the Affirmative Action Commission on the Dr. Martin Luther King, Jr. Humanitarian Awards Committee.

A motion was made by Ald. Clausius, seconded by Zipperer, to Approve the appointment of Augustine Tatus, who volunteered to serve as the Affirmative Action Commission's representative on the Rev. Martin Luther King, Jr. Humanitarian Award Committee. The motion passed by voice vote/other.

11. **NEW BUSINESS**

- [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.

Action plans for implementation of the recommendations contained in the recent reports to the Common Council have been drafted by staff . Both were distributed to the Commission.

The recommendations contained in the report on commission, committee and board membership have been almost fully implemented. The action plan for implementation of the recommendations in the report on salaries of top management needs more work because these recommendations will cost tax dollars. It will be necessary to work with the Human Resources Department and the Comptroller to identify ways to assure that funds are available for the implementation of the recommendations. The timetable will be affected by the 2009 budget process. Studesville agreed that a column for fiscal impact should be added to the salaries action plan.

The Commission discussed options for working on the action plan. After discussion it was agreed that staff would continue to work on the plan to flush it out more and add fiscal impact. A revised plan will be sent out to Commissioners in the next week and then the Ad Hoc Committee that wrote the report to the Common Council will be convened.

12. ADJOURNMENT

A motion was made by Caradine, seconded by Sridharan, to Adjourn. The motion passed by voice vote/other. The meeting adjourned at 6:22 pm

Minutes prepared by Cynthia L. Wick, DCR Executive Assistant.