



City of Madison

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

Tuesday, April 14, 2009

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 5:05 p.m., Bert Zipperer presiding.

Present: 8 -

Ald. Joseph R. Clausius; Bert G. Zipperer; Theola V. Carter; Christian L. Odom; Nitza A. Pfaff; Chair Victoria S. Selkove; Bhavani "Shree" Sridharan and Lucia Nunez

Absent: 1 -

Sharyl J. Kato

Excused: 2 -

Augustine S. Tatus and Donna V. Hurd

Staff Present: Lucia Nuñez and Cindy Wick

2. APPROVAL OF MINUTES

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

3. PUBLIC COMMENT

No public comment was received.

REPORTS

4. [14148](#)

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

Lucía Nuñez, DCR Director, will report on the following:

- Her activities since the last meeting
- Staff activities since the last meeting
- Activities of the Equal Opportunities Commission and Commission on Persons with Disabilities since the last meeting.

Nuñez provided updates on the Equal Opportunities Commission (EOC) and the Commission on People with Disabilities (CPD). The EOC has cancelled its April meeting. Items on their agenda include amendments to the Chronic Nuisance Ordinance and a proposed change in the juvenile curfew ordinance.

The CPD is refining its accessible housing goal. They recommend that 10% of housing built by the City be accessible. Federal guidelines say 5% already. There are questions about the applicability to private projects.

Nuñez reported on vacancies on the Commissions that the Department of Civil Rights (DCR) staffs. Copies of the City committee brochure will be sent to Commissioners so they can help recruit. Latino/Hispanic and Asian individuals are being targeted for recruitment.

The DCR has two good tools. It has an Assistive Listening Device with 15 headsets that can be used for simultaneous translation of a meeting or presentation, as well as sound amplification for individuals with hearing impairments. The other device is Deaf Link which is a camera and monitor with dial up capability to provide a certified American sign language interpreter. The DCR is working on ways to make other City agencies aware of these tools.

Nuñez and Zipperer provided information on the proposed change to the City curfew ordinance. The EOC and the Community Services Commission have gone on record strongly in opposition to the amendment. The Public Safety Review Board supports the change. A report from the Police Department to the Common Council is still outstanding.

5. [14091](#)

DIVISION MANAGER'S REPORT

Norman Davis, Affirmative Action Division Manager, will report on activities of the Division since the last meeting.

Nuñez provided updates for Norman Davis. The Allied Redevelopment Project has set a 25% SBE goal and a 9%t workforce goal.

Clausius stated that there have been concerns relative to hiring from the Allied neighborhood. He has met with the union representative and plans to meet with Mark Olinger.

Nuñez explained that the union believes the Best Value Apprentice Program should have been used, but it does not apply to this project. Unions have expressed to Clausius that they were shut out of the process. Nuñez expressed a willingness to meet with Clausius and the union.

It was agreed that the next Commission agenda will include an explanation of the programs being used in Allied and Truax and what needs to be done to achieve the goals.

Workforce utilization and use of subcontractors are monitored by the Affirmative Action Division. These programs are being used to get people hired. The union is protesting because these workers are not union memers.

6. [07972](#)

COMMON COUNCIL UPDATE BY ALD. CLAUDIUS--Presented for information only. No action required.

Clausius provided an update on Common Council activities. There will be five new members sworn onto the Common Council next week. Clausius was re-elected. The next major project will be the \$60 million project in Truax.

Commissioner Kato arrived at 5:20 p.m. and Commissioner Sridharan left at 5:30 p.m.

Present: 8 -
Ald. Joseph R. Clausius; Bert G. Zipperer; Sharyl J. Kato; Theola V. Carter; Christian L. Odom; Nitza A. Pfaff; Chair Victoria S. Selkove and Lucia Nunez

Excused: 3 -
Augustine S. Tatus; Donna V. Hurd and Bhavani "Shree" Sridharan

UNFINISHED BUSINESS

Selkove asked that Item 9 be taken out of order.

9. [14146](#) Discussion regarding Proposal to Authorize Boards, Commissions and Committees to sponsor ordinances and ordinance amendments

Attachments: [Resolution.pdf](#)
[Sponsorship ordinance background.pdf](#)
[Resolution, Subcomte Version.pdf](#)
[Substitute Sponsorship Resolution.pdf](#)

Odom explained that he had tried to do research on the City policy that requires that a board, committee or commission must obtain a sponsor before the City Attorney will draft a new ordinance or amendment. Only Common Council members and/or the Mayor may be sponsors.

Zipperer explained that at one time this rule was not in place. Only a small select group of Commissions can send things directly to the Common Council without a sponsor. The Board of Public Works is one.

Odom stated that as the official City commission that advocates for civil rights, the topics we address are often controversial, but these issues need to be raised. Council members may not wish to sponsor a controversial proposal.

Zipperer stated that while he believes that all boards, commissions and committees should have that authority, it is especially important that the Affirmative Action Commission have it. He asked, "how actively do we want civil rights to be advocated, defended and promoted?"

Odom has drafted a resolution to change the current policy authorizing the Affirmative Action Commission to sponsor ordinances and resolutions before the Common Council.

The Commission discussed the proposal. The Commission wondered what the policy/procedure is in other cities. Kato stated that the Commission needs to study the checks and balances in the system.

Clausius stated that if anyone can bring forward new business, the Council would be tied up in too much business engaging in endless debate on things that are not applicable to the City. Clausius recommended referral to the City Attorney. If an issue is so volatile that an alder won't touch it, perhaps the Common Council is not the right place for it.

Odom stated that before an issue could reach the Common Council, it would have to be approved by the Commission. In the spirit of civil rights, issues are not always popular and should not be limited by a political process. Citizens

do have the ability to get things before the Common Council via petition.

The Commission requested that staff prepare a report on the history of the current policy, practices from other jurisdictions and a list of boards, committees and commissions that can introduce matters directly to the Council.

Selkove stated that this is not so much about the AAC or the EOC, but the meaningfulness and effectiveness of boards, commissions and committees. The Mayor and staff spend a good deal of time looking for qualified people to serve on boards, committees and commissions. Commissions spend significant time studying and preparing their reports to the Council. We might have a new good idea because we are closer to what is occurring in the communities we serve. The credibility of the Commission is on the line. The Commission will not sponsor frivolous items.

Odom agreed to send the resolution he has drafted to Wick so that it can be included in the next meeting packet along with the staff report.

7. [12950](#) 2009 Workplan Development

The Commission agreed to refer this item to the next meetig. A copy of last year's plan will be included in the meeting packet for evaluation and reference.

NEW BUSINESS

8. [14333](#) 2009 Annual Report of the Affirmative Action Division on the Representation of Women, Racial/Ethnic Minorities and People with Disabilities on City of Madison Committees, Commissions and Boards

Attachments: [2009AnnualReportCommitteesDRAFT2.pdf](#)
[Report Attachment 1.pdf](#)
[Report Attachment 2.pdf](#)
[Report Attachment 3.pdf](#)

Referred to the next meeting.

10. [14095](#) Debriefing on AAC Appeals Subcommittee meetings. Discussion of how the appeals to the AAC Appeals Subcommittee were presented, decided and improvements that can be made in the process for future appeals.

One appeal has been heard. Selkove, Carter and Zipperer served as the Appeals Committee. They discussed the process and made suggestions for improvement, including:

1. The Committee and the appellant should receive the materials well ahead of time.
2. Hard copies should be provided rather than just via email.
3. The materials need to be in chronological order, tabbed, with page numbers.
4. More time needs to be added to the system to give the Committee adequate time to prepare.

5. The Commission needs more education and training on the programs in question.

6. Background provided by the AA staff has to more clearly lay out the law and how the facts in this case don't meet that standard.

7. How the Committee members voted should be included in the letter that is mailed to the appellant. This information is in the minutes, a public document, but was not in the letter.

8. The process needs to be tightened down.

Selkove reported that Carter and Zipperer had voted to affirm the recommendation of the AA staff not to certify the appellant as an SBE. She voted in opposition to the motion. She said staff did not clearly spell out what requirements of the ordinance had not been met. She also stated that it took too long after the appeal was held to get the letter issued. A template needs to be prepared.

Nuñez stated that she held a debriefing with Norman Davis and Colier McNair following the appeal.

Selkove reported that Wick has drafted an Appeals Procedural Manual that will be helpful. She is reviewing the Manual and will provide feedback.

Carter stated that she found the whole process arduous.

The notice of the meeting was not set up so that after some deliberations, the Committee could call the parties back to ask further questions.

The materials were not received by the appellant's attorney in adequate time. It was suggested that the materials should be available two weeks prior to the appeal being heard.

It was reported that a letter has been issued to another business enterprise. They have until May 4 to submit their plan or they could be denied certification.

11. [14096](#)

Amendment to Rule 11(f) of the Affirmative Action Commission relative to Appeals to change the time limit for the deadline for submission of materials from five (5) days to seven (7) days.

Attachments: [AAC Rules.pdf](#)

The Commission reviewed the ordinance and the rules to see what changes would be needed to give the Appeals Committee more time to prepare. It appears that an ordinance amendment would be necessary to add time to the process.

The rule reads in relevant part::

"d. Upon receipt of the Notice of Appeal, the DCR Director shall communicate with the Chair of the AAC to determine the make-up of the Appeals Subcommittee (AS) and will promptly forward a copy to each member of the AS and shall determine the next available time that the AS could meet to hear the

appeal. Such a hearing shall take place within 20 days of the receipt of the Notice of Appeal, and all interested parties will be given at least 10 days notice of the hearing."

"f. Once the date for the appeal hearing has been set, the interested parties shall be given the opportunity to make such written submissions to the AS as they deem appropriate. Any such submission shall be made at least five (5) days before the appeal hearing. Submissions shall be made to the Director of the DCR, for distribution to the Appeal Subcommittee, with a copy to other parties. If a party requires a witness to be present, the Chair of the AAC may issue a subpoena for the witness's appearance or for the production of documents."

The rules and the ordinance were referred to the next meeting and City Attorney Michael May will be asked to attend to explore changing the 20 day time frame in paragraph (d) from 20 to 30 days and changing the 5 days in paragraph f. to 10 days. These days are reflected in the ordinance as well, so both would need to be amended.

12. [13531](#)

Report from the Mayor submitting the affirmative action status of boards, commissions and committees.

Sponsors: David J. Cieslewicz

Attachments: [AA stats com mbrs.pdf](#)

Nuñez explained that the data contained in this report is used in the in the Annual Report prepared by the AA staff (See item 8). That report more thoroughly explains the data. The report was referred to the next meeting.

13. INTRODUCTION OF FUTURE TOPICS FROM THE FLOOR

Selkove announced that she has submitted her resignation from the Affirmative Action Commission effective April 15. She has accepted a new job working for Rep. Cory Mason and will not have adequate time to devote to the Commission's work. She thanked everyone for their hard work and dedication. The Commission congratulated Selkove and thanked her for her work on the Commission's behalf.

It was agreed that an election of officers would be included on the next agenda.

It was also announced that Commissioner Pfaff's term is up and she has asked not to be reappointed.

14. ADJOURNMENT

A motion was made by Carter, seconded by Odom, to Adjourn at 6:50 p.m.. The motion passed by voice vote/other.