



City of Madison

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

Meeting Minutes - Approved AFFIRMATIVE ACTION COMMISSION

Tuesday, February 10, 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 5:15 p.m., Vicky Selkove presiding

Present: 7 -

Theola V. Carter; Christian L. Odom; Lucia Nunez; Joseph R. Clausius;
Bert G. Zipperer; Augustine S. Tatus and Victoria S. Selkove

Excused: 4 -

Sharyl J. Kato; Judith A. Siers-Poisson; Nitza A. Pfaff and Bhavani "Shree"
Sridharan

Staff Present: Norman Davis, Christie Hill, Lucía Nuñez and Cindy Wick

2. APPROVAL OF MINUTES

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

3. PUBLIC COMMENT

There was no public comment.

REPORTS

4. [13063](#) 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.*

Lucía Nuñez reported that she is back to work full time. The major projects that the Department of Civil Rights is working on include:

--The Affirmative Action Plan

--The Builder/Banker Program—to help small/disadvantaged businesses do business with the City

--Driver's License Recovery Program—for individuals who need jobs, but cannot get a driver's license and, therefore, cannot get to work or get a job which requires a driver's license. This is based on programs that exist in Portland, Oregon and Milwaukee. This program will require many partnerships and up front dollars (\$4,000-5,000 per person at first). Funds in other locations have come from private foundations.

A summary of Affirmative Action Division activities will be provided next month.

The Equal Opportunities Commission is looking at adding additional protections relative to the use of Social Security Numbers. The Commission has proposed seven amendments to the Chronic Nuisance Ordinance. The Public Safety Review Board is supporting five of those changes. Clausius suggested that action on these amendments be delayed a meeting. He indicated that the Council will be addressing bus fares at the next meeting. Wick will contact the City Clerk with this request.

Other topics being examined include genetic testing, gender identity and Alienage.

The Commission on People with Disabilities is looking into affordable and accessible housing.

The Equal Opportunities Division is working in cooperation with the Madison Urban Ministry to provide information to individuals with arrest and conviction records on their rights.

5. [13508](#)

DIVISION MANAGER'S REPORT

1. Requests from Contractor's for Appeals
2. Appeals Committee Appointments
3. Training for Appeals Committee

Norman Davis reported on various projects:

--Allied is progressing as planned. The trades are objecting to the use of neighborhood workers, but the City is standing firm on their commitment to this requirement. This project will be a model for how the City handles similar projects.

--Villager Mall—the library project and Urban League offices. Tri-North is currently bidding this project at a 22 percent minority/women owned business goal. Funds for the Urban League offices are coming through CDBG from HUD. A higher goal was assigned, but not through the neighborhood participation program.

--The Mallards Stadium project will be up for bids soon.

Davis stated that the City is making sure that all of these projects are executed

in a fair and equitable way. The Affirmative Action Division is working internally on the development of a new system that will combine financial, HR as well as contracting systems into an automated system. The new system will allow the Division to monitor systems on-line. The Division is working to change its processes in anticipation of that system coming on-line.

A full time Contract Compliance Monitor position is vacant. Davis hopes to be ready to announce that vacancy in the next month or so.

In response to a question, Davis stated that there are 18 positions from the neighborhood on the Allied project. McGann has done a really good job in meeting their obligation. Clausius stated that unions have approached him asserting that they were not given the opportunity to approach residents about the Best Value Program. Davis responded that CDA did not adopt that program.

The unions were not left out of the process. The program being used gives preferential to residents from Census Tract 6 or former residents within the last three years or to those who are participating in an apprenticeship program.

At the career fair, there were at least 22 interested and qualified applicants from the neighborhood who had been through one of those programs. Agencies working closely with the unions attended those meetings and helped to identify the best fit for the program.

Clausius asked about the Truax redevelopment. Davis stated that the City cannot state a preference for union or non-union workers. Workers must be paid journeyman wages if not in an apprenticeship program.

Relative to requests for appeals, letters have not gone out yet. Assistant Attorney Roger Allen recommended delaying the letters until the ordinance amendment that will be considered tonight has been adopted.

The appointment of Appeals Panel members has been delayed to allow adoption of the ordinance amendment relative to appeals (to bring the ordinances into conformance with the Affirmative Action Commission rules).

Training on appeals will be scheduled soon. Davis will work on a summary of the types of appeals that can be heard by the Commission that Commissioner Pfaff had requested.

6. [07972](#)

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

Clausius reported that the Common Council has adopted the modification to the bidding ordinance.

The Council is still struggling with bus fares.

The Marcus Entertainment Complex has been approved for the east side. This will be a 26 acre parcel.

Clausius is running for re-election and encouraged everyone to vote.

UNFINISHED BUSINESS

8. [12278](#) Appeal Role of the Affirmative Action Commission

The Commission will finalize the promulgation of rules relative to its appeal role as well as plan training for Commissioners on conducting appeals.

Attachments: [DRAFT 081208 AAC Appeals.doc](#)
[011409 Rules for Appeals.pdf](#)

The Commission reviewed the draft rules and made the following modifications:

--Paragraph 1. Should cite secs. 39.02 rather than 32.09

--Staff will verify that the ordinance is cited properly.

--Paragraph 5 will be corrected to add a space between "staff" and "and"

--Paragraph 6 will be corrected to strike the words "members of the AS and the" in line 5 and to add the words "for distribution to the Appeals Subcommittee" after "DCR," in that same line.

--Paragraph 11 is amended to read: "Parties shall be given a reasonable opportunity, as determined by the Appeals Subcommittee, to respond to the submissions of other parties."

A motion was made by Zipperer and seconded by Carter to adopt the Appeal Rules as amended. Motion passed by voice vote/other.

Staff was asked to contact City Attorney May to verify that the Chair has the power to place people under oath and to issue subpoenas.

Selkove took item 11 out of order due to the possibility of losing quorum (Ald. Clausius had to leave at 6:30 p.m.).

10. **NEW BUSINESS**

11. [13356](#) Amending Sections 39.02(3)(d)8. and 39.02(9)(g)6. of the Madison General Ordinances to make the ordinances consistent with recently adopted rules of appeal for Affirmative Action matters.

A motion was made by Zipperer, seconded by Carter, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by voice vote/other.

UNFINISHED BUSINESS (CONTINUED)

7. [13062](#) Affirmative Action Plan 2009 - 2013

Christie Hill, Civil Rights Coordinator, stated that the new five year plan has been reviewed and okayed by the Human Resources Department, the City Attorney and the Mayor. Following Affirmative Action Commission approval, the plan will be introduced to the Common Council for approval. The Mayor and Common Council have initiatives in the plan for the first time.

Selkove asked why the narrative does not reflect the Affirmative Action Commission recommendations on diversity that were included in the reports to the Common Council. Hill stated that that will come at the reporting stage including goals, bench marks, successes, etc. The plan is a policy document, not a strategy document.

Each agency will have a DCR Coordinator. The Affirmative Action Division will work to give them the tools to implement their goals.

Zipperer pointed out two typing errors in the draft to be corrected.

Zipperer asked how the racial/ethnic groups used in the plan were identified and why some appeared to be missing. It was explained that the identification of what groups belong to which racial/ethnic group is defined by the Federal government. Hill acknowledged that individuals are allowed to select their race and ethnicity separately. The Commission will have a discussion relative to the Federal designation of racial/ethnic groups at a future meeting.

A motion was made by Carter and seconded by Tatus to approve the plan and refer it to the Common Council as amended. Motion passed by voice vote/other.

Legistar File 12950 2009 Work Plan—Referred to next meeting.

9. [12950](#) 2009 Workplan Development

Referred to the next meeting.

OTHER BUSINESS

Selkove and the Commission thanked Davis for holding firm on hiring from neighborhoods.

ADJOURNMENT

Present: 6 -

Theola V. Carter; Christian L. Odom; Lucia Nunez; Bert G. Zipperer;
Augustine S. Tatus and Victoria S. Selkove

Excused: 5 -

Sharyl J. Kato; Judith A. Siers-Poisson; Joseph R. Clausius; Nitza A. Pfaff
and Bhavani "Shree" Sridharan

**Clausius left at 6:30 p.m. The Commission lost quorum at that time and the
meeting adjourned.**

Minutes prepared by Cindy Wick, DCR Executive Assistant