



# City of Madison

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

## Meeting Minutes - Approved AFFIRMATIVE ACTION COMMISSION

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Tuesday, February 23, 2010

5:00 PM

215 Martin Luther King, Jr. Blvd.  
Room LL-120, Madison Municipal Building

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### 1. CALL TO ORDER / ROLL CALL

The meeting was called to order at 5:05 p.m., Augustine Tatus presiding in the absence of the Chair and Vice Chair.

**Present:** 7 -

Michael M. Johnson; Toriana T. Pettaway; Joseph R. Clausius; Bert G. Zipperer; Augustine S. Tatus; Donna V. Hurd and Lucia Nunez

**Excused:** 5 -

Sharyl J. Kato; Theola V. Carter; Christian L. Odom; James J. Chiolino and Bhavani "Shree" Sridharan

**Staff:** Norman Davis and Lucia Nuñez

### 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.

### 4. [16817](#)

Amending Sec. 39.02(9)(a)2.f. of the Madison General Ordinances to exempt relocation type contracts from the Affirmative Action requirements.

Davis explained that this ordinance pertains to the acquisition or sale of real property by the City where relocation of utility lines or other infrastructure is necessary by a public utility, a railroad or the American Transmission Company (ATC). The company does not have a choice. Contracts for the sale of real property are already exempt from the City's Affirmative Action requirements. This provision adds contracts for relocation of real properties to those exemptions.

In this circumstance, the City is essentially reimbursing the company for their cost of moving. The City is not contracting with these companies to provide a service to the City. The contract, not the contractor, is being exempt from the Affirmative Action provisions. It is a clarification to reflect current practice.

Other City requirements--such as indemnification--have also been eased for these transactions. The City prefers to have a contract in place to document what has been agreed to with regard to the relocation.

If the City, through eminent domain for example, decides to acquire other real estate, there needs to be adequate compensation to the property owner. This is covered by eminent domain provisions, not by this ordinance provision. While the entity is receiving City compensation, the relocation is not a City public works project. Whatever the City chooses to do to the property after the relocation, would be subject to contract compliance provisions. This is not a situation where the entity decides it wants to do business with the City, files a bid and is selected to perform work. The entity has no choice in the matter.

If the entity is required to file an affirmative action plan under any other ordinance provision, this exemption does not negate that requirement.

There was some concern that the entity should make an effort to hire minorities or use MBE, DBE or WBE companies to perform the work if the City is paying for it. There was also concern that there were no limits to the amount of funds expended by the City. Perhaps more costly projects should be subject to contract compliance provisions.

After discussion, this item was referred to the next Commission meeting for further discussion. A representative of the City Attorney's Office will be asked to attend to respond to questions.

5. [16909](#)

Creating Sec. 2.05(6)(j) of the Madison General Ordinances to allow the Equal Opportunities Commission, Affirmative Action Commission or Commission on People with Disabilities to sponsor ordinances and resolutions.

**Attachments:** [Version 1](#)  
[History 2.05.pdf](#)  
[March 2, 2010 CCOC Registrations](#)  
[16909 - Registration Stmtns 3-16-10.pdf](#)

A motion was made by Zipperer, seconded by Mr. Johnson, to Return to Lead with the Recommendation for Approval to the COMMON COUNCIL ORGANIZATIONAL COMMITTEE. The motion passed by the following vote:

- Excused:** 5 -  
Sharyl J. Kato; Theola V. Carter; Christian L. Odom; James J. Chiolino and Bhavani "Shree" Sridharan
- Ayes:** 4 -  
Michael M. Johnson; Toriana T. Pettaway; Bert G. Zipperer and Augustine S. Tatus
- Noes:** 1 -  
Joseph R. Clausius
- Abstentions:** 1 -  
Donna V. Hurd

**Non Voting:** 1 -  
Lucia Nunez

**6. INTRODUCTION OF FUTURE TOPICS FROM THE FLOOR**

No new items were introduced from the floor.

**7. ADJOURNMENT**

A motion was made and seconded to Adjourn. The motion passed by voice vote/other.