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Resolution to Empower the Affirmative Action Commission, the Commission on Persons with Disabilities and the Equal Opportunities Commission to (a) Have Ordinances Drafted by the City Attorney; and (b) Directly Introduce Items to the Common Council for Action

WHEREAS, Section 39.02(3)(d) Madison General Ordinances, the Affirmative Action Ordinance, states:

“The Affirmative Action Commission shall have the following duties:

- (5) To recommend and review such rules and regulations as may be necessary to promulgate the City’s Affirmative Action Program, and
- (7) To make specific recommendations to the Common Council so as to bring all appropriate ordinances into conformity with the policies of this ordinance if necessary.

WHEREAS, Section 39.03(1) Madison General Ordinances, the Equal Opportunities Ordinance, states in its Declaration of Policy that providing equal opportunities

Is a desirable goal of the City of Madison and a matter of legitimate concern to its government. Discrimination against any of Madison’s citizens or visitors endangers the rights and privileges of all. The denial of equal opportunity intensifies group conflict, undermines the foundations of our democratic society, and adversely affects the general welfare of the community. . .

In order that the peace, freedom, safety and general welfare of all inhabitants of the City may be protected and ensured, it is hereby declared to be the public policy of the City of Madison to foster and enforce to the fullest extent the protection by law of the rights of all of its inhabitants to equal opportunity to gainful employment, housing, credit and the use of City facilities and public accommodations.

WHEREAS, Section 39.03(10)(b) states,

The Equal Opportunities Commission shall have the following powers and duties: . . .

- (7) To adopt such rules and regulations as may be necessary to carry out the purpose and provisions of this ordinance.

WHEREAS, Section 39.04 Madison General Ordinances, Commission on People with Disabilities, states:

- (4) Duties. The Commission on People with Disabilities shall have the following responsibilities:
 - (a) Recommend policy to the Mayor, Common Council and Department of Civil Rights in all areas that affect people with disabilities and their families.”

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WHEREAS, these Commissions work to achieve the mission of the Department of Civil Rights “to vigorously pursue the policies and principles embodied in this Chapter both within the City as an employer and within the City as a community of people who respect the rights and the contributions of every community member” (Section 39.01(1) Madison General Ordinances, and

WHEREAS, current City policy and procedure requires City boards, commissions and committees to have an Alderperson’s or the Mayor’s sponsorship prior to any action by the City Attorney to draft a proposed ordinance; and

WHEREAS, current City policy and procedure requires most City boards, commissions and committees to have an Alderperson’s or the Mayor’s sponsorship prior to introduction of any items to the Common Council for official action; and

WHEREAS, this policy effectively creates a gate keeping function for the Alder on each of these commissions over proposals to the Common Council; and

WHEREAS, effective Civil Rights advocacy often results in initiatives and proposals that defend the rights of all by protecting minority group members’ rights; and

WHEREAS, effective Civil Rights advocacy is viewed by some as limiting the powers of employers, property owners, business interests and public officials; and

WHEREAS, it will promote and enhance the missions of these Commissions to allow Common Council consideration of initiatives which the Affirmative Action Commission, the Commission on People with Disabilities or the Equal Opportunities Commission has fully considered, deliberated and approved; and

WHEREAS, Section 2.05 Madison General Ordinances, "Introduction of Business," already includes exemptions to the sponsorship requirement for the Board of Public Works for a variety of reasons related to Public Works projects, the Personnel Board relative to classification of positions, the Plan Commission relative to changes in zoning maps as well as six other exemptions; and

WHEREAS, Section 2.05(7) Madison General Ordinances states: "For any matters not sponsored by a member of the Common Council, the sponsoring officer or body shall be indicated by name," and

WHEREAS, it is in the best interest of the City of Madison to have these commissions fully communicate with the Common Council and fully represent the people of the City of Madison; and

WHEREAS, current policy has the potential to limit the actions, abilities, and stated powers and duties of these commissions as codified in the Madison General Ordinances (Chapter 39);

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NOW, THEREFORE, BE IT RESOLVED THAT;

- (1) By official action of the Affirmative Action Commission, the Commission on People with Disabilities or the Equal Opportunities Commission, the City Attorney's office shall draft such proposed ordinance. This official action by any of these commissions shall be the equivalent of an Alderperson's or the Mayor's request for drafting of an ordinance; and
- (2) Official action of the Affirmative Action Commission, the Commission on People with Disabilities or the Equal Opportunities Commission which approves a proposed ordinance or resolution shall be sufficient for introduction to the Common Council with the commission as the lead sponsor.

Original resolution drafted by Chris Odom (AAC) and Bert Zipperer (AAC and EOC)
Revised June 16, 2009 by AAC Resolution Subcommittee members Clausius, Hurd and Zipperer
and amended June 29, 2009 by the EOC Executive Committee.