



City of Madison

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

Meeting Minutes - Approved EQUAL OPPORTUNITIES COMMISSION

Thursday, October 16, 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 5:00 p.m., Bert Zipperer presiding.

Present: 9 -

Coco Bustamante; Bert Zipperer; Erika H. Braunginn; Brian L. Solomon; Nia Enemuoh-Trammell; Brian Benford; Katherine Cramer Walsh; Carousel Andrea S. Bayrd and Steven H. Morrison

Absent: 1 -

Lauren M. Woods

Excused: 1 -

Megin H. McDonell

Staff: Ariel Ford, Larry Studesville, and Cindy Wick

Guest: City Attorney Michael May

2. APPROVAL OF MINUTES

The September 12, 2008 minutes (<http://legistar.cityofmadison.com/calendar/#current>) were approved on a motion made by Morrison and seconded by Benford. Motion passed by voice vote/other.

3. PUBLIC COMMENT

None.

4. ANNOUNCEMENT OF COMMUNITY EVENTS--For information only. No action required.

Morrison announced that beginning on Saturday the U.S. Holocaust Museum Traveling Exhibit will have its grand opening at the Pyle Center at 5:00 p.m. There will be a guest lecturer and entertainment. The exhibit will be on display through December 2.

Zipperer congratulated Walsh on her recently published book, "Talking About Race: Community Dialogues and the Politics of Difference." Walsh will also be speaking at the YWCA's Racial Justice Summit on October 17, 2008.

Bayrd reminded everyone that polling places would be collecting food throughout Dane County.

Zipperer introduced new Commissioner Coco Bustamante. Commissioners and staff introduced themselves.

A motion was made by Benford and seconded by Braunginn to take Item 10 out of order. Motion was passed by voice vote/other.

UNFINISHED BUSINESS

10. [11839](#) EOC Appeal Process--Review of Process for Appeals to the Equal Opportunities Commission for Complaints of Discrimination

Attachments: [DRAFT OF NEW EOC APPEAL PROCEDURES.pdf](#)

City Attorney Michael May was present and reviewed the proposed new EOC appeal procedures approved by the EOC Executive Committee at its last meeting.

Commissioner McDonell arrived at 5:20 p.m.

Present: 10 -

Coco Bustamante; Bert Zipperer; Erika H. Braunginn; Brian L. Solomon; Nia Enemuoh-Trammell; Brian Benford; Katherine Cramer Walsh; Carousel Andrea S. Bayrd; Megin H. McDonell and Steven H. Morrison

Absent: 1 -

Lauren M. Woods

A motion was made by Morrison and seconded by Walsh to eliminate Item 3.a. from the proposed EOC appeal procedures. Motion failed.

In response to a question, May stated that an administrative body cannot declare a law unconstitutional. However, if a party believes that is the case, they must raise that argument before the administrative body in order to argue it in court on appeal. He also stated that the appeal panel may seek advice from the City Attorney's office during their deliberations.

Morrison moved and Bayrd seconded that Item 4 be amended to read: "The Certification from the Panel, by a majority vote of the Panel, would state the relevant facts of the case ..." Motion passed by voice vote/other.

Benford moved and Walsh seconded to approve the new appeal procedure as amended. Motion passed.

REPORTS

5. [08355](#) PRESIDENT'S REPORT--For information only. No action required.

Bert Zipperer, EOC President, will summarize meetings attended and other related activities on behalf of the Commission since the last Commission meeting. For information only. Any item raised for future discussion will be posted as "New Business" on the next agenda.

Zipperer reported that the Dane County Equal Opportunities Commission held a public hearing the night before relative to the Sheriff's policy of informing INS of individuals arrested who may not be citizens. Ford also attended the public hearing and stated that it was her impression that the policy is not applied uniformly. The Sheriff is not required to make the reports, but wants to do so.

Bayrd is a member of the County's Public Protection and Judiciary Committee. She stated that there is no law requiring the Sheriff to make a report. The Federal government has asked every booking entity to inform them if they book a non-U.S. citizen. This practice varies from county to county. Because the Sheriff is an elected official, the County Board does not have the authority to order him to stop the practice.

Ziperer also reported that he had met with Mayoral Assistant Ray Harmon. He hopes that Harmon will attend EOC meetings on a semi-regular basis in the future.

6. [09307](#) INTERIM DIRECTOR'S REPORT--For information only. No action required.

Larry Studesville, DCR Interim Director, will report on the following:

- a. His activities and meetings since the last meeting.*
- b. Update on staff activities.*

Studesville asked Ford to provide an update on case processing. Ford stated that the Hearing Examiner presently has 24 No Probable Cause appeals to consider. Investigators will meet with Blackwell to see when they can start assisting with these appeals. There are four cases in which appeals to the Commission have been filed.

Studesville stated that the DCR staffs three Commissions and five committees, more than most agencies. Its plate is full.

In regard to the 2009 budget, the Mayor's budget contained minimal cuts for the DCR. There are no staffing reductions. About \$13,000 was reduced for sign language interpreters and one AASPIRE intern position was eliminated.

In regard to the AASPIRE Program, Studesville explained that some agencies have funds in their budgets for an intern. Studesville advocates that all funds be placed in one budget for a single point of accountability.

7. [08357](#) DIVISION MANAGER'S REPORT--For information only. No action required.

Ariel Ford, Equal Opportunities Division Manager, will report on the following:

- a. Activities of the Division since the last meeting.*
- b. Update on staff activities.*
- c. Update on the EEOC Contract.*

Ford reported that the agency's EEOC contract closed on September 30. She anticipates that the next contract will be for 60 cases.

Division staff are currently attending the YWCA Racial Justice Summit. On November 18, 2008, the Division will assist with the Diversity Works Conference sponsored by the EOC Employment Committee and the Greater Madison Area Society for Human Resource Management (SHRM). Three staff members will be poll workers and an additional employee will be a floater.

The Division is reviewing the Rules of the Commission to see if there are alternatives to sending materials via certified mail due to the high cost of postage.

Commissioner Enemuoh-Trammell left at this time.

Present: 9 -

Coco Bustamante; Bert Zipperer; Erika H. Braunginn; Brian L. Solomon; Brian Benford; Katherine Cramer Walsh; Carousel Andrea S. Bayrd; Megin H. McDonell and Steven H. Morrison

Absent: 1 -

Lauren M. Woods

Excused: 1 -

Nia Enemuoh-Trammell

Ford presented a one-page report on the Chronic Nuisance Ordinance. The report has been submitted to Zipperer, the DCR Director and Interim Director, Ald. Tim Bruer, Mayoral Assistant Ray Harmon, Police Chief Noble Wray, Assistant City Attorney Jennifer Zilavy, and George Hank of Building Inspection. No cases were filed or reported with the Division relative to the four properties that were declared chronic nuisances.

Once rules have been drafted and adopted relative to the Commission's new appeal process, education on appeals will be provided -- probably in January. Plans are being made for new Commissioner training.

8. [08359](#) LIAISON REPORTS--For information only. No action required.

Reports summarizing discussions at meetings attended for information only. Any item raised for future discussion will be posted as "New Business" on the next agenda.

- a. Common Council--Ald. Solomon*
- b. Affirmative Action Commission--Zipperer*
- c. Commission on People with Disabilities--Studesville*

a. Common Council

Solomon stated that the budget is the primary business at this time. Serious reductions in Community Services grants and an increase of as much as 33 percent to Metro fares is of concern.

b. Affirmative Action Commission

Zipperer reported that Vicky Selkove's term on the EOC has expired. The Commission is currently discussing an amendment to the ordinance on bidding on public works projects.

Studesville explained that bidders must have a signed and approved Affirmative Action Plan in order to do business with the City. This proposal draws a bright yellow line by which the Plan must be approved. The Affirmative Action Commission will discuss this item at its next meeting. Studesville wants the Commission to focus on policy not process. Staff will address process issues.

c. Commission on People with Disabilities

Studesville reported that the Commission continues to concentrate on the issue of visitability in housing. The Commission would like to see the Planning Department include this in its review of designs, particularly if City-funded.

9. [08358](#)

COMMITTEE REPORTS--For information only. No action required.

Reports summarizing discussions at meetings held since the last meeting. For information only. Any item raised for discussion appears under Unfinished Business or will be posted as "New Business" on the next agenda.

- a. EOC Executive Committee*
- b. EOC Employment Committee*

a. EOC Executive Committee

The Executive Committee spent the bulk of the meeting discussing the Commission appeal process.

The amendments to the Chronic Nuisance Ordinance will be introduced at the October 28 Common Council meeting and referred to the EOC and the Public Safety Review Board (PSRB). As lead agency, the EOC will not submit its report until after the PSRB acts on the proposal.

It has been suggested that the Commission hold a public hearing on the ordinance.

Morrison informed the Commission that Lucia Nunez has returned to work part-time.

At its next meeting, the Executive Committee will look at expanding

protections relative to use of Social Security numbers.

b. EOC Employment Committee

The Employment Committee held its retreat in September. It concentrated on strategic planning. McDonell stated that she was not able to attend the October Committee meeting. A Commissioner is needed to attend meetings held in the morning. McDonell can attend meetings held at noon. For information on the Committee and its meeting schedule, Commissioners may contact Annie Weatherby-Flowers.

11. NEW BUSINESS

None.

12. ADJOURNMENT

It was moved by Morrison and seconded by Bayrd to adjourn at 6:30 p.m.
Motion passed by voice vote/other.

Minutes prepared by Cindy Wick, DCR Executive Assistant.