



City of Madison

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

Meeting Minutes - Approved EQUAL OPPORTUNITIES COMMISSION

Thursday, June 11, 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 5:00 p.m., Bert Zipperer presiding.

Present: 10 -

Brian L. Solomon; Coco Bustamante; Brian Benford; John L. Quinlan; Bert G. Zipperer; Katherine Cramer Walsh; Carousel Andrea S. Bayrd; Charles E. McDowell; Donna V. Hurd and Steven H. Morrison

Excused: 3 -

Nia Enemuoh-Trammell; Amanda L. Harrington and Erika H. Braunginn

Staff: Melissa Gombar, Lucía Nuñez, and Cindy Wick

2. APPROVAL OF MINUTES

On a motion made by Morrison and seconded by Benford, the minutes of the May 14, 2009 meeting were approved. Motion passed by voice vote/other.

3. PUBLIC COMMENT

Commissioners introduced themselves to new member John Quinlan.

The Democratic Caucus Budget Committee has removed the tax exemption provision for non-profit housing providers from the State budget. The lack of tax-exempt status could lead to their loss of low-income housing throughout the State. A change will now have to be sought through policy rather than the budget process.

REPORTS

4. [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 on the next agenda.

Zipperer spoke before the Common Council to express his opposition to the adherence to term limits for members of boards, committees, and commissions (10 years). He spoke as an individual, not as a representative of the Commission.

Zipperer and Christian Odom have introduced a resolution to the Affirmative Action Commission that would allow commissions staffed by the Department of Civil Rights to seek drafting and to introduce ordinances and resolutions to the Common Council without a sponsor. Zipperer distributed copies of the resolution. A subcommittee has been formed to redraft the resolution. Zipperer stated that he will ask the EOC Executive Committee to consider the resolution at its next meeting.

5. [13093](#)

DIRECTOR'S REPORT- For information only. No action required.

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

- a. Her activities and meetings since the last meeting.
- b. Update on agency activities.

Lucía Nuñez reported that Ariel Ford is on vacation.

Nuñez and Gombar attended the annual training conference sponsored by the U.S. Equal Employment Opportunity Commission for local and state Fair Employment Practices Agencies (FEPA) that they contract with in Baltimore, Maryland. The EEOC's budget has been reduced and as a result, so have FEPA contracts. The EOD contract will be for approximately \$27,500. Highlights of the conference included presentations on:

- (1) GINA (Genetic Information Non-Discrimination Act of 2008),
- (2) sexual violence and harassment of migrant workers, and
- (3) paired testing in employment discrimination cases.

In response to the economy and loss of revenue, the Mayor has implemented a hiring freeze and directed departments to reduce their expenditures for training and travel by 20 percent in 2009. The Mayor is looking at exceptions to the hiring freeze on a case-by-case basis. The Department of Civil Rights currently has two vacancies -- a Contract Compliance Monitor and the Disability Rights and Services Coordinator. No instructions have been issued yet for preparation of 2010 budget requests. Nuñez will wait until after those instructions are issued to decide whether to request authorization to fill either of those positions.

The appeal of the Commission decision in EOD Case 20051069, Larry v. Peterson, was dismissed by the Circuit Court.

Nuñez has been communicating with Ald. Solomon and Roger Allen regarding proposed new ordinance coverage that the EOC Executive Committee is examining.

6. [12507](#)

COMMON COUNCIL UPDATE--For information only. No action required.

Ald. Brian Solomon will provide an update on Common Council actions

since the last Commission meeting.

Ald. Brian Solomon reported that he is not a fan of the City's ten-year term limit. He did express disagreement with that policy to the Mayor.

Relative to a recent shooting on the Southwest side, there has been discussion about increasing police power, increasing the number of police officers, etc. This may become an issue for the EOC to address.

Bayrd expressed concern about police presence at schools. Recently six to eight squads and two officers on motorcycles responded to an incident at Crestwood School. She believes this is a great waste of police power and resources.

Nuñez stated that she had attended a press conference held by Police Chief Wray on the recent shooting. This was a youth who did not need to die. It is a very sad situation.

Solomon assured the Commission that he would request referral to the Commission of any items introduced to the Common Council relative to this issue.

The curfew ordinance was acted upon by the Common Council. The EOC had voted against the proposed changes. Solomon moved a second substitute to eliminate the curfew. This proposal failed. However, it did result in all exceptions suggested by the EOC being added to the ordinance without changing any of the curfew times.

Zipperer complimented Solomon on how his work changed the debate on this topic.

Morrison stated that the Police Chief had said at the EOC public hearing that the exceptions were already in the curfew ordinance. That was clearly not the case. The youth that attended the Common Council meeting did not have an opportunity to speak because they had to leave before the item was debated to avoid violating the curfew ordinance.

Amendments to the Chronic Nuisance Ordinance were not adopted. The Common Council will reconsider them when it takes up the sunset provision included in the ordinance. No substantive questions were raised. The Common Council President stated that this was a solution looking for a problem. Zipperer provided background on the ordinance for new Commissioners.

Solomon stated that Nuñez had been asked if there had been any complaints. None have been reported. The vast majority of the discussion was about process rather than substance. No one thanked the Commission for its work on the ordinance and no one from the Mayor's office acknowledged the Commission's role. The sunset provision expires in September. Solomon was not sure what process will be used to act on the sunset provision.

The City Attorney agreed with four of the seven amendments proposed by the Commission. It was agreed to put the sunset provision process on the Executive Committee agenda to see what options the Commission would want

to pursue in this regard.

7. [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 last Executive Committee meeting was cancelled due to lack of quorum.

b. EOC Employment Committee

The Employment Committee needs a Commission representative. Zipperer encouraged Commissioners to become the EOC representative on the Committee to serve as a liaison between the two. Commissioners Hurd and McDowell expressed interest in sharing this responsibility. Nuñez will ask Annie Weatherby-Flowers to put them on the mailing list and to contact them with information.

The Committee held its annual retreat on June 11 and began making plans for projects they will take up next fall.

8. [13853](#)

APPEALS COMMITTEE REPORT

For information only. No action required.

Bayrd reported that the Appeals Committee, composed of Bayrd, Solomon, McDowell, and Walsh (alternate), met prior to the Commission meeting to consider the appeal in Case No. 20072058, Stewart v. Capital Newspapers, Appeal from Hearing Examiner's Finding of No Probable Cause. The Committee affirmed the decision of the Hearing Examiner. Bayrd expressed concern that a representative of the City Attorney's office was not at the meeting. She reported that the Committee had been able to reach Assistant City Attorney Roger Allen via speaker phone to obtain an answer to a question they had about process. It was agreed that discussion of logistics for Appeals Committee meetings should be placed on the next Executive Committee agenda for discussion.

9. [14908](#)

REPORT OF THE EOC NOMINATING COMMITTEE AND ELECTION OF MEMBERS OF THE EOC EXECUTIVE COMMITTEE

Morrison reported for the Nominating Committee. The Committee's proposed slate of officers was:

President: Nia Enemuoh-Trammell

Vice President: Bert Zipperer

Secretary: Steve Morrison

Members at Large: Carousel Andrea Bayrd and Coco Bustamante

Alternates: Kathy Cramer Walsh and Donna Hurd

Bayrd expressed her concern that the Executive Committee should be used to foster leadership for the Commission. She suggested that the Vice Presidency should be used to prepare a member to run for President.

Zipperer called three times for additional nominations.

The report of the Nominating Committee, under Robert's Rules, is a motion to accept the proposed slate of officers. The Commission voted to accept the slate of officers by voice vote/other.

10. POSSIBLE RESPONSE TO SHOOTING AT HOLOCAUST MUSEUM

Quinlan contacted the DCR offices and requested that this item be placed on the agenda. He thanked Nuñez and Wick for acting quickly to amend and post the amended agenda.

The Commission discussed options for expressing their concerns: A press conference, a panel discussion on the Madison City Channel, a press release, inviting members of the Common Council and STAJOH (Seeking Tolerance and Justice Over Hate -- the Dane County Hate Crimes Task Force) to sign onto the press release, and other ideas, including setting up a fund for contributions for the shooting victim's family. Morrison offered the Madison Jewish Community Council as the fiscal agent for such a fund.

Nuñez reported that the Police Chief has called a meeting for next week that she will attend on gun violence in Madison.

A motion was made by Benford and seconded by Bayrd that a letter be drafted and submitted to the Common Council and STAJOH to join. The letter is to be addressed to the family of the victim of the shooting at the Holocaust Museum and sent to the press publicly declaring that hate crimes cannot be tolerated. The letter should speak to incidents in our community and provide information on how to contribute to a fund for the victim's family. Motion passed by voice vote/other.

Quinlan, Benford, and Morrison volunteered to assist in drafting the letter.

It was suggested that the Commission create a race relations task force to provide community education and an opportunity for victims to come forward to report local incidents. It was agreed to place this item on the next EOC Executive Committee agenda for discussion.

The Commission also asked that a presentation on hate crimes in our community be provided at a future meeting by Eric Kestin or Alix Olson, chair of STAJOH.

11. INTRODUCTION OF FUTURE ITEMS FROM THE FLOOR

Bayrd reported that Dane County is looking towards amending its fair housing ordinance. One proposal would state that there is no coverage of arrest record. If this is adopted it would apply throughout Dane County -- including the City of Madison. The County Executive has indicated that she will veto this provision should it be adopted by the County Board.

Morrison asked that this item be referred to the EOC Executive Committee and that guidance be sought from the City Attorney.

Other topics that will be addressed first by the EOC Executive Committee include reports by the Affirmative Action Division relative to compensation and membership diversity on City boards, commissions and committees, the use of tasers, and future education or retreat for the Commission.

The DCR picnic will be held July 16 at Warner Park. More information will be emailed to Commissioners. The Rev. James C. Wright Human Rights Award is presented at the picnic. Last year's committee members will be asked to assist in the award recipient for this year.

12. ADJOURNMENT

On a motion from Solomon and seconded by Benford, the meeting adjourned at 6:52 p.m. Motion passed by voice vote/other.

Minutes prepared by Cindy Wick, DCR Executive Assistant.