



City of Madison

City of Madison
Madison, WI 53703
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Meeting Minutes - Approved EQUAL OPPORTUNITIES COMMISSION

Thursday, June 10, 2010

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 5:10 p.m., Nia Enemuoh-Trammell presiding.

Present: 6 -

Nia Enemuoh-Trammell; Coco Bustamante; Brian Benford; Bert G. Zipperer; Katherine Cramer Walsh and Donna V. Hurd

Absent: 4 -

Brian L. Solomon; John L. Quinlan; Amanda L. Harrington and Charles E. McDowell

Staff present: Eric Kestin, Lucía Nuñez and Cindy Wick

2. APPROVAL OF MINUTES

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

3. PUBLIC COMMENT

None.

4. [15179](#)

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

Nia Enemuoh-Trammell, 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.

Enemuoh-Trammell reported that Equal Opportunities Division Manager Ariel Ford has agreed to provide training for UW Law School Students participating in the Neighborhood Law Project on discrimination law and the EOC complaint process. She is still waiting to hear from the City Attorney regarding her proposal to provide a manual for pro se clients regarding the EOC complaint process.

The EOC Employment Committee held its annual retreat that afternoon. Commissioner McDowell represented the Commission at that 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.*

Nuñez included the Common Council Update as part of her report due to Ald. Solomon's absence. She reported that at the record-breaking Common Council meeting on the Edgewater Hotel, Ald. Shiva Bidar-Sielaff introduced a resolution by title only regarding immigration. Copies of the resolution (Legistar File 18594) were distributed. The Common Council unanimously adopted the resolution at its meeting on June 1.

In anticipation of a large turnout for this item, the DCR had translators present at the meeting. The DCR has a central fund for the City for interpreters and translators. This fund has been very adequate in the past. However, there has been an increasing demand for funds and the funds for this year are already exhausted. Nuñez has been in contact with the Comptroller regarding this situation. Because these expenses are mandated by Title VI for any agency that receives Federal funds, and because running the costs through the DCR budget provides a central location and way to track expenditures, the Comptroller has agreed that the DCR should continue to pay these costs out of their budget and a budget amendment will be prepared later in the year.

The Common Council agenda for the next meeting is not yet available.

Nuñez also attended the EOC Employment Committee Retreat. There were many good questions for her, Commissioner Chuck McDowell and Ald. Mark Clear. The Committee is interested in guidance on credit checks and had questions about the pending amendments to the Equal Opportunities Ordinance.

Work on the City's 2011 Budget is on the horizon.

Nuñez reported that she has been appointed to the Implementation Team appointed by County Executive Falk relative to the Dane County Task Force Report on Racial Disparities in the Criminal Justice System. The first meeting is scheduled for June 14.

The Affirmative Action Division will be monitoring a significant number of public works projects this year including the Edgewater Hotel, Central Library, the Hilldale Target store, and Truax.

The amendments to the Equal Opportunities Ordinance have not yet been introduced due to Ald. Solomon's recent hospitalization. The members present encouraged Nuñez to seek another sponsor so that the amendments could be introduced.

In response to a question about why the DCR was paying for translators at a Common Council meeting, Nuñez stated that all City agendas include language in English, Spanish, Hmong and Russian about how to request an interpreter.

This language was added based on a recommendation from the Equal Opportunities Commission. The Department of Civil Rights will be looking at the languages used throughout Dane County to determine if these are the languages needed in our community. The presence of an interpreter is not automatic. Normally a request must be made first. City agendas require three business days notice, but if an interpreter cannot be found, it is recommended that deliberations and action on an item be delayed until an interpreter is available..

When the Department of Civil Rights was created, Mayor Cieslewicz placed money in the DCR budget for these costs. Until this year, these funds have been more than adequate. It is anticipated that the demand for these funds will continue to increase. Nuñez hopes that eventually each agency will have a segregated fund in their budget for these expenses to be charged to.

Morrison reported that the Wisconsin State Journal had also endorsed the immigration resolution.

Benford requested more information on expenditures and policy relative to language interpretation and translation. It was agreed that more discussion would take place at a future meeting.

The agency's contract with Deaf Link which provides sign language interpreters via video conferencing expires this year. The agency is currently evaluating proposals from eight vendors for a new contract.

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

Nuñez will provide an update on Common Council actions since the last Commission meeting.

See Director's Report above.

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 "Introduction of Future Items From the Floor" on the next agenda.

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

EOC EXECUTIVE COMMITTEE: Morrison reported that the Committee followed up on its discussion relative to use of eminent domain by the Community Development Authority. The City Attorney's office advised the Committee that the Commission has no jurisdiction. The issue is also in Dane County Circuit Court .

The Committee has made no progress yet on whether to study the cab companies that charge fees in advance for travel to some neighborhoods.

The Committee is also looking for feedback from the members of the Commission relative to whether the Commission should return to having the

full Commission review cases on appeal rather than an Appeal Committee. That discussion will take place later at this meeting.

The Commission is exploring asking the City to establish a policy to allow City employees to receive paid leave when they donate bone marrow as a way to honor the memory of former EOC Director Anthony L. Brown. Further discussion with Human Resources is needed.

The Committee was monitoring a proposed change to the use of CCAP. The proposed bill did not pass in the last Legislative session.

The Committee will not recommend pursuing an amendment to the alcohol licensing provisions when there is a finding of discrimination by the EOC. The Commission will evaluate a change if one is requested by the Alcohol License Review Committee.

The Executive Committee is trying to get the length of agendas under control and provide an opportunity for members of the Commission to take more leadership over issues it raises. In the future if an item is on the agenda for three meetings without action, the President will contact the individual who raised the issue and ask if he or she still wants the item on the agenda and also ask them to take lead responsibility for the item.

b. EOC EMPLOYMENT COMMITTEE: Commissioner McDowell was not present. See President's Report and Director's Report for information.

8. [13853](#) APPEALS COMMITTEE REPORT

For information only. No action required.

No report.

9. [09863](#) Appointment of Nominating Committee Members

Selection of three Commissioners to nominate members to serve on the EOC Executive Committee.

Commissioners Benford and Bustamante agreed to serve with Commissioner Quinlan who had previously expressed interest in serving.

10. [18624](#) Creating an EOC Ad Hoc Committee to discuss how the EOC will be involved in the implementation of the recommendations contained in the report of the Dane County Task Force on Racial Disparities in the Criminal Justice System

A motion was made by Benford, seconded by Walsh, to Approve the creation of an EOC Ad Hoc Committee to discuss how the EOC will be involved in the implementation of the recommendations contained in the report of the Dane County Task Force on Racial Disparities in the Criminal Justice System. The motion passed by voice vote/other.

Nuñez stated that she would staff the Committee since she will be a member of the Dane County Implementation Committee. It was agreed that the Committee can be advisory to Nuñez.

11. [17878](#)

Discussion regarding returning to the full Commission review of cases on appeal

The EOC Executive Committee has requested that the full Commission discuss this issue prior to their making a recommendation for action.

--Zipperer requested that the Commission consider returning to full Commission review of cases on appeal. A factor that had precipitated the change was the availability of the electronic file for the full Commission. Since the file is being scanned and an electronic file provided, Zipperer hoped the Commission could return to the old system where the full Commission considered appeals. He thought this was one of the most important and interesting aspects of the Commission's role. Zipperer believes a better discussion would occur among 13 rather than 3 members of the Commission. He is uncomfortable with only three people making these decisions, particularly if they do not all agree.

The EOC Executive Committee discussed the pros and cons and decided to ask the full Commission to discuss the matter.

Ariel Ford and Cindy Wick shared concerns about the proposal with the Executive Committee. Kestin shared Ford's remarks in her absence:

"The purpose of the Appeals Committee is to review appeals that have been made to the Commission based on findings of fact, conclusions, and order of the Hearing Examiner. Either party may file a written request for an appeal within 15 days after the decision. For the past year, appeals have been heard by a 3-person Appeals Committee composed of three (3) members and one (1) alternate member. The panel is appointed by the Commission President. Each panel serves for a 3-month period.

"The turn around on appeals has been much shorter than in the past. Parties have expressed their satisfaction at least having a decision made in a timely manner, even if they did not like the decision. Parties had previously expressed concern about how long it took to get an appeal reviewed. Appeal panels have been able to handle the appeals in a timely manner, providing both parties with a timely decision."

"The number of appeals varies by year. Currently, we have no cases on appeal. The last appeals were in April 2010. Over the last 2-3 years, we have had more appeals than previously. Some years we have had no appeals. In 2009, we had 5 appeals. So far in 2010, we have had 7 appeals. The 3-person panel was able to meet and make decisions faster.

"Panel members have all read the materials in the file. No meetings of the panels have been cancelled due to lack of quorum. Panel members know the schedule and have been able to plan accordingly to review the cases in a timely manner.

"Concerns about changing the review process back to a full Commission review are as follows:

"1. The full Commission has cancelled meetings due to lack of quorum. This would mean that any discussions scheduled would have to be delayed. Justice would then be delayed.

"2. In the past, not all Commission members have read the files; this would cause the group not to be able to make a decision or individuals not to be able to participate in any discussions.

"3. Commission members have talked about the length of the Commission's meetings. With the number of items that are currently on the agenda, this would mean that meetings would be even longer, or holding an additional meeting for any appeals that must be held.

"4. Recruiting new members for the Commission has not been easy. We currently have 2 vacancies.

"5. In my attempts to recruit individuals and to make the Commission more diverse, several concerns come up. One of them is the amount of time that individuals should expect to attend meetings. Many of the individuals that I have talked to are either individuals with young families or individuals in the sandwich generation. You know the generation who is caring for their aging parents while supporting their own children. Their time is limited. Other individuals have busy, demanding schedules. They could plan and commit to reading appeals thoroughly for a 3-month period, but would not want to have that same commitment to review appeals for an entire year.

"6. The timeliness of making decisions."

Wick concurred with Ford's remarks.

The Commissioners expressed their opinions on the proposal to return to a full Commission review of all cases. Commissioners expressed the following comments:

- Concern about the cost/ability to print out that many files.
- Three people provides a more in-depth discussion of the case.
- A split decision among three people may be of concern, but generally this has not occurred.
- The current system has meant that there is no back log of appeals.
- The time to review more appeals would be burdensome if it occurs every month.
- More people doesn't always guarantee more justice.
- Delay is a big issue.
- In the past there have been Commissioners who have not read the full materials.
- People with 2 jobs or very busy schedules would not be able to make that large a time commitment.
- Unfortunate that only one member present who is not an Executive Committee member. Had hoped for input from those that have not participated in the discussion thus far.

- Can a happy medium be found? Can additional Commissioners review files and participate? [Probably not since deliberations are held in closed session.]
- Can the full Commission discuss the case in more detail after the decision is made? [This idea should first be run past the City Attorney.]
- What about increasing the size of the Committee to five?
- Let Commissioners volunteer at the beginning of the year instead of assigning Commissioners. If some Commissioners have more time and/or more interest, they would be able to serve longer than three months.
- A larger committee makes it easier for a member to come unprepared.
- With a 3-person panel, do new members give too much weight to the opinions of senior Commissioners?
- Look at alternatives. Perhaps there are some not interested in appeals, while there might be others interested in doing more.
- There was a review with only two people present. That was a little uncomfortable.
- The role of alternates is odd. If we use a Committee of 5, a quorum would be 3 and we would not need alternates. [But if only 4 attend, there could be a tie vote.]
- Switch panel every 3 cases, instead of every 3 months.

Discussion will continue at the Executive Committee. The full Commission will be notified of that meeting so that if individuals could not attend this evening, they can have input there.

12. [15741](#)

INTRODUCTION OF FUTURE ITEMS FROM THE FLOOR

A potluck will be held at the next meeting. Wick will email members with a sign up for items for the potluck.

The report of the Nominating Committee and election of the Executive Committee will be the only items on the agenda.

13. **ADJOURNMENT**

A motion was made by Morrison, seconded by Benford, to Adjourn at 6:31 p.m.. The motion passed by voice vote/other.

Minutes prepared by Cindy Wick, DCR Executive Assistant.