



City of Madison

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

Thursday, March 13, 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 5:03 p.m., Bert Zipperer presiding.

Present: 8 -

Victoria S. Selkove; Lauren M. Woods; Bert Zipperer; Katherine Cramer Walsh; Carousel Andrea S. Bayrd; Charles Holmes-Hope; Susan A. Ellingson and Steven H. Morrison

Absent: 3 -

Brian L. Solomon; Nia Enemuoh-Trammell and Megin H. McDonell

2. APPROVAL OF MINUTES

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

3. PUBLIC COMMENT

Alex Gilles spoke to the Commission regarding Item 15 on the agenda, Dane County Sheriff's practice of reporting individuals without documentation to the INS. He stated that a significant number of individuals have been deported as a result of being stopped for minor infractions. He believes that there is racial profiling going on. Many of the individuals affected are City residents and the City should take a position on this. Approximately 120 people attended a February public hearing where approximately 30 people spoke.

In 2003, Madison passed a resolution that objected to this practice. It should remind the Dane County Sheriff of this position.

Commissioners Solomon, Enemuoh-Trammell and McDonell arrived at 5:12 p.m.

Present: 11 -

Brian L. Solomon; Nia Enemuoh-Trammell; Victoria S. Selkove; Lauren M. Woods; Bert Zipperer; Katherine Cramer Walsh; Carousel Andrea S. Bayrd; Megin H. McDonell; Charles Holmes-Hope; Susan A. Ellingson and Steven H. Morrison

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

None.

REPORTS

5. 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 stated his concern relative to needing Common Council sponsorship for an ordinance or ordinance amendment. Up until the 1980's, boards, commissions and committees could introduce business directly.

Zipperer welcomed Larry Studesville, the Interim Director, filling in for Lucía Nuñez. Nuñez continues to heal from her surgery. She is in good spirits and very upbeat.

Commissioners introduced themselves to Studesville.

6. 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 deferred to Ford.

7. 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.
- d. Brief Educational Presentation on Requirements for Commission Review of Cases

Ariel Ford, Equal Opportunities Division Manager, reported that Investigator/Conciliator Claudia Catota is attending Hate Crimes training in California. Eric Kestin, the other EOD Investigator/Conciliator will stand in for Lucía Nuñez at the Annual Wisconsin Fair Housing Network Conference that will be held at the Sheraton in Madison in April.

Ford attended the annual EEOC training conference for Fair Employment

Practices Agencies. Education and Outreach was identified as a key component of what fair employment practices agencies do. That has always been the case in Madison. Contracts for the 2008 federal fiscal year have not been issued yet. All agencies are being required to turn in an Education and Outreach plan before contracts will be issued. The agency is aiming to complete 65 cases under this contract.

Annie Weatherby-Flowers is at the Job Center once each week. All Division staff are involved in outreach efforts.

Zipperer apologized that more on-going education on appeals has not been done for Commissioners. Ford and EOD staff have put together information and will provide it at this meeting.

Ford distributed flyers on the "Hope for Tomorrow" event being sponsored by the Department on March 29.

Ford then presented a primer on appeals to the Commission. Handouts were distributed (attached to file minutes).

It was suggested that the Commission consider mandatory training for new Commissioners on appeals before they participate in a review.

8. 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--Selkove and Zipperer
- c. Commission on People with Disabilities--Studesville

Common Council Report: Solomon reported that he has been very involved in the Allied neighborhood. He is concerned about recent evictions. There are efforts to bring in a jobs program. There is also an effort to set up a model that can be replicated elsewhere relative to the delivery of human services. A shooting did occur in the Allied neighborhood recently.

After the last meeting, Solomon sent an email to Assistant City Attorney Zilavy to request amendments to the Chronic Nuisance Ordinance. He has followed up twice. He has received no response. He will be emailing the City Attorney.

Morrison stated that he has heard that his email was shared with the original sponsor of the ordinance. Solomon stated that he has heard that as well. He planned to meet with the original sponsor, but did not get the opportunity to do so before his email was forwarded.

Morrison asked Studesville to speak with the Mayor to find out what is going on. The Mayor's representative does not attend EOC meetings. Morrison stated that he doesn't even know who that individual currently is. He asked Studesville to communicate whatever feedback he receives to the Commission.

Relative to an ordinance amendment on genetic testing, an alderperson is needed to sponsor the proposal. Before agreeing to do so, Solomon would like to hear more from the full Commission on their thoughts about the proposal.

On Gender Identity, Solomon stated that the Executive Committee had asked Ford and her staff to contact Roger Allen to draft language to further explain current ordinance coverage. Solomon will sponsor the amendment once approved by the Commission.

Affirmative Action Commission: Selkove reported that the AAC continues to work on the two reports relative to hiring and membership on boards, commissions and committees requested by the Common Council. These reports should be completed next month.

Commission on People with Disabilities: Studesville stated that the last meeting was cancelled.

The Disability Rights and Services Program Coordinator is looking at the interpretation of the City ordinance relative to development projects and accessibility standards. A meeting is being set up to resolve issues on this subject. More information will be provided at a future meeting.

The Coordinator is also working on a complaint by an individual who wanted to volunteer at Rhythm and Booms. It appears that the City ordinances do not cover volunteer opportunities with City contractors. Studesville hopes to work with the contractor through an educational approach to resolve this issue at future events.

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

EOC EXECUTIVE COMMITTEE: Morrison reported that the Committee has completed its work on the Chronic Nuisance Ordinance, but will continue to monitor progress of the proposed amendments.

Other issues being discussed include drafting of an ordinance on discriminating based on the results of genetic testing, ordinance coverage of gender identity, immigration issues, domestic couples not being covered by State Statutes relative to domestic violence, and training for Commissioners. All of these topics are on this agenda.

EOC EMPLOYMENT COMMITTEE: Holmes-Hope apologized that he was unable to attend the meeting.

10. [09361](#)

Consider nomination of Julie Enloe, representing the Dane County Job Center, to the EOC Employment Committee.

Attachments: [Enloe Emp Comte Application.pdf](#)

A motion was made by Bayrd, seconded by Solomon, to Approve the nomination of Julie Enloe to the EOC Employment Committee. The motion

passed by voice vote/other. The nomination will now be forwarded to the Mayor for submission to the Common Council for confirmation.

11. UNFINISHED BUSINESS

NEW BUSINESS

12. [09575](#) Selection of a representative of the Equal Opportunities Commission to serve on the Dr. Martin Luther King, Jr. Humanitarian Awards Committee.

A motion was made by McDonell, seconded by Selkove, to Table discussion of a recommendation to the Mayor on an EOC representative to serve on the Dr. Martin Luther King, Jr. Humanitarian Awards Committee. The motion passed by voice vote/other.

13. [09510](#) Brainstorming on Possible New Initiatives

It was agreed that at a future meeting the Commission would look for ways to be more proactive on issues rather than reactive.

The issue of continuing the work on check cashing was referred to the EOC Executive Committee by consensus.

- [09575](#) Selection of a representative of the Equal Opportunities Commission to serve on the Dr. Martin Luther King, Jr. Humanitarian Awards Committee.

A motion was made by McDonell, seconded by Selkove, to Take Off The Table. The motion passed by voice vote/other.

Enemuoh-Trammell explained the time commitment required to serve on the King Awards Committee. She encouraged others to consider serving on this Committee. Selection of a representative was referred to the next meeting by consensus.

14. [09509](#) Request that the City Attorney's office draft ordinance language in the areas of housing, employment and public accommodations, adding genetic identity as a protected class to the Equal Opportunities Ordinance

Morrison provided an overview of the issue. He stated that State Fair Employment Law prohibits discrimination based on the results of genetic testing. The EOC Executive Committee asked that an ordinance be drafted covering this new protected class in all areas covered by the Equal Opportunities Ordinance.

Assistant City Attorney Roger Allen drafted ordinance language for the employment section of the ordinance based on State Statutes. He stated that

Common Council sponsorship would be necessary before he could do more ordinance drafting on this proposal.

Morrison stated that he doesn't know where this will go in the future or who will be on the Commission or the Common Council. He wants the proposal covered in all areas covered by the ordinance to be sure that when a problem arises, it is covered. He does not see any down side to this.

Boulder, Colorado has already added this protection and 47 states and one county have some type of protection.

Allen stated that in the past he has drafted ordinance amendments where the Commission's alder has voted in support of the addition, assuming the alder would sponsor the amendment. He drafted language to mirror the state Statute without a sponsor. Because alder sponsorship was absent, he spoke to Solomon and recommended further research. The Commission needs to be well informed of the implications before proposing this to the Council.

It was agreed that Genetic Identity should be the term used, rather than genetic testing. Boulder uses genetic characteristics.

It was reported that Catota has offered to get information from Boulder on their experience with the ordinance. It was reported that in 2002, 30 percent of corporations asked for this data from new employees.

The Commission discussed how to proceed. Ideas included:

1. Obtain more current data
2. Move ahead with the employment amendment and separate the housing and public accommodation coverage until after research is complete
3. Determine what other jurisdictions are doing
4. Obtain information from the UW Medical School here

15. [09511](#)

Update on Status of Non-Citizen Deportation from the Dane County Jail--For information only. No action will be taken.

Bayrd reported that a hearing was held by the Dane County Public Protection and Judiciary Committee. The Sheriff stated that the practice of cooperating with INS has been in place for 20 years. When an individual is brought in they are asked if their citizenship is from outside the United States. There is a list of countries that want to be informed if their citizens have been arrested.

What has changed is that individuals are asked at booking, before being charged with a crime. The US does not require reporting to INS. The practice has been to inform the US Government if the Sheriff's office is in contact with another country.

Historically, 2-3 individuals were deported per year--usually individuals charged with serious crimes or who have committed serious crimes in their country. ICE has provided funds to states to encourage reporting.

The Dane County Sheriff sees reporting as cooperating with other levels of law enforcement. Recently the number of persons reported to INS has been increasing for individuals with minor infractions. Alternatives are being sought.

While the Dane County Board passed a resolution against reporting individuals to INS back in 2002, this was a non-binding resolution. The County Board and the County Executive have significant limits on how they can direct the Sheriff who is an elected official. The upcoming spring election is affecting the willingness of some to discuss this issue.

Bayrd was asked if the Sheriff's policy is being applied across the board? She stated that she believes so.

CLOSED SESSION

A motion was made by Morrison, seconded by Solomon, to Convene into Closed Session to consider the appeal in Case No. 20043144, Mack v. Kayser Ford. The motion passed by the following vote:

Ayes: 11 -

Brian L. Solomon; Nia Enemuoh-Trammell; Victoria S. Selkowe; Lauren M. Woods; Bert Zipperer; Katherine Cramer Walsh; Carousel Andrea S. Bayrd; Megin H. McDonell; Charles Holmes-Hope; Susan A. Ellingson and Steven H. Morrison

16. [09051](#) Case No. 20043144, Mack v. Kayser Ford

A motion was made by Selkowe, seconded by Solomon, to Affirm the decision of the Hearing Examiner. The Commission found the Examiner's decision to be supported by the record. The motion passed by the following vote:

Ayes: 6 -

Nia Enemuoh-Trammell; Victoria S. Selkowe; Bert Zipperer; Katherine Cramer Walsh; Charles Holmes-Hope and Susan A. Ellingson

Noes: 5 -

Lauren M. Woods; Carousel Andrea S. Bayrd; Megin H. McDonell; Steven H. Morrison and Brian L. Solomon

17. ADJOURNMENT

A motion was made by Selkowe, seconded by Solomon, to Adjourn at 7:38 p.m.. The motion passed by voice vote/other.

Minutes prepared by Cynthia L. Wick, DCR Executive Assistant

