



# City of Madison

## Meeting Minutes - Final

### EQUAL OPPORTUNITIES COMMISSION

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

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Thursday, April 14, 2005

5:00 PM

215 MLKJ BLVD RM LL-120 (MMB)

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#### 1. Call to Order

*Meeting was properly noticed and called to order at 5:05 p.m. with Commission President, Ramona Natera presiding.*

#### 2. Roll Call

*Staff: Ariel Ford, Roger Allen, Annie Weatherby and Annette Miller (participated by telephone)*

**Present:** Gregory Markle, Ramona L. Natera, Bert Zipperer, Daniel L. Ross, Carousel Andrea S. Bayrd, Megin L. McDonell, Ann M. Smith, Michael W. T. Howe and Steven H. Morrison

**Absent:** Henry C. Boyd III, Teresa Tellez-Giron and Kabzuag K. Vaj

**Excused:** Nia Enemuoh-Trammell

#### 3. Approval of Minutes of March 10 Meeting

A motion was made by Howe, seconded by Zipperer, to Approve the Minutes. The motion passed by acclamation.

#### 4. Presentation of Certificate of Appreciation to Former Commissioner Paul Marunich

*Marunich had a family emergency and was unable to attend the meeting, so this presentation will be made at a later date.*

#### 5. Convene into Closed Session

A motion was made by Howe, seconded by Zipperer, to Convene into Closed Session pursuant to section 19.85(1) (c) State Statutes to discuss and act on Case No. 20022247 on appeal. Natera thanked the parties for coming and called for a motion from the floor to go into closed session. The motion passed by the following vote:

**Absent:** Boyd III, Tellez-Giron and Vaj

**Excused:** Enemuoh-Trammell

**Aye:** Markle, Natera, Zipperer, Ross, Bayrd, McDonell, Smith, Howe and Morrison

Oral Arguments in Case No. 20022247, Nicks v. Home Health United

**Natera reviewed the procedures to be used for the Oral Arguments before the Commission. Parties presenting oral arguments: Leon Nicks, Complainant and Thomas R. Crone of Melli, Walker, Pease and Ruhly, S.C., for the Respondent. The oral arguments were tape recorded for the record. Each party was given 10 minutes for argument and 3 minutes for rebuttal.**

**Present:** Gregory Markle, Ramona L. Natera, Bert Zipperer, Daniel L. Ross, Carousel Andrea S. Bayrd, Megin L. McDonell, Ann M. Smith, Michael W. T. Howe and Steven H. Morrison

**Absent:** Henry C. Boyd III, Teresa Tellez-Giron and Kabzuag K. Vaj

**Excused:** Nia Enemuoh-Trammell

## 6. Executive Session

Oral Arguments in Case No. 20022247, Nicks v. Home Health United

**A motion was made by Zipperer, seconded by Howe, to Approve the Hearing Examiner's Decision of "No Probable Cause" on appeal in Case No. 20022247. The motion passed by the following vote:**

**Absent:** Boyd III, Tellez-Giron and Vaj

**Excused:** Enemuoh-Trammell

**Aye:** Markle, Natera, Zipperer, Ross, Bayrd, McDonell and Howe

**No:** Smith and Morrison

## 7. Reconvene in Open Session

*Annette Miller, Assistant to the Mayor, was called to participate by telephone.*

**A motion was made by Bayrd, seconded by Howe, to Reconvene. The motion passed by acclamation.**

## 8. Statements from the Public

*There were no public statements.*

## 9. President's Report

Natera's report included:

a. A conversation with Mary Kay Baum of Madison Urban Ministry regarding providing training for the newly hired coordinator for their new program focusing on individuals newly released from prison regarding arrest records convictions record and other protected classes as covered under the Equal Opportunities Ordinance. She indicated that she would pass this information on to the Commission staff.

b. Commissioner terms that are expiring includes: Nia Enemuoh-Trammell, Kabzuag Vaj, Hank Boyd, Michael W.T. Howe, Ann Smith, Henry Boyd and Bert Zipperer.

Enemuoh-Trammell and Vaj are not seeking reappointment. Boyd, Howe, Smith and Zipperer are seeking reappointment. She will send an email to Pam Williamson supporting the reappointment to the Commission of Boyd, Howe, and Smith and for the reappointment of Zipperer.

c. Department of Civil Rights (DCR) - She reported that she participated in a Conference call on Wednesday, April 4, 2005 and wanted to clarify that the Ad Hoc Committee voted (7-5) to approve the report as written, not to approve the consolidation of the EOC, AA and CPD. She further stated that she had to advocate to get the official vote to appear in the appendixes of the report.

## 10. Interim Director's Report

Ariel Ford reporting:

- a. DCR Meeting: Commissioners were given a hard copy of the final report of the Ad Hoc Committee. Ford indicated that someone had commented to her that “that the only reason that the EOC staff is not supporting the merger is because they feel that their jobs are in jeopardy”. She indicated that her response was, no the staff does not have to worry about their jobs being in jeopardy, because they have been assured that that their jobs would remain and that her job as the Investigations Supervisor was the only job that was going to be changed. She would be the only one that would have to compete for a job.” In addition, the staff felt that the proposed reorganization was not going to really provide more or better services for the residents of the city.
- b. EEOC Contract: The EEOC 2005 Fiscal Year contract is for 65 cases and 30 cases have been submitted for the contract.
- c. She reported that two students from Lafollette High School's Multicultural class had spent a week at the EOC as a part of their community service project. Their project was revising our brochure so that it would be high school friendly. In June, we will have two more students and they will help us revise our sexual harassment brochure.
- d. Annie Weatherby, as a part of our expanded education and outreach program, sent out 250 letters to non-profit agencies, minority businesses and respondent companies regarding our training programs.
- e. The department now has a revised one-page handout on Sexual Harassment.
- f. David Lopez is creating a one-page handout on arrest/conviction record for public awareness.
- g. The staff is working on a variety of other projects including: our continuing complaint processing activities; reducing our case backlog; and revising the outreach materials.
- h. Assistant City Attorney Roger Allen, during a conversation on EOC committees, brought to our attention the need to change some of the language in the Commissioner's handbook. This is another project that the staff is working on. The Manual is extensive and should be condensed. Some items (such as the Decision Digest) can be referenced to and Commissioners directed to their location on line. Smith interjected that the reference links need to be accessible.

## 11. Announcements of Upcoming Community Events

- a. Zipperer informed the Commission that WIBA reported that the vote to approve the Merger was unanimous. Natera responded that the vote was 7-5 with the chair voting and 6-5 when it was determined that the chair could not vote but the record was never changed.
- b. The Commissioners asked Annette Miller, who was participating by phone, if that was in fact true, she concurred that the vote had not been change. She was then instructed to confer with the City Attorney for clarification on this procedure under Robert's Rules of Order and advise them on the outcome.
- c. Bayrd announced that the MATC Board has opening and anyone who would like to participate should talk to her.
- d. Zipperer announced that Ms. LaNier, one of the Little Rock Nine will be the speaker at Wright Middle School at a conference for 8th and 9th grade student of color transiting to high school on Saturday, April 16th .
- e. Morrison announced that GLSEN South Central Wisconsin is holding their annual Scholarship Award Dinner on Saturday, May 21st at 6:00 p.m. Morrison noted that is one of the best events he has attended. Zipperer added that the Proud Theatre (which is a GLBTQ student group) would be having a production sometime in May.

## 12. Committee Reports

### a. EOC Executive Committee

McDonnell reporting: Legistar is making it easier for her to give the Executive Report. The Committee discussed the DCR vote and logistics. We moved to reappoint Zipperer to a three-year term that would buck the 10-year limit. We also approved Interim Director's report. We were suppose to take some action on the MLK Award being presented to non-city residents, but agreed not to have a recommendation. Other agenda items were referred to next meeting. They also reviewed and revised the script that was to be used for the Oral Arguments. Annette Miller asked why did they not make a recommendation on the MLK Award . McDonnell responded that they felt this should be an issue that the full Commission addressed.

### b. EOC Employment Committee

No replacement for Bayrd on the Employment Committee. Enemuoh-Trammell is not seeking reappointment, so there is no report. Smith volunteered to serve as the rep of the Commission on the Committee.

## 13. Unfinished Business

### a. Common Council Referral

Accepting the Vision Document for the Allied Community as presented by the Mayor.

**A motion was made by Morrison, seconded by Howe, to Return to Lead with the Following Recommendation(s) to the BOARD OF ESTIMATES that the Commission take no formal action until after the Allied Drive Task review and accepted the Vision Document. The motion passed by acclamation.**

b. Common Council Referral

Amending Section 3.60(2) of the Madison General Ordinances to permit that the Reverend Doctor Martin Luther King, Jr. Humanitarian Award may be presented to non-City of Madison residents.

*Zipperer moved that persons should live in the City and those who don't are eligible for the County Award. Morrison seconded with a friendly amendment that the new language should get away from use of citizen, resident is a better term and that the Commission adopt the motion with the language change. Discussion followed. Roger Allen was consulted as to why the changes were being recommended. Bayrd voice opposition to the amendment as she felt that the award should be presented to non-city residents who did the work and contribute to the city.*

**A motion was made by Zipperer, seconded by Morrison, to Return to Lead with the Following Recommendation(s) to the EQUAL OPPORTUNITIES COMMISSION to recommend that this body support leaving the Ordinance and rules of the MLK Award Committee as written, with a statement as to reduce the ambiguity as to who is eligible, be defined as a Madison resident and/or a student attending MMSD. The motion passed by the following vote:**

**Absent:** Boyd III, Tellez-Giron and Vaj

**Excused:** Enemuoh-Trammell

**Aye:** Markle, Natera, Zipperer, Ross, McDonell, Smith, Howe and Morrison

**No:** Bayrd

c. Minimum Wage Ordinance/Pending Litigation

**Roger Allen reported that they are waiting for the Judge's decision and that should come sometime in late May and the City and County of Fond du Lac are contemplating drafting a City/County Ordinance.**

d. Proposed Reorganization of Affirmative Action and EOC

The discussion centered on the Ad Hoc Committee's Report, which is scheduled to be referred out to the CPD, AA, and EOC after the Common Council accepts the Report on April 19th. The idea, according to Annette Miller is that the three Commissions will take action at their May meeting. Morrison moved that Commission hold a public hearing on the Report of the Ad Hoc Committee on DCR. Howe second. Discussion on the motion by Commissioners, with the issue of quorum being addressed by allowing a meeting date to be determined by a poll of the Commissioners for availability in May. Morrison moved that the date be deemed as a Special Meeting with the sole agenda item being the Report. The date of the meeting will be determined by a staff poll of the Commission and that Outreach to Alders be table to after the Special Meeting, Zipperer second. Motion carried.

**14. New Business**

The following items were placed on the agenda for the next regular meeting in June or July 2005:

- a. Green and Dream Act - access to higher education
- b. Real ID Proposal

**15. Adjourn**

*Meeting adjourned at 7:16 p.m.*

A motion was made by Howe, seconded by Morrison, to Adjourn. The motion passed by acclamation.