



# City of Madison

City of Madison  
Madison, WI 53703  
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## Meeting Minutes - Approved AFFIRMATIVE ACTION COMMISSION

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Tuesday, September 8, 2009

5:00 PM

215 Martin Luther King, Jr. Blvd.  
Room LL-120, Madison Municipal Building

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### 1. CALL TO ORDER / ROLL CALL

The meeting was called to order at 5:05 p.m., Christian Odom presiding.

**Present:** 7 -

Michael M. Johnson; Ald. Joseph R. Clausius; Bert G. Zipperer; Christian L. Odom; James J. Chiolino; Bhavani "Shree" Sridharan and Lucia Nunez

**Absent:** 4 -

Toriana T. Pettaway; Theola V. Carter; Augustine S. Tatus and Donna V. Hurd

**Excused:** 1 -

Sharyl J. Kato

Staff: Norman Davis, Lucía Nuñez and Cindy Wick

### 2. APPROVAL OF MINUTES

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

### 3. PUBLIC COMMENT

There was no public comment.

Commissioner Pettaway arrived at 5:12 p.m.

**Present:** 8 -

Michael M. Johnson; Toriana T. Pettaway; Ald. Joseph R. Clausius; Bert G. Zipperer; Christian L. Odom; James J. Chiolino; Bhavani "Shree" Sridharan and Lucia Nunez

**Absent:** 3 -

Theola V. Carter; Augustine S. Tatus and Donna V. Hurd

**Excused:** 1 -

Sharyl J. Kato

### 4. [14148](#)

DIRECTOR'S REPORT- Presented for information only. No action required

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

- Her activities since the last meeting
- Staff activities since the last meeting
- Activities of the Equal Opportunities Commission and Commission on Persons with Disabilities since the last meeting.

**Lucía Nuñez reported that a proposal to repeal the sunset provision in the Chronic Nuisance Ordinance has been introduced to the Common Council.**

The proposal has been referred to the Equal Opportunities Commission as well as the Public Safety Review Board and others.

The Commission on People with Disabilities is looking at access around construction projects due to loss of sidewalks and/or curb cuts. The closing of Badger Bus and pick up by Greyhound and Madison Metro is also being looked at along with snow removal issues at these stops. Access to "kneeling" buses is one issue. Sometimes this feature does not work in cold weather.

The Mayor's operating budget is scheduled for release on October 6 with final approval by the Common Council in November. Dates for budget hearings are available on the City website.

Commissioner Carter arrived at 5:19 p.m.

**Present:** 9 -

Michael M. Johnson; Toriana T. Pettaway; Ald. Joseph R. Clausius; Bert G. Zipperer; Theola V. Carter; Christian L. Odom; James J. Chiolino; Bhavani "Shree" Sridharan and Lucia Nunez

**Absent:** 2 -

Augustine S. Tatus and Donna V. Hurd

**Excused:** 1 -

Sharyl J. Kato

5. [14091](#)

DIVISION MANAGER'S REPORT

Norman Davis, Affirmative Action Division Manager, will report on activities of the Division since the last meeting.

**Norman Davis reported that the 2010 budget request includes funding of a limited term Contract Compliance Monitor. If major projects such as the Central Library and Edgewater Hotel get approved in the capital budget, this position will be needed to monitor prevailing wage and targeted business issues.**

**Davis stated that the Division is vigilant in monitoring construction projects. There has been good participation on the Allied Drive and Villager projects. Some wage violations have been identified on other projects.**

**85-90 percent of the reviews of contractors and vendors that have not filed updated Affirmative Action Plans has been completed. Letters of non-compliance will go out once the process is complete.**

**Davis provided clarification on the report he provided at the July meeting regarding utilization. He stated that the City has 30+ agencies that make 1,000s of purchases from 100s of vendors and contractors each year. Vendors and contractors that do less than \$25,000 worth of business each year are exempt from the City's Affirmative Action requirements. All others must submit a plan or a request for exemption (for those with less than 15 employees).**

**The work force analysis and goals project what the work force will look like over the next six months. The Division also requires reports that are considered in determining that a plan is approvable. The Division does not rubber stamp plans.**

A certification process is used for targeted/minority/women/disadvantaged businesses. The dollars paid to these businesses can be used by the contractor/vendor towards their goals.

Public Works contractors must be pre-qualified. Their bid will not be opened if they have not been pre-qualified. The fact that a contractor has been pre-qualified does not mean that they have ever actually done work for the City.

The total on the report represents all individuals employed by the company.

Zipperer requested an in depth training session at a future meeting.

The Division has a model Affirmative Action Plan on its website that can be used. A Federal plan may also be submitted.

Shree asked what follow up is done with companies that do not meet their projected hiring goals. Davis explained that when the next plan comes in (usually the following year), the data is reviewed. The company must demonstrate a good reason for not meeting the goals it set or it will not be approved.

Odom asked for examples of recruiting efforts that would demonstrate good faith efforts. Davis stated that these could include asking the Division to review the company application form, use of a self-identification form, supplying the company Affirmative Action Plan upon request, notifying the Division of vacancies, guaranteeing an interview if referred by the Division via the Job Skills Bank, retaining applications for six months, recruitment by employees that are members of targeted groups, and a review of policies and practices, and job description reviews to be sure they are job-related.

Pettaway asked if the Division has any kind of requirement for posting vacancies with community-based organizations. Davis responded that the Division does have a recruitment resource list on its website that can be used to identify these organizations.

Pettaway asked if any tracking is done of how individuals learned of a vacancy. Davis indicated that is not required, but it might be worth adding.

Shree asked how the Division differentiates between groups. For example, can having a large number of women make up for a lack of minority employees? Davis stated no, only if an individual is in multiple groups (such as a minority female).

Davis was asked if the Division is consulted relative to City budget appropriations for contracts with community-based organizations. Davis indicated that this does not occur.

Commissioner Hurd arrived at 5:45 p.m.

**Present:** 10 -

Michael M. Johnson; Toriana T. Pettaway; Ald. Joseph R. Clausius; Bert G. Zipperer; Theola V. Carter; Christian L. Odom; Donna V. Hurd; James J. Chiolino; Bhavani "Shree" Sridharan and Lucia Nunez

**Absent:** 1 -  
Augustine S. Tatus

**Excused:** 1 -  
Sharyl J. Kato

6. [07972](#) COMMON COUNCIL UPDATE BY ALD. CLAUSIUS--Presented for information only.  
No action required.

**Ald. Joe Clausius reported that he anticipates that the sunset provision in the Chronic Nuisance Ordinance will be repealed.**

**He reported that HUD came through with additional funds for Section 8 subsidies so that tenants were not faced with large rent increases.**

**The City will implement a recycling program for plastic grocery bags. The program will be voluntary at first with a significant public education program. There will be 15 drop off sites. There are organizations that will pay for the bags as well as organizations that the City can pay to recycle the bags.**

**Relative to the Capital Budget, the City will try not to cut existing services. Big ticket items include the construction of a new central library. It was determined that the cost of rehabbing the existing structure was almost as great as new construction. Clausius remains concerned with the lack of a branch library on the far East Side.**

7. [15565](#) Discussion regarding proposal to authorize the Affirmative Action Commission, the Commission on People with Disabilities and the Equal Opportunities to have ordinances drafted and to sponsor ordinances and resolutions for introduction to the Common Council.

**Attachments:** [Resolution.pdf](#)  
[Sponsorship ordinance background.pdf](#)  
[Resolution, Subcomte Version.pdf](#)  
[Substitute Sponsorship Resolution.pdf](#)

**A motion was made by Zipperer, seconded by Carter, to Approve. The motion passed by the following vote:**

**Absent:** 1 -  
Tatus

**Excused:** 1 -  
Kato

**Ayes:** 6 -  
Johnson; Pettaway; Zipperer; Carter; Odom and Hurd

**Noes:** 3 -  
Chiolino; Sridharan and Ald. Clausius

**Non Voting:** 1 -  
Nunez

**A sponsor for the necessary ordinance amendment will now need to be found. Odom reported that according to Joe Tarr with Isthmus, Ald. Brian Solomon has indicated that he may be willing to sponsor the amendment.**

8. [15830](#) Appointment of Members to the Subcommittee Created to Explore and Recommend Ways for the Affirmative Action Commission (AAC) to Have Meaningful Dialog and

Formulate Action on How the AAC Operates, the Type of Information it Receives from the Department of Civil Rights, and Recommendations on New Information the AAC Should Review.

**Commissioners Carter, Chiolino, Johnson and Zipperer volunteered to join Hurd on the Ad Hoc Committee.**

**All Commissioners will be notified when a meeting is scheduled.**

9. [15578](#) Presentation on Dane County Unemployment Statistics for Racial/Ethnic Minorities, Women and People with Disabilities and Discussion of the Role of the Affirmative Action Commission in Addressing it.

**Odom reviewed National statistics from last year on unemployment.**

**It was agreed that the topic of what the Commission and the Division can do to address the gap should be discussed further. Harper Donahue will be invited to make a presentation on City recruitment efforts.**

**Clausius reported that local unions are sponsoring a Trade Fair to recruit individuals.**

**This topic will be kept on the agenda for further discussion.**

10. [12950](#) 2009 Workplan Development

**It was agreed to refer this item to the new Ad Hoc Committee for recommendations.**

**11. INTRODUCTION OF FUTURE TOPICS FROM THE FLOOR**

**The Commission requested an update relative to the ordinance amendment changing the terms of Commissioners from two to three years. Wick reported that the request has been forwarded to the City Attorney's office for drafting.**

**It was agreed that an educational session will be included on the next agenda. The topic of this session will be determined in consultation with the Chair.**

**12. ADJOURNMENT**

**The meeting adjourned at 7:15 p.m.**

Minutes prepared by Cindy Wick, DCR Executive Assistant