



# City of Madison

## Meeting Minutes - Final

### EQUAL OPPORTUNITIES COMMISSION

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

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Thursday, November 9, 2006

5:00 PM

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

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#### 1. CALL TO ORDER

*The meeting was called to order at 5:07 p.m., Bert Zipperer, EOC President, presiding.*

#### 2. ROLL CALL

**Present:** Zachariah Brandon, Victoria S. Selkove, Bert Zipperer, Megin H. McDonell, Michael W. T. Howe, Brian L. Solomon and Steven H. Morrison

**Absent:** Desmond C. Steward, Carousel Andrea S. Bayrd and Charles Holmes-Hope

**Excused:** Nia Enemuoh-Trammell

*Staff Present: Ariel Ford, David Lopez, Lucía Nuñez and Cindy Wick*

#### 3. PUBLIC COMMENT

*Lucía Nuñez thanked the Commission and staff for their cards, donations to Hospice and notes of sympathy on the death of her brother. She also thanked the staff for holding the office together in her absence. Nuñez will return to Ithaca for a memorial service for her brother on November 18.*

*Commissioner Holmes-Hope arrived at 5:10 p.m. Commissioner Carousel Bayrd arrived at 5:12 p.m. Commissioner Desmond Steward arrived at 5:15 p.m.*

**Present:** Zachariah Brandon, Victoria S. Selkove, Desmond C. Steward, Bert Zipperer, Carousel Andrea S. Bayrd, Megin H. McDonell, Charles Holmes-Hope, Michael W. T. Howe, Brian L. Solomon and Steven H. Morrison

**Excused:** Nia Enemuoh-Trammell

*Morrison stated that he realized that the vote on the Constitutional amendment that took place on Tuesday would make history regardless of the outcome. This motivated him to nominate Fair Wisconsin for the 2007 Martin Luther King Humanitarian Award. Morrison shared copies of his nomination (attached to file minutes) and encouraged others to nominate the organization as well.*

*While he is not sure that organizations are eligible for the award, he believes that the City can find a way to recognize the organization and its many volunteers for the work they did to attempt to preserve equal opportunities in Wisconsin.*

#### 4. APPROVAL OF MINUTES

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

#### 5. PRESIDENT'S REPORT

*Zipperer stated that Commissioners had received copies of the letter of resignation from Commissioner Ross (attached to file minutes). He expressed understanding and regret. He asked that the next Executive Committee agenda include an item for*

*examination of the pledge required by City officials and members of boards, committees and commissions to see if additional language can be added.*

*There was discussion relative to the potential impacts of the adopted State Constitutional amendment on marriage. Much concern was expressed about potential impacts and the possible ripple effect. Bayrd cautioned the Commission to not assume the worst. Brandon reminded the Commission that we should not lose sight of the fact that Arizona defeated a similar amendment in Tuesday's election. Nationally the picture isn't all bad.*

*Nuñez stated that a staff team will be formed after the adoption of the budget including representation from appropriate City agencies to form a strategic plan to address the impact of the change in the Constitution.*

## **6. DCR DIRECTOR'S REPORT**

*Nuñez reported that the Personnel Board this week approved the job classifications for the two DCR manager positions. Board of Estimates and Common Council approval are still needed before the positions can be announced. Nuñez plans to announce the positions as open to only employees of the Department of Civil Rights.*

*So far, Nuñez is aware of two budget amendments impacting the DCR. One adds funding for interpreters at Commission on People with Disabilities meetings. The second restores funding for the AASPIRE program.*

*Nuñez reported that the DCR was invited to address the Legislative Study Committee on Affirmative Action. Ford reported that the City representatives were not called to speak on the scheduled day because the meeting was running over. Our remarks are now scheduled for December 19 along with remarks by Ward Connelly from Michigan at 6:30 p.m. Information will be provided to the Commissioners on the location of the hearing.*

*Brandon clarified that as of January, the Committee will be dead, but that the issue should still be taken seriously because the issue could shift from the State Senate to the Assembly,*

*Nuñez also reported that she has attended "The Natural Step" training on sustainable development. While this started in Sweden and came through Canada with an environmental perspective, the fourth system condition talks about things that prevent people from meeting their needs--not just in an economic sense, but also in regard to human rights as well. Nuñez would like to make a more formal presentation to staff and the Commission at a future time.*

*Selkove noted that she had seen Wick's presentation to the Board of Estimates on the DCR's 2007 budget proposal. She commended her for her remarks that she saw on the Madison City Channel.*

*Brandon stated that budget amendments are due at noon on Friday.*

## **7. LIAISON REPORTS**

*a. Common Council Updates: Brandon apologized for having missed the last two meetings. He reported that he has requested an opinion from the City Attorney relative to conviction record protections in the ordinance and HUD regulations and has introduced an amendment to the membership provisions for the EOC Employment Committee. He asked Wick to remind him if there are any other outstanding issues.*

*Nuñez reported that Assistant City Attorney Roger Allen is scheduled to make a presentation at the next meeting of the Executive Committee on the City Attorney's opinion prior to it being issued to the Commission.*

*Brandon left at 5:30 p.m.*

**Present:** Victoria S. Selkove, Desmond C. Steward, Bert Zipperer, Carousel Andrea S. Bayrd, Megin H. McDonell, Charles Holmes-Hope, Michael W. T. Howe, Brian L. Solomon and Steven H. Morrison

**Excused:** Zachariah Brandon and Nia Enemuoh-Trammell

*b. Affirmative Action Commission: Selkove reported that the Affirmative Action Commission did not have a quorum present for its last meeting.*

*c. Commission on People with Disabilities: Howe reported that the Commission was strategizing on goals and objectives at its last meeting. An effort continues to encourage Commissioners to submit the questionnaires being used for this effort.*

*At the Executive Committee meeting of the Commission scheduled for November 13, the Information Services Department will present information on remote sign language interpreter services. The City is considering contracting for this service. It will allow 24 hour access to sign language interpreters via computer. This service will allow the City to obtain an interpreter if needed in emergency situations and could reduce the costs to the DCR for interpreters at CPD meetings.*

*The CPD remains concerned that it does not have representation from the Affirmative Action Commission on its membership. Selkove stated that while the concept of "cross-pollination" of the Commissions sounded good on the surface, it has proven difficult because of the busy schedules of many members. The AAC would like to look at whether there are better ways to share information among the three Commissions. It was suggested that now that Nuñez has been hired as the DCR Director and attends all three Commission meetings, perhaps there is not the need for cross-representation.*

## 8. COMMITTEE REPORTS

*a. EOC Executive Committee: McDonell reported for the Committee. Assistant City Attorney Roger Allen attended the last meeting to discuss public response on cases. Allen provided guidance and recommended that the Commission speak through staff, especially where the decision is split and the issue is a matter of first impression (where other jurisdictions or the Commission have not addressed the issue before).*

*The Committee agreed that the Commission should strive to educate the community through means other than the press.*

*Allen assured the Committee that the conflict between the City Health Code and the Equal Opportunities Ordinance has been corrected. However, the issue in the Bucks case was not whether the animal was a service animal, but rather whether the bar had failed to provide a reasonable accommodation of the complainant's disability.*

*Hearing Examiner Clifford Blackwell attended the meeting and pointed out that the briefing schedule on appeals is not contained in the EOC Rules. It was created administratively and has been in effect for a long period of time. There was discussion as to whether there should be a rule promulgated. Staff was asked to prepare recommendations for consideration by the Committee as to when briefs are required to be submitted by the parties.*

*b. EOC Employment Committee: The Committee is still in need of Commission representation. Holmes-Hope stated that his schedule will not allow participation at this*

*time, but that he may be interested in the future.*

*c. EOC Ad Hoc Committee on Check Cashing: The Committee will meet on November 16.*

**9. UNFINISHED BUSINESS**

- a. CDA Tenant Screening Policies Relative to Conviction Record

*It is anticipated that the City Attorney's opinion will be available in time for the December Commission meeting.*

**10. NEW BUSINESS ITEMS**

- a. Resignation of Commissioner Dan Ross

**On a motion from Morrison and seconded by Howe, a motion was made to ask that the Mayor not begin the process of replacing Dan Ross on the Commission until it can be determined if there are alternatives to requiring the pledge. MOTION PASSED UNANIMOUSLY.**

**On a motion from Morrison and seconded by Howe the Commission will ask the City Attorney to explore alternatives to the pledge or adding language to the pledge and report to the EOC Executive Committee at its next meeting. MOTION PASSED UNANIMOUSLY**

*The Commission asked that the text of the adopted motions be forwarded to Dan Ross as soon as possible.*

- b. Common Council Referral amending the Housing Section of the Ordinance

**04842** Amending Section 3.23(4)(a) of the Madison General Ordinances to prohibit discrimination in housing based on the tenant's source of income being from rental assistance under the federal Section 8 Housing Program.

**A motion was made by Selkowe, seconded by Steward, to Return to Lead with the Recommendation for Approval to the HOUSING COMMITTEE. The motion passed by the following vote:**

**Excused:** Brandon and Enemuoh-Trammell

**Aye:** Selkowe, Steward, Zipperer, Bayrd, McDonell, Holmes-Hope, Howe, Solomon and Morrison

- c. Common Council Referral--Amending Ordinance to Allow Non-Resident Members of the EOC Employment Committee

**04778** Amending Section 3.27(2) of the Madison General Ordinances to allow non-resident members of the Equal Opportunities Commission Employment Committee.

**A motion was made by Morrison, seconded by Solomon, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by acclamation.**

- d. Other New Business

*stated that the other commissions and committees that the report was referred to do not share the interests of the residents in the way that the Equal Opportunities Commission does. It was suggested that Nuñez and Zipperer speak with the Chair of the Allied Task Force to seek a referral to the EOC. Three different development plans are under consideration.*

*Commissioner Morrison left at 6:12 p.m.*

**Present:** Victoria S. Selkove, Desmond C. Steward, Bert Zipperer, Carousel Andrea S. Bayrd, Megin H. McDonell, Charles Holmes-Hope, Michael W. T. Howe and Brian L. Solomon

**Excused:** Zachariah Brandon, Nia Enemuoh-Trammell and Steven H. Morrison

e. Educational Presentation on the Investigation of Complaints--Part 1

*Ariel Ford, Investigations Supervisor, and David Lopez, Investigator/Conciliator, made a presentation on the investigation of complaints of discrimination.*

**ADJOURNMENT**

**A motion was made to Adjourn. The motion passed by acclamation.**

*Minutes prepared by Cindy Wick, Executive Assistant, Equal Opportunities Commission*