



# City of Madison

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

## Meeting Minutes - Approved EQUAL OPPORTUNITIES COMMISSION

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Thursday, September 10, 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., Nia Enemuoh-Trammell presiding.

**Present:** 8 -

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

**Absent:** 1 -

John L. Quinlan

**Excused:** 3 -

Carousel Andrea S. Bayrd; Amanda L. Harrington and Steven H. Morrison

**Staff:** Melissa Gombar, Eric Kestin, Lucía Nuñez and Cindy Wick

### 2. APPROVAL OF MINUTES

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

Commissioner Quinlan arrived at 5:09 p.m.

**Present:** 10 -

Brian L. Solomon; Nia Enemuoh-Trammell; Coco Bustamante; Brian Benford; John L. Quinlan; Bert G. Zipperer; Katherine Cramer Walsh; Charles E. McDowell; Donna V. Hurd and Steven H. Morrison

**Excused:** 2 -

Carousel Andrea S. Bayrd and Amanda L. Harrington

### 3. PUBLIC COMMENT

Rosemary Lee  
111 West Wilson Street

Spoke in support of the proposal to increase the penalty for unlawful trespass and menacing or aggressive panhandling.

She also spoke in support of repealing the sunset provision in the Chronic Nuisance Ordinance.

Pat and Wanda Meehan  
533 West Main Street, Apt. 101

Spoke in favor of repealing the sunset provision in the Chronic Nuisance Ordinance.

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 she had met with Mayoral Aide Ray Harmon regarding her goals and vision for the Commission.

She will meet with Nuñez and Harper Donahue, Recruitment Specialist, regarding City hiring practices and increasing diversity in City employment. This will be an exploratory meeting.

Enemuoh-Trammell encouraged Commissioners to participate in the September 23 training for quasi-judicial commissions being provided by the City Attorney's office.

The EOC Executive Committee will soon look at training needs of the Commission. She encouraged Commissioners to forward their suggestions for training topics to staff.

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.*

Lucía Nuñez reported that the Department of Civil Rights submitted two operating budget proposals to the Mayor. The first budget met the Mayor's goal that would represent no increase in the agency's appropriation. The second proposal itemized possible reductions equal to a 6% reduction in the 2009 appropriation. The Mayor may pick and choose from this list if funding reductions are necessary. The Mayor's Operating Budget is expected to be released on October 6 for Common Council deliberations and approval November 10-12.

The Affirmative Action Commission and the Commission on People with Disabilities have also adopted the resolution relative to drafting and sponsorship of ordinances and resolutions before the Common Council. A sponsor will now need to be found in order to have an ordinance amendment drafted.

The Commission on People with Disabilities is examining snow removal issues relative to curb cuts, bus stops and sidewalks. A priority list was established in 1986. This list needs updating. Nuñez will work with the Information Technology Department to develop a mechanism. Additional concerns are relative to access around construction sites that is safe and accessible.

Nuñez reported that Ariel Ford is visiting Azerbaijan. The Division's contract with the EEOC was increased to 83 cases.

The Department of Civil Rights has two vacancies. There is currently a hiring freeze in place. No decisions will be made about filling the vacancies until after the budget cycle is complete.

6. [12507](#)

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

Ald. Brian Solomon will provide an update on Common Council actions since the last Commission meeting.

Ald. Solomon reported that the two major activities that he will be working on are the 2010 budget and the proposal to repeal the sunset provision in the Chronic Nuisance Ordinance.

Solomon agreed to sponsor amendments to the Equal Opportunities Ordinance relative to Gender Identity, Citizenship Status and Genetic Characteristics. These amendments have been drafted and are currently being reviewed by the EOC Executive Committee.

7. [15832](#)

COMMITTEE REPORTS

*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 "New Business" on the next agenda.*

- a. EOC Executive Committee--Zipperer
- b. EOC Employment Committee--Hurd and/or McDowell
- c. EOC Ad Hoc Committee on Tasers--Benford or Hurd

*The Commission will also consider Membership Applications for the EOC Employment Committee from Danielle A. Dieringer, YWCA Madison, and Sarah Vosberg, UW Medical Foundation. (applications attached)*

**Attachments:** [Dieringer Membership Application.pdf](#)  
[Vosberg Membership Application.pdf](#)

a. EOC Executive Committee: Zipperer reported that the Executive Committee began review of the proposed amendments to the Equal Opportunities Ordinance referenced in Solomon's report. The credit section of the ordinance will be removed. In the 1980's the credit provisions were struck down as the result of the Schenk v. Anchor Bank case.

With regard to the Citizenship Status protections, the Committee wants to be sure it is making things better, and not worse, by including the provision in the ordinance.

b. EOC Employment Committee: The September meeting of the Committee was cancelled due to lack of quorum.

A motion was made by Zipperer and seconded by Benford to approve the nominations of Danielle A. Dieringer and Sarah Vosberg to the EOC Employment Committee. The motion passed by voice vote/other. It was noted that Vosberg's office is outside of Madison. She works for the UW Medical Foundation that has other sites within Madison. Nuñez will consult with appropriate authorities to be sure she is eligible for appointment.

c. EOC Ad Hoc Committee on Tasers: Benford reported that the Committee met with representatives of the Police Department. The Department admits that tasers have been disproportionately used on people of color. They stated that the disparity reflects the disparity in the criminal justice system. The Committee asked that the Department send on-going reports to the EOC Executive Committee.

Hurd stated that she dissented with the Committee and believes the topic should remain open.

There have been a number of newspaper accounts of tasers being used outside of established policy. However, Madison Police Department data does not jive with the newspaper reports.

It was asked if there are penalties for officers that deploy tasers outside of established policy. Benford reported that the Department can track usage because tases must be checked out. If used too frequently, the Department can require an officer to receive additional training.

It was asked if there are repeat offenders (in terms of Police Officers using tasers). It was stated that that information was not available to the Committee. The Department also indicated it would not provide racial data on use of tasers. It was stated that usage seemed to relate to shift and location. Not all officers have received training, but the plan is that all officers will eventually be trained. It was suggested that we assure that officers who have not been trained cannot check out tasers. Staff will request this information from the Police Department and report back to the Commission.

Walsh stated that she was glad the Committee had asked for reports. There has been an apparent increase in the number deployed against African American men.

Commissioner Walsh left at 6:07 p.m.

Present: 8 -

Brian L. Solomon; Nia Enemuoh-Trammell; Coco Bustamante; Brian Benford; John L. Quinlan; Bert G. Zipperer; Charles E. McDowell and Donna V. Hurd

Excused: 4 -

Katherine Cramer Walsh; Carousel Andrea S. Bayrd; Amanda L. Harrington and Steven H. Morrison

8. [15857](#)

REPORT OF THE EOC EXECUTIVE COMMITTEE RELATIVE TO THE  
ZONING CODE REWRITE OF THE FAMILY DEFINITION

**Attachments:** [Current Zoning Code Definition of Family.pdf](#)  
[Proposed Zoning Code Definition of Family.pdf](#)

Copies of the current definition of family contained in the zoning code and the proposed revision of the definition were provided. The Executive Committee reviewed the proposed definition and is satisfied that it does not conflict with the Equal Opportunities Ordinance.

9. [13853](#) APPEALS COMMITTEE REPORT

For information only. No action required.

The written report was available for review.

10. [15061](#) Amending Sections 23.07(10) and 24.12(8) of the Madison General Ordinances to increase penalty range amounts for Unlawful Trespass and Menacing or Aggressive Panhandling Prohibited.

A motion was made by Benford, seconded by Zipperer, to Refer the proposal to the next meeting of the EQUAL OPPORTUNITIES COMMISSION in order to obtain more data on whether tickets are a deterrent to panhandling or if there is disproportionate use of tickets against protected class members.

A motion was made by Zipperer and seconded by Bustamante to amend the motion to add language that "The Commission is waiting for the Dane County Report on panhandling to be issued to provide guidance on this matter." The amendment passed by voice vote/other.

The main motion, as amended, passed by voice vote/other.

Staff was asked to obtain the definition of menacing and aggressive behavior from the panhandling ordinance.

11. [15806](#)

Repealing Section 25.09(12) of the Madison General Ordinances to eliminate the sunset provision and make the Chronic Nuisance Premises ordinance permanent.

**Attachments:** [Version 2 - Alternate](#)  
[Version 1](#)  
[Registration Stmt.pdf](#)  
[Police Capt Report.pdf](#)  
[K. Sileaff Email re: Chronic Nuisance 10/6/09 CCOC](#)  
[J. Zilavy Handout 10/16/09 CCOC](#)

A motion was made by Benford, seconded by Quinlan, to Return to Lead with the Following Recommendation(s):

1. That the previously proposed amendments to the Chronic Nuisance

Ordinance (Legistar File 12065) that was placed on file without prejudice by the Common Council be reconsidered and adopted;

2. That the sunset provision be extended for one additional year; and

3. That on September 10, 2010, the Madison Police Department and the Department of Civil Rights submit reports as discussed in the original ordinance and that the Police Department provide demographic data as to the race, ethnicity, gender and age (to the best of their ability) of the tenants of the buildings declared a chronic nuisance.

The motion passed by voice vote/other.

12. [15741](#)

INTRODUCTION OF FUTURE ITEMS FROM THE FLOOR

Zipperer asked that staff obtain clarification from the City Attorney on the application of the new ordinance language on term limits for Commissioners.

Quinlan suggested that Nuñez repeat the presentation that she had made to Communities United for the Commission.

Commissioners were encouraged to contact staff if they had suggestions for educational topics at Commission meetings.

13. **ADJOURNMENT**

A motion was made by Benford, seconded by Hurd, to Adjourn at 7:17 p.m.  
The motion passed by voice vote/other.

Minutes prepared by Cynthia L. Wick, DCR Executive Assistant.