



City of Madison

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

Meeting Minutes - Approved EQUAL OPPORTUNITIES COMMISSION

Thursday, July 9, 2009

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 5:05 p.m., Nia Enemuoh-Trammell presiding.

Present: 11 -

Nia Enemuoh-Trammell; Coco Bustamante; Brian Benford; John L. Quinlan; Bert G. Zipperer; Katherine Cramer Walsh; Carousel Andrea S. Bayrd; Amanda L. Harrington; Erika H. Braunginn; Charles E. McDowell and Donna V. Hurd

Excused: 2 -

Brian L. Solomon and Steven H. Morrison

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

Guest: Michael Quieto

2. APPROVAL OF MINUTES

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

3. PUBLIC COMMENT

Registrant: Michael Quieto, 533 W Main St, #108, Madison, WI 53703

Quieto works for the City of Madison. He wished to bring to the Commission's attention that the City's zoning code defines a family as: "an individual, or two or more persons related by blood, marriage or legal adoption, living together as a single housekeeping unit in a dwelling unit, including foster children." The City's zoning code is currently being rewritten. He suggested that the Commission might want to provide input on this item.

A motion was made by Benford, seconded by Zipperer, to take Item 12 out of order. The motion passed by voice vote/other.

12. [15224](#) Amending Section 39.06 of the Madison General Ordinances to add Dane County representatives to the Commission that determines the recipient of the Reverend Doctor Martin Luther King, Jr. Humanitarian Award; and to specify the number of members within the commission and their roles.

Attachments: [Version 1](#)

Harper Donahue, staff to the Rev. Martin Luther King, Jr. Humanitarian Award Committee, was present to answer questions regarding the proposed change. He explained that the City and Dane County are combining their King Award Committees. This will save time, costs for advertising, plaques and gifts, and provide an opportunity for the City and County to work together.

Enemuoh-Trammell, who represents the Commission on the City King Award Committee, indicated that it is also hoped that confusion about the awards will be reduced and that a joint nomination process will increase the volume of nominations.

A motion was made by Benford, seconded by Zipperer, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by voice vote/other.

REPORTS

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 asked those present to introduce themselves.

She stated that she and Lucía Nuñez have had discussions regarding calls from In Business Magazine who wanted an interview. An article has just recently been published by the magazine on the Equal Opportunities Division and the Commission complaint process. Enemuoh-Trammell stated that the article was generally fair.

Enemuoh-Trammell expressed some concern relative to the fund raising request that appeared in the recent press release relative to the Johns shooting.

Enemuoh-Trammell participated in the selection of the 2009 winner of the Rev. James C. Wright Human Rights Award. She announced that Darlene Hancock had been selected to receive the award.

5. DIRECTOR'S REPORT--For information only, no action required

Lucía Nuñez encouraged Commissioners to attend the 2009 DiverCity Picnic on July 16 at Warner Park.

She reported that the Affirmative Action Commission, the Commission on People with Disabilities (CPD) and the EOC have all held elections in the last month. Randy Black is the new chair of the CPD and Bob Monahan is the Vice Chair. Christian Odom will chair the Affirmative Action Commission and Theola Carter was elected First Vice President.

The Affirmative Action Commission's next meeting is scheduled for July 14. The proposal on drafting and need for sponsorship for ordinances and resolutions will be on that agenda.

She stated that there have been recent changes in the State prevailing wage laws. These changes may impact Madison's prevailing wage program. The Affirmative Action Division will be looking at these changes to determine what changes will be needed to the Madison ordinance.

Regarding southwest violence, Nuñez has been asked to participate in meetings being called by the Mayor and the Police Department. She will be attending a meeting with Celia Jackson, Co-Chair of the Dane County Task Force on Racial Disparities in the Criminal Justice System. She also recently attended and facilitated a meeting of community members discussing what the issues are in the Southwest neighborhoods.

The Common Council has adopted the Affirmative Action Commission report relative to membership on City Boards, Committees and Commissions. She stated that the information relative to gender and race/ethnicity on the City's application form for boards, committees and commissions is voluntary. Many individuals do not fill in this information. The largest gap in representation is for people with disabilities. However, Nuñez wonders how much of this is that people choose not to complete this information on the application. Nuñez will attend the Mayor's monthly meetings where appointments are discussed.

Pam Williamson, Mayor's office, is retiring soon. She is the individual who has maintained these records.

The report on management salaries will be submitted next to the Affirmative Action Commission.

The CPD continues to examine availability of accessible housing.

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.

No report.

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

a. EOC Executive Committee: Zipperer summarized the topics discussed at the last EOC Executive Committee meeting. He reported that the Executive

Committee reviewed the amendments to the trespass ordinance that are on tonight's agenda. He stated that the Executive Committee took no position on the amendments. The Committee did recommend adoption of the resolution on sponsorship of ordinances and resolutions and on the creation of the Ad Hoc Committee on Use of Tasers.

Commissioners Bustamante and Quinlan left at 5:58 p.m.

Present: 9 -

Nia Enemuoh-Trammell; Brian Benford; Bert G. Zipperer; Katherine Cramer Walsh; Carousel Andrea S. Bayrd; Amanda L. Harrington; Erika H. Braunginn; Charles E. McDowell and Donna V. Hurd

Excused: 4 -

Brian L. Solomon; Coco Bustamante; John L. Quinlan and Steven H. Morrison

EOC Employment Committee: On a motion made by Zipperer and seconded by Benford, the Commission confirmed the appointment of Hurd and McDowell to jointly represent the Commission on the EOC Employment Committee. Motion passed by voice vote/other.

8. [13853](#)

APPEALS COMMITTEE REPORT

For information only. No action required.

Wick distributed copies of the Hearing Examiner's decision in Case 20072058, Stewart v. Capital Newspapers that was to have been attached to the Appeals Committee report. Bayrd provided a verbal report to supplement the written report previously disseminated and responded to questions.

9. Discussion regarding Resolution on the Shooting at the Holocaust Museum

This agenda item was requested by Commissioner Morrison who was unable to attend the meeting. The press release was drafted with input from Commissioners Benford, Morrison and Quinlan. The Dane County Hate Crimes Task Force (Seeking Tolerance and Justice Over Hate - STAJOH) joined in signing the press release and the Common Council adopted it as a resolution.

Some money has been donated to the fund set up by the Madison Jewish Community Council, but no report was available on how much has been raised.

Enemuoh-Trammell stated that she was concerned about the mention of the fund raising in the Commission's release. As an adjudicative body, she stated that the Commission should not be involved in fund raising. While the announcement of fund raising was well intentioned, it should not have been done under the Commission's name. While the fund raising was not conducted by the DCR or the Commission, both entities were connected to the fund raising through the press release. This creates an appearance of a conflict of interest. Enemuoh-Trammell expects the EOC Executive

Committee to review and then present a policy to the full Commission.

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.

Bayrd stated that at the County level, they don't want failure to pay fines to result in more people going to jail. Wick contacted Assistant City Attorney Marci Poulson who had drafted the ordinance amendment on how Madison handles people who fail to pay fines. Wick read from Poulson's email:

"The reason for the increase is that 23.07 the bail deposit (the amount the tickets are written for) is currently at the maximum, so if a defendant has 10 prior trespass tickets and is found guilty the ticket is already at the maximum and can't be raised to deter the behavior. As far as 24.12 MPD is currently authorized under MGO 1.08 to write tickets for the higher penalty but this amount is above the maximum so technically they can't write these tickets. As far as inability to pay – the policy of the court is not to issue warrants on any unpaid tickets. Cases are sent to collections but warrants are only issued when a special request by MPD (through our office) is made, so individuals are not sitting in jail for the inability to pay. If someone is arrested on a warrant the judge has a hearing as soon as possible and if he determines the reason for the failure to pay is inability to pay he will order the person released and work something out with that individual. Due to the overcrowding of the jail and the increased costs to Madison to house defendants this change went into effect over 6 months ago and I have requested warrants in less than a dozen cases."

A motion was made by Benford, seconded by Walsh, to Refer to the next meeting of the EQUAL OPPORTUNITIES COMMISSION and to invite the City Attorney to attend. The motion passed by voice vote/other.

11. [14146](#) Discussion regarding Proposal to Authorize Boards, Commissions and Committees to sponsor ordinances and ordinance amendments

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

A motion was made by Benford, seconded by Hurd, to Approve. The motion passed by the following vote: Aye: Nia Enemuoh-Trammell, Brian Benford, Bert G. Zipperer, Katherine Cramer Walsh, Erika H. Braunginn, Charles E. McDowell and Donna V. Hurd; No: Carousel Andrea S. Bayrd and Amanda L. Harrington; Excused: Brian L. Solomon, Coco Bustamante, John L. Quinlan and Steven H. Morrison.

Excused: 4 -
Brian L. Solomon; Coco Bustamante; John L. Quinlan and Steven H. Morrison

Ayes: 7 -

Nia Enemuoh-Trammell; Brian Benford; Bert G. Zipperer; Katherine Cramer Walsh; Erika H. Braunginn; Charles E. McDowell and Donna V. Hurd

Noes: 2 -

Carousel Andrea S. Bayrd and Amanda L. Harrington

Commissioner Braunginn left at 7:02 p.m.

Present: 8 -

Nia Enemuoh-Trammell; Brian Benford; Bert G. Zipperer; Katherine Cramer Walsh; Carousel Andrea S. Bayrd; Amanda L. Harrington; Charles E. McDowell and Donna V. Hurd

Excused: 5 -

Brian L. Solomon; Coco Bustamante; John L. Quinlan; Erika H. Braunginn and Steven H. Morrison

13. CREATION OF AN AD HOC STUDY COMMITTEE ON THE USE OF TASERS

On a motion made by Baryd and seconded by Benford the Commission created an Ad Hoc Committee on the Use of Tasers. Motion passed by voice vote/other.

Commissioners Bayrd, Benford and Hurd volunteered to serve on the Committee that will report first to the EOC Executive Committee and then to the full Commission.

14. INTRODUCTION OF FUTURE ITEMS FROM THE FLOOR

Wick shared a letter from Christian Odom, Chair of the Affirmative Action Commission encouraging the Madison Police Department to use an informal community consultative program to provide neighborhood residents an opportunity to work with the police on violence in their community. She stated that Nuñez is setting up a meeting for Odom with the Police Chief and/or the Mayor to discuss his proposal. At this time, Odom is not seeking Commission action. He may request Commission action in the future.

Zipperer asked that the zoning definition of family be on the next agenda.

The Commission asked to be informed of how the Affirmative Action Commission and the Commission on People with Disabilities act on the ordinance/resolution drafting/sponsorship proposal.

15. ADJOURNMENT

A motion was made by Benford, seconded by Zipperer, to Adjourn at 7:08 p.m. The motion passed by voice vote/other.