

REGULAR meeting of the Board of Equal Rights Commission held WEDNESDAY, MARCH 11, 2009 in Room 301 A of City Hall, Milwaukee, Wisconsin.

PRESENT: George Williams, III
Michael Barndt
Ray Vahey
Renee Taylor
Genyne Edwards

ABSENT: Chris Her-Xiong

Staff: Maria Montegudo, Employee Relations Director
Barbara Hobl-Cecil, Commission Stenographer
Heidi Galvan, Commission Attorney

The minutes of the February 10, 2009, meeting were approved.
(Commissioners Vahey/Taylor, unanimous)

OVERVIEW OF THE CITY OF MILWAUKEE LOBBYING ORDINANCE

Jim Owczarski, Deputy City Clerk presented an overview of the Lobbying Ordinance and distributed copies of the Lobbyist handbook to all Commission members. Jim indicated that the Lobbying Ordinance was first enacted in December of 2004 and was made effective July 1st of 2005. The presentation included the following key points:

- The Ordinance requires lobbyists to register with the City, obtain a license, and regularly report their activities to the City.
- The ordinance does not require lobbyists to disclose or report appearances in public hearing or meetings or any contact they have with their Council member.
- A lobbyist is any person who is employed by a principal or contracts for or receives economic consideration other than reimbursement for actual expenses from a principal, and who lobbies on behalf of the principal for 2 or more hours within a single reporting period.
- The burden is not on the Commission or individual Commissioners to remind lobbyists or principals of their reporting requirements.
- Contact made with a Commissioner to seek to influence legislation requires disclosure.
- Disclosure is not required when the Commission asks an agency to provide information related to the Commission's agenda, as the agency is not trying to influence the outcome of legislative action.

OVERVIEW OF THE CITY OF MILWAUKEE BUDGET PROCESS

Mark Nicolini discussed the City's Budget process and cycle. He indicated that the budget process is established by state statutes as an Executive Budget System that requires the Mayor to propose a budget to be adopted by the Common Council. Mr. Nicolini discussed key dates:

Mid to Late March: Budget Office issues technical instructions and procedures.
Dept Budget Requests: Due second Tuesday in May 05/12/09
Mayor Proposes Exec Budget: 9/28/09
Finance Committee Budget Hearings: mid October
Council adopts Budget: 11/14/09

Mr. Nicolini explained that the City has operated under a chronic imbalance between revenues and expenditures since the mid 90s when the state revenue formula started to decrease. He explained that our fiscal challenges have been exacerbated by the economic downturn to the point that for the very first time the City will have to make a major contribution from City funds to the employee retirement system.

Commissioner Barndt indicated that it would seem that the budget cycle presented a limited window of opportunity in terms of the Commission seeking resources to staff its activities including the possibility of requesting a position. Maria Monteagudo indicated that there is a vacant position within the department that she intends to fill and dedicate to staff the ERC among other things. Mr. Nicolini also explained that the Commission is free to pursue resources through grants and that there is a formal process to be followed to incorporate grant dollars into the City's Budget.

Commissioner Barndt also discussed the link between the City's vision and mission and what he thought was an expectation that City departments would start thinking about how their work will support equity considerations in the City and how their goals should tie into the ERC goals.

ERC MISSION AND SCOPE OF AUTHORITY

Maria Monteagudo discussed the authority of the Commission in enforcing the provisions of Chapter 109 and Chapter 112. She indicated that the City had been working for over one year to try to design a model for an Equal Rights Commission that would not duplicate services already provided by federal and state agencies and would play a stronger role in assessing, monitoring and evaluating City services and programs in relation to how they impact equal rights issues in Milwaukee. One of the responsibilities of the ERC is to issue a report card summarizing its activities and recommendations to the Mayor and the Council regarding areas where the City can improve. Another area relates to forming partnerships with community based organizations and other groups to recognize best practices, facilitate community discussions, and education and outreach opportunities.

Heidi Galvan distributed an excerpt from Chapter 109 and discussed how the Commission's role includes receiving and investigating complaints that do not fall under the jurisdiction of other agencies and specifically mentioned the protected categories that are covered by Chapter 109 but not other regulations: gender identity or expression, lawful source of income, and paid sick leave.

The Commission discussed how the work of the ERC could and should be accomplished via Committees and that there seemed to be a natural distinction of what those committees could be. Members expressed interest to serve on Committees as follows:

- Accountability on Programs and Services Committee
- *Commissioners Barndt and Taylor*
- Community and Neighborhood Engagement Committee
- *Commissioners Edwards and Vahey*
- Paid Sick Leave Ordinance Committee
- *Commissioner Williams*

The Commission requested staff to follow up with the following items:

1. Provide a list of all local agencies providing programs and services addressing equal rights issues. This list should include the name of the agency, contact information and a brief description of the agency's mission.
2. Prepare a list of ideas or activities each Committee can consider to further their objectives as provided for under Chapter 109.

3. Provide copies of each Commissioners' bio and contact information.
4. Schedule a presentation at an upcoming meeting by the Milwaukee Metropolitan Fair Housing Council to discuss formalizing relationship for referrals and opportunity for training.

REVIEW OF ERC EMPLOYMENT AND HOUSING DISCRIMINATION COMPLAINT FORM

Commissioners received copies of Employment and Housing Discrimination Complaint Forms that had been updated based on additional feedback from the City Attorney's Office. Commissioner Barndt expressed concern about the level of information complainants would have to provide given that many of the complaints may not be investigated as they would fall under the jurisdiction of federal and state agencies. The forms should not deter complainants from coming forward and requiring the forms to be notarized may represent a barrier. Also, forms should not ask for information that will not be used by staff in processing complaints. The Commission decided to lay over approving the forms until further revisions could be made to address the concerns discussed.

(Commissioners Taylor/Barndt, unanimous)

WEBSITE FORMAT/CONTENT BRIEFING

Maria discussed ideas for the ERC website and the need to make it user friendly and a good source for linking resources. The Commissioners expressed interest in being able to obtain community feedback via the website. However, any technology that would allow public comments to be recorded on the website without going through a screening mechanism was identified as problematic.

PAID SICK LEAVE ORDINANCE UPDATE

Maria Monteagudo indicated that she expects the draft of the administrative rules to be made available to Commissioners on or after March 23. She indicated that when the temporary injunction was granted in February, the Judge clearly expected the City to continue working on getting ready to enforce the Ordinance. The next hearing on the permanent injunction is scheduled for May 11, 2009 and a ruling is expected by the end of May or early June.

The ERC will have to receive and study the rules and hold a meeting in April to approve the rules to be sent for public comment. The Commission discussed the need to hold at least one public hearing on the matter and identified a possible date for a second hearing, if needed. The Commission scheduled the following dates:

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| Wednesday, April 1, 2009 @ 2pm | Meeting of the ERC to review and approve PSLO Rules |
| Wednesday, April 8, 2009 @ 6pm | PSLO Rules Public Hearing, Locations to be determined. |
| Wednesday, April 29, 2009 @6pm | Tentative Date for 2 nd PSLO Rules Public Hearing, if needed. |
| Tuesday, May 19, 2009 @ 2pm | Regular ERC Meeting |

2009 SCHEDULE OF MEETINGS

The Commission decided to only schedule a regular meeting for the month of May and revisit the rest of the schedule for the year at a later date.

There being no further business, the meeting adjourned at 5:28 p.m.

(Commissioners Edwards/Taylor, unanimous)

ATTEST:

GEORGE WILLIAMS III
PRESIDENT

MARIA MONTEAGUDO
DIRECTOR, DER