



CITY OF  
**SUN PRAIRIE**  
*Wisconsin*

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# AD HOC STEERING COMMITTEE ON DIVERSITY FINAL REPORT

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April 1, 2017



## OFFICE OF THE MAYOR

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### Letter from the Committee Chair

Sun Prairie is a growing and vibrant community. The fast-paced growth in our community is a testament to our excellent schools, quality of life and employment opportunities. As Sun Prairie continues to grow, the diversity within our City will increase as well. As Mayor, I have advocated for the City to ensure it meets the needs of all our residents, regardless of their background. This underlying belief led me to ask the City Council to create a committee to identify issues related to diversity in the city and recommend solutions. In August of 2015, the City Council created the Ad Hoc Steering Committee on Diversity.

Over the next year and a half, the Committee discussed how the City could increase the diversity of applicants applying for City positions and analyzed the effectiveness of City service delivery to all communities in Sun Prairie. The Committee discussed these topics in depth and developed recommendations to improve how the City operates and interacts with diverse communities. The Committee also reviewed the City's hiring processes and determined they are not discriminatory. However, the Committee offered several recommendations to expand the candidate pool and increase the number and diversity of applicants. These recommendations were carefully considered and each one would benefit the community and the City as an organization.

The Committee also discussed, and ultimately recommended, the adoption of a non-discrimination ordinance to cover housing, employment and accommodations in Sun Prairie. Only a few other municipalities in Wisconsin have these types of ordinances and its adoption would emphasize Sun Prairie's commitment to being a welcoming community for all, regardless of their background.

I am proud of the Committee's work and excited about the possible implementation of its recommendations. I would like to thank the City Council for creating the Committee and allowing its members to serve in this capacity.

Sincerely,

Paul T. Esser, Mayor  
Chair of the Ad Hoc Steering Committee on Diversity



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# Acknowledgements

The Committee would like to recognize all of its current members for their contributions to this report:

Mayor Paul T. Esser

Ginger Baier

Robert Host

Jo A. Kiesow

Jeanne Wellman

Kara Grajkowski

Pastor Charmaine Burns

Gracelyn R. Richmond

Yamileth Lothe

Faustina Bohling

Jayanta Chatterjee

Carol Rybak

Tracy Williams

Jerry Ruffin

Angelika Gulbis

Fred Stohl



The Committee would also like to recognize the contributions made by past members of the Committee:

Alder Russ Fassbender

Henry Yang

Daniel Hawk

James Witecha

Giovanni Gonzalez

The Committee would like to thank all those who attended the meetings, provided information to the Committee and facilitated the work of the Committee:

Stan Davis - Facilitator

Aaron Oppenheimer – City  
Administrator

Drake Daily – Management Analyst

Brenda Sukenik – Human Resources  
Director

Emalyn Caloud – Benefits Coordinator

Svetha Hetzler – Library Director

Chief Pat Anhalt – Police Chief

Jana Stephens – Recreation Director

# AD HOC STEERING COMMITTEE ON DIVERSITY FINAL REPORT

## BACKGROUND

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At their August 4<sup>th</sup>, 2015 meeting, the City Council adopted a resolution creating an ad hoc committee focused on enhancing the diversity of the City of Sun Prairie's workforce and ensuring that all City residents are able to participate in, and benefit from, City services. Per the resolution, the City Council directed the steering committee to report out its recommendations by April 2017.

Overview of the committee's charge:

1. City's workforce: The Committee is to provide recommendations that will enhance the City's capabilities to locate, recruit and hire qualified candidates with diverse backgrounds.
2. City services: The Committee is to identify and provide a better understanding of the unique needs of different individuals and communities within Sun Prairie.

The Committee is comprised of the Mayor serving as chairperson and sixteen residents, appointed by the City of Sun Prairie Common Council. The members of the committee met twice per month from October 2015 to April 2017. During those meetings, different ideas and points-of-view were shared and issues were raised and discussed in a thorough and open manner. In addition to the active discussion among the members, the Committee held four listening sessions. A listening session was held in each of the four aldermanic districts between the months of August 2016 and November 2016. Attachment I provides a synopsis of the comments received at the listening sessions.

## DISCUSSION

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### Recruitment

The Committee reviewed the City's recruitment processes. The focus of this review was to determine two key priorities:

1. How the City could expand the candidate pool to attract a greater choice of candidates with diverse backgrounds.
2. Does the City's hiring processes inadvertently result in less diverse candidates being selected?

### Findings:

The Committee determined that there are a number of important steps the City could take to expand the candidate pool. Those steps are divided into two categories:

1. Policy Budget Impact: These items require policy changes and/or the appropriations by the City Council.
2. Administrative: These items can be implemented without a policy change or additional staffing or resources.

Additionally, the committee determined that the City's hiring processes does not adversely affect those with diverse backgrounds.

**The Committee recommends the following:**

### *Charge 1: City's Workforce - Policy/Budgetary Impact*

- A. Provide a competitive compensation and benefit package identifying the City as an employer of choice. This includes providing a pay structure that leads the market. ***Effective January 1, 2017 the City provides WRS as an employee benefit.***
- B. Consider contracting with a professional search firm to recruit specialized positions and/or department head level employees.
- C. Provide domestic partner benefits (i.e. Health insurance coverage, use of sick and bereavements, etc.). ***In 2016, the City Council extended the option for domestic partner benefits to City employees.***
- D. Create a communications manager position to highlight the benefits of living and working in the Sun Prairie Area. The position would also be responsible for communicating the attributes of working for the City of Sun Prairie. This position would also be responsible for internal communication (i.e. employee newsletter, intranet, etc.).
- E. Invest resources to enhance public transportation. This includes bicycle and pedestrian facilities as well as shuttle and/or mass transit service. ***In 2016, the City Council created an Ad Hoc Steering Committee on Transportation.***
- F. Create a recruitment pipeline of individuals interested in potential careers in public service. This can be accomplished by providing individuals the opportunity to work in the City through internships, job shadowing and mentor programs. ***In the 2017 budget, the City Council included funding for an intern in the City Administrator's Office.***
- G. Establish a budget to pay travel and relocation expenses to reduce or eliminate the current bias toward local candidates.

### *Charge 1: City's Workforce – Administrative*

- A. Review all job descriptions to determine if the educational (e.g. Bachelor's Degree) and other requirements are essential to meet the job responsibilities.
- B. Highlight the benefits of living/working in the Sun Prairie area in recruitment materials and initiatives. This includes providing information on area amenities, educational system, entertainment and overall quality of life.
- C. Increase use of municipal assets in the recruitment process to include expanded use of public access television and the radio station.
- D. Establish partnerships with Madison College, University of Wisconsin, and other institutions of higher learning. These partnerships will provide access to students as well as course offerings leading to certifications and/or degrees.
- E. Post openings on multiple online recruiting platforms, such as Indeed, LinkedIn, etc.
- F. Facilitate or provide workshops on drafting cover letters and resumes to help candidates become more competitive in the recruitment process.
- G. Develop a General Government Citizens Academy to raise awareness and educate individuals about the different career opportunities within local government.
- H. Encourage all staff members to assist in the recruitment process by connecting with area agencies to assist with applicant identification/connection.
- I. Provide diversity, implicit bias and inclusion training for current employees to create/maintain a welcoming and supportive work environment.

- J. Develop and implement an employee mentor program along with a comprehensive employee onboarding system.
- K. Facilitate community forums for discussing diversity and inclusion within the community.
- L. Create a tab/page on the City's website that highlight the efforts made by the City and other community partners (i.e. Sun Prairie Area Schools) regarding diversity and inclusion. This area of the website would have employee profiles, updates on the Diversity Steering Committee, Community events, stories, etc.
- M. Enhance the Human Resource Division's webpage to better highlight progress regarding diversity and the City's efforts to attract and retain employees.
- N. Encourage local community organizations to host special events that celebrate diversity within the community.
- O. Build partnerships with minority groups and network with entities that serve minorities (Urban League, Madison 365, etc.).
- P. Create a strategic plan to continue efforts into creating a more diverse workforce.

## City Services

### **The Committee recommends the following:**

#### *Charge 2: City Services - Policy/Budgetary Impact*

- A. Ensure that all official documents, public notices, etc. distributed by the City offer the opportunity for residents to connect with translation services.
- B. Enhancements to the public transportation system. This includes providing connections to the Greater Madison Area as well as moving people around the City.
- C. Develop and distribute a citizen survey to solicit information to understand the diverse needs of our community.
- D. The City should be open to incentivizing economic activity that would be beneficial for people of diverse backgrounds. Examples of economic activity include private investments in the transportation system and the provision of workforce housing. Incentives could include tax credits, revolving loan funding and tax increment financing.
- E. The City should create an Ad Hoc Steering Committee on Housing to investigate and discuss housing issues in the city.

#### *Charge 2: City Services – Administrative*

- A. City departments should strive to provide culturally relevant programs. This includes the library, recreation department, etc.
- B. Ensure that materials distributed by the City include pictures reflecting the diversity of our community. This includes displaying pictures at municipal buildings.
- C. Select representatives from various segments of the City to serve as community ombudsmen. Community ombudsmen would serve as a conduit to disseminate public information and provide feedback to municipal administrators and elected officials.
- D. Create a job bank to connect interested individuals with employment opportunities in the community.
- E. City staff should coordinate with various civic groups to determine service overlaps, service opportunities and develop economies of scale.
- F. City staff should be educated on the various human service programs throughout Dane County and serve as a resource to residents who are looking to connect to these program offerings.

## *Non-Discrimination Ordinance*

The Committee discussed the merits of recommending to the City Council the adoption of a non-discrimination ordinance. The Committee reviewed the ordinances adopted by the City of Appleton and the City of Janesville and chose to use the City of Appleton's ordinance as a model. The City Attorney, at the request of the Committee, updated the City's Housing Discrimination ordinance and drafted an Accommodations and Employment ordinance. The Committee recommends the adoption of both ordinances.

Attachment III is a copy of the proposed City of Sun Prairie ordinances.

## Conclusion

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The members of the steering committee have worked together to meet the charge of the City Council. Members have fully participated by vetting data, performing their own analysis of the information provided, asking thought-provoking questions and offering their ideas on how to make improvements in this area. The Committee has worked with the members off City staff including the police, human resources, recreation, library and administration departments to learn about the City's practices and operations and have solicited their ideas for improvement. The Committee has solicited the input of residents by holding listening sessions in their districts.

Based on the input gathered, the Committee feels the recommendations included in this report will enhance the lives of all residents within the City and aid the City in its goal of hiring more employees of diverse backgrounds. The committee members thank the City Council for the opportunity to serve in this capacity.

Respectfully, submitted on behalf of the members of the Steering Committee:



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Paul T. Esser, Mayor  
Steering Committee – Chairperson

Attachment I

Feedback From The Community Meetings

## AD HOC STEERING COMMITTEE ON DIVERSITY TRAVELING MEETINGS FEEDBACK

### *District 1: The Faith Place - 8/24/16 (24 people in attendance)*

1. Transportation
  - Kids
  - Seniors
2. Communication
  - Social Media
    - Notification of opportunities (i.e. events & assistance)
    - Webpage (i.e. one stop location for community information)
  - Mass Electronic Distribution of Information
    - Text messaging
    - Smartphones
  - Work Through the School District
    - Distribute information through the schools
  - Enhanced Use of the Sun Prairie Media Center
    - Kids 4
    - Radio Station
  - Provide greater access to Wifi (i.e. hot spots and/or affordable service)
3. Recreation Programming
  - Provide additional recreation options (i.e. enhanced skateboard park)
  - Ensure that programs are affordable for all families to participate
  - Opportunities for small children (i.e. younger than school age)
4. Housing (“If we do not solve the housing issue the community will become less diverse”, Pastor Harold Rayford).
  - Addressing homelessness
  - Affordable housing options
  - Ensure that housing laws are adhered to by landlords
5. Economic Development
  - Incentivize/recruit minority owned/managed businesses
  - Partner with the Chamber of Commerce to assist people who would like to start a business and to encourage entrepreneurship
6. City Government
  - Supportive of the City Council’s goal to make the City’s workforce more diverse
  - Offer internships/apprenticeships in City government
  - Partner with other stakeholders to address community issues (i.e. community schools)

### *District 2: C.H. Bird Elementary - 9/28/16 (10 people in attendance)*

1. Communication
  - It can be difficult to find information regarding City events
  - Work with the schools to communicate City announcements
  - Work with Neighborhoods, Community Groups, Faith Groups, and civic organizations
  - Send announcements through text messages residents can sign up for
2. Language Barriers
  - Can be difficult/ intimidating to communicate with public offices
  - Training on how to handle situations in which the employee does not speak the same language as the citizen
  - Translation services for public documents and/ or for phone calls and visits to the City

3. Hiring
  - When possible, have diversity on an interview team for prospective candidates
  - Collect data on applicants and hiring to measure outcomes and success
4. Community Events
  - Host events to bring residents together and instill sense of community
  - Host more child-friendly events

*District 3: Sun Prairie Public Library - 10/5/16 (6 people in attendance)*

1. Transportation
  - A lack of transportation limits local business' ability to build a diverse workforce
  - Explore Municipal Cooperation – Regional Transportation Area
  - Service to transport kids to work after school or back home post after-school activities
  - Transportation options to bring people to medical services
2. City Workplace
  - Find ways to support minority employees to facilitate retention
  - Analyze the workplace environment to identify potential barriers/ challenges a minority employee might face
3. Community Schools
  - Support Community School efforts in the Community

*District 4: Horizon Elementary -11/9/16 (5 people in attendance)*

1. Transportation
  - Transportation to and from Madison for jobs, health care, etc
  - Shuttle to East Towne – Night Shift causes problems for getting back to Sun Prairie
  - Expansion of Taxi Service – Shuttle van, more hours of operation, additional vehicles
  - Ways to get to Sun Prairie Shopping areas
2. Opportunities for Youth
  - YMCA has cut services – fewer computers, no video games, less staff to interact with kids, not always affordable
  - Need for places for “youth nights”
    - i. Variety of activities – video games, movie nights, board games, card games, and other activities rather than only having basketball or other sports
    - ii. Explore the possibility of the City negotiating time for kids to use the PAC or other facilities – the cost of such clubs can be prohibitive
    - iii. Expansion of Library programming for youth
  - List resources for young adult and youth support services to those without access to quality health insurance
3. Employment
  - Businesses are having trouble finding people – What ways can the City get the word out of employment or job training opportunities
  - Increase advertisement of the School's apprenticeship program
  - Look for ways to support programs committed to youth employment
4. Child Care
  - Consider having child care at some City events to increase the ability of all to attend and participate if desired

Attachment II  
Committee's Charter Resolution

**A RESOLUTION APPROVING  
THE CREATION OF AN AD-HOC  
STEERING COMMITTEE  
ON DIVERSITY**

**Presented:** August 4, 2015

**Adopted:** August 4, 2015

**File Number:** 12,333

**Resolution No.:** 15/128

**RESOLUTION**

**WHEREAS,** the City of Sun Prairie has experienced significant population growth over the past decade; and

**WHEREAS,** the City of Sun Prairie realizes and embraces the fact that as the community continues to grow, it will become increasingly more diverse; and

**WHEREAS,** the City of Sun Prairie's workforce should reflect the different cultures, backgrounds, and abilities of the members of our community; and

**WHEREAS,** the City of Sun Prairie rejects discrimination of any kind and respects the inherent worth, attributes, perspective and value of every individual in our community ; and

**WHEREAS,** the City of Sun Prairie recognizes that a diverse workforce will result in the introduction of innovative ideas and provide varying and unique perspectives; and

**WHEREAS,** the City of Sun Prairie is committed to being inclusive as an employer and service provider to people of different backgrounds, races, gender, sexual orientation, ages, ethnicities and disabilities;and

**WHEREAS,** the ad-hoc Steering Committee on Diversity will dissolve on April 1, 2017.

**NOW, THEREFORE, BE IT RESOLVED** NOW, THEREFORE, BE IT RESOLVED, by the City of Sun Prairie Common Council that the City of Sun Prairie desires to make it known that all people are welcome in our community regardless of their unique backgrounds and characteristics. Furthermore, the City Council directs the staff of the City to undertake aggressive efforts to locate, recruit, and hire qualified candidates that will diversify the City's workforce. Moreover, the City of Sun Prairie Common Council directs that an ad-hoc steering committee, comprised of citizens, business leaders, and professionals be created to assist the City in reaching this goal. Additionally, the Committee will identify, and provide a better understanding of, the unique needs of different individuals and communities within Sun Prairie. Finally, the committee will work with City administration to draft policies, procedures, budget initiatives, and operational plans in support of the City's commitment to Diversity.

APPROVED: \_\_\_\_\_  
Paul T. Esser, Mayor

Date Approved: August 4, 2015

Date Signed: August\_\_\_\_, 2015

This is to certify that the foregoing resolution was approved by the Common Council of the City of Sun Prairie at a meeting held on the 4<sup>th</sup> day of August, 2015 and submitted for signatures on the 6<sup>th</sup> day of August, 2015.

\_\_\_\_\_  
Diane J. Hermann-Brown, City Clerk

Attachment III

Proposed City of Sun Prairie Non-Discrimination  
Ordinances

**City of Sun Prairie, Wisconsin**

**AN ORDINANCE CREATING  
SECTION 9.21 -  
ACCOMMODATION AND  
EMPLOYMENT**

Presented: , 2017

Adopted: , 2017

Publication: , 2017

**File Number:**

**Ordinance No.:**

**ORDINANCE**

The Common Council of the City of Sun Prairie, Dane County, Wisconsin, hereby ordains as follows:

**SECTION 1.** That Section 9.21 is hereby created as follows:

**Section 9.21.010 Declaration of policy: purpose and intent.**

A. A vibrant, productive and economically successful city is made possible by the talents, contributions and well-being of its diverse residents. It is the policy of the City of Sun Prairie that equal rights of all those who live and work in the city are assured, and that equal rights and equal opportunity within the context of the larger commercial and social fabric of the Sun Prairie community are promoted.

B. The practice of providing equal opportunity in employment and public accommodations to person without regard to actual or perceived race, color, creed, religion, national origin, ancestry, age, sex/gender, disability, arrest/conviction record, marital status, sexual orientation, gender identity and/or gender expression, political affiliation, results of genetic testing, honesty testing, pregnancy or childbirth, military service, disabled veteran or covered veteran status, service in the U.S. Armed Force, the State Defense force, National Guard of any state, or any reserve component of the United States or State military forces, or an individual's affiliation with or perceived affiliation with any of these protected categories, is a desirable goal of the City of Sun Prairie and a matter of legitimate concern to its government. Discrimination against any of Sun Prairie's residents or visitors endangers the rights and privileges of all and deprives the community of the fullest productive capacity of those of its members so discriminated against and denies to them the sufficiency of earnings necessary for maintaining the standards of living consistent with their abilities and talents.

C. Provision for adequate safeguards against discrimination is a proper and necessary function of city government. To protect the health, safety and general welfare of all inhabitants of the city, and all persons employed or living within the city, it is declared to be the public policy of this city to foster and enforce to the fullest extent of the law equal opportunity employment and public accommodations without regard to actual or perceived race, color, creed, religion, national origin, ancestry, age, sex/gender, disability, arrest/conviction record, marital status, sexual orientation, gender identity and/or gender expression, political affiliation, results of genetic testing, honesty testing, pregnancy or childbirth, military service, disabled veteran or covered veteran status, service in the U.S. Armed Force, the State Defense force, National Guard of any state, or any reserve component of the United States or State military forces, or an individual's affiliation with or perceived affiliation with any of these protected categories. To fully effectuate this policy of promoting nondiscrimination, the city shall endeavor to eliminate all discrimination that may occur within employment and accommodation within the City of Sun Prairie.

D. Where applicable, this chapter shall be interpreted and applied consistently with the provisions of Title II, Title III and Title VII of the Civil Rights Act of 1968, 42 U.S.C. sections 3601, et seq., 24 C.F.R. sections 100, et seq., and ss. 66.1011, 106.50 and 111.31, Wis. Stats., and any successor provisions of state and federal law.

**SECTION 9.21.020 Definitions.**

The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

“Age” means being age 40 or older.

“Ancestry” means the country, nation, tribe or other identifiable group from which one descends.

“Arrest/Conviction Record” means information indicating a person was questioned, arrested, charged or convicted of a felony or misdemeanor. An employer may reject an applicant or fire an employee whose conviction is substantially related to the job.

“Color” means color of skin.

“Disability” means, with respect to a person, any of the following:

1. A physical or mental impairment which substantially limits one or more of the person’s major life activity.
2. A record of having an impairment.
3. Being perceived as having impairment.
4. This term does not include current, illegal use of or addition to a controlled substance. The behavioral manifestations of a mental disability may be taken into consideration in determining whether or not the applicant is qualified.

“Discriminate, discrimination or discriminatory” shall mean any act, policy, advertisement or practice which, regardless of intent, has the effect of subjecting any person to differential treatment as a result of that person’s actual or perceived race, color, creed, religion, national origin, ancestry, age, sex/gender, disability, arrest/conviction record, marital status, sexual orientation, gender identity and/or gender expression, political affiliation, results of genetic testing, honesty testing, pregnancy or childbirth, military service, disabled veteran or covered veteran status, service in the U.S. Armed Force, the State Defense force, National Guard or any state, or reserve component of the United States or State military forces. Discrimination also includes any differential treatment because of one’s association with a person or group of people identified herein.

“Employee” shall mean any individual employed or seeking employment from an employer.

“Employer” shall mean any person who, for compensation, regularly employs at least one individual, not including the employer’s parents, spouse or children. For purposes of this ordinance, an “employer” is also any person acting on behalf of an employer, directly or indirectly, or any employment agency.

“Gender identity and/or gender expression” means a person’s gender-related self-identity, appearance, expression or behavior, regardless of the person’s assigned sex at birth.

“Marital status” means the status of being married, single, divorced, separated or widowed.

“Military service” means service in the U.S. armed forces, the state defense force, the national guard of any state, or any other reserve component of the U.S. armed forces.

“National origin” means generally a member of a nation by origin, birth or naturalization or having common origins.

“Outside Lawful Products” means use or nonuse of lawful products (e.g., tobacco, alcohol) off the employer’s premises during nonworking hours.

“Person” shall mean any natural person, firm, corporation, partnership or other organization, association or group of persons however arranged.

“Place of public accommodation” shall be all establishments within the City of Sun Prairie which offers goods, services, accommodations and entertainment to the public. A place of public accommodation does not include any institution or club which by its nature is distinctly private.

“Race” means generally a member of a group united or classified together on the basis of common history, nationality or geography.

“Religion or creed” means a system of religious beliefs including moral or ethical beliefs about right and wrong that are sincerely held with the strength of traditional religious views.

“Sex/gender” means being female or male.

“Sexual orientation” means a person’s actual or perceived heterosexuality, homosexuality, asexuality, or bisexuality.

#### **SECTION 9.21.030 Prohibited acts of discrimination; employment.**

A. With regard to employment, it shall be unlawful for any employers or labor organizations, to engage in any of the following acts, wholly or partially for a discriminatory reason:

1. To discriminate against any individual, with respect to failure to hire, refusal to hire, discharge, compensation, terms, conditions, or privileges of employment, including promotion; however nothing in this subsection shall be construed to require any employer to provide benefits, such as insurance, to individuals not employed by the employer;
2. To limit, segregate, or classify employees in any way which would deprive or tend to deprive any employee of employment opportunities, or which would otherwise tend to adversely affect his or her status as an employee; or

3. To fail or refuse to refer for employment, or to give negative information to a potential employer of any individual, in such a manner that would deprive or limit an individual's employment opportunities or that would otherwise adversely affect an individual's status as an applicant or prospective employee.

**SECTION 9.21.040 Prohibited acts of discrimination; business establishment or public accommodations.**

It shall be unlawful for a business establishment or place of public accommodation to deny, directly or indirectly, any person the full enjoyment of the goods, services, facilities, privileges, advantages, and accommodations wholly or partially for a discriminatory reason.

**SECTION 9.21.050 Jurisdiction.**

A. The City of Sun Prairie shall not exercise jurisdiction over any complaint that sets forth or states any facts or allegations that are subject matter within the jurisdiction of any state or federal agency, including but not limited to the U.S. Equal Employment Opportunity Commission or the State of Wisconsin, Department of Workforce Development, regardless of whether the complainant has chosen to file with that said agency or not.

When a complaint or inquiry is presented to the Mayor or to designated staff, and it appears that the City does not have jurisdiction as indicated above, the complainant shall be referred to the appropriate state or federal enforcement agencies.

B. It shall not be an unlawful discriminatory practice for an employer to observe the conditions of a bona fide seniority system or a bona fide employee benefit system based on age such as a retirement, pension or insurance plan which is not a subterfuge or pretext to evade the purposes of this ordinance.

C. Nothing contained in this ordinance shall be deemed to prohibit selection or rejection based solely upon a bona fide occupational qualification, a bona fide physical requirement, or, as to a religious or denominational institution, based upon a preference for applicants of the same religion or denomination.

**SECTION 9.21.060 Enforcement.**

A. Any person who claims to have been injured under this ordinance may file a written complaint with the Mayor of Sun Prairie (or designee), setting forth therein the details, including location of property, names, dates, witnesses, and other factual matters. All such complaints shall be signed by the complainant. Such complaints shall be filed within one year after the alleged violation of this ordinance.

B. The Mayor may receive, hear and determine complaints as provided herein. The Mayor may adopt rules, policies and regulations, and involve City staff as the Mayor deems appropriate, consistent with this ordinance and the laws of this state and the United States to carry out the policy and provisions of this ordinance and the powers and duties of the Office of the Mayor.

C. The Mayor may informally recommend solutions to the parties to the complaint to address the situation.

D. A timely-filed complaint against the City of Sun Prairie shall be referred immediately to the City Administrator.

**SECTION 9.21.070 Penalty; forfeiture.**

A. Any person found in violation of this ordinance shall, for the first violation, forfeit not less than \$500 nor more than \$5,000, plus the cost of the action.

Each day upon which a violation occurs shall constitute a separate violation.

B. For each successive violation within 5 years of having been adjudged to be in violation of this ordinance, the person shall forfeit not less than \$1,000 nor more than \$10,000.

**SECTION 9.21.080 Private actions.**

In addition to the remedies set forth in this ordinance, an aggrieved person may commence a civil action in any court of competent jurisdiction to obtain appropriate relief with respect to violations set forth in this Article.

**SECTION \_\_\_\_.** Effective Date. This Ordinance shall become effective upon passage and publication as provided by law.

APPROVED: \_\_\_\_\_

Paul T. Esser, Mayor

Date Approved: \_\_\_\_\_, 2017

This is to certify that the foregoing Ordinance was adopted by the Common Council of the City of Sun Prairie at a meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2017, and was submitted for signatures on the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Diane J. Hermann-Brown, City Clerk

City of Sun Prairie, Wisconsin

**AN ORDINANCE REPEALING AND  
RECREATING SECTION 9.20 -  
HOUSING DISCRIMINATION**

Presented: , 2017

Adopted: , 2017

Publication: , 2017

**File Number:**

**Ordinance No.:**

**ORDINANCE**

The Common Council of the City of Sun Prairie, Dane County, Wisconsin, hereby ordains as follows:

**SECTION 1.** That Section 9.20 is hereby repealed and recreated as follows: (Additions are noted by underline, deletions are noted by ~~overstrike~~.)

**Section 9.20.010 Statement of fair housing.**

It is declared to be the policy of the city to assure equal opportunity to all persons to live in decent housing facilities regardless of ~~race, color, religion, ancestry, national origin, sex, handicap, sexual preference, marital status of person maintaining a household, lawful source of income, place of birth or age~~ age, color, family status, gender identity and/or gender expression, marital status, national origin/ancestry, race, religion, persons with disability, sex, sexual orientation, source of lawful income or victims of domestic violence, sexual assault or stalking and, to that end, to prohibit discrimination in housing by any persons. This policy does not preclude an owner from taking reasonable precautions and implementing sound business practice by screening tenants. This screening may include requiring credit histories and credit checks, requiring valid state or federal identification that provides sufficient identification of a person, or review of criminal background for reasonably related offenses. This chapter shall be deemed an exercise of the police powers of the city for the protection of the health and welfare of the people of this city and as fulfillment of the legislative directive of Section 66.1011, Wisconsin Statutes.

**Section 9.20.020 Definitions.**

As used in this chapter:

"Discrimination" or "discriminatory housing practice" means any difference in treatment based upon race, color, religion, sex, or national origin; or any act that is unlawful under this chapter and as stated above in Section 9.20.010. Discrimination as defined in this chapter does not include, and specifically exempts defining any of the following as protected classes for purposes of fair housing discrimination unless required by state statute or federal law:

1. Criminal history of all occupants and all named lessees of the dwelling — for offenses reasonably related to a lease transaction, the safety of other residents within the apartment complex, or maintenance of the facility;
2. Refusal to provide social security number or ITIN for purposes of screening the applicant's credit or criminal background;
3. Refusal to provide or the absence of valid state or federal government issued identification;
4. Chronic nuisances — checking with local municipalities relating to violations of chronic nuisance ordinances;
5. Refusal of Section 8 housing tenants, if not otherwise income qualified, if the owner has either refused all Section 8 tenants or if they have previously set capacity controls on the number of Section 8 units allowed within the property.

"Dwelling" means any building, structure, or portion thereof which is occupied as, or designed for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction thereof of any such buildings or structure.

"Family" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy and receivers.

"Financial institution" includes any person or organization engaged in the business of lending money or guaranteeing loans.

"Housing accommodation" or "dwelling" means any building, mobile home or trailer, structure, or portion thereof which is occupied as, or designed, or intended for occupancy, as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any real property, as defined, herein, used or intended to be used for any of the purposes set forth in this subsection.

"Landlord" includes a lessee, sublessee, co-tenant, assignee, managing agent or other person or organization having the right of ownership or possession, or the right to, rent or lease any housing accommodation.

"Mortgage broker" means an individual who is engaged in or who performs the business or services of a mortgage broker as the same as defined by Wisconsin Statutes.

"Open market" means the market which is informed of the availability for sale, purchase, rental or lease of any housing accommodation, whether informed through a real estate broker or by advertising by publication, signs or by any other advertising methods directed to the public or any portion thereof, indicating that the property is available for sale, purchase, rental or lease.

"Owner" includes a lessee, sublessee, co-tenant, assignee, managing agent or other person or organization having the right of ownership or possession, or the right to sell, rent or lease any housing accommodation.

"Person" includes individuals, children, firms, associations, joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations and all other groups or combinations.

"Protected class" includes persons of a specific ~~race, color, religion, ancestry, national origin, sex, handicap, sexual preference, marital status of person maintaining a household, lawful source of income, place of birth, age~~ age, color, family status, gender identity and/or gender expression, marital status, national origin/ancestry, race, religion, persons with disability, sex, sexual orientation, source of lawful income or victims of domestic violence, sexual assault or stalking or other federal or state designated protected classes for purposes of fair housing. Protected classes do not include persons with a criminal background (arrest or conviction record) related to safety or property offenses, persons who refuse to submit to a criminal background check or credit check, persons who refuse to produce a valid social security number or ITIN or persons who refuse to produce a federal or state government-issued identification sufficient to confirm one's identity, or persons utilizing Section 8 housing vouchers.

"Real estate broker" or "real estate salesperson" includes any individual, qualified by law, who, for a fee, commission, salary or for other valuable consideration, or who with the intention or expectation of receiving or collecting same, lists, sells, purchases, rents or leases any housing accommodations, including options thereupon, or who negotiates or attempts to negotiate a loan, secured by a mortgage or other encumbrance, upon transfer of any housing accommodation; or who is engaged in the business of charging an advance fee or contracting for collection of a fee in connection with a contract whereby he or she undertakes to promote the sale, purchase, rental or lease of any housing accommodation through its listing in publication issued primarily for such purpose; or an individual employed by or acting on behalf of any of these.

"Real property" includes buildings, structures, lands, tenements, leaseholds, cooperatives and condominiums.

### **Section 9.20.030 Unlawful practices.**

In connection with any of the transactions set forth in this section which affect any housing accommodation on the open market, or in connection with any public sale, purchase, rental or lease of any accommodation, it is unlawful within the city for a person, owner, financial institution, real estate broker or real estate salesperson, or any representative of the above, to:

A. Refuse to sell, purchase, rent or lease, or deny to or withhold any housing accommodation from a person because they are a member of a protected class; or

B. To discriminate against a person in the terms, conditions or privileges of the sale, purchase, rental or lease of any housing accommodation, or in the furnishing of facilities or services in connection therewith; or

C. To refuse to receive or transmit a bona fide offer to sell, purchase, rent or lease any housing accommodation from or to a person because they are a member of a protected class; or

D. To refuse to negotiate for the sale, purchase, rental or lease of any housing accommodation to a person because of his race, color, religion, ancestry, national origin, sexual preference, sex or place of birth, age, handicap, marital status; or

E. To represent to a person that any housing accommodation is not available for inspection, sale, purchase, rental or lease when in fact it is so available, or to refuse to permit a person to inspect any housing accommodation, because they are a member of a protected class; or

F. To make, publish, print, circulate, post or mail, or cause to be made, published, printed, circulated, posted, or mailed, any notice, statement or advertisement, or to announce a policy or to sign or to use a form of application for the sale, purchase, rental, lease or financing of any housing accommodation, or to make a record of inquiry in connection with the prospective sale, purchase, rental, lease or financing of any housing accommodation, which indicates any discrimination or any intent to make a discrimination; or

G. To offer, solicit, accept or use a list of any housing accommodation for sale, purchase, rental or lease with the understanding that a person may be subjected to discrimination in connection with such sale, purchase, rental or lease, or in the furnishing of facilities or services in connection therewith; or

H. To induce directly or indirectly, or attempt to induce directly or indirectly, the sale, purchase, rental or lease, or the listing for any of the above, of any housing accommodation by representing that the presence or anticipated presence of persons of a protected class in the area to be affected by such sale, purchase, rental or lease will or may result in either:

1. The lowering of property values in the area;
2. An increase in criminal or antisocial behavior in the area; or
3. A decline in the quality of schools serving the area; or

I. To make any misrepresentations concerning the listing for sale, purchase, rental or lease, or the anticipated listing of any of the above, or the sale, purchase, rental or lease of any housing accommodation in any area in the city for the purpose of inducing or attempting to induce any such listing or any of the above transactions; or

J. To engage in or hire to be done, or to conspire with others to commit acts or activities of any nature, the purpose of which is to coerce, cause panic, incite unrest or create or play upon fear, with the purpose of either discouraging or inducing, or attempting to induce, the sale, purchase, rental or lease, or the listing for any of the above, of any housing accommodation; or

K. To retaliate or discriminate in any manner against a person because he or she has opposed a practice declared unlawful by this chapter, or because he or she has filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding, hearing or conference under this chapter; or

L. To aid, abet, incite, compel or coerce any person to engage in any of the practices prohibited by this chapter; or to obstruct or prevent any person from complying with the provisions of this chapter or any orders issued thereunder; or

M. By canvassing, to commit any unlawful practices prohibited by this chapter; or

N. Otherwise to deny to, or withhold any housing accommodation from a person because of his or her race, color, religion, ancestry, sexual preference, national origin, sex, place of birth, age, handicap, marital status; or

O. For any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part, in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing or maintaining a dwelling, or to discriminate against him or her in the fixing of the amount, interest rate, duration, or other terms or conditions of such loans or other financial assistance because of the protected class status of such person or of any person associated with him or her in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance which is to be made or given; or

P. To deny any qualified person access to or membership or participation in any multiple-listing service, real estate brokers organization, or other service, organization or facility relating to the business of selling or renting dwellings, or to discriminate against him or her in their terms or conditions of such access, membership, or participation, on account of his or her membership of a protected class.

#### **Section 9.20.040 Exemptions.**

This chapter shall not apply to:

A. A religious organization, association, or society or any nonprofit institution or organization operating, supervised, or controlled by or in conjunction with a religious organization, association, or society, which limits the sale, rental, or occupancy of dwellings which it owns or operates for other than commercial purpose to persons of the same religion, or which gives preference to such persons, unless membership in such religion is restricted on account of a protected class;

B. A private club not in fact open to the public, which as an incident to its primary purpose or purposes, provides lodgings which it owns or operates for other than a commercial purpose, and which limits the rental or occupancy of such lodgings to its members or gives preference to its members;

C. Any single-family house sold or rented by an owner; provided, that such private individual owner does not own more than three such single-family houses at any one time; provided further, that in the case of the sale of any such single-family house by a private individual not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale the exemption granted by this subsection shall apply only with respect to one such sale within any 24-month period; provided further, that such bona fide private individual owner does not own any interest in, nor is there owned or served on his or her behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three such single-family houses at any one time; provided further, the sale, or rental of any such single-family house shall be excepted from the application of this chapter only if such house is sold or rented:

1. Without the use of any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesperson or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesperson, or person; and

2. Without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of the provisions of 42 United States Code Section 3604; or

3. Of [Section 9.20.030](#) of this chapter; but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title;

D. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his or her residence.

#### **Section 9.20.050 Tenant selection and screening allowed.**

A. No provision in this chapter shall require owners or landlords to accept Section 8 housing vouchers except where required by state or federal law. For purposes of this chapter the refusal of a landlord to accept Section 8 as a legal source of income and the denial of an application shall not be considered discriminatory. If other Section 8 tenants are allowed, published capacity limits shall be readily available.

B. No provision in this chapter shall prohibit standard tenant screening including:

1. Checking criminal conviction and arrest records of all occupants and all named lessees of the dwelling for offenses related to a lease transaction, the safety of other residents within the apartment complex, or a history of property damage;

2. Refusal to provide social security number or ITIN for purposes of screening the applicant's credit or criminal background;

3. Refusal to provide or the absence of valid state or federal government issued identification;

4. Checking chronic nuisances violations of all occupants with local municipalities relating to violations of chronic nuisance ordinances.

#### **Section 9.20.060 Enforcement.**

Any person aggrieved by an unlawful practice prohibited by this chapter may file a complaint with the common council within thirty (30) days after the aggrieved person becomes aware of the alleged unlawful practice and in no event more than sixty (60) days after the alleged unlawful practice has occurred. The common council or duly authorized representative shall receive each complaint and attempt to resolve each complaint. Failure to achieve a resolution acceptable to both parties and compliance with the ordinance codified in this chapter shall cause the common council to forward the complaint and findings to appropriate state and federal agencies.

**SECTION 2. Effective Date.** This Ordinance shall become effective upon passage and publication as provided by law.

APPROVED: \_\_\_\_\_  
Paul T. Esser, Mayor

Date Approved: \_\_\_\_\_, 2017

This is to certify that the foregoing Ordinance was adopted by the Common Council of the City of Sun Prairie at a meeting held on the \_\_\_\_\_ day of \_\_\_\_\_ 2017, and was submitted for signatures on the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Diane J. Hermann-Brown, City Clerk

Attachment IV  
Report of Dissenting Members

## Report of Dissenting Members of the Ad Hoc Committee on Diversity

(The views expressed here are only those of dissenting members of the Ad Hoc Committee)

The following are the dissenting member's comments on specific items in the Ad Hoc Steering Committee on Diversity Final Report:

### Charge 1: City Workforce-Policy /Budgetary impact

- Item F

The intent of the Committee was to provide high school students an opportunity to learn about city government through a non-paid internship with city employees.

- Item G

The City should be looking at hiring local people to fill city jobs, and if an outsider wants to apply for a job they should pay their own travel expenses.

### Charge 1: City Workforce-Administrative

- Item F

This item should be omitted entirely; if an applicant doesn't know how to write a resume or cover letter, would he/she be competent to successfully do the job they are applying for.

- Item K

This item has nothing to do with workforce development

- Item M

Does this mean the city is going to establish quotas on the number of individuals based on ethnic and racial backgrounds regardless of ability to do the job?

### Charge 2: City Services-Policy/Budgetary

- Item A

Is it the city's obligation to provide a list of translation services? If so, will this incur a cost to the City for providing a list of these services in other languages?

### General Comments:

- The financial impact on residents of the city were not taken into account; in addition, the recommendations impose extra duties on city employees and adds to their current workload.

The following are the dissenting member's comments on the operation of the Ad Hoc Steering Committee on Diversity:

The Ad Hoc Committee on Diversity during its two-year life was run unlike any other committee we've been associated with. Generally, once a Committee is created a committee member is elected by its members to chair it. In this case the Committee was chaired and run by Mayor Esser. His intent was to ensure passage of benefits for same sex couples and an anti-discrimination ordinance.

Minority members do not object to these aims; however, we do take exception to them on the following basis.

- There are currently adequate federal, state and county laws that address these issues.
- Currently same sex couples have the right to marry-this was their biggest issue- and as a married couple they are entitled to those benefits. With the right of same sex couples to marry, there is no longer any need for the city to provide "marriage benefits" to Domestic Partners- if they want the benefits, let them marry.

During the time City Council was addressing this issue, Mayor Esser testified before City Council that the Diversity Committee had recommended benefits for domestic partners. The Mayor knew the Committee had not voted on this nor made a recommendation. When asked about it, the mayor claimed he "misspoke"; yet he issued a Press Release the next day stating the issue was passed favorably by City Council because of the Diversity Committee's recommendation.

The Committee learned of the Mayor's action through his Press Release and in The Star after the fact. One can misspeak unintentionally, but one consciously thinks through what is put into in a press release. It was purposely written. We asked that the Mayor's press release and comments before City Council be put on the agenda for discussion at a Committee meeting; it was finally put on the agenda two months later.

The Committee chose to have four public meetings; one in each of the four aldermanic districts in the City, which Mayor Esser supported. The Committee and Mayor agreed the Committee would have its regular meeting, then open it to public comments; this never happened. The Mayor always chose not to follow this format at the publicized open meetings. Instead, Mayor Esser ignored the agenda committee meeting portion and opened it to public comments immediately. Requests by the dissenting members of the committee for discussion of the Mayor's comments on the Domestic Benefits vote before the City Council were never put on an agenda for the Public Meetings.

The four advertised public meetings drew little citizen interest. In three of the four meeting "citizen participants" were primarily friends or family members of Committee members. In most instances the same "members of the public" were present at each the meetings. Due to the small attendance size we did not feel it represented a meaningful cross section of Sun Prairie residents. And although all Ad Hoc Diversity Committee meetings were open to the

public there seemed NO great interest for any of our meetings.

The dissenting members of the Committee feel there are three reasons for poor attendance at the four public meetings.

- The majority of the Sun Prairie residents were not interested in the meetings.
- It was difficult to find any information about the Diversity Committee on the City's official website; it was never listed prominently with the other city committees. The entire Committee repeatedly asked that the Diversity Committee be easier to find on the City's official website.
- The Public listening sessions were poorly promoted in "The Star" Those residents that attended the sessions told us they only knew about the meeting because someone on the Committee told them about it.

We support anti-discrimination. However, we believe there are adequate Federal, State and County laws against discrimination based on sex, religion, race and ethnic or racial background. However, the proposed Anti-Discrimination Ordinance includes a section on accommodations, including public rest rooms, allowing individuals to use public restrooms based on their sexual orientation, of which there are hundreds, but not their born with biological sex. The ordinance does not identify a rapidly expanding myriad of other sexual orientations which opens the door for others to request their special sexual orientation be included in the ordinance. We believe it threatens the safety of children from "pretenders" using the transgender issue to seek victims.

We believe that simply enacting new restrictive and punitive ordinances does not in itself make the City more "welcoming". The entire committee recognizes they are weakly enforceable, if at all. We recommend, rather, a Statement of Principles for the City of Sun Prairie. These could be made available to businesses and organizations to post in prominent places.

Throughout the entire Ad Hoc Committee meetings process, Mayor Esser stressed his intent was to make City Council and City employees reflect the makeup of the city. We do not oppose this. It is puzzling however he has often voiced the City Council is made up of "heterosexual white guys" and should be more diverse and representative of the community. The implication is if you're white, male and heterosexual you cannot represent the city fairly or adequately.

On the other hand, when we asked other members of the committee why the committee itself did not reflect the make-up of the city, those members argued that because someone looked different they could still vote for the common good.

Robert Host

Fred Stohl