

**PERSONNEL COMMITTEE**  
**TUESDAY, JULY 26, 2011, 4:00PM**  
**CITY HALL, CONFERENCE ROOM 2A**

The meeting was called to order by Chairman Hartz at 4:00pm.

Roll Call. Present: Aldermen Hartz, Krohn, Krause, Kupsik, and Mott. Also present: Administrator Jordan, Street Superintendent Carstensen, City Attorney Draper, Deputy Clerk Roenspies, and City Clerk Reale.

**Approval of Minutes of June 28, 2011 committee meeting**

Kupsik/Mott motion to approve minutes from the June 28, 2011 committee meeting, as prepared. Unanimously carried.

**Comments from the Public limited to 5 minutes** None.

**Discussion/Action on accepting resignation of City Clerk Jeremy Reale**

Chairman Hartz reported that City Clerk Reale had submitted a letter of resignation on July 19, 2011, copies of which had been distributed to the aldermen. City Clerk Reale reported that he planned to leave the area to pursue an advanced degree in law, and would therefore be stepping down from his position with the City. He added that he had opted to provide notice of approximately three months to ensure that the Council would have an adequate amount of time to select a replacement prior to his departure.

Krause/Kupsik motion to accept the resignation of City Clerk Jeremy Reale, effective October 21, 2011. Motion carried by vote of 4 to 1, Alderman Mott opposed.

**Discussion/Recommendation on advertising position of City Clerk**

Administrator Jordan requested authorization to advertise for the position through the League of Wisconsin Municipalities (LWM), Wisconsin Municipal Clerks Association (WMCA), and local newspapers. He added that letters might also be sent to WMCA members to notify them of the vacancy and solicit their interest in possibly applying for the position.

The committee members then discussed the process of collecting and distributing resumes and applicant information to the members for review. Following discussion, the consensus was that Administrator Jordan would collect all applications and resumes and maintain those documents in a binder in his office, which would be made available for any committee member to review and his or her convenience. An application deadline was also discussed, with the members indicating a preference for setting a deadline of late August so prospective candidates could be screened by the committee at its next regular meeting. It was noted that the ideal scenario would be to have a final hire made by the end of September, as this would give the new employee an opportunity to train with City Clerk Reale before his departure.

Krause/Mott motion to direct the City Administrator to advertise for the vacant position, with resumes and applications to be collected and maintained in a binder by the City Administrator for viewing by members of the committee. Unanimously carried.

**Discussion/Recommendation on job description for City Clerk position**

City Clerk Reale noted that staff had discussed the possibility of modifying the job description for the City Clerk position to include additional duties, as he felt it would not be unreasonable for the position to absorb a greater workload. He noted that he had preliminarily discussed adding human resources-related responsibilities to the City Clerk's office, which would alleviate much of that workload from the Comptroller. Another potential option would be combining the City Clerk and City Treasurer functions into one office, although Administrator Jordan acknowledged that this option presented certain problems due to the nature of the Treasurer being an elected position. City Clerk Reale stated that he felt the timing of his departure would give the City an opportunity to explore the possibility of expanding the Clerk's duties and solicit applicants with appropriate experience in those areas.

During subsequent discussion, the consensus of the committee was that the job search should concentrate primarily on finding a suitable candidate to assume the statutory duties of the City Clerk. Should the new employee find that he or she had time to take on additional duties, the committee would be open to discussing a revision to the job description at that point.

Krause/Mott motion to recommend no changes to the current job description for the City Clerk. Unanimously carried.

**Discussion/Recommendation on changes to City organizational chart for the following:  
Cemetery employees and Deputy City Clerk**

Chairman Hartz noted that during previous discussions on the organizational chart, there had been some question as to whom the Cemetery employees reported within the City hierarchy. It was clarified that these employees did not report to Street Superintendent Carstensen, but rather that they reported directly to the Cemetery Commission. Chairman Hartz noted that the organizational chart did not currently reference either the Cemetery Commission or the Utility Commission, adding that he felt it would make more sense to include those component units as part of the chart so all City employees could be shown under the auspices of their respective supervisory bodies.

Krause/Kupsik motion to forward to Council with recommendation to amend the organizational chart to include the Utility Commission and Cemetery Commission, and to identify which City employees were subordinate to those bodies. Unanimously carried.

Chairman Hartz explained that it had been suggested that, with the upcoming transition in the City Clerk's office, the Deputy City Clerk could be temporarily transferred to the supervision of the City Administrator. He noted that the City Attorney had advised that it was within the discretion of the City Clerk to assign supervision of his Deputy Clerk to another employee; therefore, no action would be required by the committee.

**Discussion/Recommendation to change Chapter 2, Article II, Sec 2-49 of the Lake Geneva Municipal Code (continued from 6/28/11)**

City Attorney Draper had distributed a memorandum regarding the classification of various City employees as "officers" of the City, as contained in Chapter 2. He noted that state statutes (Wis. Stats. 17.12 and 17.16) provided for specific removal procedures for those individuals termed as "officers", adding that there were certain positions for which the City would want to retain the option to exercise those statutory removal procedures. The Council would have the authority to remove certain positions from the listing of "officers", although such a move would have no bearing on the responsibilities of the positions or the terms of the contracts governing the employment of

those individuals. One issue that was discussed was the fact that there were certain positions identified by local ordinance as “officers” despite the fact that those positions were not defined as such by statute. These positions included the Director of Public Works, Street Superintendent, Zoning Administrator, and Building Inspector. City Attorney Draper also noted that he would need to review the contracts of the employees currently holding positions termed as “officers” to ensure that the removal provisions of the contracts were not in conflict with the removal procedures specified under Wis. Stats. 17.12 and 17.16. He recommended that the following positions be retained as “officers” in local ordinance: City Clerk, Fire Chief, Police Chief, Director of Public Works, Assessor, Comptroller, and City Administrator.

There was subsequent discussion on the appointment process for City officers, as ordinance presently provided for mayoral appointments, subject to the approval of Council. While past practice had been for the Personnel Committee to complete the applicant screening and interviewing process and make a recommendation for the final hire, the committee had previously discussed the possible scenario in which a mayor could refuse to name an individual recommended by the committee. City Attorney Draper noted that statutes provided for four ways in which officers could assume their positions:

- 1) Appointment by the mayor
- 2) Appointment by the mayor, subject to Council approval
- 3) Appointment by the Council
- 4) Election by the voters

The consensus of the members of the committee was that amending City ordinances to provide for the Council-based appointment of officers might present the most reasonable option for addressing this potential issue.

Krause/Mott motion to continue this item to the next committee meeting. Unanimously carried.

#### **Update on Arts 10 & 32 (Administrator Jordan)**

Administrator Jordan distributed a handout regarding the upcoming impact of Act 10 and Act 32 on employee benefits and agreements. He noted that the City’s current position was largely in limbo, as three-year contracts had been ratified with all bargaining units prior to the new legislation becoming effective. The terms of those contracts, unless otherwise opened for changes, would remain in force until the end of the three-year period. He stated that it was very likely that the new laws would result in legal challenges from municipalities without the benefit of having multi-year agreements already in place. This would provide the City with an opportunity to observe how the courts would ultimately sort these issues out before the City union contracts would be impacted. Alderman Krause suggested that ongoing updates on the status of Act 10 and Act 32 should be provided to the Personnel Committee and Finance, License, and Regulation Committee on a periodic basis to keep the aldermen apprised of the situation.

#### **Adjournment**

Kupsik/Krohn motion to adjourn at 5:04pm. Motion carried by vote of 4 to 1, Chairman Hartz opposed.

/s/ Jeremy A. Reale, City Clerk

**THESE MINUTES ARE NOT OFFICIAL UNTIL APPROVED  
BY THE PERSONNEL COMMITTEE**