

PERSONNEL COMMITTEE
WEDNESDAY, OCTOBER 6, 2010, 4:00PM
CITY HALL, CONFERENCE ROOM 2A

The meeting was called to order by Chairman Hartz at 4:01 pm.

Roll Call. Present: Aldermen Hartz, Krause, Mott, Krohn and Tolar. Also present: Aldermen Marsala, Kehoe and Fesenmaier; Administrator Jordan, Attorney Draper, and Clerk Reale.

Approval of Minutes of September 28, 2010 committee meeting

Tolar/Krause motion to approve minutes from the September 28, 2010 committee meeting, as prepared. Unanimously carried.

Comments from the Public limited to 5 minutes

Alderman Fesenmaier thanked the Chair for allowing public comment on this item. She stated that she was objecting, on behalf of the public, to the proposal to rescind the action previously taken by the committee with respect to the City Administrator evaluation. She suggested that this proposed action would follow neither proper procedures nor the spirit of open meetings, as the vote had already been taken to forward this matter to the full Council. She added that the remaining members of the Council, as well as the public, should be given the opportunity to comment on the evaluation. Alderman Fesenmaier also stated that any issue with the content of the closed session conducted by the committee on September 28 should be brought to the Council for a full explanation by the City Attorney.

Alderman Kehoe suggested that weekly staff meetings should be conducted and any issues should be forwarded to the City Attorney for review. She stated that she didn't like the fact that confidential matters of business were being discussed outside of the proper closed session.

Rescind Action taken by the Personnel Committee regarding the evaluation of the City Administrator

Chairman Hartz explained that Chapter 2, Section 2-49, of the Lake Geneva Municipal Code specifically delegated the responsibility for conducting periodic performance evaluations to the Personnel Committee, not to the Common Council. He added that there was no basis in local ordinances for the original motion to forward the matter to Council, and such action would take away responsibility from the committee. He noted that the committee had not conducted a proper evaluation of the City Administrator in some time and further expressed concern about disrupting the duties of Administrator Jordan during a period in which the City was dealing with budget matters, union negotiations, and ongoing lawsuits. Given Administrator Jordan's intimate involvement in these issues, Chairman Hartz suggested that proceeding with the motion to forward the evaluation to Council could put the City at risk.

Alderman Krohn noted that the committee had been delaying the evaluation of the City Administrator for over three years and further expressed concern about changing the rules for conducting evaluations. Alderman Fesenmaier stated that she believed all committees were advisory and did not taken action unilaterally without Council approval. Attorney Draper responded that ordinances provide committees with certain duties to follow. Conducting performance evaluations was one of the responsibilities given to the Personnel Committee.

Alderman Krohn also noted that the City Administrator could be removed from office at any time. Chairman Hartz stated that two Council members could bring that item to an agenda for full Council action.

Alderman Kehoe advised the committee to rely on the guidance of the City Attorney in these situations, adding that the committee should conduct a proper evaluation of the City Administrator in coordination with the Attorney.

Tolar/Krause motion to rescind the action taken by the Personnel Committee on September 28, 2010 regarding the evaluation of the City Administrator. Motion carried by vote of 4 to 1, with Alderman Krohn opposed.

Krause/Tolar motion to adjourn at 4:22pm. Unanimously carried.

/s/ Jeremy A. Reale, City Clerk