



Bargaining Committee Agenda

February 16, 2016
4:30 p.m.

BARGAINING COMMITTEE AGENDA

1. Call to Order
2. Minute Approval
 - February 3, 2016 - [Bargaining Minutes 02-03-2016](#)
 - February 9, 2016 - [Joint Meeting Minutes 02-09-2016](#)
3. Discussion and Action Items:
 - Performance Evaluations and possible wage increases for General Employees
4. Adjourn to Closed Session for discussion regarding: Wisconsin Statutes **§19.85(1)(e)** Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business whenever competitive or bargaining reasons require a closed session – Fire Department Union Negotiations for 2016-2017 Labor Agreement; Police Department Union Negotiations for 2016-2017 Labor Agreement
5. Upon conclusion of the Closed Session, the Committee may reconvene into Open Session for potential action on Closed Session discussion
6. Adjourn

PUBLIC NOTICE

Upon reasonable notice, a good faith effort will be made to accommodate the needs of individuals to participate in public hearings, which have a qualifying disability under the Americans with Disabilities Act. Requests should be made as far in advance as possible, preferably a minimum of 48 hours. For additional information or to request this service, contact the St. Francis City Clerk at 481-2300 Extension #4305. The meeting room is wheelchair accessible from the east and west entrances.

NOTE: There is a potential that a quorum of the Common Council may be present.

**MINUTES OF THE BARGAINING COMMITTEE MEETING HELD
FEBRUARY 3, 2016**

Present: Alderpersons Fliss, Brickner and Wattawa

Also Present: City Administrator Rhode, City Clerk/Treasurer Uecker, Alderman McSweeney, Alderman Klug, Mayor St. Marie-Carls, City Engineer Dejewski, interested citizens

Chairwoman Fliss called the meeting to order at 4:33 p.m.

Moved by Alderman Wattawa, seconded by Alderman Brickner to place on file the minutes of the Bargaining Committee meeting held January 27, 2016. Motion carried.

Charter Ordinance to Define the Role of Mayor as Chief Executive Officer and to Establish the Office of City Administrator

Margaret Raclaw
3006 East Crawford Avenue

Mrs. Raclaw stated that the section number is incorrect. Mrs. Raclaw read a statement opposed to the proposed Charter Ordinance change.

Janis Schandel
4510 South Kansas Avenue

Ms. Schandel felt that the ordinance is problematic and spoke against it. There is no reason to take away the Mayor's powers. She stated that this wasn't presented in an upfront manor. She also questioned what forms were used for the Pay for Performance evaluations.

Michael Grimshaw
2921 East Whittaker Avenue

Mr. Grimshaw agreed with Mrs. Raclaw and felt that this item should be in front of the Legislative Committee not Bargaining. He feels that this will remove every power of the Mayor and gives it to the City Administrator, who, he stated, has done a fantastic job.

Shawn Fierer
3036 East Waterford Avenue

Mr. Fierer stated that with the departure of two alderpersons that no global changes should be made to the City because they won't be in office when this change takes effect. He also agreed that this shouldn't be in the Bargaining Committee. The system works well, and it is a shame that it would be changed in the final two months of certain elected officials.

Mayor St. Marie-Carls read an email from Bruce Peacock that stated that the City Administrator shouldn't make any decisions regarding elected officials.

City Attorney Alexy stated that this is on the Bargaining Committee agenda as this is the committee where the Council asked it to originally go to. It is also the committee that evaluates the performance of the City Administrator. At the Committees discretion it can go to Legislative or right to the Council.

Alderwoman Fliss stated that at a Closed Session this was decided by the Council that it would come to the Bargaining Committee and that is why it is being discussed here.

Alderman Brickner stated that no action will be taken on this Ordinance, but it is the place to start the conversation and then it would go to Legislative or to the Council to refer this to the Legislative Committee. He also stated that this will not be rushed through but intelligently discussed. Alderman Wattawa echoed that this is a draft and for discussion and that it would not be pushed to the Council for action. Alderwoman Fliss stated that this is a clarification of the Office of the City Administrator. Many of the items in the Charter Ordinance are in the current ordinance. Alderman Brickner stated that if the Common Council deems it necessary to go to a referendum, it is up to the full Council, not the three Committee members.

Alderwoman Fliss went through the ordinance section by section. Parts of the proposed ordinance make the appointment and term language consistent with that of the other department heads. Alderman Brickner asked if it was always the Council's decision to terminate, not just the Mayor. City Attorney Alexy reaffirmed that the Mayor does not have the power to remove a Department Head – it is consistent with State Statute. He also stated that some of the additions/changes are for clarification and delineation.

City Attorney Alexy clarified that the Mayor's powers from the current code are not changed, but to clarify the role of the Mayor as CEO and City Administrator as the COO – this is trying to address that issue. This doesn't reduce the Mayor to a figure head.

Alderman Wattawa asked specifically what is being taken away from the Mayor. Alexy said it is to enunciate what the position of City administrator is and how it functions in relation to the office of the mayor. This is intended to address clarify the office of City Administrator not the current person in the office.

Mayor St. Marie-Carls disagrees with the City Attorney on his view point and it is biased. She had asked him for a scope of his services and we should have gotten a quote to prepare the Charter Ordinance. Alderman Brickner felt that this should have been redlined for easier understanding of the proposed changes so there would be no misinterpretation. The City Attorney will be asked to redline the ordinance for future meetings. Alderman Brickner reiterated that he is not rushing anything, let everyone have time to absorb it and then come back for further discussion.

This will be left on the agenda under Unfinished Business. Alderman Wattawa asked the Mayor that any suggestions she would have regarding this Ordinance that she submit them to the Committee prior to the next meeting.

Memo from the City Clerk/Treasurer re: Staffing Hours:

Discussion was held that the additional hours can be picked up by either of the part time employees but with caution that they would not go over "full time" hours.

Moved by Alderwoman Fliss, seconded by Alderman Wattawa to place on file with reference in the minutes the memo from the City Clerk/Treasurer regarding Staffing Hours and to concur with the recommendation. Motion carried.

2015 Pay for Performance Program:

City Administrator Rhode reviewed the compensation and class study from the City of South Milwaukee. He included it as an example for the Committee to review. He is not looking to create this as ours, but doesn't want to spend \$60,000 to have a study done to find out what a neighboring City has found out. He felt that their example of pay ranges would be something that the City could look at to implement in some form in the City of St. Francis. The upside of a pay range is that employees know where they are and where their wages can go. Discussion was held on how to incorporate both pay for performance and step increases or ranges. City Engineer Dejewski stated that this affects the Highway Department employees. She had a memo that laid out her recommendations for this. She felt that the first "steps" would be based on having a CDL and passing probation. The next two adjustments would be based on proficiency and performance review – a hybrid approach. City Administrator Rhode then reviewed the history of the City's pay for performance program. In 2013 it was a mix of PFP and merit; in 2014 it was a full PFP program.

The evaluation process will be for last year's performance and goals. City Administrator Rhode will be ready to present the Committee with the proposed PFP increases at the next meeting. This item will be left on the agenda, along with the memo from the City Engineer under Unfinished Business.

Moved by Alderman Brickner, seconded by Alderman Wattawa to adjourn. Motion carried.

Time: 6:02 p.m.

**MINUTES OF JOINT BARGAINING COMMITTEE AND LEGISLATIVE COMMITTEE
MEETING HELD FEBRUARY 9, 2016**

Present: Aldpersons Brickner (Bargaining and Legislative), Fliss (Bargaining), Klug (Legislative) and Wattawa (Bargaining and Legislative)

Also Present: City Administrator Rhode, City Clerk/Treasurer Uecker, City Attorney Alexy, Mayor St. Marie-Carls, Alderman McSweeney, Chief Lockwood, Assistant City Engineer Lindhorst, interested citizens

The meeting was called to order by Chairpersons Fliss and Wattawa. All of the members were present. The Chairs requested public participation and gave a 5-minute limit. A sign-up sheet was available. Chairperson Fliss did read a prepared statement.

Public Comment:

Margaret Raclaw

Mrs. Raclaw read a prepared statement. She didn't understand the necessity or urgency of this ordinance change prior to the April election. She felt that the ordinance was to spite the Mayor. She also discussed City Administrator Rhodes employment history and residency.

Ralph Voltner

As the former City Administrator Ralph Voltner stated he was the administrator for over 20 years. He stated that the Mayor is the heart and soul of the City and represents the citizens. The Administrator is hired for the financial oversight and to be the heavy, especially with bargaining and negotiation. The city always was a weak Mayor/strong Council form of government. Friction can be a positive force or a negative force. He feels what we presently have is a great way to run a city – strong council/weak Mayor with a City Administrator.

Al Richards

As the former Mayor, when he left office he didn't participate so as to not interfere with the new Mayor. He is here to share his perception of the City. This issue isn't a new one as he remembers this from when his father was on the Council. The Mayor is here to perform a function – he referred to it as the "outside" Mayor and the Administrator is the "inside" Mayor. The Mayor shouldn't want to interfere with what the Council wants and directs the City Administrator to do. To solve this easily, become a Village – a Village structure would be better for a small community and is run by a Village Manager.

Janis Schandel

Ms. Schandel felt that control of the City shouldn't be in the hands of someone who isn't elected. The change to the ordinance seemed to come up in the last couple of months when the Mayor was asking for task forces, tax cuts, transparency. This is a waste of time and money. It should be put aside and move forward.

Alderman McSweeney

Everyone is speaking that we are taking power away from the Mayor and adding them to the City Administrator. He sees the changes as clarifying – not taking away from the Mayor. What are we taking

away from the Mayor that she already doesn't have? He compared the City Administrator to a general manager of a company and the Mayor as the CEO. Boundaries are being invaded and the Mayor is micromanaging the City instead of letting the City Administrator run the departments. The City Administrator follows the direction of the Council. This is just clarifying duties and responsibilities.

Mayor St. Marie-Carls

She was asked to run for Mayor – and felt that she was asked because something was wrong. All she wants to do is ask the same kinds of questions that she got from the aldermen when she worked for the City of Kenosha. She asks a lot of informed questions. Micromanaging can be a subjective comment. This is a Charter Ordinance for the City of St. Francis and they don't get changed easily. Adding Chapter 105 to the Charter Ordinance that is bolstering the Charter Ordinance because of the home rule policy. Most of the Charter Ordinances are regarding statutory positions and the City Administrator isn't.

Michael Grimshaw

Mr. Grimshaw spent a lot of time looking at what the current ordinances say and the proposed legislation. He feels it is right to clarify the duties and feels that it should be in the Charter. Most of the Charter Ordinances are only a page long, he didn't realize the whole Chapter 105 would be in the Charter and feels that is a mistake. The new legislation is well done and well stated. Personally he feels the City Administrator has done a great job. The Charter Ordinance that is proposed is not changing reality, but writing down what has been done for many years. The requirement to terminate the City Administrator is unusually high. Three alderperson can't get rid of the Administrator, it has to be 5 out of 6, and it should be changed to a simple majority.

Charter Ordinance to Define the Role of Mayor as Chief Executive Officer and to Establish the Office of City Administrator:

Chairman Wattawa asked for clarification on the $\frac{3}{4}$ majority – should it be changed. City Attorney Alexy stated it was changed to $\frac{3}{4}$ as it mirrors the Civil Service rules for other Department Heads. This would eliminate future questions and did review other Codes regarding City Administrators in the state and the super majority vote insulates the position from the ebbs and tides of the day to day issues that arise in a city.

Section C – this is a more generic statement of the responsibilities and authority of the City Administrator. It moves some of the controls to other areas of the Ordinance, they have not been removed.

Section D – 1 and 2 were moved to other areas

Section E – Paragraph 1 further details cooperation with other Departments like the Library, Fire, Police, etc.

The question that everyone is asking, per Chairman Wattawa, is what powers were removed from the Mayor. City Attorney Alexy stated no powers were removed. The purpose is to have a clear chain of command over the City departments. The City has modified, by home rule, how it does business 13 times in the past. An example would be combining the Clerk/Treasurer position; the City Attorney position; etc. One of the issues this is intended to address is the City Administrator as the Chief Administrative Officer

of the City. The statutes refer to the Mayor as the Chief Executive Officer of the City. The problem then is where the roles intersect and the Charter Ordinance would define those roles. It would create a clear chain of command. There is no shift in power, just an explanation. Chairwoman Fliss stated that was what the Council asked for with this ordinance. Alderman Klug felt that this clarified an issue and language, not changing anything. The Charter Ordinance doesn't just single out the Mayor – it would be a chain of command for all council members.

Mayor St. Marie-Carls stated that the City Attorney gave a long answer to a simple question. She said that we are amending the authority of the Mayor as the Chief Executive Officer. No specific authority that was removed from the Mayor was able to be shown. She also stated that the City elects not to be governed by a whole chapter of the State Statutes and why is that included. City Attorney Alexy clarified what the statute reference was and what it means to exercise the role of Chief Executive Officer. The powers are not eliminated for the Mayor but the Charter Ordinance details that issues go through the City Administrator and not directly to subordinate employees.

Chairman Wattawa asked about the email that was forwarded to the Committee members by the Mayor from a resident. Chairman Wattawa then read the email from Dave Fisher. A copy of Mr. Fisher's email is in the file.

Alderman Brickner doesn't agree with the super majority to remove the City Administrator. He felt a majority was sufficient. Chairwoman Fliss felt that perhaps that should be changed for all Department Heads. Alderman Klug felt the Charter Ordinance was a distraction and we should get through it, make a decision and it will be better for the City.

Resolution to Begin an Annual 4 Year Organizational Review of the Assignments, Duties and Authorities of the City Administrator for the Purpose of Timely and Necessary Updates to be Adopted in Chapter 105 of the City of St. Francis Code of General Ordinances – submitted by Mayor St. Marie-Carls:

Mayor St. Marie-Carls brought this forward before the Charter Ordinance. The City Attorney made some amendments to Chapter 105. She was proposing a more collaborative look at the needs of the City, getting citizen input and had a timeline included. Her original thought was to take our time with this, look at strengths/weaknesses, benchmarks, expectations of goals and duties. She is looking for quantitative measures for each duty. She felt a shared responsibility model is the way to go. It would allow the citizens to know what the goals are in relation to the duties. Alderman Klug asked for a clarification on one of the paragraphs – would that mean we would review all the performance evaluations of the City employees? Mayor St. Marie-Carls responded that it may cause the council to look at additional position descriptions not job/employment reviews. Chairwoman Fliss stated that this is part of the Pay for Performance process that the Bargaining Committee currently does. Chairman Wattawa asked if she would like to withdraw her request for the resolution. Mayor St. Marie-Carls felt it could be in collaboration with what is currently being done.

What essential assignments and duties aren't being reviewed? Mayor St. Marie-Carls felt the whole description in Chapter 105 hasn't been reviewed. The idea would be to put a resolution forward every 4 years to update the duties of the Administrator. The section in the Mayor's Resolution regarding the Civic Center, according to Chairwoman Fliss, has been updated and the Bargaining Committee has looked at it

and it does get evaluated. Mayor St. Marie-Carls felt a descriptive statement in the job description for future needs should be added. City Attorney Alexy stated that there is something covered in the Charter Ordinance and felt the language was intended to reflect that from time to time the council can add to the job description of the City Administrator. There is the ability to do that, and it is broad enough. The Mayor felt that the Civic Center should be a priority and spelled out. She felt that all the duties should be enumerated concurrently with the performance review. She realized after clarification that may not be feasible. Mayor St. Marie-Carls stated that the Council would do the process according to her vision, not taxpaying individuals as questioned by Chairman Wattawa. The review process would be of the job description, not the individual person. The Chapter 105 ordinance gives the City a jump on this already. She would need to re-do the whole resolution that she submitted because of that. Chairman Wattawa asked if the resolution put forth should be considered. Mayor St. Marie-Carls just asked if it would be reviewed every 4 years. Chairman Wattawa didn't think the resolution was an answer to the City's needs and what we have is pretty well put together. Chairwoman Fliss reiterated that this is done in the Bargaining Committee and the performance reviews.

Moved by Alderwoman Fliss, seconded by Alderman Wattawa to recommend to the Common Council the adoption of the Charter Ordinance to Define the Role of the Mayor as Chief Executive Officer and to Establish the Office of City Administrator. Motion carried.

Moved by Alderwoman Fliss, seconded by Alderman Klug to adjourn. Motion carried.

Time: 6:25 p.m.