



City of Appleton

100 North Appleton Street
Appleton, WI 54911-4799
www.appleton.org

Meeting Agenda - Final

Human Resources & Information Technology Committee

Wednesday, January 29, 2020

6:30 PM

Council Chambers, 6th Floor

1. Call meeting to order
2. Roll call of membership
3. Approval of minutes from previous meeting

[20-0120](#) Minutes from 1-15-2020

Attachments: [Minutes 1-15-2020.pdf](#)

4. Public Hearings/Apearances

5. Action Items

[20-0121](#) Request to approve the Fire Fighter union contract for a 3 year term with the following wage adjustments:
2.25% increase on 10/1/2020
2.25% increase on 10/1/2021
2.25% increase on 10/1/2022

Attachments: [IAFF Tentative Agreements 2020-2022.pdf](#)

[Res 020-17](#) Resolution 1-R-20 City Administrator

Attachments: [Resolution #1-R-20 City Administrator.pdf](#)

[City Manager-City Administrator.pdf](#)

[HR-IT Coenen - Resolution #1-R-20 - Form of Government.pdf](#)

[Resolution #1-R-20 memo.pdf](#)

Legislative History

1/15/20	Human Resources & Information Technology Committee	amended
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Motion to amend language to: "Therefore Be It Resolved, the Human Resources department will research and provide information regarding a city manager and city administrator position in lieu of or in addition to a mayor."

1/15/20	Human Resources & Information Technology Committee	held
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- [20-0133](#) The committee will meet in closed session to discuss status of labor negotiations, pursuant to the exemptions contained in State Statutes 19.85 (1) (c) and (e). The Committee will then reconvene into an open session and conduct further business.

6. Information Items

- [20-0122](#) Administrative recommendation to adjust the Connecting Care Clinic staffing by adding a Medical Assistant (32 hours per week) and reducing the Registered Nurse position by 16 hours per week (from 40 to 24).

Pam Berth and Jesse Rickert from ThedaCare will have presentation on Connecting Care Clinic for the committee.

- [20-0123](#) Recruitment Status Report 1-23-2020

Attachments: [RSR thru 1-23-20.pdf](#)

7. Adjournment

Notice is hereby given that a quorum of the Common Council may be present during this meeting, although no Council action will be taken.

Reasonable Accommodations for Persons with Disabilities will be made upon Request and if Feasible.

Questions on agenda contact Director Matz at 920-832-6426.



City of Appleton

100 North Appleton Street
Appleton, WI 54911-4799
www.appleton.org

Meeting Minutes Human Resources & Information Technology Committee

Wednesday, January 15, 2020

6:30 PM

Council Chambers, 6th Floor

1. Call meeting to order

2. Roll call of membership

Present: 4 - Spears, Thao, Siebers and Fenton

Excused: 1 - Van Zeeland

3. Approval of minutes from previous meeting

[20-0075](#)

Minutes from 12/11/2019

Attachments: [Minutes 12.11.19.pdf](#)

**Siebers moved, seconded by Spears, that the minutes be approved. Roll Call.
Motion carried by the following vote:**

Aye: 4 - Spears, Thao, Siebers and Fenton

Excused: 1 - Van Zeeland

4. Public Hearings/Appearances

5. Action Items

[Res 020-17](#)

Resolution 1-R-20 City Administrator

Attachments: [Resolution #1-R-20 City Administrator.pdf](#)

Motion to amend language to: "Therefore Be It Resolved, the Human Resources department will research and provide information regarding a city manager and city administrator position in lieu of or in addition to a mayor."

Spears moved, seconded by Fenton, that the Resolution Submitted by Alderperson be amended. Roll Call. Motion carried by the following vote:

Aye: 3 - Spears, Thao and Fenton

Nay: 1 - Siebers

Absent: 1 - Van Zeeland

Spears moved, seconded by Fenton, that the Resolution Submitted by Alderperson be held until the January 29 meeting. Roll Call. Motion carried by the following vote:

Aye: 3 - Spears, Thao and Fenton

Nay: 1 - Siebers

Absent: 1 - Van Zeeland

6. Information Items

[20-0078](#)

Recruitment Status Report 1/09/2020

Attachments: [RSR thru 1-9-20.pdf](#)

This report was presented.

7. Adjournment

Siebers moved, seconded by Spears, that the meeting adjourn be approved. Roll Call. Motion carried by the following vote:

Aye: 4 - Spears, Thao, Siebers and Fenton

Absent: 1 - Van Zeeland

Tentative Agreements
City of Appleton
&
IAFF Local 257
December 6, 2020

ARTICLE 3 – ~~AGENCY SHOP AND FAIR SHARE AGREEMENT~~ DUES DEDUCTION

The Association, as the exclusive representative of all the employees in the bargaining unit, will represent all such employees, Association and non-Association fairly and equally. No employee shall be required to join the Association, but membership in the Association shall be available to all employees who apply consistent with the Association constitution and by-laws. No employee shall be denied Association membership because of race, color, religion, age, disability, martial status, family status, national origin, sexual orientation or sex.

The Employer agrees that it will deduct from the monthly earnings of all employees in the collective bargaining unit, who have an Authorization and Consent to Deduct Union Dues on file with Employer, such amount being the monthly dues certified by the Association and uniformly required of all members, and pay said amount to the treasurer of the affiliated local on or before the end of the month following the month in which said deduction was made. Changes in the amount of dues to be deducted shall be certified by the Association thirty (30) days before the effective date of the change.

For all new employees, after filing an Authorization and Consent to Deduct Union Dues with Employer, said deduction shall be made from the first paycheck from which said deductions are normally made. The City shall be held harmless in the event a dispute arises between an employee and the Association regarding the interpretation and/or application of this provision.

- A. ~~The City agrees that there shall be no discrimination by the City against any employee covered by this Agreement because of his/her membership or activities in the Union, and the City shall not interfere with the right of such members of the Union.~~
- B. ~~The Union, as the exclusive representative of all the employees in the bargaining unit, will represent all such union employees fairly and equally, and all employees in the unit will be required to pay, as provided in this article, their proportionate share of the costs of representation by the Union. No employee shall be required to join the Union, but membership in the Union shall be made available to all employees who apply consistent with the Union Constitution and By-Laws. No employee shall be denied union membership because of race, creed, color, or sex.~~

~~The Employer agrees that it will deduct from the monthly earnings of all employees in the Collective Bargaining Unit the amount of monthly dues certified by the Union as the current dues uniformly required of all members, and pay said amount to the Secretary/Treasurer of the Union once each month.~~

~~Changes in the amount of dues to be deducted shall be certified by the Union 30 days before the effective date of this change.~~

~~As to the new employees, such deductions shall be made from the first paycheck following the first 30 days of employment.~~

ARTICLE 4 – HOURS OF WORK

Employees in the above categories may be changed to a 40-hour per week schedule defined as a seven (7) day period beginning and ending on the same day, at the discretion of the Chief, for the following reasons:

- a. Accommodating light duty assignments following an injury or illness, provided, however, that employees who are eligible for such assignment as a result of off-duty injury or illness shall have the option of accepting or refusing such light duty assignment. Pre-scheduled vacation which falls during the term of such assignment shall be granted based on the employee's original schedule. Sick leave and vacation requests, which are approved after the schedule change has been made, shall be based on the employee's new schedule.
- b. In order for newly hired employees to receive and complete the required recruit school training.
- c. Conducting Driver training limited to a two-week period.
- d. To attend the Acting Fire Officer Academy limited to a two-week period.

ARTICLE 5-OVERTIME

C. Call Time: ~~Employees recalled to duty shall receive two (2) hours pay at their regular rate of pay for actual hours worked, subject to the overtime provisions of this Agreement, with a minimum payment of not less than three (3) hours straight time.~~ Employees recalled for a period of less than ten (10) hours or less of overtime will not be charged with time worked on the overtime schedule.

ARTICLE 7-UNIFORM ALLOWANCE

Employees shall be paid a uniform allowance as follows:

A. Annual Maintenance Allowance: Fire Operations employees shall receive \$520 annually ~~235.00 on January 1 and \$235.00 on July 1~~ as a uniform allowance. This allowance will be paid in \$20 bi-weekly payments.

B. New Employees:

1. Initial Clothing Allowance: All new employees shall receive a one-time \$550 an initial clothing allowance, which will be added to the employees first paycheck of ~~\$550 upon their appointment as Fire fighter. This~~ The initial clothing allowance shall be considered a loan to each probationary employee. Employees who fail to complete probation shall re-pay the City ~~any this initial~~ allowance. Employees who complete probation shall not re-pay the City any initial allowance.

~~2. Annual Maintenance Allowance: Fire Operations employees shall receive \$235.00 upon their appointment as Fire fighter to provide for minimum uniform needs. On the next scheduled payment date for annual maintenance allowance to all Fire fighters, probationary employees shall receive a pro-rated amount due from the appointment date to said payment date. Pro-rated computations for partial months shall be \$9.04 per week.~~

3.2. Dress Uniform: New employees will be issued their dress uniform upon graduation of the recruit school training. New employees who fail to complete their probationary period will be required to turn their dress uniform over to the Fire department. Upon completion of 18 months service, employees shall receive actual cost of the complete Fire fighter dress uniform.

ARTICLE 9 – HOLIDAYS

An employee, at their option, may elect to convert any or all of the 120 hours compensation described above to actual time off in full day increments. Holiday payout shall be reduced by twelve (12) hours for each conversion day taken. Selection of these days, shall be in accordance with the provisions of Article 10 (D) (3) a-c, and shall be made after all employees have passed on their regular and floater vacation picks. All selections shall be completed no later than October ~~15~~. Holiday conversions for the fourth slot cannot be submitted for a date after November 14th.

ARTICLE 10-VACATION

B. ~~A permanent employee will be eligible for his/her first paid vacation as of the first anniversary date of hire. After qualifying for his/her first vacation, an employee will be eligible for future vacations as of January 1st of each calendar year. If an employee qualifies for vacation as described in Section A.1-4 as of January 1st and completes the service necessary for additional vacation later in the calendar year, such employee shall receive the additional vacation after his/her anniversary date and shall thereafter be eligible for such increased vacation as of January 1st of each succeeding calendar year. Regular employees shall be entitled to paid vacation benefits as of January 1st of each year based upon their length of continuous service. For purposes of determining future vacation eligibility, the year of hire shall be treated as a full year of service.~~

D. The Chief shall have the vacation schedule available for employees on or before November 1 preceding the year vacations are to run so that picking of vacations can be completed by January 1, where applicable. The order of picking vacations shall be by seniority on each shift. The seniority to be determined by the number of full time years an employee has on the Fire Department. In case of two or more employees having the same amount of time on the Fire Department or are equal in seniority, these employees will pick on a rotation basis and year to year record kept by the Chief's office on same.

~~The vacation selection procedure is as follows:~~

~~1. When it is an employee's turn to pick vacation, he/she will have a period of two (2) hours after he/she has been notified in which to make his/her selection. If he/she does not pick in the allotted time, the next employee on the schedule will have the right to pick in order. Notification will not be made after 2100 hours. If an employee is on vacation or sick leave when it is his/her turn to pick, he/she will not be notified until his/her next scheduled work day provided, however, that an employee who is on extended leave (more than two weeks) may be contacted by the Employer to ensure the continuity of the selection process.~~

~~After an employee has made his/her selection, he/she is to report immediately to the appropriate officer so his/her name can be placed on the vacation schedule.~~

ARTICLE 11 – LEAVES OF ABSENCE

A. Banked Sick Leave:

1. Severance Pay: Accumulated and unused sick, not to exceed 720 hours, shall be paid to an employee or his/her beneficiary at his/her retirement or death at his/her base rate of pay at the time of such retirement or death as follows:

In Event of Retirement:

<u>2020</u>	<u>10% of eligible amount paid to PEHP. The remaining amount will be paid in cash.</u>
<u>2021</u>	<u>20% of eligible amount paid to PEHP. The remaining amount will be paid in cash.</u>
<u>2022</u>	<u>25% of eligible amount paid to PEHP. The remaining amount will be paid in cash.</u>

In Event of Death:

100% of eligible amount will be paid to the employee's beneficiary in cash.

ARTICLE 12-HEALTH AND DENTAL INSURANCE

Dental Insurance

~~Employees shall contribute \$10 per month toward a single premium and \$20 per month toward a family premium for the same dental plan offered by the City to non-represented employees. Provided the employer offers a Dental Plan, employees shall pay the same contribution as non-represented employees on plans offered by the City to non-represented employees.~~

ARTICLE 14 – DUTY INCURRED DISABILITY PAY (add C below and delete side letter)

~~C. Operations employees will remain on their assigned shift for light duty assignment if the injury is a work-related injury, if the employee's physician certifies that they may return to a light duty assignment on a twenty-four hour shift and if the employee's restrictions allow them the return. No more than one employee/shift shall remain on their 56 hour schedule. Order of availability shall be first come, first serve and if more than one injury on the same day, then by seniority.~~

ARTICLE 15-POSTING OF JOBS

A. Vacancies in existing positions:

1. Before any vacancy is filled, ~~other than that of Fire Fighter Inspector~~, a notice shall be ~~provided~~ posted at all fire stations and remain posted for a period of not less than one ~~at least~~ (1) week ~~in advance of the application deadline date~~. The notice shall clearly state the application requirements, an outline of job requirements, pay classifications applicable to the positions, and/or any other information applicable.

~~C. Application forms for posted positions shall be made available at all fire stations to be filled out by all applicants.~~

ARTICLE 16-TEMPORARY ASSIGNMENTS

- D. Temporary Assignment to the position of Relief Firefighter /Inspector (RFFI) shall be filled by a qualified RFFI. The department will qualify one individual per shift to the position of RFFI. For the purpose of temporary assignment, the RFFI will first serve in the FireFighter/Inspector (FFI) over any other temporary assignments. An RFFI can be temporarily assigned as relief driver or acting officers when not functioning as an FFI.

Firefighter/Inspectors (FFI) can be temporarily assigned as acting officers once they have qualified as such and have been in their positions as an FFI for a minimum 43 years. ~~Only one per shift can be an acting officer.~~ Both FFI's on each shift may be qualified to be an acting officer, but only one FFI may be assigned to be an acting officer on a shift day. Should a FFI be working on a duty exchange for a non-FFI and they have qualified as an acting officer, the FFI on the duty exchange could also be assigned as an acting officer.

~~RFFI's, once promoted to FFI must wait a period of 4 years to be qualified to be assigned to an Acting Officer temporary assignment position.~~

- E. Temporary Assignment of a Lieutenant to the position of Acting Captain for extended absences shall be handled in the following way:
1. Extended absence is defined for the purpose of this article, as a period of time in excess of a normal approved vacation block(s), and identified by the Fire Chief or his designee.
 2. The temporary assignment will be made to the senior Lieutenant, based on departmental seniority, assigned to the station where the extended Captain vacancy has occurred.
 3. Compensation for the temporary assignment will be in accordance with the provisions of "B" above.

ARTICLE 17 – PROMOTIONS

Vacancies in the Firefighter/Inspector ~~(FFI) rank position shall~~ will be filled on the basis of departmental seniority from the current qualified Relief Firefighter/Inspectors (RFFI), however, to qualify for promotion to FFI, RFFI must have filled the role of an RFFI for a period of two years. ~~If~~ Should none of the current RFFI's have the required two years' experience, the most senior RFFI, based ~~upon~~ on department seniority time in grade shall be offered the promotion. Should a qualified RFFI refuse promotion when offered, the RFFI will relinquish their position of RFFI.

ARTICLE 31-PROBATIONARY STATUS, NEW EMPLOYEES, TRANSFERS

- C.
1. If the employee was previously qualified as a Relief Driver or Driver Engineer, the employee must act as a Relief Driver for a minimum period of six (6) consecutive months from the date of return to Fire fighter before being eligible for promotion to Driver Engineer.
 2. If the employee was previously qualified as an Acting Company Officer, or a Company Officer, the employee must return to the acting list for a minimum period of six (6) months immediately preceding the ~~from the date of return to Fire fighter before being eligible for~~

promotion to Company Officer. Any time served on the acting list prior to transferring to the Fire fighter/Inspector position shall count toward the acting requirement as posted on the vacancy announcement and such time served in the position of Fire fighter/Inspector shall not count as an interruption to the acting requirement timeframe.

ARTICLE 36-LONGEVITY PAY (this is a new article and replaces the longevity side letter)

All employees with a minimum of 10 years of service hired prior to 6/9/2015 shall receive \$200 annually in bi-weekly payments.

EXHIBIT A – SALARY SCHEDULE

Delete FF pay scale for those hired before 1/1/2011 and delete “Hired after 1/1/2011”

Update wages in Exhibit A

2020: 10/1 2.25%

2021: 1/1 1% of top Fire Fighter rate for employees who have obtained EMT qualifications.

The EMT pay shall be paid in bi-weekly payments.

10/1 2.25%

2022: 10/1 2.25%

Add language: New employees possessing career firefighting experience, at the discretion of the Chief, may be hired at any step up to and including the 4-5 year step of the pay schedule. For purposes of future pay advancement, such employees shall be deemed to have the years of service which their pay step represents. For all other purposes, seniority shall be determined from the actual date that the employee was hired.

Add language: Once EMT certification is obtained it must be maintained by the employee.

EXHIBIT B

Delete “Effective upon ratification”

- C. 1. Tardiness. Tardiness shall be defined as an absence from duty less than one (1) hour after an employee’s shift starting time.

Provided, however, that all previous warnings or penalties will be stricken from an employee’s record after one (1) year from previous tardy offense to the extent they apply to disciplinary decisions that are not subject to Secs. 62.13 (5)(em) and (5)(i), Stats. Stricken shall not imply that this will be physically removed from the employees file; rather, that it will not be used to determine future discipline.

OTHER CHANGES

1. AGREEMENT TO WORK RULE REGARDING USE OF TOBACCO PRODUCTS BETWEEN THE CITY OF APPLETON AND THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, LOCAL 257 – **DELETE**
2. COMMERCIAL MOTOR VEHICLE SAFETY ACT – **DELETE**
3. HAZ-MAT OUTREACH PROGRAM – **DELETE**
4. HAZ-MAT TEAM MEMBERS TRAINING – **DELETE**
5. NFPA SIDELETTER-**DELETE SIGNATURE SECTION AND RENEW**
6. USE-OF-TOBACCO-PRODUCTS – **DELETE**
7. SPECIALTIES SIDELETTER – **DELETE REFERENCE TO CAPTAIN PAUL THOMSON AND RENEW**
8. SICK LEAVE BANK – **DELETE**
9. AGREEMENT RELATED TO LIGHT DUTY WORK INJURY-**DELETE AND ADD TO ARTICLE 14 AS C.**
10. LONGEVITY – **DELETE AND ADD LANGUAGE UNDER NEW ARTICLE 36 AND ADDRESS FIVE YEAR LONGEVITY OUTSIDE OF CONTRACT VIA SEPARATE LETTER**
11. Agreement Related to Hours of Work - **RENEW**
12. FIRE CAPTAIN TEMPORARY ASSIGNMENT SIDELETTER – **DELETE AND ADD TO ARTICLE 16 AS E. AND CORRECT “C” TO “B”**
13. Captain promotion side letter - **RENEW**

Resolution #1-R-20
City Administrator Position

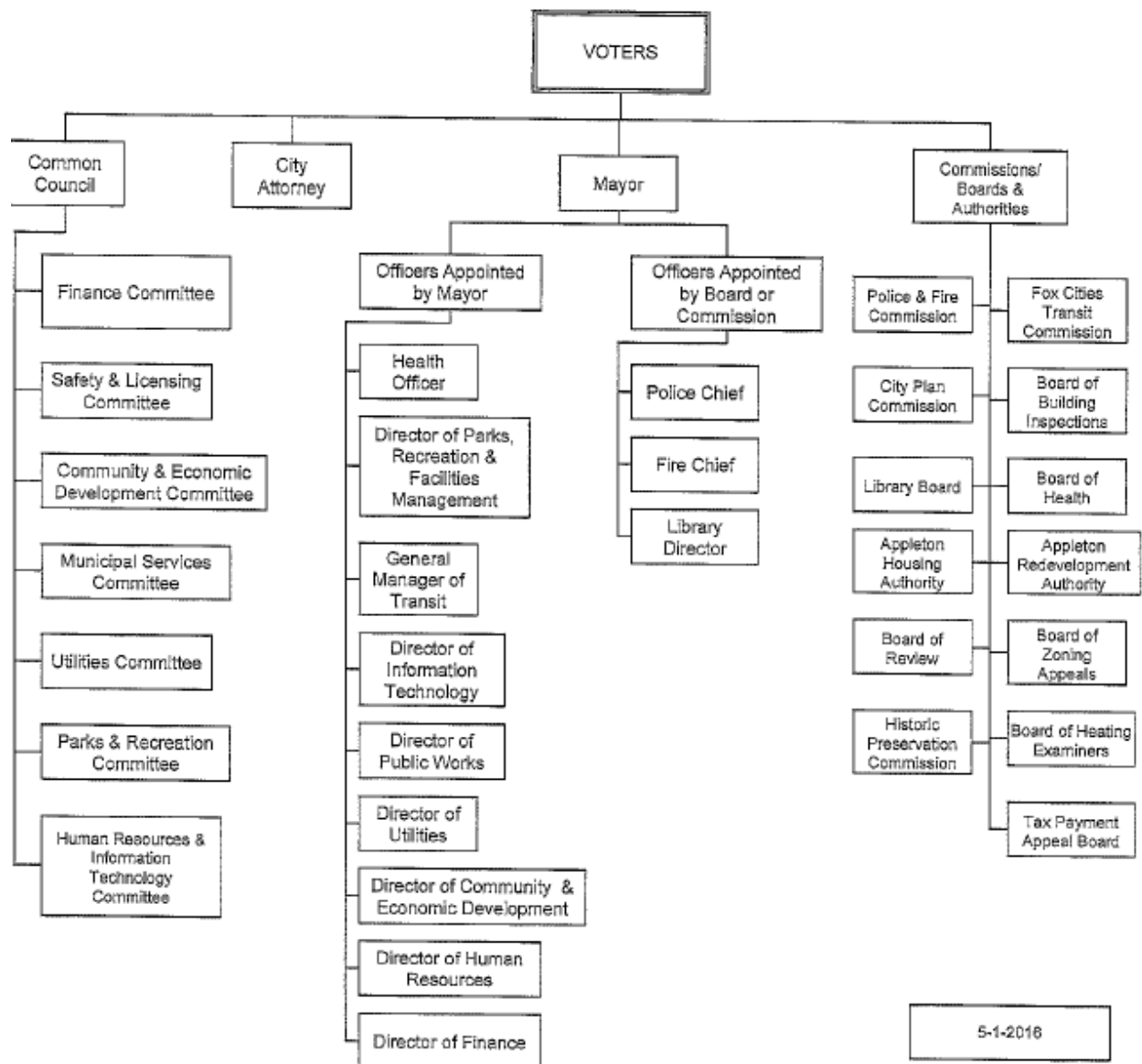
Submitted By: Alderperson Coenen, District 11 and Alderperson Spears, District 12

Date: January 8, 2020

Referred to: Human Resources & Information Technology Committee

Whereas, the only requirements to run for mayor in the City of Appleton are residency in the city for 10 consecutive days, must be 18 years or older and have no felony convictions, and;

Whereas, the mayor is responsible for managing a city budget of over \$190 million and a staff consisting of 12 directors/officers/chiefs/general manager, who are in turn responsible for all the city departments: fire, police, health, public works, library, human resources, information technology, community and economic development, finance, utilities, Valley Transit, park and rec and facilities management as shown on the chart below, and;



Whereas, many cities and counties throughout the United States have moved to a city administrator or city manager in lieu of or in addition to a mayor to ensure the position is filled by a person with the correct qualifications,

Therefore Be It Resolved, the Human Resources department will recommend options for a city administrator position in lieu of or in addition to a mayor.

HUMAN RESOURCES DEPARTMENT

100 N. Appleton Street

Appleton, WI 54911

Phone: (920) 832-6458

Fax: (920) 832-5845

January 16, 2020

TO : Mayor Hanna and the Common Council

FROM : Sandy Matz, Human Resources Director

RE : Resolution #1-R-20 City Administrator Position

On January 15, 2020 the above resolution was discussed at the Human Resources Committee meeting. The committee referred the resolution to my office for the purpose of researching and providing information regarding City Administrator and City Manager positions in lieu of or in addition to a mayor.

I am attaching several documents for the committee 's review for further description and support for the outline that I will provide below :

Council-Mayor form of government :

Probably the most understood, since this is the current form of government in Appleton.

Under this form of government, the Mayor is elected separately from the Council, is often full-time and paid, and has significant administrative and budgetary authority.

The responsibilities are outlined in Chapter 62.09 (8) of the Wisconsin State Statutes.

The Mayor directly supervises the day-to-day conduct of city activities and the department directors report directly to the mayor and receive assignments from the mayor.

Depending on the charter ordinance, the mayor could have weak or strong powers.

Council is elected and maintains legislative powers.

Some cities appoint a professional manager who maintains limited administrative authority.(Often referred to as a Chief of Staff, Chief Deputy or other similar title)

Council-Manager form of government :

Under this form of government, the City Council oversees the general administration, makes policy and sets the budget.

The Council appoints a professional city manager to carry out day-to-day administrative operations.

Chapter 64 of Wisconsin State Statutes outlines the major responsibilities of the manager and the council.

Chapter 64 makes no reference to a mayor and the president of the council is the highest elected official. (Often the Mayor is chosen from among the council on a rotating basis).

Chapter 64 makes a clear distinction between the administrative role of the manager and the legislative role of the council.

The manager is hired and can be dismissed by the council by majority vote.

The manager oversees day-to-day operations of the City and the department directors report directly to the manager and receive assignments from the manager.

Mayor-Administrator form of government :

Under this form of government, Cities remain under Chapter 62 of the Wisconsin State Statute (Mayor)

The duties of the administrator are not described by Statute and may be tailored to fit the needs of the municipality.

The position of Mayor remains and the mayor exercises the executive responsibility indirectly by monitoring the activities of the administrator and the various departments..

The administrator oversees day-to-day operations of the City including supervision of the department directors.

Mayor may be full or part time and is paid.

Lastly, I am attaching a letter from City Attorney Carman from September, 1998 regarding a proposed resolution at the time regarding City Manager form of government and some information regarding an advisory referendum that the City of Wausau used to gauge citizen input regarding thier form of government.



LEGAL SERVICES DEPARTMENT

Office of the City Attorney

100 North Appleton Street

Appleton, WI 54911

Phone: 920/832-6423

Fax: 920/832-5962

TO: Members of the Human Resources/Information Technology Committee
Aldersperson Patti Coenen

FROM: Darrin M. Glad, Assistant City Attorney

DATE: January 22, 2020

RE: Resolution #1-R-20 – Form of Government

This memo is in response to Ald. Spears' questions of "Are we too far along in the process for the election now to do any type of changing...what if we chose not to have a mayor?"

If the Common Council were to adopt a manager form of government, then per Wis. Stat. §64.01(2) the new form of government would "take effect and become operative on the third Tuesday in April." At that point the Office of the Mayor would cease to exist (along with any obligation to pay or right to collect a salary for that position).

As to the question about current timing, based on the effective date noted in Chapter 64, the next third Tuesday in April is April 21, 2020. Common Council can adopt a city manager form of government through the passage of a charter ordinance, which requires a 2/3 majority vote. Per Wis. Stat. §66.0101(5) a charter ordinance cannot go into effect for 60 days after its passage and publication, which allows time for a petition "demanding that the charter ordinance be submitted to a vote of the electors" to be filed with the City Clerk. If Council passed the amendment to the Charter Ordinance at the upcoming February 5th meeting, publication occurs on February 10th and goes into effect 60 days later on April 10th, which is after the upcoming election and assumes that no petition is filed. Under these circumstances, the newly-elected mayor would not take office on the third Tuesday in April because the Manager-Council form would take effect on that date.

If Council passes the amendment to the Charter Ordinance after the February 5th meeting, for example at the next scheduled Council meeting on February 19th, then the timelines in Chapter 64 would cause the effective date to go beyond the third Tuesday of April 2020, and cause the effective date to be the third Tuesday of April 2021.

Similarly, if Council passes the amendment to the Charter Ordinance at the upcoming February 5th meeting, but a petition is filed within the 60 days following its publication, then the timelines under Wis. Stat. §9.20(4) would prevent the new form of government (if passed) from taking effect until the third Tuesday of April 2021.

If any further clarification of this opinion is requested, I will gladly provide that information as soon as possible.

CL20-0052

James P. Walsh
City Attorney

Christopher R. Behrens
Deputy City Attorney

Amanda Abshire
Assistant City Attorney

Darrin M. Glad
Assistant City Attorney



"...meeting community needs...enhancing quality of life."

HUMAN RESOURCES DEPARTMENT

100 N. Appleton Street


Appleton, WI 54911

Phone: (920) 832-6458

Fax: (920) 832-5845

January 16, 2020

TO : Mayor Hanna and the Common Council

FROM :  Sandy Matz, Human Resources Director

RE : Resolution #1-R-20 City Administrator Position

On January 15, 2020 the above resolution was discussed at the Human Resources Committee meeting. The committee referred the resolution to my office for the purpose of researching and providing general information regarding Council-Mayor and Council-Manager forms of government as well as a Mayor-Administrator model. A general comparison outline follows:

Council-Mayor form of government:

Probably the most understood, since this is the current form of government in Appleton. Under this form of government, the Mayor is elected separately from the Council, is often full-time and paid, and has significant administrative and budgetary authority. The responsibilities are outlined in Chapter 62.09 (8) of the Wisconsin State Statutes. The Mayor directly supervises the day-to-day conduct of city activities and the department directors report directly to the mayor and receive assignments from the mayor. Council is elected and maintains legislative powers. Some cities appoint a professional manager who maintains limited administrative authority. (Often referred to as a Chief of Staff, Deputy Mayor or other similar title)

Council-Manager form of government:

Under this form of government, the City Council oversees the general administration, makes policy and sets the budget. The Council appoints a professional city manager to carry out day-to-day administrative operations. Chapter 64 of Wisconsin State Statutes outlines the major responsibilities of the manager and the council. Chapter 64 makes no reference to a mayor and the president of the council is the highest elected official. (Often the Mayor is chosen from among the council on a rotating basis).

Chapter 64 makes a clear distinction between the administrative role of the manager and the legislative role of the council.

The manager is hired and can be dismissed by the council by majority vote.

The manager oversees day-to-day operations of the City and the department directors report directly to the manager and receive assignments from the manager.

Mayor-Administrator model:

Under this model, Cities remain under Chapter 62 of the Wisconsin State Statute (Mayor)

The duties of the administrator are not described by Statute and may be tailored to fit the needs of the municipality.

The position of Mayor remains and the mayor exercises the executive responsibility indirectly by monitoring the activities of the administrator and the various departments. This model was considered in Wausau and is described in the attached materials.

The administrator oversees day-to-day operations of the City including supervision of the department directors.

Mayor may be full or part time and is paid.

I am attaching a few resources that may be helpful in outlining the forms and models that may be adopted as well as a letter from City Attorney Carman from September, 1998 regarding a proposed resolution to consider a City Manager form of government. I am also attaching a listing of the ten cities in the State that have adopted a Council-Manager form of government and some cities who have retained a Council-Mayor form either with or without an administrator.

Forms of Local Government

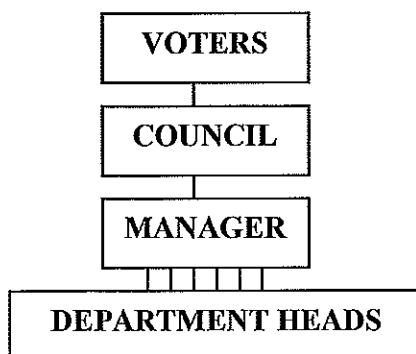
Council-Manager

In the council-manager form of government, the council is the governing body of the city, elected by the public, and the manager is hired by the council to carry out the policies it establishes. The council usually consists of five to nine members including a mayor (or council president) who is either selected by the council or elected by the people as defined in the city charter. The size of the council is generally smaller than that of a mayor-council municipality and council elections are usually nonpartisan.

The council provides legislative direction while the manager is responsible for day-to-day administrative operations of the city based on the council's recommendations. The mayor and council, as a collegial body, are responsible for setting policy, approving the budget, and determining the tax rate. The manager serves as the council's chief advisor. Managers also serve at the pleasure of the council and are responsible for preparing the budget, directing day-to-day operations, and hiring and firing personnel.

Typically, the mayor is recognized as the political head of the municipality but is a member of the legislative body and does not have the power to veto legislative actions.

Council-Manager Organizational Structure



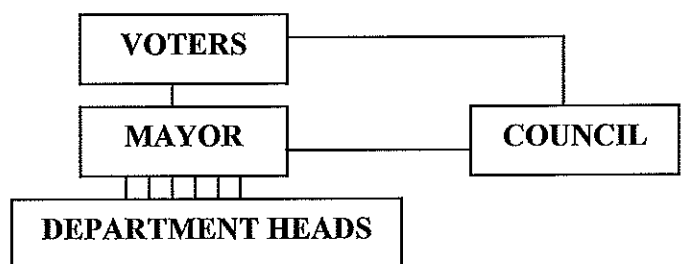
Mayor-Council

The mayor-council (council-elected executive counties) form of government is the form that most closely parallels the American federal government with an elected legislature and a separately elected executive.

The mayor or elected executive is designated as the head of the city or county government. The extent of his or her authority can range from purely ceremonial functions to full scale responsibility for day-to-day operations. But the mayor's or elected executive's duties and powers generally include the following: hiring and firing department heads, preparation and administration of the budget, and veto power (which may be overridden) over acts of legislature. The legislature has the following responsibilities: adoption of the budget, passage of resolutions with legislation, auditing the performance of the government, and adoption of general policy positions.

In some communities, the mayor or executive may assume a larger policy-making role, and responsibility for day-to-day operations is delegated to an administrator appointed by and responsible to the chief executive.

Mayor-Council Organizational Structure



Commission

The commission form of government, characterized by an elected governing board that holds both legislative and executive powers, is the oldest form of government in America. A descendant of the old English shire-moot or county governing board, the board is usually composed of three to five members, although the number varies.

The board of commissioners is the county governing board and serves as the head of the government. It has responsibility for adopting the budget, passing resolutions, and enacting ordinances and regulations. A number of other officials are also popularly elected and serve as heads of some of the major county departments (although the number of these independently elected officials varies considerably. Some of the common are sheriff, treasurer, and clerk).

Town Meeting

All qualified voters of the town gather on a given day (usually once a year, but more often if necessary) to elect a board of officers (selectmen) and to make policy decisions. The board of selectmen has the responsibility for carrying out the policy set by the citizens. In some towns, a manager or administrator is appointed to carry out the administrative operations of the town.

Representative Town Meeting

The representative town meeting form of government is structured in much the same way as the town meeting form, with the exception that a large number of citizens are chosen by the general electorate to represent them in voting. All citizens can attend the meetings and participate in debates, but only those chosen as representatives have a direct vote.



Leaders at the Core of Better Communities

August 2015

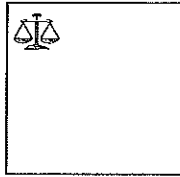
City Administrator Discussion

*Wausau
Considerations
City Administration*

RELATED SUBJECT	MAYOR	CITY ADMINISTRATOR
A. COMMON COUNCIL	<ol style="list-style-type: none"> 1. Preside at all Common Council meetings. 2. Veto power on all acts where allowed. 3. Provide information to the Council. 4. Recommend measures seen as advantages to the City. 5. Implement policy set by Council. 6. Call special Common Council meetings. 7. Appoint Common Council Committee members and chairs. 	<ol style="list-style-type: none"> 1. Attend meetings of Common Council. 2. Advise Mayor on vetoes. 3. Provide information to the Council. 4. In cooperation with the Mayor, recommend measures seen as advantages to the City. 5. Assist Mayor in interpreting policies of the Council. 6. Act as liaison between Mayor and Common Council.
B. DAILY DIRECTION AND OPERATION OF THE CITY	<ol style="list-style-type: none"> 1. Responsible for ensuring that all City ordinances and state laws are observed and enforced. 2. Ensure that resolutions, policies, and programs are efficiently administered. 3. Ensure that all City officers and employees discharge their duties. 4. Provide day-to-day supervision and direction to all Dept. Heads on policy and program matters. 5. Provide day-to-day supervision and direction to 4 Depts. on operations (E/PW, BINS, Dev, Health). 6. Make recommendations to Council and Council Cmtes. on improvements in Dept. operations. 	<ol style="list-style-type: none"> 1. Assist the Mayor in ensuring that all City ordinances and state laws are observed and enforced. 2. Assist the Mayor in ensuring that resolutions, policies, and programs are efficiently administered. 3. Assist the Mayor to ensure that all City officers and employees discharge their duties, and assist in day-to-day supervision. 4. Provide day-to-day supervision and direction to all Dept. Heads on administrative and financial matters. 5. Supervise 5 Depts. (Clk, HR, Fin/Trs, IT, Asst.) on operations. 6. Prepare studies on operations and finances and do research and reports on trends, technology, innovations, etc., and make recommendations to Council and Council Cmtes. on improvements in Dept. operations. 7. When necessary, and as directed by Council, carry out duties as described in Mayor's column.
C. MEDIA RELATIONS	<ol style="list-style-type: none"> 1. Spokesperson for the City. 2. Responsible for public relations plan and activities. 	<ol style="list-style-type: none"> 1. Spokesperson when Mayor or Common Council President is unavailable.
D. COMMUNITY RELATIONS	<ol style="list-style-type: none"> 1. Official representative of the City at public, business, and social events. 	<ol style="list-style-type: none"> 1. Representative of the City when Mayor or CC President is unavailable.
E. LEGISLATIVE ACTIVITIES	<ol style="list-style-type: none"> 1. Responsible for conveying official City position on legislative matters either through personal testimony or other methods. 2. Serve as Chair of the Legislative Committee. 	<ol style="list-style-type: none"> 1. Assist in preparation of either oral or written testimony for Mayor or Common Council President. Present City position when Mayor or Common Council President unavailable. 2. Participate and serve as Secretary of the Legislative Committee.
F. INTERGOVERNMENTAL RELATIONS AND ACTIVITIES	<ol style="list-style-type: none"> 1. Represents City in organizations where participation will benefit the City (ICC, League of Wis. Municipalities). 	<ol style="list-style-type: none"> 1. Participate along with Mayor where appropriate. 2. Prepare specific details on intergovernmental projects. 3. Represents City when Mayor or Common Council President is unavailable.
G. BUDGET	<ol style="list-style-type: none"> 1. Provide guidance and direction to CA to prepare budget for presentation to the Common Council for action. 2. Formally presents the Mayor's Budget to the Common Council. 	<ol style="list-style-type: none"> 1. Directs Dept. Heads in budget request proposals. 2. Sets up reviews of requests for Mayor's consideration. 3. Advise and assist Mayor in preparation of final budget for submission to Common Council.

OFFICE OF THE CITY ATTORNEY

CITY ATTORNEY
Greg J. Carman



Deputy City Attorney
James P. Walsh

Assistant City Attorneys
Maureen C. Roberts
Christopher R. Behrens

September 16, 1998

TO: Mayor Hanna and the Common Council

FROM: Greg Carman, City Attorney

RE: Legal Opinion on Resolution #57-R-98
(Proposing a City Manager Form of Government)

On September 2, 1998 the above resolution was filed with the City Clerk. At that time, the Mayor directed this office to provide a legal opinion regarding the procedures extent when changing from a Mayor- Council form of government to a City Manager form of government. My opinion follows.

Chapter 64 of the Wisconsin Statutes deals with the City Manager form of government. More specifically, ss. 64.01 to 64.15, Stats, outline both the procedural process for changing to a City Manager form of government as well as the division of powers under that form. Sec. 64.01, Stats, is "on point" to Appleton's specific situation. That statute relates, in pertinent part, that:

(1) - Any city of the second, third or fourth class may reorganize under the provisions of ss. 64.01 - 64.15 either by *enactment of a charter ordinance or by a petition and referendum election as provided by section 66.01*. Such petition and election shall be governed by Section 9.20 (1) to (6). (Emphasis supplied).

Alderman Meyer's resolution calls for a referendum of the citizens addressing the following:

1. A change from the Mayor-Council form of government to the City Manager form; and
2. A change from eighteen aldermen elected by district to nine aldermen elected at large (with the highest vote getter serving as honorary Mayor).

With regard to the last parenthetical comment, be advised that sec. 64.07 (2), Stats, requires the selection of the Council president by a majority of the Common Council under the City Manager form of government. Accordingly, an honorary Mayor would be a departure from that model. That can be

Finally, the Wisconsin Supreme Court has previously found that municipalities can place an advisory referendum on the ballot.

The alternatives set forth above should no way be read as being in any way critical of the resolution submitted by Alderman Meyer. It is not this office's role to dictate to the Common Council matters solely within its purview, such as the form of government Appleton should have. The alternatives are offered simply to illustrate the fact that the Common Council has far ranging powers in dealing with the resolution it finds before it. As long as the final form meets the legal requirements of the Wisconsin Statutes and Appleton Ordinances, it may be either adopted by the Common Council or sent to the populous in referendum form. Of course, the Common Council can also choose to maintain the present form of government without change.

If any further clarification or application of this opinion is required, I will be glad to provide that information as expeditiously as possible.

GC/ejv

Council-Manager Form of
Government:

Population

1/23/2020

Eau Claire	68,587
Oshkosh	66,665
Beloit	36,773
Fond du Lac	42,809
Whitewater	14,540
Janesville	64,359
Platteville	12,457
Two Rivers	11,153
Fort Atkinson	12,482
Lake Mills	5,898

Mayor-Council Form with
Administrator Position:

Sheboygan	48,329
Kenosha	99,877
Menomonee	16,429
Sturgeon Bay	8,919
Racine	77,542
Waukesha	72,489
West Allis	59,934
Sun Prairie	32,894
Middleton	19,660
Wauwatosa	48,277
DePere	25,034
Oak Creek	36,354

Mayor-Council Form with
no Administrator Position:

Wausau	39,114
Wisconsin Rapids	17,806
Manitowoc	32,697
Menasha	17,748
Neenah	25,951
Green Bay	105,116
Madison	255,214
Stevens Point	26,293
Brookfield	37,920
Appleton	74,653

Population as of 2017

RECRUITMENT STATUS REPORT

UPDATES THRU 01/23/2020

STAFF PERSON	POSITION	DEPT.	Date of Vacancy	# of Openings	STATUS
KIM	Bus Driver	VT	Multiple	4	Testing date 1/24/20. Panel interviews 1/24/20. Application deadline 4/26/20.
	Part-Time Bus Driver	VT	N/A	N/A	Testing date 1/24/20. Application deadline 4/26/20.
	Communication Technician	VT	10/25/19	1	Medical pending on top candidate.
	Operator I - DPW	DPW	8/26/19	1 + Elig. list	2 candidates on eligibility list. Testing date 1/28/20.
	Lead Person - Street	DPW	1/3/20	1	Panel interviews 2/19/20.
	Operator I - Sanitation	DPW	1/3/20	1	Panel interviews 1/23/20.
	Part-Time Service Person	DPW	1/18/20	1	Application deadline 2/16/20.
	Instrumentation Technician	Utilities	Jan 2020	1	Start date pending on top candidate.
	Solids Operator	Utilities	2/3/20	1	Panel interviews 1/27/20.
ALLISON	Police Officer	Police	NA	1 + Elig. list	Background pending on 3 candidates.
	Community Service Officer (CSO)	Police	NA	1	Application deadline 2/2/20.
	Forensic Evidence Specialist	Police	12/16/19	2	Background pending on 3 candidates. Applications under review.
	Fire Fighter	Fire	N/A	N/A	Background pending on 1 candidate. Conditional offers extended to 5 candidates.
	Deputy Fire Chief	Fire	1/3/20	1	Panel interviews 2/4/20.
	Civilian Fire Inspector	Fire	1/3/20	1	Panel interviews 2/7/20.
	Library Operations Clerk - Sub	Library	1/2/20	1	Conditional offers extended to 2 candidates. Second process application deadline 2/16/20.

TOTAL POSITIONS OPEN = 18 TOTAL ELIGIBILITY LISTS = 2

POSITIONS ON HOLD

STAFF PERSON	POSITION	DEPT	Date(s) of Opening(s)	# of Openings	Person Vacating Position/Status
ALLISON	Systems Analyst	IT	7/6/15 & 9/6/19	2	Using part-time temporary staffing to fill current need.
	Library Ops Clerk	Library	1/2/20	1	Department re-evaluating needs.
	Library Page Clerk - .5 FTE	Library	5/21/19	1	Kathleen Choronzy retirement. Department re-evaluating needs.
	Library Clerk – Public Services - .5 FTE	Library	5/21/19	1	Kathleen Choronzy retirement. Department re-evaluating needs.
	Weights & Measures Specialist - .5 FTE	Health	1/13/20	1	Todd Schmidt promotion. Waiting for Request to Fill.

TOTAL POSITIONS ON HOLD = 6

Note: Part time non-benefited positions do not (per Recruitment Policy) require authorization outside the department. The Mayor has asked departments to scrutinize.