

THESE ARE THE MINUTES OF THE COMMITTEE OF THE WHOLE OF THE COMMON COUNCIL OF THE CITY OF BROOKFIELD HELD AT 7:40 P.M., TUESDAY, **JANUARY 20, 2004**, IN THE COUNCIL CHAMBERS OF BROOKFIELD CITY HALL, 2000 N. CALHOUN ROAD, BROOKFIELD, WISCONSIN

ALDERMAN STEVE PONTO PRESIDING

ALDERMEN PRESENT: Gary Mahkorn, Scott Berg, Cindy Kilkenny, Jack Shaw, Karl Schulz, Kari Clappier, Richard Brunner, Brad Steinke, Mike Franz, Thomas Schellinger, Jim Garvens

ALDERMEN ABSENT & EXCUSED: Jim Heinrich, Jerome Wolff

ALSO PRESENT: Director of Public Works Tom Grisa, Director of Community Development Dan Ertl, Interim Chief of Staff/Director of Facilities & Inspection Services Dean Marquardt, Director of Finance Robert Scott, City Attorney Sue Schalig, Fire Chief John Dahms, City Clerk Kris Schmidt, Director of Information Technology Fred Miller, Director of Library Services Edell Schaefer, Asst. City Attorney Karen Flaherty, Parks & Forestry Superintendent Gary Majeskie, Mayor Speaker

Alderman Ponto called the meeting to order. The roll call remained the same as from preceding adjourned Common Council Meeting.

Dean Marquardt out lined the order of the meeting as delineated in the agenda.

Legal Review of various models for administrative structure.

City Attorney Sue Schalig outlined the various forms of government available to Cities in Wisconsin. (See Municipal Models, available in the City Clerk's office) The three forms of government are the Mayor/Council, Manager/Council, and a Commission type of government. 10 cities use the Manager/Council form and no City has used the Commission form since 1957. Cities are created by the state and granted extensive home rule powers by the legislature.

Under a Mayor/Council form of government, the Mayor is viewed as the executive and the Council is viewed as the policy making or legislative side of city government. The more responsibility and accountability that is lodged in the Mayor's office, the more the city will be described as having a strong mayor system. It is within the mayor's office that one can often find a city administrator or mayoral assistant.

Alderman Steinke stated that an Administrator could be under the mayor or accountable to the Council.

Alderman Berg asked if the form of government had anything to do with size. Ms. Schalig stated there did not appear to be a trend as to size. Alderman Berg asked if we were to change the model for the City of Brookfield, how could it be done. Ms. Schalig stated it would probably take a charter ordinance. The change would not have to happen in any particular schedule.

Alderman Brunner asked if there were only 10 cities with a Council Manager. The answer was yes, there are only ten cities with a Council Manager form of Government.

1999 Study of the Organizational Study of the City

Alderman Schulz gave the background of the 1999 Study of Organizational Structure with a power point presentation.* (available in the City Clerk's office) Alderman Schulz stated the committee was formed in March of 1999 and was made up of the Council Leadership team which consisted of the Council President and the chairs of the various committees. The committee was formed to address a situation where a long term mayor had just emerged from a very serious challenge and was overworked from the many demands on her time. The committee was to look at various models that might work to remove some of the day to day work from the mayor.

Four meetings were held and "guiding principals" were created. They were as follows:

- Administrative Competence and continuity
- Professional management expertise
- Strong administrative Leadership
- Good Administrative decision making
- Fiscal efficiency and effective use of resources
- Coordinated service delivery
- Strong political leadership
- Effective policy formulation
- Accessibility to the management team
- Accessibility and responsiveness to citizens
- Accountability to citizens
- Effective intergovernmental relations
- Effective economic development

Alderman Schulz identified the advantages and disadvantages of a Mayor/Council, Council/Manager, Council/Mayor Administrator, and Council/Mayor/Administrative Services forms of government. Alderman Garvens stated, at the time, the Mayor had eleven individuals reporting to her. There were several new department heads and several major project to be overseen. The opinion was that the Mayor was overworked and needed some assistance. A number of individuals were heard relative to what could be done. It was difficult to find a comparison to our City. (A copy of the 1999 report had been distributed to the current aldermen

for their information earlier.) Alderman Schulz explained the chief of Staff model with it's expanded functions in 2001. Alderman Schulz read the conclusion from the 1999 report.

Mayor Speaker stated only two aldermen from the 1999 committee remain on the Council. Department heads were hired with the new model in mind.

Alderman Schulz there was a concern that a strong manager would not interact well with strong department heads.

Alderman Steinke stated the Council needs to understand the hierarchy. Where was the administrator to serve. Alderman Schulz answered at the same level as the department heads. Alderman Steinke asked how the internal issues would be worked out. Alderman Schulz stated the Mayor would direct the administrative services director who would coordinate projects. Alderman Steinke stated that perhaps the administrative services director could be above the department heads and that discussion should take place. Alderman Schulz stated that would be counter productive and it would be another level of authority.

Alderman Ponto stated there had been a discussion in the Personnel Committee as to whether the department heads should be under the direction of the administrative services director.

Alderman Berg asked about a City Manager and who would be the appointing authority. He also asked what are typically the duties of a City Manager. Ms. Schalig stated the code would control the appointing authority and the duties. Alderman Brunner pointed out that typically government has three branches, legislative, executive, and judicial.

Alderman Kilkenny stated that a City Manager would have the sole authority for hiring and firing. The authority can be taken back by ordinance. The Council President appoints and the Council confirms.

Alderman Berg stated there would be some redundancy between the duties of a manager or administrator and finance, human resources, etc. It would be important to know how the cost would be reduced if there was a manager and lower level finance and human resource positions. Some positions might be eliminated. The mayor's position might be reevaluated.

Mayor Speaker indicated that you can't just look at salary. You have to also look at the level of service. The City of Brookfield attempts to hire the brightest and best stars, expertise and knowledge are important. We have to look at what is best for the City, it's employees and citizens.

Alderman Clappier stated she was concerned that there was no review as indicated in the report. What is the problem we wish to correct? Once the problem is identified we can look at ways to correct.

Alderman Schulz stated the main problem in 1999 was that the Mayor was swamped. The question was could you hire an "uber manager". Continuity was important. A strong

individual may leave at some time and leave a good size hole in the management team. The 1999 decision made a lot of sense. This is and has been a well run community. The Chief of Staff was changed by the new Mayor. The fact that the mayor might view the Chief of Staff in the way done by the new administration did not cross his mind. It was not anticipated.

Alderman Kilkenny asked about the review. Mr. Marquardt indicated that the 6 month review did not give enough time to determine the value of the position. Reevaluation was to be in April of 2001. The position was changed in 2001 as indicated in the last couple of slides from the power point presentation. There was a need for a contact person for the aldermen as well as a point person for large projects such as combined dispatch and the public works facility. A definitive change was made in 2001.

Alderman Garvens stated the Chief of Staff was to have authority over special projects, particularly those projects that spread over a number of departments. The Chief of Staff could coordinate those multi department projects.

A discussion continued as to what the title of Chief of Staff vs. Director of Administrative Services meant. Was there a political connotation to the title of Chief of Staff.

Alderman Steinke asked what are the expectations of this meeting? Alderman Ponto stated it was always his understanding that it was up to the Mayor to make a choice to fill the position subject to the confirmation of the council. Alderman Brunner liked the idea that there was someone to handle the special projects. He stated that it was a contentious issue.

At this point the various organizational reports* handed out previously were discussed .

Alderman Steinke stated the position was workable at that time. Now it appears that there are issues that could be addressed better. We are in a transition. Whatever the position, it should be appointed by the Council. Alderman Steinke repeated Alderman Clappier's concern as to "what is it that causes us to want to have changes". Under an administrator, mayors can be part-time, however, often, there is a full time work load. With an administrator, the mayor can shed the day to day work load and spend more time on the policy issues. What ever the position becomes, it must come with sufficient authority to complete the work..

If there are issues with staff it would be nice to have someone the aldermen could go to for resolution of the problem. There was some discussion about the need for a seasoned administrator with board knowledge. Alderman Schulz stated functionally, we have that now.

Alderman Berg stated this City is no longer a sleepy farming community as it was in 1954. The City is near fully developed. The scale alone would indicate we may need changes in the nature and qualifications of the personnel we hire. Personnel needs to be seasoned in a lot of disciplines. Perhaps there are too many department heads. Expectation is that the mayor is a manager.

Alderman Shaw stated he agreed with Alderman Steinke that the administrator position seems like the right way for the City to go. We should do a review of what we have and perhaps

fine tune it into what we need. Alderman Kilkenny stated that if we go the separate mayor and administrator, we would need to review the salary.

The Mayor stated there is a discussion currently in a neighboring community on their administrator. We hire department heads with a certain skill set and good people at that. A board skill set does not rise to the level of specialized skills. He fears that our current managers would leave for more challenges. There was some dispute as to whether this would actually happen.

Alderman Brunner stated that he couldn't remember a department head leaving except for retirement. He asked how the Chief of Staff position was created. Mr. Zwerlein explained the sequence of events. Alderman Kilkenny stated the creation of the position was not cost neutral the way she figured it. There was discussion as to what the actual cost was.

Alderman Clappier again asked if there were things that weren't working. What should be the Council's next move.

Alderman Brunner stated that any position created should be based on merit, not a political appointment. He was not comfortable with the Chief of Staff position created. Alderman Mahkorn stated that is the heart of the issue. There also appears to be some confusion as to what was meant in 1999.

Alderman Kilkenny stated she was frustrated that the Council has not heard anything about staff reviews. The Mayor stated that since he is in his second year of working with performance evaluations, he expects to complete the process next month.

Alderman Brunner stated the discussion on performance evaluations has nothing to do with the discussion at hand. Alderman Clappier remarked that there was a discussion on performance evaluations at the personnel committee. The Personnel Committee requested that the Mayor share the performance evaluations of the department heads with the Committee.

Alderman Berg pointed out that the motion that established this Committee was broader than a discussion on Administrator vs. Chief of Staff vs. other chief executive officers. The scope indicated staff as well. It was noted that the previous Mayor use to include the Personnel Committee in her review process.

Questions were raised as to "where to from here?" Alderman Shaw felt it was difficult to hash out anything with 14 aldermen. Alderman Kilkenny stated she disagreed. She felt it was important for all of the aldermen to be involved in this process. Alderman Berg stated he agreed with Alderman Kilkenny. We need to look at the earlier report, state statutes and timing. Three out of five of the members of the task force are no longer here.

Ms. Schalig stated this Committee is an artificial animal. Debate is unlimited. There were questions on how to proceed. Alderman Steinke stated he would like to see the different forms of government with their various elements laid out for discussion. Alderman Mahkorn agreed. The issue of a timetable was raised. Alderman Kilkenny stated she had finished a paper

she would share with the Council which laid out the various organizational structures. She also had received background information from other municipalities. Alderman Brunner stated he would like to see the issue wrapped up by the end of March with a vote in 60 days. Alderman Mahkorn stated we should be able to define the core issues quickly. He wanted to state that he has always been impressed with the staff. Alderman Shaw stated he would like Alderman Kilkenny's paper. It should be presented at the next meeting.

- Alderman Shaw moved that the chair should rise and report at the next meeting. The motion was seconded by Alderman Kilkenny and carried unanimously.
- Alderman Shaw moved to adjourn. The motion was seconded by Alderman Garvens and carried unanimously. (9:33p.m.)