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City of Racine, Wisconsin
COMMON COUNCIL

AGENDA BRIEFING MEMORANDUM

COMMITTEE: Finance and Personnel Committee **LEGISLATION ITEM #:** 0055-19

AGENDA DATE: January 21, 2019

DEPARTMENT: City Attorney's Office

Prepared By: City Attorney Scott R. Letteney

Reviewed By: N/A

SUBJECT: Communication from the City Attorney presenting proposed modifications to the City of Racine Ordinances to carry into effect the City of Racine 2019 Budget action constituting the City Assessor position and Human Resources Director position as Administrative Managers of the City of Racine.

EXECUTIVE SUMMARY: In passing the 2019 Budget for the City of Racine, the Common Council approved the concept of reconstituting the City Assessor position and Human Resources Director position as Administrative Managers of the City of Racine. Further, on November 13, 2018, by Resolution 0350-18, the Common Council approved amending the Racine Code of Ordinances "to reconstitute the City Assessor and the Human Resources Manager as Administrative Managers." Specific amendments to Racine Charter Ordinances 2-1 and 2-2, and Racine General Ordinances 2-431, 2-432, 2-437, 2-482, 62-28, and 62-32 to effect such changes are presented herein.

BACKGROUND & ANALYSIS: In passing the 2019 Budget for the City of Racine, the Common Council approved the concept of reconstituting the City Assessor position and Human Resources Director position as Administrative Managers of the City of Racine. Further, on November 13, 2018, by Resolution 0350-18, the Common Council approved amending the Racine Code of Ordinances "to reconstitute the City Assessor and the Human Resources Manager as Administrative Managers."

The "Administrative Managers" are those positions that are the head of the several functional areas of the City of Racine government. Those positions are defined by Racine ordinance. Specifically,

31 per Racine Ordinance section 2-437 as it currently exists, the Administrative Managers of the City of
32 Racine are the Public Health Administrator, City Attorney, Finance Director, Commissioner of Public
33 Works, Director of City Development, Manager of the Water and Wastewater Utilities, Library Director,
34 Chief of Police, Chief of the Fire Department, Director Of Parks, Recreation, and Cultural Services, and
35 Director of Information Systems.

36 Various, Racine Charter Ordinances 2-1 and 2-2, and Racine General Ordinances 2-431, 2-432,
37 2-437, 2-482, 62-28, and 62-32 relate to the status of Administrative Managers, the head of the Human
38 Resources department, and the City Assessor. The stricken-through deletions and underlined additions
39 to effect such changes are set forth below. The proposed changes are presented in the numerical order
40 in which they exist in the Racine Code of Ordinances.

41 Note: Both the City Assessor and Human Resources Director positions were formerly
42 Administrative Managers of the City of Racine. The ordinance changes as presented below assume a title
43 change from “human resources manager” to “human resources director.”

44 Charter Ordinances

45 Sec. 2-1. - Appointment of city officials.

46 The offices of city clerk, city assessor, city attorney, city engineer, commissioner of
47 public works, director of information systems, human resources director and traffic
48 engineer, shall be filled by appointment by the mayor, subject to confirmation by the
49 common council.

50 Sec. 2-2. - Term of office.

51 All appointments to the following offices shall be for an indefinite term, subject to
52 removal by the common council for cause under the conditions prescribed by General
53 Ordinance section 2-441: City clerk, assessor, city attorney, commissioner of public
54 works, director of information systems, purchasing agent, human resources director,
55 traffic engineer, chief building inspector, chief plumbing inspector, and chief electrical
56 inspector.

57 General Ordinances

58 Sec. 2-431. - Created.

59 There is hereby created the human resources department. ~~The city attorney shall serve as~~
60 ~~the administrative manager of the human resources department. The city attorney may~~
61 ~~appoint one member of the human resources professional staff to manage the daily~~
62 ~~operations of the human resources department.~~

63 Sec. 2-432. - Duties.

64 It shall be the duty of the human resources department to:

65 (1) Approve or disapprove the selection, employment, termination, promotion, demotion,
66 layoff and suspension of all personnel, other than those whose appointment has been
67 otherwise specifically provided either by state statute or city ordinance. ~~The city attorney~~
68 ~~may delegate this duty to the appointed manager of the human resources department.~~

69 If the human resources department disapproves of any of the aforementioned activities,
70 the human resources department and the appropriate administrative manager shall
71 exhaust all reasonable means at their disposal in an attempt to resolve or compromise the
72 dispute. If settlement of the dispute is still not forthcoming, such dispute shall be referred
73 to the finance and personnel committee for final resolution.

74 (2) Recruit applicants for the police and fire departments.

75 (3) Maintain the classification plan so that it reflects the current duties, responsibilities
76 and nature of work of positions of the city service.

77 (4) Administer the compensation plan, in accordance with the provisions of the common
78 council and this division.

79 (5) Develop and administer such recruiting and examination programs as may be
80 necessary to obtain an adequate supply of competent applicants to meet the needs of the
81 city services.

82 (6) Encourage and exercise leadership in the development of effective personnel
83 administration within the several departments of the city government and make available
84 the facilities of the department to this end.

85 (7) Foster and develop, in cooperation with department heads and others, programs for
86 the improvement of employee effectiveness, including training, safety, health, counseling
87 and welfare.

88 (8) Provide for the establishment and maintenance of a roster of all employees in the
89 municipal service.

90 (9) Provide a system of checking payrolls to determine that all persons in the municipal
91 service have been appointed and are being paid in accordance with the human resources
92 regulations.

93 (10) Prepare and adopt such forms and procedures as it may consider necessary or
94 desirable to carry out the city's human resources program.

95 (11) Assist the city attorney's office in conducting all negotiations of city labor contracts
96 or conduct such negotiations at the direction of the city attorney.

97 (12) Administer the city health insurance program in accordance with the provisions of
98 the common council.

99 (13) Investigate, from time to time, the operations and effects of the human resources
100 rules and practices and report its findings and recommendations to the finance and
101 personnel committee.

102 (14) Perform any other lawful acts that the human resources ~~superintendent~~ director may
103 consider necessary and desirable to carry out the purposes and provisions of this section
104 ~~or as may be assigned by the city attorney.~~

105 Sec. 2-437. - Administrative managers

106 (a) The administrative managers of the city are the city assessor, human resources
107 director, public health administrator, city attorney, finance director, commissioner of
108 public works, director of city development, manager of the water and wastewater utilities,
109 library director, chief of police, chief of the fire department, director of parks, recreation
110 and cultural services and director of information systems. ~~The city attorney shall function~~
111 as the administrative manager for the human resources department.

112 Sec. 2-482. - Duties.

113 The finance director shall perform the following duties. He shall:

114 (1) Be the administrative head of the department of finance and as such shall coordinate
115 the work of such department and supervise the work of all the officers and employees
116 thereof.

117 (2) Perform the duties of comptroller as prescribed by state statutes and city ordinances.

118 (3) Hold the office of city treasurer, and as such treasurer shall perform the duties
119 prescribed by state statutes and city ordinances for the office of city treasurer, and he
120 shall thereafter be designated as finance director and treasurer.

121 (4) Be responsible for the investment of all funds, including trust funds, under the control
122 of the common council.

123 (5) Be the administrative head of the city clerk and shall supervise the work of the office
124 of the city clerk.

125 ~~(6) Be the administrative head of the assessor and shall supervise the work of the office~~
126 ~~of the assessor.~~

127 Sec. 62-28. - Affirmative action officer.

128 There is hereby created the position of affirmative action officer, who shall have
129 responsibility and authority for the development and implementation of the city's
130 affirmative action plan. The affirmative action officer shall have a background that
131 demonstrates a commitment to the policy of this article. The affirmative action officer
132 shall be appointed by the mayor subject to the confirmation of the common council, and
133 shall be directly responsible to the mayor and common council but shall be under the
134 supervision of the human resources ~~manager~~ director. Prior to such appointment, the
135 mayor shall seek recommendations as to the suitable candidates for this position from the
136 affirmative action and human rights commission. The appointment of the affirmative
137 action officer shall be made by the mayor within 90 days after receiving such
138 recommendations from the affirmative action and human rights commission.

139 Sec. 62-32. - Other commission personnel.

140 The commission may employ such staff as may be authorized by the common council.
141 All personnel so authorized shall be recruited and employed under the personnel
142 classification set up by the human resources ~~manager~~ director with the approval of the
143 mayor and common council. The commission shall have the right to recommend to the
144 human resources ~~manager~~ director individuals for filling the authorized staff positions.

145 _____
146 **BUDGETARY IMPACT:** No budgetary impact in reconstituting the City Assessor position and Human
147 Resources Director position as Administrative Managers of the City of Racine. Any salary increases were
148 approved by the Common Council in the 2019 Budget.

149 _____
150 **OPTIONS/ALTERNATIVES:** Decline to amend the relevant ordinances.

151 _____
152 **RECOMMENDED ACTION:** Direct the City Attorney to present amended ordinances to the Common
153 Council to effect the Common Council’s direction in passing the 2019 Budget and in passing Resolution
154 0350-18 to reconstitute the City Assessor position and Human Resources Director position as
155 Administrative Managers of the City of Racine.

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157 **ATTACHMENT(S):** None