

**Wisconsin City/County Management Association
Business Meeting Minutes
February 26, 2009
Middleton, Wisconsin**

President Lisa Kuss called the meeting to order at 3:45 pm.

Minute Approval: A motion was made by P. Moderacki and seconded by L. Arft to approve the June 2008 Business Meeting minutes. The motion passed unanimously.

WCMA Awards Program: Darrell Hofland, Chairman of the Awards Committee reported that nominations for the 2009 Meritorious and Futures awards will be accepted between now and April 10th. The award recipients will be selected in May and the awards presented at the Summer Conference. The Awards Committee is made of up the regional coordinators who are responsible for selecting award winners. This is a great opportunity to recognize those that have provided exemplary service to the profession.

Range Rider Program: Dick Farrenkopf, reported that he has been providing support to members in transition. He also reminded members that if they are in transition or think they may be, they should consider obtaining legal advise with regard to their severance package. He reminded members that if they are in need of support, have a municipal issue they wish to discuss they should feel free to contact him.

Legislative Initiative: President Kuss reported that over the past several years there have been a number of situations in which elected officials have had municipal officials removed from office and had themselves appointed in their place. A question has been raised as to whether or not this is an abuse of power. Current law reads as follows:

66.0501(2)

(2) Eligibility of other officers. Except as expressly authorized by statute, no member of a town, village or county board, or city council, during the term for which the member is elected, is eligible for any office or position which during that term has been created by, or the selection to which is vested in, the board or council, but the member is eligible for any elective office. The governing body may be represented on city, village or town boards and commissions where no additional compensation, except a per diem, is paid to the representatives of the governing body and may fix the tenure of these representatives notwithstanding any other statutory provision. A representative of a governing body who is a member of a city, village or town board or commission may receive a per diem only if the remaining members of the board or commission may receive a per diem. This subsection does not apply to a member of any board or council described in this subsection who resigns from the board or council before being appointed to an office or position which was not created during the member's term in office.

The law allows an elected official to simply resign from office and then he/she can be appointed to an appointed position.

This matter has been discussed by the Executive Board with consideration given to proposing to the Legislature that they “tighten” the existing loophole by requiring a one year hiatus between the time an appointed official is forced to resign or is terminated before an elected official is eligible to be appointed to the office. If the person voluntarily resigns, there would be no waiting period requirement. A draft letter to the Legislature on this matter has been prepared by Pat Cannon (Sun Prairie), a copy of which is attached. Since WCMA has traditionally not become involved in the legislative process, the membership is being asked to consider this matter and offer its opinion at the Summer Conference. The options for the Association would be:

1. Do nothing
2. Have WCMA as an Association send the proposed letter to the Legislature
3. Have individual members send the proposed letter to the Legislature

This matter was laid over until the Summer Business Meeting for action.

Executive Director's Report: The Executive Director reported the following:

Executive Director Contract

From July 1, 2001 through June 30, 2008 WCMA Executive Director services were provided through a contract between WCMA and Virchow Krause. Effective July 1, 2008 the Virchow Krause contract was terminated and the contract is now between WCMA and Ed Henschel directly. Ed also reported that he no longer works for Virchow Krause and all records and files have now been transferred from Virchow Krause. Therefore, it is important that in the future, all correspondence, payments and communications be made to:

Wisconsin City/County Management Association
3919 Oakmont Trail
Waukesha, WI 53188
Phone: 414-303-4554
Email: ehenschel@wcma-wi.org

This transition would not have been possible without the time and assistance provided by my wife, Sherry in processing payments and with conference registration. We are here to assist you. Please do not hesitate to contact us at anytime.

WCMA Website

The WCMA website has become a very active website, with numerous hits on a regular basis. The two most popular sections are job postings and PARC inquiries.

The Executive Board is now charging non-members \$30.00 to post a job on the website. Members may still post job openings at no cost.

Be sure your member profile is up to date. You can check it by going to the member's only section of the website and click on member profile. If you have a new email address, be sure to change it on the website and then send an email to me with your new email address so I can update my email list.

Years of Service Awards

Gary Rogers (Waupun) suggested to the Executive Board that WCMA acknowledge years of service in WCMA, similar to the recognition that ICMA gives to its members. The Executive Board endorsed the idea and will recognize member's years of service in WCMA annually at the Summer Conference. Recognition will be for service in WAMCAM and WCMA, but not for service in other states. The recognitions will be in five year increments. A survey was emailed to all WCMA members asking for their years of service in WCMA. Please respond to this survey so that we can include you in the recognitions at the 2009 Summer Conference.

2009 Membership Roster

With the later date for renewing membership in WCMA and the earlier February date of the conference, the 2009 Roster could not be distributed at the Winter Conference. The roster will be mailed to all members in early March.

The 2008 Year-to-date Financial Report was presented to the membership which showed total revenue through May of \$90,316.22 and total expenses of \$35,812.68. A motion was made by P. Ziehler and seconded by L. Kuss to approve the YTD 2008 Financial Report. The motion carried.

WCMA Financial Report

The 2008 un-audited financial report was presented which showed income of \$100,710.57 and expenses of \$88,838.42. Fund balance for the Association was \$3,416.28 in checking, \$83142.29 in investments

for a total fund balance of \$86,558.57. A motion was made by M. Brehm and seconded P. DeGrave to accept the financial report for 2008. The motion passed unanimously.

2009 ICMA Conference: Russ Van Gompel reported the 2009 Annual ICMA Conference will be in Montreal, Canada September 13-16. Russ noted that a passport will be needed to attend the conference. He stated that there will be an emphasis on small communities in the program. Exchange rates on the dollar can vary, but could be favorable for attendees in keeping the cost down. He also reported it is quite expensive to fly to Montreal and an alternative is to fly to Burlington VT and rent a car to drive to Montreal.

There will be a WCMA social at the Conference. Ehlers and Associates has generously sponsored this event, which will keep costs down for attendees. Their support was very much appreciated.

WAMCAM Report: Jesse Thyges, WAMCAM President reported that the 2009 Professional Development Series conducted by the Assistant's Group will have professional development seminars in the Green Bay/Fox Valley area, Milwaukee and Madison. An electronic brochure will be developed and sent to the membership with dates, topics, and locations.

He also reported that WAMCAM is looking for someone to be a student representative on the WAMCAM Board.

With no other business to come before the membership, the meeting adjourned at 4:20 pm.

Ed Henschel
Executive Director



OFFICE OF THE CITY ADMINISTRATOR

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February 25, 2009

Rep. Gary Hebl
304 West State Capitol
Madison, WI 53707

DRAFT

RE: Wis. State Statute 66.0501(2)
Eligibility of Other Officers

Dear Rep. Hebl:

On behalf of the Wisconsin City-County Management Association (WCMA), I wanted to write to you regarding a section of the Wisconsin State Statutes that is a concern to our profession. We felt that this matter should be addressed by the Judicial and Ethics Committee of which you are the chairperson.

Wis. State Statute 66.0501(2) prohibits an elected official from accepting any office or position with the municipality while they hold the elective office. The last sentence, however, provides an exception; that being an elected official who resigns prior to being appointed to the office. A copy of the statute is attached for your convenience.

The concern our profession has is that the elected officials could basically remove a person from their job and replace them with an elected official. We see this as an abuse of power. This profession is a very difficult one. This potentially hanging over everyone's head only serves to add to the stress, and not to serve the public.

We do have a few suggestions to help in this area:

- 1) Place a time limit on the acceptance of the job (i.e. they cannot accept the position until one year after they resign);
- 2) An exception would be for positions not hired directly by the elected body; for example, a maintenance worker;
- 3) Position opened due to a retirement when a competitive hiring process is held;
- 4) A newly created position hired in compliance with established procedures.

We realize that this can be a difficult subject to legislate and account for all the exceptions. However, we would like to work with you to assist our profession.

I look forward to hearing from you.

Sincerely,

Patrick A. Cannon
City Administrator

PAC:sjk
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