



CIVIL SERVICE COMMISSION

Meeting Minutes
Tuesday, June 30, 2009
Room 301 - 3:30PM

Present: Neil Guttormsen, Chairman
Thomas Morelli, Vice Chairman
Jack Rice
Patrick DeGrace

Also in Attendance: Darlene Drake, Human Resource Asst.
Tim Thompkins, EEO Coordinator
Mayor Keith Bosman
Alderman Misner
Matt Olson, Kenosha News

Commissioner Mike Pitts was excused.

Item #1: Call to order

The meeting of the Civil Service Commission was called to order by Commission Chairman Neil Guttormsen on Tuesday, June 30, 2009 at 3:40 PM.

Item #2: Approval of the Minutes of the meeting of June 9, 2009

A motion was made by Commissioner Rice to approve the minutes of the April 28, 2009 meeting. Seconded by Commissioner Morelli. Motion carried unanimously.

Item #3: Citizen's Comments

Mayor Bosman

Stated that the proposed Ordinance regarding department head probationary periods is not something Aldermen should be involved with as there is no need for Aldermen to review department heads at the end of probation. He further stated that it is Administration's responsibility to deal with new hires and either approve or disapprove their permanent appointment. This proposed Ordinance is a watered-down version of the previously submitted draft Ordinance #37. He reiterated that Aldermen don't see and work with department heads on a day-to-day basis. The Mayor indicated that at Common Council meetings there is no speaking on the first reading of an ordinance and there is no debate and no vote. This proposed ordinance is substantially different from what was previously read and it should be pulled and have the newly proposed ordinance submitted for a first reading.

Aldermen Misner

Stated that the Civil Service Commission does not review department head appointments. Language indicated that the changes to Ordinance 37 were made to accommodate other Aldermen and feels that this has improved the previously submitted draft ordinance. He further stated that he does not want to review every department head appointment, but this allows Common Council to intervene when necessary. Common Council can watch over Administration and the Common Council is the boss. This newly proposed ordinance allows Council to review/intervene when employees are not working up to their expectations. Council members believe Administration, for the most part, does their job and understands their role. This process is needed for department heads and the process could have been handled better when a department head fails in performing their duty to taxpayers. We need a resolution to deal with a conflict between Common Council, Administration and department heads. Other changes in the Ordinance now requires a 2/3rds vote of council members or 12 of the 17 for them to take action. He reiterated that some aldermen do not come to city hall and some have daily contact with department heads and that he is an active alderman.

Alderman Misner indicated that the ordinance was going to be amended on the floor. It is Council's prerogative to do this and the changes are close enough to amend on the Council floor. He didn't realize that this was being taken up again with the commission until yesterday. He granted permission for the proposed ordinance revision be given to the Civil Service Commission although he did not have to. He doesn't believe it is the Commissions' role and he has respect for their input. Certainly the Commission can provide their input and he will entertain the changes the Commission would recommend.

This ordinance will seldom be used, if ever, as we hope we put the right person in office, but that is not always the case. The first reading is the public notice and if Council wants to vote "no" they can. This could be done, but typically is not done.

Commissioner Comments

Commissioner Morelli indicated that it is not the Commission's job, that our responsibility is to see that the appropriate hiring procedures are followed by the Human Resources Director.

Commissioner Rice complained that the revised ordinance was just received today and he respectfully disagrees with Alderman Misner.

Commissioner Guttormsen believes it would be best for the Civil Service Commission to defer action on any recommendation for proposed Charter Ordinance No. 37 for two reasons. First, all Commissioners are not presently here to vote on any recommendation and second the revisions made to the original Charter Ordinance No. 37 need to be explained and clarified by the City Attorney who is not present here today. Although the Commission's role is only advisory, the new changes to Charter Ordinance No. 37 certainly warrant an explanation by the City Attorney as to both the legal and practical ramifications for department head positions.

A motion was made by Commissioner Morelli and seconded by Commissioner DeGrace to convene into Executive Session at 4:10PM under authority of Chapter 19.85 (1)(a)(b)(c) of the Wisconsin Statutes.

A motion was made by Commissioner Rice and seconded by Commissioner Morelli to go back into open session at 4:20 PM.

Item #4 Review of proposed Charter Ordinance #37 to create Article IV, Section 1, Subsection D, of the Civil Service System Ordinance for the City of Kenosha, Wisconsin to require approval of the Common Council for satisfactory completion of probation for certain city officials.

Commissioner Morelli indicated that the Council should allow the current system to continue.

copy The following motion was made by Commissioner Rice and seconded by Commissioner Morelli. That the Civil Service Commission does not have an opinion as to whether to support or not to support proposed Charter Ordinance No. 37 at this time. Such neutral position is based on two factors: 1) The City Attorney as the draftsman of said Ordinance is not present to explain and clarify the revisions added to said Ordinance and 2) a of the revised Charter Ordinance No. 37 was not timely received until this meeting and to opine without having adequate time to consider the ramifications of said revisions would be difficult and unfair. Notwithstanding the foregoing, the Civil Service Commission does recognize that it must abide by the determination of the Common Council in all cases relating to Charter Ordinance No. 37 revised or otherwise. Motion carried unanimously.

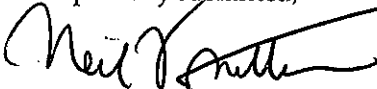
Item #5: Other Business

None

A motion was made by Commissioner DeGrace to adjourn the meeting at 4:30PM. Seconded by Commissioner Morelli. Motion carried unanimously.

Next meeting date was scheduled for Tuesday, August 18, 2009 at 3:30 PM in Room 301

Respectfully submitted,



Neil Guttormsen, Chairperson