

CITY OF WAUKESHA, WISCONSIN

ORDINANCE NO. _____-14

**An Ordinance Amending Section 2.015 of the Waukesha Municipal Code,
Regarding the Duties and Powers of the City Administrator**

Whereas, the Common Council having considered, at a duly-noticed meeting of the Common Council held on August 19, 2014, the recommendation of the Ordinance and Licensing Committee to amend the appointment, termination, powers and duties of the City Administrator; and

Whereas, the Common Council having had full debate on the matter and having heard the arguments of members, and being fully advised on the matter; and

Whereas, the Common Council having found that the changes in the City Administrator's appointment, termination, duties and powers recommended by the Committee are in the best interests of the City by clarifying and defining those items with more specificity ; and

Whereas, a motion to adopt the recommendation of the Committee having been made, duly seconded and carried by the affirmative vote of a majority of the Common Council;

Now, therefore, the Mayor and the Common Council of the City of Waukesha do ordain as follows:

Section 1. Section 2.015 of the Waukesha Municipal Code is amended to read in its entirety as follows:

2.015 City Administrator (Cr. #7-12)

- (1) **Creation of Office and Purpose.** The office of City Administrator is created, to be an officer of the City, pursuant to Wis. Stats. §62.09(1)(a). The City Administrator shall be the chief operating officer of the City, shall administer City departments to implement the policies set by the Council, and shall be responsible for the efficient coordination of all City departments, boards and commissions. The Council may adopt a job description for the City Administrator and amend it from time to time, and the City Administrator shall substantially comply with the requirements of the job description.
- (2) **Appointment and Termination.** At any time there is a vacancy in the office of City Administrator, a nominee for the office shall be selected by a selection committee, composed of the chairpersons of the standing committees of the Council

and the Mayor, and over which the Mayor shall preside. The selection committee shall negotiate the basic terms of the nominee's employment contract, and the final contract shall contain such additional provisions as are determined by the Human Resources Department and the City Attorney. The nominee and the proposed terms of the employment contract shall be presented to the Council, which shall then confirm or reject the nominee and the proposed terms of the nominee's employment contract. Confirmation shall be by simple majority vote. Upon confirmation by the Council, the Mayor shall execute the employment contract and the nominee shall assume the office. If the Council does not confirm either the nominee or the proposed terms of the employment contract, then the selection committee shall either begin searching for another nominee or attempt to re-negotiate the terms of the employment contract to which the Council objects, and shall continue until a nominee and a contract have been confirmed by the Council and an employment contract has been executed by the Mayor on behalf of the City.

Selection and confirmation of the City Administrator shall be based solely on merit, including education, training, general fitness for office and experience in municipal administration.

- (3) **Term.** The City Administrator shall hold office for an indefinite term, subject to removal at any time by a two-thirds vote of the Council.
- (4) **Contract.** The City Administrator's employment contract shall be in writing, and shall specify that employment is at-will.
- (5) **Organizational Level.** The City Administrator, as chief operating officer, is delegated the Mayor's executive authority to administer independently the operations of certain City departments, as defined in subsection (6)(a), below, and is therefore subordinate to, and performs duties at the request of, the Mayor. The City Administrator is superior to, and has direct authority over, the heads of the City departments which are under the City Administrator's direction. The City Administrator implements policies set by the Common Council, and therefore shall not follow directives which are contrary to such policies.
- (6) **Specific Duties.** The City Administrator shall perform the following duties, in addition to the general duties attendant to the office and as specified in the City Administrator's job description:
 - (a) Administer the operations of, and have direct authority over the heads of, the following City departments: Assessor; Cemetery; Community Development; Finance; Human Resources; Information Technology; Parks, Recreation and Forestry; Public Works; and all other City departments and offices the oversight of which is not given to other City officers or boards by state statute.
 - (b) Coordinate the operations of, and facilitate the cooperation of, all City departments, commissions and boards to maximize the efficiency of

implementation of policies set by the Council, regardless of whether the City Administrator has direct authority over the departments, commissions or boards.

- (c) Prepare a plan of administration, including an organization chart, which defines the duties and authority of all City positions.
 - (d) Stay informed about the availability of federal, state and county funds for local programs; and assist department heads and the Council in obtaining such funds.
 - (e) Act as the City's public information officer, to keep the news media informed about the City's operations, and to ensure that open meeting rules and regulations are followed;
 - (f) Serve as the Director of Emergency Management and be responsible for the coordination and administration of all operations within the City during an emergency.
 - (g) Attend all Council meetings and report all material administrative activities and the City's fiscal position.
 - (h) In coordination with the Mayor, the Council, and the City Clerk, ensure that agenda are prepared for all City meetings in compliance with state law.
 - (i) Assist in the preparation of ordinances and resolutions as requested by the Mayor or Council.
 - (j) Recommend to the Council the appointment, promotion, suspension or termination of department directors and managers, except as otherwise provided by law.
 - (k) Assist the Human Resource Manager with labor contract negotiations and collective bargaining.
 - (l) Appoint department directors and managers as provided in Municipal Code §2.01.
 - (m) Appoint interim department directors and managers when vacancies exist. Appointments to vacancies in positions for which the City Administrator does not have original appointment power shall be made by the City Administrator, subject to the Mayor's approval.
 - (n) Prepare the annual City executive budget for presentation to, and approval by, the Mayor and Council.
 - (o) Administer the adopted budget.
- (7) **Annual Review.** The City Administrator shall undergo an annual performance review. The review shall be conducted by a committee composed of the Mayor,

Council President and Human Resources Committee Chairperson. The committee shall prepare a report to the Council of the results of the review, identify specific goals to address performance deficiencies, and recommend other appropriate actions to be taken, including salary adjustments.

- (8) **Acting City Administrator.** The City Administrator may designate a City officer to act as City Administrator in the City Administrator's absence from office for reasons of illness, vacation, business or any other reason for a period of more than one day.

Passed the 19th day of August, 2014.

Approved:

Shawn N. Reilly, Mayor

Attest:

Gina L. Kozlik, City Clerk

For _____ Against _____ Absent _____