

22-1341 Request to Approve Alderpersons Salaries

Common Council

Wed, Nov 02, 2022 7:00PM

Mayor Jake Woodford 1:07:15

Let's recombobulate here. All right. Next, we're gonna move to the item from human resources and in for Information Technology. This is item 22-1341 request to approve alderperson salaries. We have a motion to approve. Is there a second? We have a motion and a second to approve. Alder Schultz.

Alderperson Alex Schultz (District 9) 1:07:50

Thank you, Chair. I just had one question. In the first line under therefore Council has the following options available for staggered salaries, the Council may establish alderperson salaries for alderpersons in districts 1, 3, 5, 7, 11, 13, and 15. I'm curious to know if the exclusion of district 9 assumes that I can establish my own salary. Is that why that was that one was left out? Just curious. **[Note: the transcript does not truly capture Alderperson Schultz's dryly humorous tone. There was laughter in the Chamber.]**



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To: Alderperson Denise Fenton, Chair
Members of the Human Resources/Information Technology Committee

From: Nicholas J. Vande Castle, Assistant City Attorney

Date: August 31, 2022

Re: Alderperson Salary Adjustments
Our File No. A19-0536

Alderperson salaries are reviewed annually. Historically this item is placed on the agenda as an action item every Fall in order to give Council the ability to review and adjust the Alderperson salary for a future Council. On September 15, 2021, the Common Council voted to increase the salary of all Alderpersons to \$6,750 effective April 2023.

Wisconsin Statutes § 62.09(6)(am)2 prohibits changing Alderperson salaries after the "earliest time for filing nomination papers for the office" and no changes can be made in the compensation during "the term of office for which the deadline applies."

Therefore, Council has the following options available depending on whether it wants different salaries for half of the Council, or one across-the-board adjustment for a future Council:

- 1) For staggered salaries, the Council may establish alderpersons' salaries for Alderpersons in Districts 1, 3, 5, 7, 11, 13, and 15 for terms starting in April 2023 prior to December 1, 2022 and subsequently establish salaries for Alderpersons in Districts 2, 4, 6, 8, 10, 12, and 14 who will begin their term in April 2024 prior to December 1, 2023; or,
- 2) For a single adjustment, establish the salary for all alderpersons seated on the Council in April 2024 prior to December 1, 2022.

If you have any questions or concerns, please do not hesitate to get in touch.

Christopher R. Behrens
City Attorney

Amanda K. Abshire
Deputy City Attorney

Darrin M. Glad
Assistant City Attorney

Nicholas J. Vande Castle
Assistant City Attorney

Mayor Jake Woodford 1:08:31

All right, so we'll need an amendment. I'll ask the chair of HR IT. Would you like to make an amendment?

Aldersperson Denise Fenton (District 6) 1:08:39

Thank you, Your Honor. And normally our colleague, Aldersperson Hartzheim catches those things in committee. So, we'll make a motion to add district nine in paragraph one.

Mayor Jake Woodford 1:08:55

Okay. We have a motion and a second on the amendment. Is there any discussion on the amendment, Aldersperson Schultz's previous comments notwithstanding. All right, all right. Hearing none Please cast your votes. Did it crash on you?

Mayor Jake Woodford 1:09:31

All right. All right. The motion the motion, the motion passes 12 to zero and Alder Schultz we will note your abstention Thank you. All right, so the item has been amended. Any further discussion on alder salaries? All right, Alder Wolff.

Aldersperson Nate Wolff (District 12) 1:09:59

Thank you. chair I was thinking about this a lot and I think this is the appropriate time for this. if I'm wrong, let me know. I would like to make an amendment as well. I would like to move leave it as 620—well I'm just gonna say I would like to move the parking passes to the overall funds of the aldermanic salary.

Aldersperson Denise Fenton (District 6) 1:10:30

Is that's a budget amendment?

Mayor Jake Woodford 1:10:49

I think as stated the motion would be out of order. I just say "as stated" the motion will be out of order because there may be another way to you know, restate the motion that would that would put it in order but that would be related to the amount attached, so that would be the amount of the increase if that's the if that's what you're trying to accomplish. I would then ask the attorney just for a review of that, if such a motion were made, but we'd need we need a motion related to the item because we can't amend the budget in this discussion that's not germane.

Aldersperson Nate Wolff (District 12) 1:11:34

Apologies. Can I ask what the total for the parking pass is at the moment? I know it went up. So

Mayor Jake Woodford 1:11:49

Would that be Director Ohman or Director Block which you have an answer for it? Not all at once. Director Ohman.

Mayor Jake Woodford 1:12:08

Okay, we're just getting the amount. Just hold tight. We're budgeting at \$40 a month.

Director Jeri Ohman (Finance) 1:12:40

Okay, the amount of parking permits in the 2023 budget for alders is \$7,200.

Alderman Nate Wolff (District 12) 1:12:53

For everything? Okay

Mayor Jake Woodford 1:12:56

That's the total. Alder Van Zeeland.

Alderman Katie Van Zeeland (District 5) 1:13:02

I had broken this down and to get ready for our budget discussion. That comes out to \$480 per alder.

Alderman Nate Wolff (District 12) 1:13:16

I would like to make my—am I still on? Good.

Mayor Jake Woodford 1:13:19

Go ahead.

Alderman Nate Wolff (District 12) 1:13:21

I would like to make a motion to move \$480 from parking pass money to the salary. \$6,750 in total.

Mayor Jake Woodford 1:13:32

Still not in order. The—we're not moving money from one budget to another in this discussion. What's before the Council is the amount of the salary increase. So that that would not be germane as stated or appropriate as stated. Attorney Behrens.

Attorney Christopher Behrens 1:13:53

I just remind the alder to that you cannot set salary. None of you can set your own salaries. So, keep in mind that what was put in front of you for setting the salaries is basically at least two full election cycles out.

Mayor Jake Woodford 1:14:11

So, this would be a future—in any case, Attorney Behrens, you're saying this is a future case.

Mayor Jake Woodford 1:14:15

This would be in the future.

Attorney Christopher Behrens 1:14:15

Right.

Attorney Christopher Behrens 1:14:17

Correct?

Mayor Jake Woodford 1:14:17

Yep. Okay. All right. We're gonna go to Alder Fenton.

Alderman Denise Fenton (District 6) 1:14:26

Thank you, Your Honor. When, as chair of the Human Resources in IT committee, I had planned to propose a very small increase. But one of my colleagues proposed zero and it was clear that there was no appetite for the raise. And I think that that is absolutely fine, given our budget constraints, and given the fact that a year ago we voted a pretty, a big \$10 a week raise that's going into effect next year.

Aldersperson Denise Fenton (District 6) 1:15:03

But at the risk of sounding like the proverbial broken record, I just want us to always be mindful that by doing the occasionally performative job of keeping alderperson salaries really low, we are establishing a bit of a gatekeeping function by keeping out people who have—own their own businesses or who lose money from a regular job by taking time to provide this service for the community or for young people who have childcare needs. Again, with the budget constraints, I went along with committee and I will go along here with this recommendation, but I want us to always be mindful that we as a body should be representative of the city and the citizens we represent, and some of the decisions we make, make us less able to be so thank you.

Mayor Jake Woodford 1:16:12

Alder Meltzer.

Aldersperson Vered Meltzer (District 2) 1:16:15

Thank you. So, I really appreciate what my colleague Aldersperson Wolff is trying to do. I think that we might have a path to move forward. So, at this point, I want to propose an amendment that instead of dividing the alderperson salary and benefits among the salary and parking pass, we roll it all together. So that in the future when this—if approved, when this new budget goes into effect, instead of having parking passes, that amount of money is included in part of the in the salary. So, I guess at this point, I would also refer to my colleague Aldersperson Van Zeeland's mathematical calculations for the numbers that we are using.

Mayor Jake Woodford 1:18:21

Okay, so since the recommendation coming out of committee was for no, there to be no increase, one of the things that will need to be resolved with your amendment is which of the, which of the two options as presented in the memo from August 31 would be applying here, and Attorney Behrens points out to me that the only option where that would be appropriate would be option two. Again, for the for the issue that was stated before about setting salaries in a future year, Attorney Behrens if you want to clarify.

Attorney Christopher Behrens 1:19:05

Option one may be workable, but it's going to be administratively a bit more challenging because then you could potentially have half of the Council that has one salary and eligible for parking passes yet, while the other set of Council just gets a flat amount and has to pay for their own. It's an option; it's not ideal. A cleaner option if the council is interested in doing that would be to just do an across-the-board adjustment. That's option number two on the memo effect of April '24. That would then be accounted for, taken into consideration with the budget that the mayor would prepare also for 2024.

Mayor Jake Woodford 1:19:48

Okay, thank you. Alder Meltzer.

Aldersperson Vered Meltzer (District 2) 1:19:51

Thank you. Yes, my reading of the agenda where it said recommended no increase for 2024 made me presume that number to hit was already what we were voting on.

Mayor Jake Woodford 1:20:05

Okay, great. So, if we could just have a motion to the to the effect of what you're seeking, then we'll see if there's a second.

Alderson Vered Meltzer (District 2) 1:20:11

So, first starting for 2024, I'm making a motion that we roll up the salary and parking pass together and cease to have a separate parking pass benefit.

Mayor Jake Woodford 1:20:27

Okay, we have a motion and a second to amend. Open the floor for discussion. Any discussion on the amendment? Alder Doran?

Alderson Chad Doran (District 15) 1:20:44

Thank you. Would it be out of order at this point to request this to be referred back to committee? Because we're absolutely doing committee work here. And this is a pretty significant change.

Mayor Jake Woodford 1:20:59

This has not been referred back previously.

Attorney Christopher Behrens 1:21:01

We have a December [cut out] so we're—based in our council meetings it's just become—it's starting to become a critical timing issue. But clerk can confirm. I don't see a record here of it being referred back yet.

Clerk Kami Lynch 1:21:23

They created a new file so the legislative history isn't appearing. But I believe it was just held in committee for months.

Mayor Jake Woodford 1:21:46

Okay, so just what was being discussed here was just sorting out the timing of this because it is a time sensitive item. So, if it does go back to committee—just to answer your question, Alder Doran, a refer back would be in order. It has not previously been referred back to committee. Just what we were discussing was the timing of that refer back just to give you that information as you consider that. So, with that Alder Doran you still have the floor,

Alderson Chad Doran (District 15) 1:22:15

I would make the motion to refer this to committee.

Mayor Jake Woodford 1:22:18

Okay. Got a motion? Is there a second? Do I need? Is this an automatic refer back?

Attorney Christopher Behrens 1:22:25

It's automatic.

Mayor Jake Woodford 1:22:27

Okay.

Attorney Christopher Behrens 1:22:27

There was an objection.

Mayor Jake Woodford 1:22:28

Okay. Any objection? Okay, we have an objection and a second to the objection. Objection is debatable.

Mayor Jake Woodford 1:22:54

All right, so we have motion and a second to refer back and it is debatable, requires a two thirds vote to refer back. Open the floor for discussion on the motion to refer back. Sorry, we'll, just chime back in here in the queue. All right. Alder Fenton.

Aldersperson Denise Fenton (District 6) 1:23:15

Thank you, Your Honor. My seconding of the objection to refer back is really logistical. We have a December 1 deadline is that correct, Attorney Behrens, to decide on this? Well, we have the special budget adoptions session next week at six o'clock, which would probably preempt Human Resources and Information Technology. So, it's officially cancelled. So that would move us to the next meeting, which would be Thanksgiving week. I don't see how we can do this and meet the deadline.

Mayor Jake Woodford 1:23:59

Alder Siebers?

Aldersperson William Siebers (District 1) 1:24:02

Thank you, Your Honor. Now, I may be wrong. But my understanding is the chair has the authority to call the meeting anytime, as long as it doesn't conflict with other meetings. So, it doesn't—even though the meeting has been established ahead of time—that meeting, my understanding is, the chair can change the time and date of that meeting. If I'm correct, then Aldersperson Fenton's argument is less of an argument.

Mayor Jake Woodford 1:24:43

Chairs can call. There's a provision for calling special meetings. So that is an option.

Aldersperson William Siebers (District 1) 1:24:50

Thank you, Your Honor.

Mayor Jake Woodford 1:24:54

All right. Further discussion. This is on the objection to the refer back. Alder Doran.

Aldersperson Chad Doran (District 15) 1:25:02

Thank you. I urge my colleagues to defeat the objection here. We're talking about a pretty significant change. One of the HR IT committee members is missing from discussion tonight, who I think we owe the ability to participate in this discussion for. So, I think just given the totality of things here and the fact that we're trying to do committee work at Council, this, this warrants us referring this back even if it requires a special meeting of the HR IT committee. We can get this done. We can have discussion about this at that point. So, I urge you to defeat the objection. Thank you.

Mayor Jake Woodford 1:25:43

Alder Wolff.

Aldersperson Nate Wolff (District 12) 1:25:45

Thank you, Chair. In past discussions, this item has come up and we didn't refer back to committee. So, I think it would be weird to do it now, and I would ask you to support the objection.

Mayor Jake Woodford 1:26:04

Alder Alfheim.

Aldersperson Kristin Alfheim (District 11) 1:26:07

Thank you, Chair. I don't always agree with my colleague, Mr. Doran, but in this case I do. Coming out of the HR—as a member of the HR committee we did not discuss this change. I am I feel way more comfortable having this in the committee. As he said, this is committee work and it should go back to committee to be discussed in full with full discussion, but not tonight. I would vote against the objection.

Mayor Jake Woodford 1:26:33

Any further discussion? This is on the objection. Okay, so on the objection an aye vote—I just wanna make sure we got this straight. Aye vote would sustain the objection.

Attorney Christopher Behrens 1:26:51

Correct.

Mayor Jake Woodford 1:26:52

Okay, meaning that the item would stay here. Nay refers it back. Everybody clear? Two thirds. Eight. All right Can we roll call it? Okay we're gonna do—we're just gonna run a roll call vote on this just to be clear.

Clerk Kami Lynch 1:27:20

Okay, I'll go in district order. Alder Siebers.

Aldersperson William Siebers (District 1) 1:27:28

No.

Clerk Kami Lynch 1:27:28

Alder Meltzer.

Aldersperson Vered Meltzer (District 2) 1:27:31

Aye

Clerk Kami Lynch 1:27:31

Alder Firkus.

Aldersperson Brad Firkus (District 3) 1:27:35

Aye.

Clerk Kami Lynch 1:27:35

Alder Van Zeeland

Aldersperson Katie Van Zeeland (District 5) 1:27:36

Nay

Clerk Kami Lynch 1:27:38

Alder Fenton.

Aldersperson Denise Fenton (District 6) 1:27:39

Nay

Clerk Kami Lynch 1:27:42

Alder Thao.

Aldersperson Maiyoua Thao (District 7) 1:27:43

Nay

Clerk Kami Lynch 1:27:47

Alder Thyssen

Aldersperson Joss Thyssen (District 8) 1:27:47

Aye.

Clerk Kami Lynch 1:27:50

Alder Schultz

[Aldersperson Schultz's vote was not picked up by the microphone. The vote was 4-9 so it would seem he voted no.]

Clerk Kami Lynch 1:27:55

Alder Jones

Aldersperson Vaya Jones (District 10) 1:27:56

Nay

Clerk Kami Lynch 1:27:58

Alder Alfheim

Aldersperson Kristin Alfheim (District 11) 1:27:59

Nay

Clerk Kami Lynch 1:28:02

Alder Wolff

Aldersperson Nate Wolff (District 12) 1:28:02

Aye

Clerk Kami Lynch 1:28:06

Alder Croatt.

Aldersperson Chris Croatt (District 14) 1:28:06

Nay

Clerk Kami Lynch 1:28:08

Alder Doran.

Aldersperson Chad Doran (District 15) 1:28:09

Nay

Mayor Jake Woodford 1:28:09

All right. The nays have it. The objection's been defeated. This item will be referred back to the HR IT committee, and at the soonest the available meeting date and time. And folks will be notified when that meeting is happening and that will be noticed to the public also. Alright, that has been referred back.