

**City of Stevens Point**  
**SPECIAL JOINT PERSONNEL / FINANCE COMMITTEE AGENDA**  
**Monday, January 16, 2012 – 6:30 P.M.**  
**Council Chambers – 1516 Church Street**

**[A quorum of the City Council may attend this meeting]**

**Discussion and Possible Action on the Following:**

1. Elevating the position of the City Attorney to full-time status.
2. Authorizing the full pay to the City Attorney of Grade N, Step 10 (\$92,406).
3. Adjournment.

Any person who has special needs while attending this meeting or needs agenda materials for this meeting should contact the City Clerk as soon as possible to ensure reasonable accommodations can be made. The City Clerk can be reached by telephone at (715) 346-1569, TDD #346-1556, or by mail at 1515 Strongs Avenue, Stevens Point, WI 54481.

Copies of ordinances, resolutions, reports and minutes of the committee meetings are on file at the office of the City Clerk for inspection during normal business hours from 7:30 A.M. to 4:00 P.M.

## MEMORANDUM

PERSONAL AND CONFIDENTIAL

TO: Mayor Andrew Halverson  
City of Stevens Point

FROM: Dean R. Dietrich  
Ruder Ware, L.L.S.C.

DATE: January 12, 2012

RE: Compensation for Position of City Attorney

Mayor Halverson:

You have asked that we review the City ordinances and the City compensation plan as it relates to the compensation for the position of City Attorney in the City of Stevens Point. The City is considering a change in the level of work expectations for the position of City Attorney but is concerned that a change in work expectations without a requisite change in compensation for the position will result in a de facto block to the change in work expectations for the position.

### BACKGROUND

The position of City Attorney in the City of Stevens Point is placed at Grade "N," which has a salary range of \$73,504 - \$94,506. The current incumbent in the position of City Attorney is listed at Step 10 of the salary range, which provides for an annual salary of \$92,406. Salary adjustments for 2012 have been made in accordance with the normal procedures for the City of Stevens Point. The current incumbent, however, is only receiving a salary of \$46,203 because the City has previously indicated that the position should only be considered a 50% (half time) position.

The City is contemplating making the City Attorney position a full-time position. If it decides to do so, the salary range for the position would be from \$73,504 - \$94,506. That is the salary that is established by the Common Council pursuant to regular procedures and would be in compliance with Section 66.0505 and Section 66.0507 of the Wisconsin Statutes. These statutes provide that the salary for an elected position may not be increased during the term of the elected official, except for normal adjustments based upon cost of living considerations.

## ANALYSIS

Questions have been raised whether the City can increase the salary of the incumbent, who is designated to work at a half time basis. It is our opinion that the City can increase the salary of the incumbent to the full salary (100%) at the appropriate step for the incumbent based upon the wage range identified for Classification "N," if the incumbent is directed to work at the 100% level and is monitored to work at that level. The salary range for Classification "N" is the range of pay that may not be adjusted during the term of the elected official, except for the adjustments based upon cost of living considerations authorized in Section 66.0507, Wis. Stats.

We have reviewed Section 62.09 and Section 66.0505 of the Wisconsin Statutes. These statutes relate to the position of City Attorney and further provide that the salary of an elected official may not be increased during the term that the elected official is serving in that office. It is our opinion, however, that the salary of the incumbent person in the position of City Attorney may be increased because the expectations established by the Common Council for serving in the position of City Attorney are being significantly modified from being a half time position to being a full time position. As part of this change, the incumbent would be expected to work full time for the City and not engage in any private practice, which has been allowed while the position existed as a part time (50%) position. The action to change the work expectations for the position of City Attorney from half time to full time does not constitute a violation of the statutory principles that the salary of an elected official may not be increased during his/her term because the position is being modified from a part-time to a full-time position.

## CONCLUSION

In this instance, the City is changing the work expectations for the position of City Attorney and expecting that the incumbent in the position work 100% in the capacity of City Attorney instead of in a half time capacity as has been the practice in the City. Changing the expectations for the position from half time to 100% (full time) and adjusting the salary based upon a full-time position under the previously established compensation plan would be within the proper authority of the Common Council. It is, therefore, our opinion that the City may proceed with the change in work expectations for the City Attorney position from 50% part time to 100% full time and adjust the salary of the incumbent in that position accordingly.

If you have questions about this, please let me know.

City Attorney Salary Adjustment

	<u>2012 Budget</u>	<u>2012 Proposed</u>	<u>Difference</u>
Salary	\$46,203.00	\$92,406.00	\$46,203.00
Wisc Retirement	\$3,257.32	\$6,514.63	\$3,257.31
Social Security	\$3,534.53	\$7,069.06	\$3,534.53
Work Comp	<u>\$129.37</u>	<u>\$258.74</u>	<u>\$129.37</u>
TOTAL	\$53,124.22	\$106,248.43	\$53,124.21
Contingency Transfer		\$53,124.21	