

Date: Tuesday, January 5, 2016
Time: 5:50 pm
Place: City Hall

SALARY & PERSONNEL COMMITTEE

A. CALL TO ORDER & ROLL CALL

B. CORRECTION OF MINUTES

C. BUSINESS: OPEN

1. RECEIPT OF LETTER OF RESIGNATION FROM DIRECTOR OF PUBLIC WORKS AND OPTIONS FOR FUTURE

Individual Requesting Item	City Administrator
Expected Length of Discussion	20 Minutes

2. PROPOSAL FROM ATTORNEY EWALD TO REVERT BACK TO THE OUTSIDE COUNSEL, HOURLY FEE, MODEL FOR LEGAL SERVICES

Individual Requesting Item	City Administrator
Expected Length of Discussion	20 min.

Documents: [Ewald-Proposal.pdf](#)

3. RESOLUTION REGARDING THE HIRING AUTHORITIES FOR THE CITY OF MONROE

Individual Requesting Item	City Administrator
Expected Length of Discussion	20 Minutes

D. BUSINESS BY MEMBERS

May make brief comments or bring up items to be discussed at a future meeting

E. ADJOURNMENT

This Committee may take any action it considers appropriate related to any item on this agenda.

Requests from persons with disabilities who need assistance to participate in this meeting, including need for an interpreter, materials in alternate formats, or other accommodations, should be made to the Office of the City Clerk at (608) 329-2564 with as much advance notice as possible so that proper arrangements can be made.

Notice is hereby given that a majority of the members of the Common Council of the City of Monroe may be present at this meeting to gather information about the matters set forth on this agenda. This notice is given pursuant to the Wisconsin Open Meetings Law.

Members: Chairperson Brooke Bauman, Jeff Newcomer, Reid Stangel, and Alt. Richard Thoman

VOEGELI, EWALD & BARTHOLF LAW OFFICES, S.C.

*Monroe Professional Center
www.voegeli-ewald.com*

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December 18, 2015

Mr. Philip Rath, Administrator
City of Monroe
1110 18th Avenue
Monroe, Wisconsin 53566

Re: City Attorney Services

Dear Phil:

I am writing to confirm the proposal I made in our meeting on December 15 regarding city attorney services for 2016.

As you know, under an employment agreement dated April 1, 2013 I have been providing executive level city attorney services as a part-time employee of the City. The compensation for these services was arrived at by applying a formula that was designed to convert into a salary what the City was paying on an hourly basis for these services. The formula reduced my salary to adjust for employment taxes and employee benefits costs the city would need to pay. The net effect was to place on me the economic burden of these costs just as it was when I was performing the services on an hourly basis as outside counsel. The idea was to make the transition cost-neutral for the City and revenue-neutral for me. The three year employment agreement ends on March 31, 2016.

The only unanticipated surprise with the employee model has been with state retirement. In the formula I pay both the employee and employer share of state retirement [in the form of reduced compensation]. This was fine because I assumed that I would ultimately receive the full benefit of the retirement contributions. However, because of vesting rules we now realize there is no way that I will ever receive the benefit of the employer contribution to state retirement. This is a one-sided problem because the City still must contribute to state retirement on my behalf.

I am now 64 years old and contemplating retirement. On the private side I have already begun to cut back on my schedule and plan to reduce even further in 2016. I will still remain affiliated with my law firm and will still be available on a more limited basis to provide city attorney services, but I would like to shift some of the City Attorney responsibilities to Dan Bartholf. Dan has covered in my absences in the past and brings a strong dedication to his work.

Mr. Philip Rath, Administrator

December 18, 2015

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Unfortunately, the employee model represents a significant impediment to splitting duties with Dan because the income is all reported to me as the employee. There is just no easy way to attribute compensation to Dan for executive level work he does, which brings me to my proposal to the City.

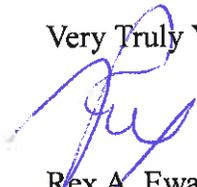
I propose that we revert back to the outside counsel, hourly fee, model for legal services. This should be cost-neutral for the City because the employee benefit costs and payroll taxes will go away. I should be able to continue my health insurance under COBRA if I pay the premium myself.

Reverting back to the hourly rate model will allow me to shift work to Dan Bartholf. The city will be able to utilize Dan's services on a trial basis without any commitment. If the City likes his work we could continue to transition work to him in an orderly manner as I reduce my hours. Assuming you find Dan's work acceptable, I think this arrangement would result in a painless period of transition for you and the Council.

As a closing note let me suggest that the quality of legal services the City has received for the past 27+ years has been exceptional. My standard has never wavered during my tenure as City Attorney. From the various development agreements with embedded graphics, through the rejected, but well drafted, intergovernmental solid waste agreement, to the codification process now nearing completion, I have brought a high degree of quality and creativity to my work as City Attorney.

In his 15 years with the firm Dan Bartholf has worked closely with me on a variety of matters, including several city matters, and I know he shares my commitment to excellence. I don't think the City would be disappointed with Dan.

Very Truly Yours,



Rex A. Ewald
RAE:krw