

RE: Kerry Mitchell's confirmation

Foley, Colleen

Tue 11/1/2016 3:13 PM

Inbox

To: Bablitch, Kelly <Kelly.Bablitch@milwaukeecountywi.gov>;

Chief of Staff Bablitch:

In my opinion, this submission constitutes a rescission of the original four year appointment and renders File 16-600 moot. It's a different file item for a different term than what the personnel committee originally voted on, though it involves the same appointee. As such, it re-sets the 60 day clock on the two year appointment.

The language of Wis. Stat. 59.17 is that: "[A]n appointee of the county executive may assume his or her duties immediately, pending board action which *shall* take place within 60 days after the county executive submits the appointment to the board for confirmation."

So, though the statute does not speak to this circumstance per se, its plain language is that board action must occur within 60 days after the CEX's submission. In my opinion, a withdrawn submission and accompanying revised submission for the same individual but a different term resets that 60 day clock.

Thank you. Colleen

From: Bablitch, Kelly
Sent: Tuesday, November 01, 2016 2:48 PM
To: Foley, Colleen <Colleen.Foley@milwaukeecountywi.gov>
Subject: Fw: Kerry Mitchell's confirmation

Interim Counsel Foley,

Pursuant to our conversation this morning, please clarify if this email from COS Koltun constitutes a rescission of the County Executive's original appointment that would render File 16-600 moot and start the 60 day statutory clock on the two year appointment in File 16-642.

The appointment letter (File 16-642) in Legistar has the subject "Modified Appointment Letter for Kerry Mitchell." This header is inconsistent with this morning's summary that this item is wholly new.

Thanks,

Kelly Bablitch

Milwaukee County Board of Supervisors
Chief of Staff
414-278-4169
kelly.bablitch@milwaukeecountywi.gov

From: Koltun, Raisa
Sent: Tuesday, November 1, 2016 2:27 PM
To: Lipscomb, Theodore
Cc: Foley, Colleen; Janowski, Jon; Abele, Chris; Mitchell, Kerry; Bablitch, Kelly; Czarnezki, Joseph; DL CBRD CtyBrd Supervisors
Subject: Kerry Mitchell's confirmation

Chairman,

Per Supervisors' request, the County Executive is substituting his October 5, 2016 letter to you which reappointed Kerry Mitchell to the position of Chief Human Resources Officer for a four-year term. We are therefore withdrawing the appointment for four-years and submitting Kerry Mitchell's reappointment as Chief Human Resources Officer for a two-year term that commences with the date of her confirmation. The new file number is 16-642. We will be delivering paper copies shortly.

The County Executive is asking that you schedule a special Personnel Committee meeting before the November 3rd County Board meeting so that Kerry's revised term can be voted on accordingly.

He continues to be impressed with the work that Kerry has done and believes that opinion is shared by the many supporters – including other County elected offices – who wrote letters of support or testified in favor of her confirmation.

As stated previously, the County Executive is concerned that two-year appointment terms will harm our recruitment efforts for critical top leadership posts; instead, we should be striving to do everything we can to make Milwaukee County an attractive place to work, particularly for our top leadership positions. With that said, it is extremely important to keep the continuity of effective leadership in this position at this time. The County Executive is willing to compromise with you again to get to this outcome, however would ask for a conversation about the costs and benefits of a two-year term.

Please let me know if you are able to refer this file to a special meeting on November 3rd or if you have any questions we can answer in the meantime.

Sincerely,

Raisa

Raisa Koltun
Chief of Staff to County Executive Chris Abele

901 N. 9th St., Room 306
Milwaukee, WI 53233
Phone: 414.278.4338