

MINUTES
POLICE AND FIRE COMMISSION
Thursday, November 5, 2015
City Hall, Room 310
3:00 PM

MEMBERS PRESENT: Commissioners Rod Goldhahn, David Nelson, Barbara Dorff, and Nancy Schopf

OTHERS PRESENT: Fire Chief David Litton, Police Captain Jim Runge, HR Operations Manager Melanie Falk, HR Generalist Jen Smits, Attorney Kyle Gulya (von Briesen and Roper, S.C.), Attorney Tony Wachewicz (Davis and Kuelthau), Assistant City Attorney Joanne Bungert, Police Officer Riley Peterson, and Lieutenant Chad Ramos

1. Roll call.

The meeting was called to order at 3:00 p.m. by President Goldhahn. Roll call was taken. Comm. Mallett had not yet arrived.

2. Approval of the minutes from the meeting of the Police and Fire Commission held October 1st, 2015 and approval of the minutes from the special meetings of the Police and Fire Commission held October 12th, 2015 and October 19th, 2015.

Comm. Goldhahn requested a motion to approve the meeting minutes as submitted. Motion made by Comm. Dorff, second by Comm. Nelson. Motion carried.

3. President's Report.

No President's report.

4. Communications.

- a. Budget Status Report**
- b. Budget Spreadsheet**

HR Operations Manager Melanie Falk commented that the Finance Director will present a request for additional dollars at a Finance Committee meeting in December.

Comm. Goldhahn requested a motion to accept and place the communications on file as received. Motion made by Comm. Schopf, second by Comm. Dorff. Motion carried.

5. Report from the Chiefs.

Fire Chief Litton reported that the Fire Department will be reorganizing and eliminating one position, essentially going from four administrative chief officers to three. Chief Litton stated that Asst. Chief Nieft has indicated that he will be leaving the department in April or May of next year. The department is in the process of formulating the interview process and reorganization within the department. Chief Litton stated that Generalist Jen Smits has dates scheduled for initial interviews for the first week of December if the budget passes as it was finalized at the Finance Committee.

It is anticipated that the department will have six or seven vacancies to fill at the end of the year. A question was asked about the ads that were listed in the budget report, specifically if the ads were past ads or ads that are currently posted. HR Operations Manager, Melanie Falk commented that these ads ran previously.

Chief Litton explained that two candidates were lost from the last fire academy. One candidate voluntarily resigned because he determined that his interest was to work more on the EMS side and the other candidate voluntarily resigned as well.

Chief Litton reported two successful resuscitation cases. One was an elderly 95 year old woman and the other was a 61 year old woman who suddenly collapsed in her front yard. Police were on the scene performing CPR when the crew arrived. At the scene, care was administered and the patient was transported to the hospital with a pulse.

Chief Litton commented that there have not been many fires reported. There was a training burn performed at West Point near Station 4. A structure was donated to the department and on Tuesday, Wednesday, and Thursday the department started live fires to train.

Police Captain Jim Runge shared with the Commission that this month the department is participating in No Shave November. The money raised will go to a charity for Special Olympics. There are 49 people who are participating at this point. Each full beard is \$50 and \$25 for a goatee.

Captain Runge reported there have been 11 deaths this year due to drug overdose. The most recent drug overdose occurred on the 16th of October. In this case someone was charged with first degree reckless homicide.

Captain Runge reported that the County board has agreed that they will contract with Dane County for medical examiners starting January 1st. There will be a meeting next week with the detective groups and supervisors. They will meet with Dane County's medical examiners to determine what their process is going to be and what they are going to be doing. Dane County has a forensic pathologist on staff where Green Bay did not.

6. Schedule Patrol Officer Interviews ** Commissioners please bring your calendars**

Generalist Jen Smiths reported that testing for the Patrol Officers will be performed on Saturday, November 7th and interviews with police department personnel will be conducted on November 17th, 18th, and 19th. She is recommending that three dates in the evenings or afternoons be set aside for the interviews. Following discussion, the commissioners agreed to conduct the interviews on December 1st, December 8th and December 9th. A confirmation of these dates and times will be sent out to the commissioners.

7. Bills.

Comm. Goldhahn commented that the bills are all related to polygraphs, physicals, or drug screens.

Comm. Goldhahn requested a motion to accept and place the bills on file as received. Motion made by Comm. Dorff, second by Comm. Schopf. Motion carried.

8. Set date of next meeting.

The next meeting will be held on Thursday, December 3, 2015, at 3:00 p.m. in Room 310.

9. Prehearing on charges brought by Robert Benthein, dated September 30, 2015, against Officer Riley Peterson, Lieutenant Chad Ramos and Lieutenant David Paral. Please take notice that pursuant to Section 19.85(1) (a) and (b) and (c) and (f), Wis. Stats., the Commission may from time to time convene in closed session for the purposes of deliberating on the case before it and/or receiving information regarding the discipline, performance evaluation, or disciplinary data of any public employee. After any closed session during the hearing on this matter, the Commission may reconvene in open session pursuant to Section 19.85(2), Wis. Stat., for purposes of continuing the hearing

and conducting all matters allowed by law.

Comm. Goldhahn stated that the Commission will take a break and reconvene at 3:30 p.m.

The prehearing was called back into session at 3:30 p.m. by President Goldhahn. Mr. Benthein had not yet arrived.

Attorney Kyle Gulya, Attorney for the Police and Fire Commission advised Comm. Goldhahn to have everyone in the room identify themselves as present. Comm. Goldhahn gave a visual of the individuals present at the meeting. He stated that 4 of the 5 Commissioners are present; Attorney Gulya representing the Commission, HR Operations Manager Melanie Falk, HR Generalist Jennifer Smiths, and Green Bay Police Department Captain Jim Runge are present. Comm. Goldhahn asked that Attorney Tony Wachewicz, Assistant City Attorney Joanne Bungert, Police Officer Riley Peterson, and Lieutenant Chad Ramos from the Police Department identify themselves as present.

Comm. Goldhahn provided a brief history of the complaint that was filed. The complaint was first filed by Mr. Benthein and was received on March 16, 2015. The complaint was put on hold by Mr. Benthein because a key component of the complaint was that this was an active court case. Following the hold period, Mr. Benthein requested that a hearing be scheduled. A hearing was scheduled for September 10th with all members present. Mr. Benthein did not show up for the hearing; he did not have anything preventing him from attending, he made a choice to not attend. At that time, the Commission dismissed his charge without prejudice meaning he would have the right to refile if he chose to. Mr. Benthein chose to refile the paper work and this was received on September 30th by the commission which prompted the hearing today. Letters were sent to Mr. Benthein, the first letter was dated October 12th. Phone notice attempts were made to the phone number that Mr. Benthein provided and where he could be reached in the past. Comm. Goldhahn explained that the phone number had a recorded message that said that the phone could not take calls. The same message was received several times over the past three weeks. A second letter was sent dated October 26th indicating that if no response was received and if Mr. Benthein did not contact Comm. Goldhahn by Monday, November 2nd then the Commission would take it as a confirmation that he was dropping the complaint. The mail was sent out with a signature request to verify that he received the letter. No verification was received from the post office that Mr. Benthein was picking up his mail. Two hearings have been scheduled and a lot of time and effort has been expended on the part of the Commission, the attorneys, and the officer's attorney. Mr. Benthein has not attended.

A motion to dismiss the complaint was made by Comm. Dorff with a second by Comm. Schopf. Motion carried.

Attorney Gulya made a recommendation to the Commission, as an option, to protect the sanctity of the process while dealing with Mr. Benthein. His recommendation was that in the event that Mr. Benthein chooses to refile charges again and subsequently decides not to show up for the proceedings, in order to protect the Commission and to respect sanctity of this process, the Commission may consider requiring Mr. Benthein to have charges formally served by a process server, before the Commission will undertake further consideration of any charges from Mr. Benthein. Mr. Benthein will have to expend resources on his own in order to proceed with any sort of charges before the Commission. Mr. Benthein will need to have the charges filed with the Commission and then the Commission will wait before doing anything with the charges until Mr. Benthein has the charges served on the parties. He will need to utilize a process server and pay for the cost of that process.

Comm. Goldhahn commented that for this particular case involving Mr. Benthein, the Commission will not start any actions until charges have been served by a process server. He

further explained that normally when charges are served on an officer, the hearing must commence no less than 10 days and no more than 30 days following service of the charges. Attorney Gulya's recommendation to the Commission was that if the officers indicated that they required more time to prepare for the hearing, serious consideration should be given to that request.

A motion was made by Comm. Schopf to require Mr. Benthein to formally serve any further claimed charges against officers as part of the Commission before taking any action with a second by Comm. Dorff. Motion carried.

10. Review and Discussion of the Police Chief Candidate Background Reports. The Commission may convene in closed session pursuant to Sections 19.85 (1) (c), Wisconsin Statutes, to consider employment, promotion, compensation or performance evaluation data for any public employee over which the governmental body has jurisdiction or exercise responsibility. The Commission may thereafter reconvene into open session pursuant to Section 19.85 (2), Wisconsin Statutes, to report the results of the closed session.

Comm. Goldhahn read the closed session statement. A motion was made by Comm. Nelson with a second by Comm. Schopf to go into closed session. Motion carried.

A motion was made by Comm. Schopf to return to open session with a second by Comm. Dorf. Motion carried. Out of closed session Comm. Goldhahn reported that four Police Chief candidates were reviewed, and three are recommended to continue in the selection process.

With no other items on the agenda, Comm. Goldhahn requested a motion to adjourn the meeting. Motion made by Comm. Dorff, second by Comm. Nelson. Motion carried.

The meeting adjourned at 4:48 p.m.

Respectfully submitted,

Manila Vang, Recording Secretary

APPROVED: _____
Rod Goldhahn, President