



MINUTES OF MEETING

Special Meeting

April 15, 2021

The meeting was called to order at 10:00 on April 15, 2021

D. Michael Albrecht - Chairman - Present
Debra Lester - Commissioner - Present
Tom Green - Commissioner - Present

David Anderson - Police Chief
Matt Bowler - Deputy Police Chief
Dan Shanahan - Deputy Police Chief
Michael Beauvais - Police Detective
Erik Bjork - Patrol Officer
Daniel Anderson - Fire Chief
Randall Banker - Deputy Fire Chief
Pete Dyer - Deputy Fire Chief
Dorothy Wisniewski - Asst. City Mgr./Fin. Director
Becky Madison - Human Resources Director
Andrew Fiske - City Attorney

The purpose of the meeting was:

1. Approval of the 2021 regular meeting schedule of the Board of Fire and Police Commissioners
2. Approval of an amendment to Chapter 4 Section 2 of the Rules and Regulations of the Board of Fire and Police Commissioners pertaining to Veteran’s Points in the Police Department Promotional Examination Process
3. Approval of Police Chief rating process/system regarding the 2021 Police Department Promotional Examination Process
4. Consideration of a motion to remove certain Probationary Patrol Officer candidates for continued consideration in the selection process

Business from the public – None.

The minutes from the March 30, 2021 meeting were presented for approval. Commissioner Lester inquired regarding the official version of the minutes to which Andrew Fiske replied that the version with the redlining was the version to be considered for approval. Commissioner Lester motioned for approval, seconded by Commissioner Green - motion passed.

Chairman Albrecht stated that no rules or regulations of this Commission will be changed without approval of this Board. Andrew Fiske asked for clarification of this statement. Upon discussion, Chairman Albrecht explained that he was referring to past practices. Mr. Fiske specified that he would not want the record to reflect that past practices of the Board will not be changed because there may be past practices that the Board will be advised to change in the future. Chairman Albrecht explained that he did not have any objection to change but that changes would be brought to the Board for consideration before any changes are made. Mr. Fiske replied that he understood the comments.

The minutes from the April 8, 2021 meeting were presented for approval. Commissioner Green motioned for approval, seconded by Commissioner Lester - motion passed.

Chairman Albrecht presented the 2021 Board calendar for approval. Human Resources Director Becky Madison stated that

per Chairman Albrecht's direction staff has developed a meeting schedule. Chairman Albrecht noted that there was a date change in June to which Director Madison explained that the change was requested to accommodate an arbitration requiring staff attendance, which was scheduled on the original meeting date. Commissioner Green motioned for approval, seconded by Commissioner Lester - motion passed.

Next, an amendment to Chapter 4 Section 2 of the rules and regulations of the Board pertaining to veteran's points in the Police Department promotional examination process was presented for consideration. Chairman Albrecht asked if veteran's points were historically included? Commissioner Lester replied that she and Mary Nistler, Fire Department Divisional Secretary, performed an extensive search and did not find the inclusion of veteran's points in the records. She further stated that for the 2019 Lieutenants exam the Fire union asked the Board to include the points and update the rules and regulations, noting that there was a question of whether the exclusion violated their collective bargaining agreement. Commissioner Lester explained that she, Alan Wax and Jim Powers formulated a veteran's point inclusion for only the 2019 Lieutenants exam. She noted that veteran's points were included in the rules adopted in August 2019 in advance of the Lieutenants exam.

Andrew Fiske confirmed that he did receive Commissioner Lester's comments and that the draft presented for approval was revised in light of her comments. Additionally, Mr. Fiske noted a practical consideration discussed with the Fire and Police Chiefs in the event of a tie on the promotional list which can be included in the rules or noted for the record. Mr. Fiske explained that if there is a tie, candidates would be ranked in the order of seniority. Furthermore, he noted that if there is a subsequent tie where candidates had the same level of seniority, the tie-breaking factor would be the veteran's point preference. Next, Chairman Albrecht and Police Chief Anderson discussed the application of seniority and veteran's points in the sergeant promotional process.

The Board, attorney and staff discussed both Commissioner Lester's and the attorney's drafts and the specifics contained within including transparency, inclusions, flexibility, draft format and decision timeframe. Mr. Fiske noted the Board's Rules and Regulations incorporate state statutes and recommended that specific statute language is not included. He further noted that, if desired, the statutory section could be added without specifically citing the statute. **Commissioner Lester stated that she would prefer that the process be detailed in the rules as it was for the Fire Department 2019 Promotional Exam so that the candidates know the qualifications and process for claiming veteran's points. Mr. Fiske stated that it should be incumbent upon the candidates to read the statutes.** Procedurally, Mr. Fiske stated that the motion to approve can include an amendment that the statutory reference be inserted. The Board and Mr. Fiske further discussed the specifics of the timing of the candidates' submission of points. Additionally, Mr. Fiske recommended that Chairman Albrecht use a motion and roll call vote as a best practice and that the initial vote be taken on the attorney's version of the draft rules.

Andrew Fiske clarified the restated motion to approve the revision to the rules and regulations as presented by the City attorney with the amendment that the language be amended to state after the phrase "proof of active military service" to include a reference to the state statute providing the one-year minimum service and with a second amendment after the phrase "at the time of application" to clarify at the time of application for veteran's preference points.

Commissioner Green motioned for approval as amended, seconded by Chairman Albrecht - motion passed.

By Roll Call
AYES: Albrecht, Green
NAYES: Lester - motion passed

Chairman Albrecht stated that he would like to revisit this item when the Board is not time constrained, noting that his key concern is that candidates receive consideration for their veteran's points as well as the other valid points made by Commissioner Lester. The Board and staff reviewed the timing in which candidates will be provided with this change and well as the dates for the written test and assessment center. Commissioner Lester asked if there would be an opportunity for the Board to thank the candidates for taking the exam to which staff replied that this is typically done before the written exam. Lastly upon Commissioner Lester's inquiry, Police Chief Anderson stated that IO Solutions will be providing the Board with the initial list of the candidates' points prior to military points.

Next, the Police Chief rating process/system regarding the 2021 Police Department promotional examination was presented for approval. Commissioner Lester motioned for approval, seconded by Commissioner Green - motion passed.

Chairman Albrecht noted that staff would be involved in the process. Police Chief Anderson explained that he, Deputy Chiefs and Commanders would be involved.

Chairman Albrecht requested that the next Board meeting's agenda include a discussion of rules and ordinance adjustment given there is some contradiction with the Board's attorneys. Commissioner Lester added that in addition to the insertion of the veteran's points, that the previously approved Fire candidate background investigations vendor should be included in the rules for the revision. Andrew Fiske noted due to the previous format and that the new Police Chief and council were not present, a renewed discussion would be needed to formalize and adopt. Upon further discussion between the Board and Mr. Fiske it was agreed that these items would be discussed and reviewed at the next Board meeting.

Andrew Fiske recommended that a roll call be completed before moving into Executive Session. Motion made to go into Executive Session at 11:10 am to review minutes and discuss compensation and candidates in accordance with Section 2(c)(1) of the Open Meetings Act was made by Commissioner Green, seconded by Commissioner Lester – motion passed.

By Roll Call

AYES: Albrecht, Green, Lester

NAYES: none - motion passed unanimously

Executive session ended 11:24 am.

Continue Regular Session:

1. Motion to Approve Executive Session Minutes of April 8, 2021

Motion made by Commissioner Lester, seconded by Commissioner Green

AYES: Albrecht, Green, Lester

NAYES: none, motion passed unanimously

2. Motion to Disqualify Candidate Bolthouse from further consideration for Probationary Patrol Officer: made by Commissioner Lester, seconded by Commissioner Green

AYES: Albrecht, Green, Lester

NAYES: none, motion passed unanimously

3. Motion to Disqualify Candidate Brumfield from further consideration for Probationary Patrol Officer: made by Commissioner Green, seconded by Commissioner Lester

AYES: Albrecht, Green, Lester

NAYES: none, motion passed unanimously

4. Motion to Disqualify Candidate Zuenger from further consideration for Probationary Patrol Officer: made by Commissioner Green, seconded by Commissioner Lester

AYES: Albrecht, Green, Lester

NAYES: none, motion passed unanimously

5. Motion to Disqualify Candidate Solis from further consideration for Probationary Patrol Officer: made by Commissioner Green, seconded by Commissioner Lester

AYES: Albrecht, Green, Lester

NAYES: none, motion passed unanimously

Next Regular Meeting, Thursday June 10, 2021 – 10:00 am.

Motion to Adjourn 11:35 am: made by Commissioner Green, seconded by Commissioner Lester, motion passed unanimously.

APPROVED