

City of Whitewater Police Commission
Quarterly Meeting Minutes
March 10, 2011

ABSTRACT / SYNOPSIS OF THE ESSENTIAL ELEMENTS OF THE OFFICIAL ACTIONS OF THE
POLICE COMMISSION OF THE CITY OF WHITEWATER, WALWORTH AND JEFFERSON
COUNTIES, WISCONSIN

- I. CALL TO ORDER, ROLE CALL: Police Commission President Jan Bilgen called the meeting of the Whitewater Police Commission to order at 6:00 p.m.
Members present: Jan Bilgen, Jerry Wendt, Dennis Knopp, and Jim Olsen
Members absent: Rosa Verduzco
Also present were Lt. Lisa Otterbacher, Support Services Manager Kathy Boyd and Records Technician Cathy Swartz
- II. APPROVAL OF MINUTES: Minutes from the November 17, 2010 meeting were approved by a unanimous voice vote on an Olsen/Wendt motion.
AYES: Bilgen, Wendt, Knopp and Olsen
NOES: None
ABSENT: Verduzco
- III. CITIZEN'S COMMENTS: Bilgen read the following statement *"No formal Police Commission action will be taken during this meeting although issues raised may become part of a future agenda. Participants are allotted a three to five minute speaking period. Specific items listed on the agenda may not be discussed at this time; however citizens may speak to those issues at the time the Police Commission discusses them on the normally scheduled agenda."* Bilgen asked if there was anyone that would like to speak on an issue that's not on the agenda. No citizen comments were made.
- IV. OLD BUSINESS:
Bilgen stated there was no old business to discuss at this meeting.
- V. NEW BUSINESS:
 - A. DISCUSSION OF POLICE DEPARTMENT MANAGEMENT PLAN DURING CHIEF OF POLICE HIRING PROCESS: Bilgen stated that Chief James Coan provided a letter of retirement to both the City Manager and herself and his retirement date was March 18th, 2011. Bilgen asked how would the commission like the police department supervised and run until a permanent chief is selected, hired and sworn in. Bilgen shared with the commission that during a conversation with the Chief Coan, he stated he had a great deal of admiration for the department and its staff and was very confident of its ability to operate with an interim Chief. Bilgen stated that Chief Coan was also very confident in his command staff and feels that the standard operating procedure that the department has would be well served in this case, where the interim chief position would go to Lt. Otterbacher. Bilgen stated that she told him that it was a commission decision; not his decision and he understood but wanted to provide the commission with his opinion. Bilgen stated that she had the letter from Chief Coan talking about that information as well. Bilgen circulated a copy of the letter she received from Chief Coan. Bilgen asked if there was a conversation to be had at this time. Knopp asked if they were discussing who should be taking over. Bilgen stated the commission was talking about whom should serve as the interim chief until there's a permanent chief sworn in. Bilgen stated once the discussion

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was finished then someone can make a motion moving the commission to letter B on the agenda. Knopp asked if this would possibly turn into a full time, total appointment. Bilgen stated that the commission can make a permanent appointment at any time. Knopp asked do people normally apply for this position. Bilgen stated that from the research she had done, typically no one applies for the position. Knopp asked if the criteria for living in town applied to the interim chief position. Bilgen stated that from the research that she has done, the criteria required for a chief of police position was not necessarily the same for an interim chief position because it's not a permanent position, it's basically filling a position until a full search can be done. Bilgen stated that City Attorney Wallace McDonell was present and he stated that the interim chief position wouldn't generally have that requirement. Bilgen asked if there were any other questions or comments. Olsen asked why it shouldn't apply. City Attorney McDonell stated that the chief of police is a permanent position but the commission could decide it was important and want to add that criteria for the interim chief of police. City Attorney McDonell also stated that he thinks the way the ordinance is written, it talks about the police chief as a very different position than an interim police chief. Olsen asked if the police chief has to live in the city. City Attorney McDonell stated he believed that was part of the ordinance. Bilgen stated that it is because she read it. Bilgen stated it's basically keeping the department running until the commission has the opportunity to appoint the person that would be compensated for that position. Bilgen stated the person that comes in and serves as interim chief wouldn't necessarily be compensated for that additional responsibility unless the city would agree to make that change. Bilgen asked if there were any other thoughts on the item. Bilgen stated that she saw no reason why they would not support the standard operating procedure that the department has been using for the number of years since Chief Coan has been in his appointment. Bilgen stated that Chief Coan has gone on vacation and had sick days and the department has been very well serviced by the standard operating procedure that was in place. Bilgen stated that Lt. Otterbacher would be the best person to state how the standard operating procedure works. Lt. Otterbacher stated that the standard operating procedure is the Chief of Police, second in command is the Administrative Services Commander which is her position, then it would be the Patrol Lieutenant, if those three individuals are not available then it would be the working Patrol Sergeant. Bilgen asked if there was any more discussion on the item. Bilgen stated if there is no more discussion then we need to make a motion that would approve the person that you think should be in charged.

B. APPOINTMENT OF INTERIM CHIEF OF POLICE

1. A Wendt/Bilgen motion to appoint Lt. Lisa Otterbacher as Interim Chief of Police.
Discussion: Bilgen asked that Wendt tell the commission why he made the motion. Wendt stated he's been on the commission for a few years and he's known Lt. Otterbacher and he has confidence in her leadership. Wendt stated he wanted to emphasize that this is for the interim chief of police and that Lt. Otterbacher would guide them well while the commission is looking for a new Police Chief. Wendt stated that's the main purpose of the interim chief of police. Bilgen asked if there were any other comments. Olsen stated he agreed with Wendt but his problem with the situation was the last paragraph in the letter from Chief Coan. Olsen stated that

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he feels like his hand is being forced towards Lt. Otterbacher as Interim Chief of Police. Bilgen asked Olsen to stay germane to the motion about interim chief. Bilgen stated that she shared the letter from Chief Coan, even though it's not germane to the interim position, because it was addressed to the commission and would have been inappropriate for her not to share it with the commission. Bilgen stated that she's taking responsibility for the letter being shared but it is not germane to the motion on the floor, she doesn't want the commission to feel that any pressure is there. Bilgen stated that she had a conversation with Chief Coan and asked him what the protocol was for interim chief. Chief Coan mentioned during the conversation that it was the commission's decision, as are all decision about the hiring, firing and interim of the chief's position. Bilgen stated that Chief Coan just wanted to state his opinion, so that's why the commission has the letter. Bilgen asked if there was any more discussion about the main motion.

Bilgen asked Boyd to call roll.

AYES: Bilgen, Wendt

NOES: Knopp, Olsen

ABSENT: Verduzco

Bilgen states motion fails.

Knopp states that he believes Sgt. Michael Ciardo would do a bang up job. Knopp states that Sgt. Ciardo has been on the force for 20 plus years, he's out on the street every day, he belongs to a couple civil groups in town, and Knopp thinks Sgt. Ciardo is more visible and more people know him because he is on the street all the time. Knopp stated he's only a Sergeant but Knopp thinks that this is only by default. Bilgen stated the commission needs a motion on the floor.

2. A Knopp/Olsen motion to appoint Sgt. Michael Ciardo as Interim Chief of Police.
Discussion: Bilgen asked Knopp if there was anything else he would like to say. Knopp stated he thinks that Sgt. Ciardo would do a really good job because he is so visible in the community. Knopp stated he thinks Sgt. Ciardo is more in touch with the community than anyone else and he's in town. Bilgen asked if there were any other comments. Bilgen stated she would like to share her opinion. Bilgen stated that she knows Sgt. Ciardo and has known him for a long time. Bilgen stated she wouldn't disagree with anything Knopp said about him. Bilgen stated she thinks Sgt. Ciardo's an excellent community member and an excellent officer in the department. Bilgen stated she was concerned with the day to day running of the department, the administrative responsibilities that have to happen, and the things we will be asking that person to do. Bilgen stated she doesn't think that's something that Sgt. Ciardo has day to day experience doing in the recent history. Bilgen stated she thinks Sgt. Ciardo has some excellent skills but she doesn't think he has what our lieutenant currently has, in the realm of understanding all of the day to day business. Bilgen stated that clearly there's an issue that Lt. Otterbacher doesn't live in town. Bilgen stated she doesn't believe that issue is germane or appropriate. Bilgen stated that she thinks Lt. Otterbacher is an active member of the department and she doesn't think there is anything that a person who lives in town could do that she cannot do, in the realm of what the interim chief is being asked to do, which is to

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keep things running. Bilgen stated that the interim chief needs to help the citizens and the commission to find the next chief of police and she doesn't think this would issue would limit her. Bilgen stated she doesn't think that Sgt. Ciardo is the best person that understands the big picture, especially as we look at some of the decisions and information that is going to be coming forward because of the challenges that the city is facing administratively and in the budget. Bilgen stated she doesn't think that Sgt. Ciardo necessarily will have that firsthand experience and knowledge of what may or may not be needed to be changed or budgeted to provide to the council and to the City Manager. Bilgen stated that's her opinion and she appreciates Sgt. Ciardo's service and his ability as a big part of the team, but she doesn't think that this is the right time for him. Bilgen stated she would definitely encourage him to consider that position if it's something that is in his professional career plan but right now, as an interim chief of police, she doesn't think it's the right time. Bilgen stated she doesn't think the commission would be doing a service to our community or the members of the current department. Bilgen stated the commission needs to have some continuity for the department. Olsen stated Sgt. Ciardo does work there all the time and he's a sergeant and is privy to at least 90% of the stuff. Olsen stated that Bilgen is making it sound like Sgt. Ciardo's not there. Bilgen stated that she knows he's there. Olsen stated that Sgt. Ciardo's part of everything else and he just doesn't understand that but understands it is Bilgen's opinion. Bilgen stated she's sure that there are things that Sgt. Ciardo doesn't have to deal with. Wendt stated that he feels much the same; he thinks that Sgt. Ciardo is a stellar police officer. Wendt stated that he has more confidence right now that Lt. Otterbacher would handle whatever it is that comes. Bilgen asked if there was anything else. Knopp stated that no matter if you are a lieutenant or not, you are probably privy to all the information, then you start saying maybe she knows more than he does. Bilgen states it is familiarity with the information. Knopp asks what the difference is. Bilgen states that the commission is then changing the whole standard operating procedure that allows some stability for the people that are still with us because they know what's to be expected, they've used the procedure before. Bilgen stated there's some confidence in that. Knopp stated that we agree to disagree. Bilgen asked if there are any other comments.

Bilgen asked Boyd to call roll.

AYES: Knopp, Olsen

NOES: Bilgen, Wendt

ABSENT: Verduzco

Bilgen states motion fails.

3. Bilgen asked her fellow commissioners to suggest a solution. Bilgen asked Attorney McDonell if he had any suggestions on how to proceed. Attorney McDonell stated that his comment would be keep discussing it or another idea is to reconvene when you have five members when it's less likely to have a deadlock. Attorney McDonell stated that the commissioners could continue to search for some common grounds to be able to take action and if that doesn't work they could go to plan B. Wendt asked Bilgen or Attorney McDonell, what would happen if the commission walked out of here tonight and didn't have an agreement and all of the sudden Chief Coan

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was absent, who would be in charge. Attorney McDonell stated he thought probably Lt. Otterbacher. Bilgen stated Lt. Otterbacher. Wendt questioned that even absent of a majority vote agreement, the commission already has an interim, do we not? Attorney McDonell explained that the interim chief is different than the person that would be in charge if the Chief wasn't there. Bilgen asked what everyone was thinking. Bilgen stated the commission can move on through the rest of the agenda and schedule another meeting. Bilgen stated that there is a chain of command and Lt. Otterbacher will be doing that work whether we provide the title or not. Bilgen asked if the commission would like to bring up the item at another meeting when there were five of commissioners present. Bilgen stated because of our transparency ordinance we need to be able to provide 72 hours notification of an upcoming meeting. Bilgen asked Attorney McDonell if the notification period included weekend days. Attorney McDonell stated that yes weekends would count in the 72 hours. The commissioners had a discussion on what dates worked best for each individual commissioner. The commission decided they would have another meeting on either March 14, 15, or 16 and Bilgen would make sure Verduzco was able to attend that meeting.

C. DISCUSSION OF PROCEDURE FOR HIRING POLICE CHIEF

Bilgen stated that it is the commission's responsibility to execute the task of finding the next Chief for the City of Whitewater. Bilgen stated that she would like to have a discussion on what that process may entail and what pieces and parts we would like to include. Bilgen stated that she had a conversation Kevin Brunner about the process and what type of support the city can provide the commission in doing the search. Bilgen stated that there are different ways that the city can help the commission during the process. Bilgen asked what the thoughts of the commissioners were on the process. Knopp asked if we can go to an outside agency like a headhunter. Bilgen stated that it's her understanding that the commission can but the problem is the expense. Bilgen stated that Kevin Brunner wanted the commission to seriously consider the expense that the city would incur. Bilgen stated that the commission would have to express an interest in that and Kevin Brunner would take a look at it. Knopp asked if there was a dollar amount on how much it would cost. Bilgen stated that based on her experience that it would be in the \$10,000 to \$15,000 range. Wendt agreed with Bilgen on the range. Knopp stated that the reason why he suggested the headhunter was because those companies know what to look for in the position and it doesn't matter what the cost might be as long as we get a good individual. Wendt asked if there was a normal way that this position is posted within the state and whoever wants to can apply for it. Bilgen stated she did some research on where to post the position by talking to other law enforcement individuals. Bilgen stated that there are three major posting places that people in law enforcement look at. Bilgen stated that in her opinion, hiring a chief is more than identifying the top candidates. Bilgen stated the commission needs to go out to the community and ask what are the characteristics and the skills they would like to see in a police chief. Bilgen stated that the commission also needed to ask the members of the current department what they would like to see in a chief. Bilgen stated that listening was the first thing the commission needed to do but then there are all of the mechanics that need to be completed like collaborating with the city, making sure

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there's a good position description, advertising the position, having people apply, and making sure we have the information about the people so we can complete psychological profile, physical fitness, criminal and employment background checks. Bilgen asked if the commission could do some of the work on their own. Bilgen stated she believes that the commission can. Bilgen stated that Kevin Brunner and Cameron Clapper said that they would provide the staff time to help the commission complete that as well. Bilgen said she's not convinced that the commission needs to spend \$15,000 on a consultant. Bilgen stated she thought the commission would have someone help them look at the candidates and make sure we have good background checks, but to do the whole process from beginning to end, she doesn't believe the commission needed that type of support. Olsen agreed with Bilgen. Knopp stated that we also have a former police commissioner in the audience. Bob Paynter stated that when Chief Coan resigned the first time they looked at a company that strictly looked for police chiefs. Paynter stated the company came in and talk with you about what your community is like and what your needs are, what type of a chief you are looking for, and they'd go out and advertise for you. Paynter stated then they will check all resumes and break it down to maybe five or three officers that they think would qualify as a police chief for the city. Paynter stated then they would run a background check. Paynter stated if you spend \$10,000 to \$15,000 for it, it would be well worth it. Paynter stated he believes it's the best way to go because they are very qualified and they'll do an excellent job. Bilgen asked if there were other thoughts or comments. Wendt stated that we don't have to decide this right now; we can always make a motion later to hire someone. Bilgen stated that the commission needs to talk about what the hiring process would look like, if it's the privy of the committee to move ahead and see what the costs would be and see if the city is willing. Bilgen stated we just need some direction to do that but clearly we need to talk about this some more. Bilgen stated we can say we want to hire a consultant but if we don't know how much it might be or if the city's willing to do that. Bilgen stated she doesn't think the commission has the authority to say we're going to spend that money because that's not what our power structure is. Bilgen stated she would certainly be more than happy to see how much a consultant is and work with Kevin Brunner to see if the council would approve that expenditure. Patrick Slinger stated that he thought the commission should put an item on the Common Council agenda to see how much the Common Council is willing to give the Police Commission for hiring of a new Chief of Police. Olsen agreed with Patrick Slinger and stated the commission should have Kevin Brunner and Cameron Clapper look into the different ways the search can be done to get us started. Knopp agreed. Wendt agreed. Bilgen told Slinger that she would like that agenda item added to the Common Councils agenda and she asked Cameron Clapper if he would find what the costs for consultants would be. Bilgen asked if there were any other discussions regarding what the commission would like to do for hiring a police chief.

D. IMPACT OF STATE BUDGET REPAIR BILL

Bilgen stated that she asked for this to be on the agenda because she hoped the Chief would be at the meeting. Bilgen stated she doesn't know if Lt. Otterbacher was informed so she wasn't going to ask her to explain it. Since the bill is still pending at the state legislator we are going to move onto E.

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E. RECOGNITION OF OUTGOING POLICE COMMISSIONER

Bilgen stated the commission was not going to official recognize our outgoing commissioner. Bilgen presented Wendt with a card from the Police Department staff. Bilgen stated the commission will recognize Wendt officially when he serves his last meeting.

F. OPEN COMMISSION SEAT

Bilgen stated that Wendt's position will be open and she encourages any and all citizens of the City of Whitewater who may be interested in serving on the Police Commission to apply. Bilgen stated that they can get the application through the city website or by calling the City Clerk's Office; they can fill out the application and be part of the Police Commission after the 30th of April. Bilgen stated if there was any more information about the open commission seat.

G. CHIEF'S REPORT:

1. 2011 MANAGEMENT PLAN

Bilgen stated that Chief Coan shared the 2011 Management Plan with the Commission. Bilgen asked if there were any questions about the plan that they would like to pose to Lt. Otterbacher as she is serving for the Chief during this meeting. Bilgen asked if there were any questions or comments.

H. FUTURE COMMISSION MEETING DATES

Bilgen stated that the commission has already discussed this item. Bilgen stated the item will be put on the next agenda as well for the next meeting to be set up after the council has had the opportunity to meet.

I. FUTURE AGENDA ITEMS

Bilgen asked if there were any future agenda items that the commission would like on the next agenda. Knopp stated that he has asked for the citizen complaints to be brought up at every single meeting due to the fact that the commission only meets 4-6 times a year. Knopp stated he would like the complaints in detail to find out what did go on, who was involved, and the reasoning for it. Knopp stated a citizen is taking the time to file a complaint; he would like to know what it's all about and if there's a rouge officer out there, let's find out what's happening. Bilgen stated that clearly that information would be communicated to us. Bilgen stated she would like to ask Attorney McDonell to clarify some items since it deals with open and closed meetings. Olsen stated he heard that a while ago, when there was a complaint filed the commission saw those complaints or they were turned over to them so that they knew there was one. Wendt stated he doesn't recall that being done during his terms on the commission. Olsen asked Lt. Otterbacher, how many complaints are there. Bilgen stated we are getting away from the agenda item which is future agenda items. Olsen asked if this is something that should be on the agenda. Bilgen stated that she would be fine with talking about how the department handles citizen complaints when it's properly put on an agenda. Bilgen stated she knew Knopp wanted it on the agenda, so she will make sure it's on the agenda. Bilgen stated she wanted to get some clarification from

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Attorney McDonell on how it should be handled or how it should be put on the agenda. Attorney McDonell stated that Bilgen should put it on there for more of procedural look at the policies and how it's being handled now and discuss how it should be handled. Attorney McDonell stated Bilgen will have to watch out what she does because she certainly wouldn't want to discuss in certain contexts these complaints because ultimately that's a due process thing and the commission is sort of the judge and jury on that and so they really need to keep a separation there but he thought what Olsen and Knopp want to know how the complaints are handled or how should they be handled. Attorney McDonell stated the commission should look at that and make sure it's being done the way it should be done. Attorney McDonell stated that it's a perfectly legitimate agenda item and he thought that's how the commission should put it on for generalities as opposed to any specific incidents because the commission can't have someone coming in talking about complaining about an officer without the officer being there and having a true due process type procedure. Bilgen stated that's where the commission would start; what the procedure is and if we want it to be different and then they can talk about what needs to happen. Bilgen stated that it definitely will be put that on the agenda but it wouldn't be at the next meeting that we meet on Monday, Tuesday or Wednesday. Bilgen asked if that is alright. Knopp said its fine. Boyd asked if it will be on a future regular agenda. Bilgen agreed, it won't be on a special meeting agenda. Bilgen asked Lt. Otterbacher that if there is a procedure on paper to be provided at the meeting. Lt. Otterbacher stated that there is a policy and also the annual report has an annual reflection of all of the complaints. Bilgen asked if there was anything else for future agenda. Bob Paynter stated he had a question; how many people are actually on the board? Bilgen stated five. Paynter stated that plus Olsen is six. Bilgen stated no, there were five total. Paynter asked when they changed that to take one member off the commission to add Olsen, why isn't he just a representative? Bilgen stated that was a great question and she will add that to our next agenda. Attorney McDonell stated that statutorily its five members but common council recently made one of the positions a council member. Paynter stated that they took a member away and put a council member on. Bilgen agreed. Bilgen asked if there were any other future agenda items.

VI. ADJOURNMENT: Bilgen stated she would entertain a motion to adjourn. An Olsen/Knopp motion to adjourn was passed by unanimous voice vote.

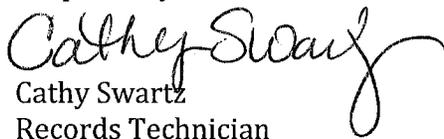
AYES: Bilgen, Wendt, Knopp and Olsen

NOES: None

ABSENT: Verduzco

The meeting was adjourned at 6:55 pm.

Respectfully submitted,


Cathy Swartz
Records Technician