

**Minutes
CCOC Subcommittee to Review
City Hiring Practices & Policies
March 9, 2009**

Members Attending: Ald. Brenda Konkel and Ald. Michael Schumacher

Staff Attending: Michael May (City Attorney) and Lisa Veldran (Council Office)

Others Attending: Attorney Scott Herrick, Rosemary Lee

The meeting was called to order at 1:32 p.m.

Discuss Council Involvement/Input to the Police & Fire Commission (PFC)

Ald. Brenda Konkel stated that the issue she wanted to discuss was when, if, can, should and how alders provide input on promotions to the PFC. What she heard from the Police Chief was just write him a letter and he will put it in their file. Carolyn Hogg stated at the 3/3/09 meeting that alders could attend PFC meetings and give public testimony or lobby the PFC members.

City Attorney Michael May stated that the best way to provide input is for that alder to send something immediately to the Chief and it would go into that officer's personnel file. By sending something immediately you avoid two years later trying to remember the incident. By that point it is reconstructed and at the time it is factual. When PFC reviews personnel files for promotions it would be in the officer's file. If it was a serious offense the alder could file a citizen complaint. He noted that it was inappropriate for alders to show up at a PFC meeting. The reason we have a PFC is to insulate the process from political influence. He wasn't sure what would happen if an alder showed up a PFC meeting. He thought that the PFC would ask the alder to provide written correspondence to the PFC.

Ald. Konkel stated that she had sent an email about a particular officer to the Chief Noble Wray, Capt. Mary Schauf, Mayor and two of his staff but didn't think that information was considered at the time of their promotion. She doubted that it was printed and placed in the personnel file. She also called Capt. Schauf about the same officer several times to discuss it but did not document those conversations. When the officer was promoted she was surprised.

Ald. Michael Schumacher questioned the issue of accessing the agenda and attachments of the PFC.

Ald. Konkel noted that:

1. The agenda have no links so no attachments are accessible.
2. The same item appears every time but now they are at least listing the names.
3. Materials were not even available in the Clerk's Office.
4. There is no public comment section on their agenda.

City Attorney May believed that the Chief would treat emails the same as written correspondence and place them in the personnel file. He would follow up with Chief Wray.

Attorney Scott Herrick spoke to the issue of PFC agendas. He delivers a hard copy of the PFC agenda to the Council Office. The PFC is not in Legistar. The PFC is sui juris in that it operates like an independent agency and he is their staff. One solution to this is having PFC put into Legistar. He usually receives hard copies of documents (mainly police reports) and they are not submitted to him in electronic format. Attorney Herrick asked how he could assist in providing agenda/minute information to alders.

Ald. Konkel asked if Attorney Herrick had anything to add to City Attorney May's analysis of alder input. Attorney Herrick believed that the monthly business of the PFC is not a matter of Council business. It is not secret, but he would not advise sending out an agenda every month to all alders. If individual alders want a copy of the agenda they can contact him directly (he keeps an email group).

Attorney Herrick also spoke to input on officers. He concurred that correspondence should go to the Chief. Ald. Konkol reiterated her belief that the emailed input she sent to the Chief was never placed in the personnel file of the officer. City Attorney May asked why she thought it was not in the file. If that was the case, the PFC or Chief should follow up on her concerns. She noted that she had emailed and spoke to MPD about her concerns regarding an individual who was then ultimately promoted. She was shocked at the promotion and that was why she believed it was not in their personnel file.

Attorney Herrick stated that the alder could write down their comments and send them directly to the PFC. City Attorney May will contact Chief Wray to find out how he wants to receive comments on officers – either formal written memo or email or either.

Ald. Michael Schumacher questioned the PFC's role in the budget process for positions and promotions. Attorney Herrick stated that the PFC does not make decisions regarding the MPD or MFD internal budgeting process for positions or promotions. City Attorney May noted that the PFC acts more like a personnel board (input on process of hiring, recruitment and examinations, approves the promotions, etc.) and not in the management of the department or the budgeting details.

Ald. Konkol brought up alder influence on promotions. She believed that there were a couple of alders that had a close relationship with the MPD and were able to influence the process. Attorney Herrick disputed that perception. The Chief forwards names for promotion and in all his years as staff attorney to the PFC no promotion has ever been turned down. He believed that this fact should indicate that there is no influence in the process.

Ald. Schumacher summed up the meeting:

1. There is not a lot of involvement for alders in this process.
2. If there is involvement it should be in the budget or policy area or sitting down with the Chief.
3. Any recommendation to the Chief, favorable or not, on a police officer could be sent electronically and possibly back it up with a hard copy.
4. Getting some type of electronic data from PFC to be sent to all alders or to alders that want it.
5. Established there are alders that have first-hand knowledge of promotions because they are focused on MPD. Did not know how to prevent this.

Ald. Konkol missed the most important point – how is an alder to give input:

1. At the time of the issue make sure you address it immediately.
2. Can alders attend the PFC to give input under public comment?
3. Can alders lobby the PFC?

City Attorney May will issue an opinion that outlines the Common Council input process to the Chief and the PFC. This opinion will also be attached to the final report.

Registration:

Rosemary Lee, 111 W. Wilson Street

Neither Support/Oppose

Spoke

Rosemary Lee stated that she was able to download a copy of the PFC agenda that day. She noted that the agenda was complete and sufficient from a public citizen point of view. She has been able to provide input at the PFC meetings.

Adjournment

The meeting adjourned at 2:30 p.m.

Minutes prepared by Lisa Veldran, Administrative Assistant