

Village of Mount Horeb

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POLICE COMMISSION MARCH 2, 2010

The Police Commission of the Village of Mount Horeb will meet on the above date at 5:30pm in the Conference Room of the Municipal Building, 138 E Main Street, Mount Horeb, WI. Agenda as follows:

- 1) Call to order – Roll call.
- 2) Consider October 26, 2009 meeting minutes.
- 3) Review and discuss Police Commission By-Laws for updates or revisions.
- 4) Adjourn.

UPON REASONABLE NOTICE, EFFORTS WILL BE MADE TO ACCOMMODATE THE NEEDS OF DISABLED INDIVIDUALS THROUGH APPROPRIATE AIDS AND SERVICES. FOR ADDITIONAL INFORMATION OR TO REQUEST THIS SERVICE, CONTACT CHERYL SUTTER, CLERK, AT 138 E MAIN STREET, MOUNT HOREB, WI (608) 437-6884.

Mt. Horeb Police Commission
Minutes of the March 2, 2010 Meeting

Call to Order

Paprocki called the meeting to order at 5:30 P.M.

Roll Call

Members present: Marlene Harley, Steve Holum, Bob Hunter, Shannon Paprocki and Randy Parker.

Consider October 26, 2010 meeting minutes.

Harley moved to approve the October 26, 2010 meeting minutes, which was seconded by Hunter and passed unanimously by the Commission members.

Review and discuss Police Commission By-Laws for updates or revisions.

Hunter asked if the Governor signed legislation that took the discipline matters from local Police Commissions and allowed these issues to be decided through an arbitration process. Paprocki indicated that she would ask the Village Attorney and report back at the next meeting.

Hunter also asked if the Commission has any authority or is it “just a figurehead.” Paprocki responded that the Commission has control over the recruitment process. It is the Commission’s responsibility to ensure that applicants are qualified to perform the duties of a Police Officer for Mt. Horeb in accordance with its By-Laws.

There was a general discussion on how successful the hiring process is. The Commission members all agreed that qualified candidates were appointed to the Police Chief and Police Officer vacancies and that the process is working.

The Commission reviewed each item in the current By-Laws and made the following recommendations for changes (also see attached By-Laws with track changes):

Article 1.02 (c) – added the Police Chief to the list of positions that the Commission provides for competitive examination and certification of employment. This change was made to correct an oversight in the current By-Laws.

Article 1.03 – added the Police Chief position to the Scope of Rules section. This change was made to correct an oversight in the current By-Laws.

Article 2.01 – identified the Ordinance (i.e., §1.14) that requires residency for the Police Chief and the timeframe for establishing it (6 months). Hunter asked if the Commission had jurisdiction over the residency requirement. Paprocki will check with the Village Attorney and report back at the next meeting.

Article 2.02 (b) – identified the Ordinance (i.e., §4.05 (3)) that establishes the minimum age for employment as a Police Officer.

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Article 2.02 (d) – identified the Ordinance (i.e., §4.05 (4)) that establishes the education requirements for a Police Officer.

Article 2.03 (c) – changed to require all applicants for temporary or part time Police Officer vacancies to go through the By-Laws selection procedures in order to be considered for hire. Deleted the words: “...either by applicant having passed an application process of another municipal police agency...” The change was made so that the Commission can ensure that all applicants meet the job qualifications and standards in the By-Laws.

Article 3.02 – added the following to the end of the section: “...”subject to the approval of the Police Commission (see Article 1.02(b)).” The change was made so that this Article is consistent with Article 1.02(b).

Article 3.11(a) – This Article refers to the testing service offered by Department of Employment Relations. Parker indicated that the Department of Employment Relations had been abolished and that he would check to see if its replacement, the Office of State Employment Relations, offered the same service. Parker will report back at the next meeting.

Article 3.12 (c) – changed “Statues” to “Statutes” to correct a typo.

Article 3.12 (f) – this Article requires the Chief to establish a passing grade prior to the use of the Police Officer examination. Paprocki will review this with Village Attorney for clarification and report back at the next meeting.

Article 3.13 (a) – added the words: “...and subject to the approval of the Police Commission (see Article 1.02 (b)).” This Article allows the Police Chief to appoint Police Officers by promotion or from the list certified by the Commission. The new language was added to be consistent with Articles 1.02 (b) and 3.02.

Article 3.13 (b) – changed to require the Chief to send an “unranked” list of candidates to the Commission for certification consideration. In the past the Chief sent the Commission a ranked candidate list. The Commission agreed that the ranking does not influence its decisions regarding placement on a certified list and is unnecessary. Also, changed the “he” gender reference to the Chief to s/he.

Article 4.01 (a) – changed so that Commission can no longer require probation for a Chief appointee. A review of section 62.13 Wis. Stats. indicates that the Commission may not have statutory authority to establish probation for the Chief.

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Article 5.01 (a)(1) – made a grammatical change that requires the Chief to make a Police Officer appointment from “a” certified list (not “the” certified list) if the internal promotion process is not used.

Article 5.01 (a)(2) - changed language to allow the Commission to also consider internal promotion as an option to filling future Chief vacancies. The Commission agreed that it should have the flexibility to determine the area of competition.

Article 5.01 (e) – added a reference to Article 3.13 to clarify that the Commission must establish certified lists for promotions.

Article 7.02 – changed “Recept” to “Receipt” to correct a typo.

Parker will make the recommended changes to the By-Laws for review at the next meeting.

Adjourn

On a motion by Holum, seconded by Hunter and passed unanimously by the Commission members, the meeting adjourned at 6:42 P.M.

Respectfully submitted,

Randall Parker

Attachment

MT. HOREB POLICE COMMISSION BYLAWS

REVISED ~~6-26-2004~~03-02-2010

ARTICLE 1: MISSION AND JURISDICTION

- 1.01 Mission. The mission of the Village of Mt. Horeb Police Commission shall be to provide citizen oversight of the Mt. Horeb Police Department, Police Chief, and Police Officers so that they may protect and assist the people of the Village of Mt. Horeb, consistent with their responsibilities to the public.
- 1.02 Jurisdiction. The Police Commission shall have the authority vested in it by Sections 61.65 and 62.13 of the Wisconsin Statutes, subject to Chapter 164 of the Wisconsin Statutes. These powers include:
- (a) Appoint the Police Chief, subject to approval by the Village Board, and exercise the power to suspend or remove him or her for cause;
 - (b) Approve the appointments of subordinate Police Officers by the Police Chief;
 - (c) Provide for the competitive examination of applicants for Police Chief and Police Officer positions and certification of a list of persons eligible for employment;
 - (d) Adopt rules of procedure for selection of Police Officers, including their qualifications, providing those qualifications do not conflict with qualifications established by state statute or administrative rule;
 - (e) Review and act on charges concerning the conduct of and discipline imposed on Police Officers;
 - (f) Supervise reductions in the Department in the event it is necessary to reduce the number of Police Officers; and
 - (g) Exercise other powers conferred upon the Commission by the Wisconsin Statutes or the Village Ordinances.
- 1.03 Scope of Rules. These rules apply to all Department Police Chief and Police Officer positions ~~requiring the employment of a Police Officer~~ and to the Police Commission.

1.04 Definitions,

- (a) "Bylaws" means the Village of Mt. Horeb Police Commission Bylaws and Rules of Procedure currently in effect.
- (b) "Commission" means the Village of Mt. Horeb Police Commission.
- (c) "Department" means the Village of Mt. Horeb Police Department.
- (d) "Police Officers" means a Department position requiring the employment of a law enforcement officer.
- (e) "Police Chief" means the Chief of Police or temporary acting Chief of Police of the Department.

ARTICLE 2; EMPLOYMENT QUALIFICATIONS AND ELIGIBILITY

- 2.01 Qualifications of the Police Chief. For the position of Police Chief, the Commission may, in its discretion, appoint a suitable person, who need not be a member of the Department, subject to approval by the Village Board. Pursuant to Ordinance ~~2002-21~~§1,14 of the Village of Mt. Horeb, if the individual hired as Police Chief is not currently a resident of the Village, that individual must establish residency within ~~twelve~~ six months after appointment.
- 2.02 Qualifications for Appointment. Every applicant for appointment as a Police Officer shall meet these eligibility requirements:
 - (a) A valid Wisconsin driver's license or other valid operator's permit recognized by the Wisconsin Department of Transportation as authorizing operation of a motor vehicle in Wisconsin prior to completion of the preparatory training course. The results of a check of the issuing agency's motor vehicle files constitutes evidence of driver's status;
 - (b) Pursuant to Ordinance ~~2002-21~~§4.05 (3) of the Village of Mt. Horeb, a minimum age of twenty-one years. A birth or naturalization certificate shall serve as evidence of applicant's date of birth;

(c) No conviction for any felony under the laws of the United States, Wisconsin, or any other state or jurisdiction, unless the applicant has been granted an absolute and unconditional pardon;

(d) Pursuant to Ordinance ~~2002-21~~§4.05 (4) of the Village of Mt. Horeb, an applicant for employment as a Police Officer shall possess either a two year associate degree from a Wisconsin technical college system district or its accredited equivalent from another state or a minimum of 60 fully accredited college level credits at the time of employment.

(e) The applicant shall be of good character;

(f) The applicant shall be free from any physical, emotional, or mental condition which would render him or her unable to perform his or her essential duties as a Police Officer. The Commission shall make reasonable accommodations to comply with the Americans with Disabilities Act and any other applicable Federal and State laws; and

(g) A citizen of the United States.

(h) Ability to speak, read, comprehend, and write using the English language.

(i) Any Police Officer dismissed from the Department for just cause or a reason other than a layoff for budgetary purposes shall thereafter be ineligible to make application for appointment to any position in the Department.

2.03 Qualifications for Temporary or Part-Time Police Officers.

(a) The Department may, from time to time, employ individuals as Police Officers on a temporary, or less than full-time basis.

(b) As used in this section:

(1) The word "temporary" means employed for a definite period of time, at the end of which the employee is to be separated from employment, which employment shall carry with it no tenure, seniority or other benefits associated with regular,

full-time employment as a Police Officer.

(2) The word "full-time" means employed in a regular Police Officer position that is scheduled to work 2000 hours per year.

(3) The word "part-time" means less than the regular full-time schedule.

(c) The Police Chief may employ temporary or part-time Police Officers, provided that:

(1) The temporary or part-time Police Officer positions have been authorized by the Village Board, and funds have been appropriated to finance the positions;

(2) Applicants meet all of the qualifications to be employed as Police Officers by the Village of Mt. Horeb, as demonstrated ~~either by the applicant having passed an application process of another municipal police agency, or~~ by selection pursuant to the procedures listed in Article 3 of these Bylaws.

ARTICLE 3: RECRUITMENT, TESTING, AND HIRING

- 3.01 Police Chief. The Commission shall appoint the Police Chief, subject to approval by the Village Board, who shall hold office during good behavior, subject to suspension or removal by the Commission for cause. The Commission shall, prior to commencement of recruitment, adopt a specific recruitment and examination procedure designed to assure the most qualified candidate is selected.
- 3.02 Subordinates. The Police Chief shall appoint all subordinate Police Officers in accordance with Sec. 62.13(4) (a), Wis. Stats., and the selection and promotion procedures in these Bylaws ~~subject to the approval of the Commission (see Article 1.02 (b)).~~
- 3.03 Application. The Commission shall authorize the issuance of forms for making application for appointments. Notice of the time and place for issuing forms shall be given by publication in a newspaper of general circulation in the Village of Mt. Horeb, and by any other means that the Commission may direct, at least ten days prior to issuing forms.

- 3.04 Misrepresentation. Misrepresentation of any material fact contained in the application shall be sufficient cause for excluding the applicant from the examination, or for removing the applicant's name from the eligibility list, or, subject to the requirements of Sec. 62.13(5), Wis. Stats., for the applicant's discharge from the Department.
- 3.05 Insufficient Application. In order to avoid the expense of examining applicants who are barred from appointment, the application shall be rejected by the Commission or its designee, without further examination, whenever the application reveals the applicant cannot meet the eligibility requirements or the qualifications of the position applied for.
- 3.06 Changes in Medical Information. A candidate for employment previously rejected by a medical examiner shall not take the examinations provided for in these rules until a certificate from a medical examiner shows that the cause for rejection has been corrected or that some reasonable accommodation of the condition has become available.
- 3.07 Examination. No person shall be eligible for appointment as a Police Officer unless the person has been examined pursuant to the requirements of this Article. The Commission shall hold or authorize the holding of examinations for appointment as Police Officer, and shall fix the date, place, and conditions whenever necessary to meet the needs of the Department.
- 3.08 Delegation.
- (a) The Commission may authorize other municipal or state agencies to conduct any written examinations and provide a certified list of those applicants successfully completing the examinations.
 - (b) The Commission may use the assistance of the Department including the Police Chief, the Village Administrator, outside consultants, and citizens, as appropriate, in carrying out the Commission duties in this Article; provided that the final selection of a Police Chief and the creation of a certified list in Section 3.13 of these Bylaws, is done only by Commission members.

- 3.09 Position Description. The Police Chief shall establish duties for every position in the Department and include the following as part of a written position description: situation title or classification; a brief description of the position; the basic or minimum qualifications to be considered for employment in the position; the level or type of supervision received by the employee; whom the employee is responsible to; the type or level of independent judgment used by the employee when performing tasks; the essential functions performed by an employee in the position; other duties that may not be essential but are typically undertaken by an employee in the position; basic abilities and knowledge the employee will need to perform adequately in the position; the type of equipment used by the employee; the location and environment in which the job is usually undertaken; any special environmental or physical requirements the employee may encounter. All position descriptions shall be reviewed and, as necessary, revised regularly.
- 3.10 Eligibility for Examination. Examinations shall be open only to those persons who are eligible for appointment and who possess the requisite qualifications in conformity with the provisions of these Bylaws.
- 3.11 Substance of Examination. The examination shall be a multi-stage assessment process' that fairly tests the capacity of the applicants to successfully perform the positions they seek. Each original entrance examination shall consist of the following stages, to be administered in the order listed below. Any applicant who fails to pass any examination shall be removed from the process at that point and denied the opportunity to participate in further examinations.

(a) Written examination.

(1) Every applicant may be tested using a suitable written law enforcement examination recommended by the ~~Wisconsin City and County Testing Service of the Department of Employment Relations~~, or some similar, validated instrument. The Commission shall establish a passing score prior to commencement of recruitment.

(2) If the written examination is administered, it shall be conducted first in the assessment process. Only those applicants who obtain a passing grade on the written

examination may proceed to further examinations in the assessment process.

(b) Oral Examination. The Police Chief shall conduct an oral examination to evaluate the applicant's demeanor, character, personality, communication skills, and ability insofar as these relate to the position qualifications.

(c) Other examinations may be given as deemed necessary by the Commission in the case of individual position selections, provided, however, that the determination of which examinations are to be required is made prior to commencement of recruitment and is applied to all applicants for a position.

3.12 Examination Protocol. All examinations shall be carried on under the Commission's supervision. The Commission may designate any suitable municipality or state agency, person, or persons to assist in conducting the examinations. The Commission may fix the compensation to be paid these designated assistants by the Village, in conformity with budgetary restraints and other provisions set by the Village Board. All examinations shall comply with the following protocol:

(a) Each applicant shall present to the person conducting the examination one or more forms of identification that contain the name and a photograph of the applicant.

(b) Each applicant taking an examination shall follow the instructions given to him or her by the person conducting the examination.

(c) Information relative to an applicant's scores shall be strictly confidential, and shall not be divulged, except insofar as it may be necessary to determine those applicants eligible for additional testing, or if deemed necessary by the Commission, for a purpose related to administration of the selection process. Under provisions of Section 103.13(6)(c) of the Wisconsin ~~Statue~~ Statute, an applicant may request and be provided with the score attained on any specific section of the examination or the entire examination.

(d) Neither applicants nor Commission members or Department employees shall give assistance to any applicant in any manner during the examination. A violation of this rule shall subject

each applicant involved to exclusion from the examination. Any Commission member or Department employee who violates this rule shall be subject to appropriate sanctions.

(e) No applicant shall be given a second or special competitive test in connection with any examination held, unless it is shown to the Commission's satisfaction that the applicant's failure to take or complete the test was due to a manifest error or mistake for which the Commission or its designated assistants are responsible. The nature of the error or mistake shall be set forth in the minutes. The Commission may, in the interest of fairness, void the examination and re-test all applicants.

(f) A passing grade for the entire examination shall be established by the Police Chief prior to the examination. The Police Chief shall apply the appropriate veteran's preferences as provided by Section 62.13{4}(d) of the Wisconsin statutes.

(g) Examination papers shall be retained by the Commission or its designated representative in compliance with State Statute.

3.13 Certified List.

(a) The Police Chief may appoint Police Officers only by promotion or from the list certified by the Commission pursuant to these Bylaws and subject to the approval of the Commission (see Article 1.02 (b)).

(b) Upon conclusion of examinations, the Police Chief shall submit to the Commission an unranked list of up to ten candidates s/he deems eligible for inclusion on the certified list. The Commission shall conduct oral examination of these candidates. Upon conclusion of these oral examinations, the Commission shall prepare and certify a list that contains the names of applicants who have passed all necessary examinations and are eligible to be appointed if they successfully pass a medical examination and a character investigation.

(c) Whenever it becomes necessary to fill a vacancy in the Department from the certified list, the Police Chief shall extend a conditional offer of employment as a Police Officer to one applicant, subject to approval by the Commission. The conditions of the appointment shall be the applicant's satisfactory completion of the medical examination and

character investigation.

(d) The certified list will expire twelve months from the date of certification unless extended or discontinued by the Commission.

- 3.14 Medical and Psychological Examination. Every person to whom a conditional offer of employment has been made pursuant to Section 3.13 of these Bylaws, shall be examined by a physician and psychologist as selected by the Commission. The applicant shall complete a personal medical history, a copy of which is to be submitted to the examining physician and examining psychologist. These examiners shall be provided with appropriate position description. Examinations shall be solely for the purpose of verifying that the candidate is capable of meeting the essential occupational requirements of the position, and to address those physical and psychological requirements that relate to the occupational qualifications for the position involved, or the nature of reasonable accommodations required to enable the applicant to meet these qualifications.
- 3.15 Character Investigation. A character investigation shall be conducted on every person to whom a conditional offer of employment has been made to determine whether they possess any disqualifying criminal record or specific disqualifying personal history, all of which shall relate specifically to qualifications of the position involved. The character investigation shall not be assigned a score to be used in rating the applicant. Evidence of unsatisfactory character or activities shall be grounds for disqualification. "Good character" shall be determined from a written report containing the following:
- (a) The applicant's fingerprints and a search of local, state, and national fingerprint records;
 - (b) Police and credit checks in all of the applicant's current and previous areas of residence;
 - (c) Investigation at all the applicant's schools attended beyond the age of fourteen;
 - (d) Investigation in the applicant's current neighborhood of residence and in his or her neighborhood of former permanent residence;

(e) Investigation in each place of employment. The interview of the applicant's current employer should be at or towards the end of the investigation. The applicant's specific permission for this interview must be obtained; and

(f) Any other investigation as deemed necessary to provide a basis for judgment on the applicant's fitness to perform the duties of a Police Officer.

ARTICLE 4: PROBATIONARY PERIOD

4.01 Probation.

(a) All appointees, ~~including~~ ~~excluding~~ the Police Chief, shall be on probation for one year from the date of hire. As used in these Bylaws, the term "probation" means the customary initial provisional employment status, subject to terms that include, but are not limited to, the following:

(1) The employee has no expectation of continued employment, nor any contractual or other vested property right in employment;

(2) A subordinate employee may be terminated at any time for any lawful reason in the sole discretion of the Police Chief;

(3) The Police Chief may be terminated at any time for any lawful reason in the sole discretion of the Police Commission.

(4) The employee is not entitled to any showing of cause for termination; and

(5) The employee is not accorded any formal hearing rights.

(b) If during the first year of actual service in the Department, the person appointed proves unsatisfactory or undesirable for the position, the Police Chief may terminate the employee's employment.

(c) The appointee shall not be entitled to an appeal from a dismissal or reduction.

(d) The commission in its discretion may extend the probationary period beyond one year if a request is made by the Police Chief.

ARTICLE 5: PROMOTIONS AND TRANSFERS WITHIN THE DEPARTMENT.

5.01 Promotions.

(a) It is Commission policy to fill vacancies in non-entry level positions by internal promotion, provided that there is at least one candidate from within the Department, for each position, that the Police Chief determines is qualified for each position.

(1) If at any point in the internal promotion process, there are no internal candidates that the Police Chief determines are qualified for each position, then appointment shall be made from ~~the~~ certified list.

(2) The internal promotion policy preference as stated in this subsection ~~also applies~~~~does not apply~~ to the position of Police Chief, ~~which shall be open to qualified candidates from both inside or outside the Department.~~

(b) Consistent with the established position description for a vacant position, specific promotional requirements will be established by the Commission prior to the beginning of the selection process.

(c) Notice of the promotional opportunity and the scheduling of promotional examinations shall be authorized by the Police Commission. Appropriate notice to Police Officers of the promotional opportunity shall be posted on the Department bulletin board by the Police Chief. The notice of the promotional opportunity shall be posted at the time the requirements are posted. That posting will be at least ten days prior to the beginning of the process. All effort will be made to adjust any Department work schedule to accommodate all qualified members who desire the opportunity to compete.

If the Department work schedule interferes, the Commission will arrange to schedule examinations so that no one is disqualified due to the needs of the Department.

(d) All qualified members desiring to compete shall apply to the Commission using a written application for promotion developed by the Commission.

(e) The promotion examination shall be in accordance with ~~Articles~~Section 3.11 and 3.13 of these Bylaws.

ARTICLE 6: DISCIPLINE, SUSPENSION REDUCTION OR DEMOTION.

- 6.01 Discipline of the Police Chief and of Subordinate Officers. The Police Chief and subordinate Officers shall be disciplined in accordance with Sec. 62.13(5), Wis. Stats.

ARTICLE 7: COMPLAINTS OTHER THAN CHARGES.

- 7.01 Receipt of Written Complaints Other Than Charges. When the Police Commission or any of its members receives a written complaint regarding the Police Chief or a subordinate Officer, the document should be immediately forwarded to the Village Board. The Commission will have no further involvement with the matters alleged in the complaint unless and until it receives a charge relating to those matters, in which case the charge will be handled pursuant to Article 8 of the Bylaws.
- 7.02 Receipt of Oral Complaints. When the Police Commission or any of its members receives an oral complaint regarding the Police Chief or a subordinate Officer, the complainant should be referred to the Village Administrator. The Commission will have no further involvement with the matters alleged in the complaint unless and until it receives a charge relating to those matters, in which case the charge will be handled pursuant to Article 8 of the Bylaws.

ARTICLE 8: HEARING PROCEDURE FOR COMMISSION DELIBERATIONS ON DISCIPLINE, SUSPENSION, DEMOTION OR CHARGES.

8.01 Filing charges. Charges may be filed against the Police Chief or a subordinate Officer as provided by Section 62.13(5)(b) of the Wisconsin Statutes. The Commission shall make a form available for filing charges, but charges need not be filed on the form.

8.02 Preliminary Hearing.

(a) When charges against a Police Officer or Police Chief are filed with the Commission, if the date of filing is more than ten days prior to the next regular meeting, the Commission's Chairperson shall call a special meeting of the Commission. That meeting may, by a majority vote of the Commission, be conducted in closed session in accordance with Sec. 19.85, Wis. Stats. If the filing is within 10 days of the next regular meeting, the charges shall be considered at the next regular meeting.

1. Notice of a regular or special meeting shall be given in the manner required by law, and not less than 24 hours prior to the meeting. In addition, notice shall be given to the complainant and the accused. A copy of the charges shall be furnished to the accused along with the notice and an explanation that delivery does not constitute service of the charges. If the meeting is set for closed session, the notice shall advise the accused that he or she has the right to demand that the meeting be conducted in open session.

2. At the preliminary meeting, the Commission shall read and examine the charges to assure that they are sufficiently specific, and that if proven they are sufficient to warrant the imposition of discipline.

3. The Commission may determine whether the accused should be suspended with pay pending the disposition of the charges.

4. The accused and the complainant and/or their attorneys may be heard. However, the preliminary meeting shall not hear or evaluate evidence. The Commission's legal

counsel shall, upon request of the Commission Chairperson, attend such meeting and advise the Commission as to the proceedings.

(b) If the charges are found to be sufficient, as to form and nature, the Commission shall so find, shall arrange for service of the charges on the accused and schedule a hearing on the charges to be held not less than 10 and not more than 30 days after such service.

(c) If the charges are found to be insufficient as to form and nature, the charges shall be dismissed. If it appears that the defects in the charges may be cured by providing additional details or facts, the Commission may grant the complainant up to 30 days to supplement the complaint.

8.03 Hearing.

(a) All hearings shall be conducted in accordance with Section 62.13(5) of the Wisconsin Statutes and Subsection (b).

(b) The order of the proceeding shall be as follows:

1. Reading of the charges by the Secretary.
2. Opening statements by the parties, at the Commission's discretion.
3. Testimony and introduction of evidence by the complainant, with the right of cross examination by the accused.
4. Testimony and introduction of evidence by the accused, with the right of cross examination by the complainant.
5. Presentation of rebuttal evidence by the complainant .
6. Complainant's arguments.
7. Accused's arguments.

8.04 Standard. No subordinate may be suspended, reduced in rank, suspended and reduced in rank, or removed by the Commission unless the Commission determines that there is just cause to sustain the charges. In making its determination, the Commission shall apply the

standards required by Section 62.13(S)(em) of the Wisconsin Statutes, to the extent applicable.

8.05 Decision of the Commission.

(a) The Commission's decision shall be made in conformity with Section 62.13(5) of the Wisconsin Statutes.

(b) The Commission shall, within three days after hearing, by a majority vote of its members in open or closed meeting, determine whether the charges are sustained by a preponderance of the evidence.

(c) The Secretary shall keep a record of each hearing, name and address of the accused and complainant, if there be one, a brief description of the charges involved, and the final disposition of the case. The Secretary shall also show on the docket for each case all other important data and dates concerning the case, such as date of filing notice of appeal, date of sending out notices and to whom sent, date of posting of notice of hearing, and dates of hearings, continuances and final determinations and all exhibits, documents involved in hearing, including a transcript of the proceedings. All documents shall be filed with the Secretary. The Secretary may use the assistance of the Commission Legal Counsel or professional court reporters in performing these duties.

ARTICLE 9: DISMISSALS AND REEMPLOYMENT

9.01 Dismissals and reemployment shall be made in conformity with Section 62.13 (Sm) of the Wisconsin Statutes.

ARTICLE 10: COMMISSION ADMINISTRATION

10.01 Meetings. The Commission shall hold regular quarterly meetings in the Village hall or other designated place at a regular time and day selected by the Commission.

10.02 Officers. Annually, at the March meeting, the Commission shall elect from among its members a Chairperson and Secretary. Should a permanent vacancy occur within the Commission officers, that vacancy will be filled by election at the next

regularly scheduled meeting.

10.03 Special Meetings. All special meetings of the Commission shall be held at the place where the regular meetings are held, if possible. Special meetings may be called at any time by the Chairperson, or by any two members, by causing a written or oral notice of the special meeting to be personally delivered to each Commissioner. If a Commissioner cannot be found, notice may be delivered by leaving a written copy of the notice at the Commissioner's usual place of abode in the presence of a member of their family of suitable age and discretion. Public notice shall be given as required by the Open Meetings Law.

10.04 Quorum. Three Commission members constitute a quorum in order to transact business. All Commission decisions shall be made by a majority vote of members present.

10.05 Order of Business. The Commission's regular order of business shall be:

- (a) Roll call.
- (b) Consideration of the preceding meeting minutes.
- (c) Consideration of communications from the Police Chief.
- (d) Unfinished and miscellaneous business.
- (e) New business.
- (f) Citizen appearances

10.06 Commission Chairperson: Duties. The Commission Chairperson shall preside over all commission meetings and hearings. He or she shall receive written charges filed against the Police Chief or subordinate Police Officers, and, when necessary, the Commission Chairperson may issue subpoenas to compel the attendance of witnesses in accordance with Chapter 885 of the Wisconsin Statutes. In the event of the Commission Chairperson's absence or disability, the Secretary shall assume the duties of the Chairperson.

10.07 Commission Secretary: Duties.

- (a) The Secretary shall receive appeals from action of the Police Chief; send out notices required by law, ordinance, these Bylaws,

or as requested by the Commission; make official publications as may be necessary; attend all Commission meetings and hearings; provide for the taking and recording of testimony and other evidence received at hearings; receive the findings determinations, and orders of the Commission; preserve the evidence in a permanent record; and certify the record to the Circuit Court when required by law.

(b) The Secretary shall keep a minute book, showing all important facts pertaining to each meeting and hearing. The minutes of each meeting and hearing shall be signed by the Secretary and approved by the Commission. A copy of the unapproved minutes shall be provided each Commission member and the Police Chief as soon after each meeting as is possible.

(c) After the minutes are approved by the Commission, one copy shall also be filed with the Village Administrator.

(d) The Secretary, at the direction of the Commission Chairperson, may conduct correspondence on behalf of the Commission. Any Commission member designated by the Commission Chairperson may also conduct correspondence on the Commission's behalf.

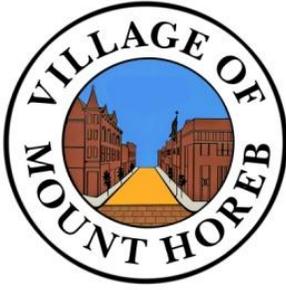
10.08 Legal counsel.

(a) The Village Attorney shall serve as prosecuting counsel for all charges filed by the Police Chief, the Commission, the Village Board, Village President, or Village Administrator. The Commission may retain independent legal counsel to advise the Commission on its hearing procedures, the merits of the alleged violations of Department rules and its determinations, subject to the approval of the Village Board and availability of funds from the Village.

(b) The Village Attorney shall advise the Commission for all charges filed by citizens. Complainant citizens shall prosecute their charges before the Commission either by themselves or by counsel they retain at their own expense.

ARTICLE 11: CONSTRUCTION OF BYLAWS

- 11.01 Federal or State Law. Should any Federal or State law or regulation, or the final decision of any court of competent jurisdiction affect any provision of these Bylaws, the provisions affected shall be construed to be consistent with the law, regulation, or decision. These Bylaws shall be construed to be consistent with the requirements of Federal and State law. To the extent the Bylaws incorporate statutes, they shall be interpreted to incorporate the statutes in existence on the date these Bylaws are adopted, and any subsequent changes to such statutes.
- 11.02 Repeal of Rules. These rules shall not be repealed, amended, or modified except by majority action of the Commission at a Commission meeting.
- 11.03 Severability. In the event any portion of these Bylaws is found to be invalid, the remaining portion shall stand.



Village of Mount Horeb

138 E Main St

Mount Horeb, WI 53572

Phone (608) 437-6884/Fax (608) 437-3190

Email: mhinfo@mounthorebwi.info Website: www.mounthorebwi.info

POLICE COMMISSION

JUNE 14, 2010

The Police Commission of the Village of Mount Horeb will meet on the above date at 5:30pm in the Conference Room of the Municipal Building, 138 E Main Street, Mount Horeb, WI. Agenda as follows:

- 1) Call to order – Roll call.
- 2) Consider March 2, 2010 meeting minutes.
- 3) Discuss and consider updated version of Police Commission By-Laws for final approval.
- 4) Update on status of Mount Horeb Police Department part-time personnel.
- 5) Adjourn.

UPON REASONABLE NOTICE, EFFORTS WILL BE MADE TO ACCOMMODATE THE NEEDS OF DISABLED INDIVIDUALS THROUGH APPROPRIATE AIDS AND SERVICES. FOR ADDITIONAL INFORMATION OR TO REQUEST THIS SERVICE, CONTACT CHERYL SUTTER, CLERK, AT 138 E MAIN STREET, MOUNT HOREB, WI (608) 437-6884.

Mt. Horeb Police Commission
Minutes of the June 14, 2010 Meeting

Call to Order

Paprocki called the meeting to order at 6:52 P.M.

Roll Call

Members present: Marlene Harley, Shannon Paprocki, Randy Parker and Rollie Schraepfer.

Member absent: Bob Hunter.

Paprocki welcomed Schraepfer as the newly appointed Commission member. Paprocki indicated that the Commission meets quarterly and more often if it must address complaints. This is the second quarterly meeting.

Consider March 2, 2010 meeting minutes.

Harley moved to approve the March 2, 2010 meeting minutes, which was seconded by Parker and passed by a majority of the Commission members. Harley, Paprocki and Parker voted for approval. Schraepfer abstained.

Discuss and consider updated version of Police Commission By-Laws for final approval.

Paprocki indicated that she discussed the updates with the Village Attorney and that there were no concerns or issues with them. The Commission will send a final copy of the By-Laws to the Village Attorney when they are approved.

Schraepfer asked for clarification of sections 7.01 (“Receipts of Written Complaints Other Than Charges”) and 7.02 (“Receipt of Oral Complaints”). He questioned why written complaints are sent to the Village Board, while oral complainants are referred to the Village Administrator. It was his understanding that all complaints should be referred to the Village Administrator who would forward them to the Village Board. Paprocki will research the appropriate protocols so that they can be reflected in sections 7.01 and 7.02. Harley moved to table further consideration of the By-Laws until sections 7.01 and 7.02 were revised, which was seconded by Parker and passed unanimously by the Commission.

Update on status of Mount Horeb Police Department part-time personnel.

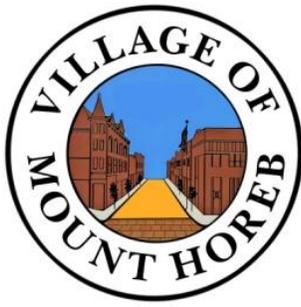
Chief Veloff informed Paprocki of the resignation of part-time Officer, Andrew Rose. Paprocki indicated that Chief Veloff is comfortable with the current part-time Officer staffing pattern and does not wish to recruit more staff at this time. Paprocki told the Chief to contact Commission when he is ready to staff more positions.

Adjourn

On a motion by Harley, seconded by Parker and passed unanimously by the Commission members, the meeting adjourned at 6:16 P.M.

Respectfully submitted,

Randall Parker



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POLICE COMMISSION JULY 27, 2010

The Police Commission of the Village of Mount Horeb will meet on the above date at 5:30pm in the Board Room of the Municipal Building, 138 E Main Street, Mount Horeb, WI. Agenda as follows:

- 1) Call to order – Roll call.
- 2) Consider June 14, 2010 meeting minutes.
- 3) Preliminary hearing on charges filed by Randall Leigh against Officer Nate Gretzinger. The accused officer and the complainant and/or their attorneys may be heard, but the purpose of the preliminary hearing is not to take or evaluate evidence. The Commission may consider the charges in closed session pursuant to Wis. Stat. § 19.85(1)(b).
- 4) If the Commission meets in closed session, it may reconvene in open session.
- 5) Determine whether charges filed by Randall Leigh against Officer Nate Gretzinger are sufficiently specific, and whether if proven the charges would warrant the imposition of discipline.
- 6) If the charges filed by Randall Leigh against Officer Nate Gretzinger are determined to be sufficiently specific and charges that if proven would warrant the imposition of discipline, arrange for service of the charges on Officer Gretzinger, and schedule a hearing on the charges not less than 10 days and not more than 30 days after service of the charges.
- 8) Discuss and consider any questions regarding the by-laws review and finalization.
- 9) Set meeting date for finalization of by-laws.
- 10) Adjournment.

UPON REASONABLE NOTICE, EFFORTS WILL BE MADE TO ACCOMMODATE THE NEEDS OF DISABLED INDIVIDUALS THROUGH APPROPRIATE AIDS AND SERVICES. FOR ADDITIONAL INFORMATION OR TO REQUEST THIS SERVICE, CONTACT CHERYL SUTTER, CLERK, AT 138 E MAIN STREET, MOUNT HOREB, WI (608) 437-6884.

Mt. Horeb Police Commission
Minutes of the July 27, 2010 Meeting

1. Call to Order

Paprocki called the meeting to order at 5:30 P.M.

Roll Call

Members present: Marlene Harley, Shannon Paprocki, Randy Parker, and Rollie Schraepfer.

Member absent: Bob Hunter.

Also present was Police Commission Counsel Connie Anderson.

2. Consider June 14, 2010 meeting minutes.

Paprocki noted that the "Call to Order" time was incorrect and should be 5:52 PM, not 6:52 PM as indicated. With the change to 5:52 PM as the "Call to Order" time, Harley made a motion to approve the June 14 minutes, which was seconded by Parker and passed unanimously by the Commission.

3. Preliminary hearing on charges filed by Randall Leigh against Officer Nate Gretzinger. The accused officer and the complainant and/their attorneys may be heard, but the purpose of the preliminary hearing is not to take or evaluate evidence. The Commission may consider the charge in closed session pursuant to Wis. Stat. 19.85(1)(b).

The formal complaint filed by the Leighs is attached.

Both parties were present for the preliminary hearing: Randall and Tina Leigh, and Officer Nate Gretzinger represented by the Wisconsin Professional Police Association (WPPA) Staff Attorney, Andrew Schauer, and Business Agent, Jerry Tomczak. A list of all others attending the open session is also attached.

Paprocki introduced the parties to Police Commission Counsel Connie Anderson. Attorney Anderson explained that Article 8 of the Mt. Horeb Police Commission By-Laws indicates that the purpose of the preliminary hearing is to provide the Commission the opportunity to examine the charges to assure that they are specific and sufficient to warrant discipline. Both parties may make statements, but the Commission will not hear or evaluate evidence. The By-Laws also allow for a closed session unless the accused demands that the meeting be conducted in open session.

Attorney Schauer stated that he had no problem if the hearing was held in either open or closed session. It was his understanding that there were the two issues to consider: (1.) Whether the charges were sufficient; and (2.) if so, whether the issue should move to a formal disciplinary hearing.

Attorney Anderson asked the Commission if it wanted to hear both parties in open session and deliberate in closed session. Paprocki made a motion to switch agenda #'s 4 and 5 so that the Commission could hear the parties in open session and deliberate in closed session. Harley seconded the motion, which was passed by unanimous vote of the Commission members.

4. Determine whether charges filed by Randall Leigh against Officer Nate Gretzinger are sufficiently specific, and whether if proven the charges would warrant the imposition of discipline.

Attorney Schauer asked the Commission to open the floor to the Leighs. Mr. Leigh indicated that the complaint was the "God's truth" and that he and his wife were the victims. The Officers made them out to be the "bad guys".

Attorney Anderson asked the Leighs what they thought should happen to Officer Gretzinger. Mr. Leigh responded when he was hit by his neighbor, he was in pain and Officer Gretzinger laughed at him. Mr. Leigh also stated he and his wife were not bad people and that they did not do anything wrong. Mr. Leigh indicated that Officer Gretzinger told him he was not in pain. Based on his medical history of diabetes and rheumatoid arthritis, Mr. Leigh stated that he was in pain during this incident.

Paprocki asked the Leighs what rule or statute was violated by Officer Gretzinger. Mr. Leigh responded that the Officer did not tell the truth. Attorney Anderson asked what law or statute did the Officer violate and if the Leigh's charge was that the Officer did not tell the truth in preparing his report. Mrs. Leigh responded that there should have been a better way to handle the situation, a better way to communicate.

Paprocki asked the Leighs if they felt that Officer Gretzinger lied in his official report. Mr. Leigh responded yes.

Attorney Schauer presented Officer Gretzinger's position on the issue. He stated that there were differing recollections of the conversation with the Leighs. Officer Gretzinger gave his version to the Chief and the Chief responded to the Leighs' initial complaint. The Chief found that although there were differences of opinion about what happened, the Officer's behavior did not rise to the level of discipline. Attorney Schauer indicated that Officer Gretzinger did not falsify the report. He wrote down what he recalled about the incident. Officer Gretzinger had nothing to gain from the falsification of the records.

Attorney Schauer stated that Officer Gretzinger did not laugh at the Leighs. He merely chuckled to himself. His behavior was not conduct unbecoming. It was an Officer just trying to get through the day. Attorney Schauer termed the behavior de minimus.

Attorney Schauer indicated that Mary Crowe, the Leigh's neighbor, swung at Mr. Leigh, who blocked the swing. Whether or not he was hurt or the Leighs wanted their neighbor charged with battery is not relevant. The Officers have discretion to either charge with battery or write the incident up as disorderly conduct. The Officers chose the latter option.

Attorney Schauer stated that paragraphs 3 and 4 of the complaint were not relevant. Even if they were true, the Officer's behavior would not rise to a level of discipline in an evidentiary hearing.

This concluded the remarks from both parties.

5. If the Commission meets in closed session, it may reconvene in open session.

Parker moved that the Commission meet in closed session to discuss whether the charges were sufficient to schedule a hearing. The motion was seconded by Harley and approved by a unanimous vote of the Commission members. The session was closed at 6:00 PM.

Schraepfer moved to reconvene to open session, which was seconded by Harley and passed by a unanimous vote of the Commission members. The session was opened at 6:20 PM.

6. If the charges filed by Randall Leigh against Officer Nate Gretzinger are determined to be sufficiently specific and charges that if proven would warrant the imposition of discipline, arrange for service of the charges on Officer Gretzinger, and schedule a hearing on the charges not less than 10 days and not more than 30 days after service of the charges.

The Commission reconvened to open session at the request of the parties. The parties indicated to Attorney Anderson that the Leighs wanted to make a statement and withdraw their complaint.

Mrs. Leigh stated that it was not their goal to see Officer Gretzinger disciplined. She and her husband wanted better communication from Police Officers in the future. Mrs. Leigh indicated that they did not like how they were treated. Mr. and Mrs. Leigh wanted people to know they were not treated well. Mr. Leigh agreed with his wife's statements that they just wanted to be heard. Mrs. Leigh then stated that she and her husband were formally withdrawing their complaint.

Attorney Schauer indicated that the Officer and the Chief listened to the Leigh's concerns and assured them that they would be addressed.

Paprocki stated that record would reflect that Leigh complaint against Officer Gretzinger was withdrawn and made a motion to accept the withdrawal. The motion was seconded by Harley and approved by a unanimous vote of the Commission members.

7. Discuss and consider any questions regarding the by-laws review and finalization.

The discussion focused on sections 7.01 and 7.02 of the By-laws regarding how written and oral complaints should be handled. Attorney Anderson indicated that section 7.02 on oral complaints was appropriate. Oral complaints should be directed to the Village Administrator who could give complainant the options of either going directly the Police Chief or filing a written complaint.

Attorney Anderson indicated that Section 7.02 should be reviewed so that it is consistent with s. 62.13(5) Wis. Stats. on disciplinary actions against subordinates. Attorney Anderson agreed to perform the review and propose new language for Section 7.02. Attorney Anderson would also look at By-laws from other municipalities for comparisons.

Police Commission Minutes
July 27, 2010
Page 4

8. Set meeting date for finalization of By-laws.

The Commission agreed to defer setting the meeting date until is received the proposed language for Section 7.02 from Attorney Anderson.

9. Adjourn

On a motion by Harley, seconded by Parker and passed unanimously by the Commission members, the meeting adjourned at 6:40 P.M.

Respectfully submitted,

Randall Parker