LAKE GENEVA POLICE AND FIRE COMMISSION
SPECIAL MEETING MINUTES
THURSDAY SEPTEMBER 2, 2015, AT 5:00 P.M.

This meeting was held in the City Council Chambers, City Hall, 626 Geneva Street, Lake Geneva, Wisconsin, 53147.

1. Call meeting to order
Meeting was called to order by Commissioner Hartz at 5:04 p.m.

2. Pledge of Allegiance
The Pledge of Allegiance was led by Commissioner Gramm.

3. Roll call
Commissioners Pollard, Jordan, Hartz, and Gramm were present. Commissioner Bittner was absent.

4. Consider and/or enter into contract for legal representation with Stafford Rosenbaum LLP.
Commissioner Gramm motioned to accept the contract for legal representation with Stafford Rosenbaum LLP. Jordan seconded. Roll call: Pollard – Y, Gramm – Y, Jordan – Y, Hartz – Y. Motioned carried 4-0.
Commissioner Hartz asked if the commission members had any discussion or concerns and advised Attorney Waskowski was available for questions. No discussion.

5. Consider and/or adopt procedural rules.
Hartz motioned to accept rules and procedures for disciplinary hearings as written. Pollard seconded. Motion carried 4-0.
Hartz asked Attorney Ted Waskowski what constituted charges. Attorney Waskowski stated a petition had been filed with the Police and Fire Commission by a subordinate officer so charges do exist and the Commission needs to make a decision today as to how to deal with the petition procedurally. The next step generally is to take evidence at a later date about the charges the petitioner has served on the Chief of Police. Attorney Waskowski stated right now the petition is in limbo because charges have been filed, but they haven't been served on the Chief of Police. The charges are not effective until they have been served. Hartz asked if the Commission measures charges either by a specific law or a breach of etiquette. Attorney Waskowski stated Chapter 62.13, Wisconsin Statute gives specific guidance as to what to consider in determining if discipline is warranted and what type of discipline is warranted. The statute directs the Commission to consider whether a rule or an order of the department has been violated. Attorney Waskowski stated the petition had brought enough to encompass general violations of law but the question is if the charge actually provided to the Commission is in the statute. The commission would determine if after whatever process develops whether a rule or order has been violated and if so what should be done about it.

6. Pursuant to Wis. Stat. 19.85 (1) (b) and/or (f) and/or (g) the Commission may convene into closed to consider a Petition for Removal from Office of the City of Lake Geneva Chief of Police Michael S. Rasmussen submitted by Dennis D. Dyon. Following any closed session, the Commission may reconvene into open session.

Gramm motioned to go into closed session to consider Petition for Removal from Office of the City of Lake Geneva Chief of Police Michael S. Rasmussen, submitted by Dennis D. Dyon. Jordan seconded. Motion carried 4-0 at 5:12 p.m.

Jordan motioned to return to open session. Pollard seconded. Motion carried 4-0 at 5:40 p.m.

7. Consider and/or take action on Petition for Removal from Office of the City of Lake Geneva Chief of Police Michael S. Rasmussen ("Petition") (service of Petition, scheduling, process, rules, other procedures to be followed).
Jordan motioned that after discussion with Attorney Waskowski and the Commission's discussion that the Petition for Removal from Office of the City of Lake Geneva Chief of Police Michael S. Rasmussen ("Petition") be dismissed without prejudice. Gramm seconded.
Roll call vote: Pollard – Y, Gramm – Y, Jordan – Y, Hartz – Y. Motioned carried 4-0.
Jordan stated the petition should come back in a more refined fashion with actual dates and times tied in before the Commission decides to move forward. Gramm requested the petition be tied to ordinances, rules and procedures if there is an allegation of wrongdoing relating to anything specific. Attorney Waskowski noted Chapter 62.13, Wisconsin Statutes, directs the Commission in dealing with the allegations and to decide what rule, order or law is violated. Hartz stated this statute allows the Commission to look at everything in context in some type of legal statute or policy so nothing is vague or ambiguous. Pollard noted there are serious things going on and felt a more specific and detailed petition would help everybody in this situation. Pollard felt the Commission's decision was the proper way to go.

8. Adjourn
Pollard motioned to adjourn the meeting. Gramm seconded. Motion carried 4-0. Meeting adjourned at 5:43 p.m.

Respectfully submitted,

Cindy Papenfus
Administrative Assistant

c: Police Chief
Fire Chief
Commissioners-file
Commission Liaisons
City Administrator
City Clerk
City Comptroller
Council Members - Mayor