

**Saugatuck Douglas Police Commission
Douglas City Hall Council Room
Meeting Minutes for
January 14th 2009
4:00 p.m.**

1. Call to Order

The meeting was called to order at 4:00 p.m. by Vice Chairperson Bailey.

2. Roll Call

Kowal, Hoexter, Simon, Bailey, Chief, & Harrier. Johnson was absent.

3. Changes/Additions/Deletions to Agenda

Additions to New Business: Item 7D Budget amendment

Motion to approve the agenda as amended by Kowal/ 2nd by Hoexter. Motion carried unanimously by voice vote.

4. Approval Of Minutes

Regular meeting minutes of Saugatuck Douglas Police Commission Meeting of October 8, 2008.

Motion by Simon / 2nd by Hoexter to approve the October 8, 2008 meeting minutes of Saugatuck Douglas Police Commission Meeting with the correction of Peter to Peter S., motion carried.

5. Public Communications (limit of 3 minutes for comments regarding agenda items)

A. Verbal: None

B. Written: None

6. Unfinished Business

None

7. New Business

A. Update of Pending Police Officer Arbitrations

Kowal discussed the termination of Officer Zerbe and suspension of Officer Long. He advised that both are supported by the union and both have filed for arbitration against the City of Douglas. He states that arbitrations for both will be lengthy and costly. Kowal states that he received a bill today from the attorney and just for prep work and for attendance at the disciplinary hearings the cost was approximately \$4,000. He states they are in the process of selecting an arbitrator. He stated that each arbitration will cost in the neighborhood of \$10,000 (high side). If the union agrees, the two arbitrations will be combined into one; saving resources. Kowal advised that the city would like to combine both arbitrations as one, but the union must agree to it. Kowal anticipates that there won't be a decision by the arbitrator for many months to come

Simon asked if there is any concern with Officer Long being on duty while the city is going through the procedure of arbitration with him. Chief advised that Officer Long is on 6 months probation and is under more direct supervision by Sgt. Kent and himself.

B. Update of Police Officer Recruitment Process

Kowal states that he has authorized the Chief to fill Officer Zerbe's position. He advised that the Department simply can't operate down one officer for the duration of the arbitration process. Moreover, he stated he is confident that management will prevail given the very sound cases made against the two officers.

Kowal advised the recruitment process is a little different than it has been in the past and asked the Chief to explain. Chief advised that looking into the policy all he was required to do was look at the 2008 resumes that were on file. According to policy he isn't required to advertise. Chief stated there are 7 applicants, two of which are existing part time officers and the other five are graduates with no experience. He states that 7 packets were sent out inviting the applicants to come take the written test on 01/15/09. The test is from the International Association of Chiefs of Police and is a validated test. Chief advised there are three parts to the test; the written, oral, and a physical fitness test. He states he is using the MCOLES pre-test to get into the academy. There are four sections; push-ups, sit-ups, half mile shuttle run, and a vertical jump. He states that it's broken down by age and gender. Chief advised he feels we have to set standards and he feels he needs to make sure the person hired is physically able to do the job as required. Chief advised that he feels by the end of the month the position should be filled.

C. Discussion of Proposed "Ownership" by the City of Saugatuck (McClendon Property):

Kowal advised that the chief and he have concerns about how this very expansive area is going to be patrolled by law enforcement personnel. The chief also raised a number of public safety concerns that don't appear to have yet been addressed by the Saugatuck City Council. He questioned if this land becomes part of the City of Saugatuck will it be Saugatuck's responsibility to police the dunes? Kowal advised that the Saugatuck Douglas Police Department doesn't have the manpower or other necessary and required resources to provide police protection and other public safety services to this expansive area.

Harrier states that with the discussions that have taken place with the Saugatuck City Council, there are a couple different ideas that are being floated. He states there has been talk of beach patrol which he is concerned about. Harrier states there will be areas that people aren't supposed to have access to and he isn't sure that beach patrol would be able to handle the policing of the area.

Chief advised of his numerous concerns, including Saugatuck getting the property and gaining a beach area significantly larger than what the city currently has. He warned of the liability issues facing the City of Saugatuck. He states that people will disregard "closed" signs and do whatever they have to do to get

in. He is concerned with how they will keep people out of the water in this area. He also raised other public safety enforcement concerns.

Harrier asked for an estimate for hiring additional police officers for the Saugatuck City Council to review. Harrier advised he is unsure of whether this would be under the jurisdiction of the Saugatuck Douglas Police Department or Allegan County Sherriff's Department.

Simon advised she believes there needs to be a professional assessment of the area to determine the full scope and nature of what the real public safety enforcement needs are and the associated City of Saugatuck liability relating thereto.

D. Budget Amendment

Kowal advised that the Douglas City Council on Monday will be considering a budget amendment for \$10,000.00 for the arbitration legal costs (this assumes the two arbitrations are combined into one). Kowal states that the monthly payment from Saugatuck will have to go up \$1,000 per month commencing February and continuing through June, 2009

8. Chief of Police Report

Chief advised that we are currently working on the end of the year report. He states that the Saugatuck Douglas Police Department handled the same amount of complaints in 2008 as 2007. Chief discussed the township stats and the termination of Officer Zerbe.

9. Revenue/Expenditure Summary Report

Kowal advised that the police department is doing a good job staying within budget. He mentioned that there are several one-time expenditures that haven't occurred yet so the year-to-date totals are a little deceiving.

10. Commissioner Comments

None

11. Hear from the Audience (limit of 3 minutes for general comments)

Comment from Saugatuck Councilperson Jane VerPlank regarding the McClendon Property RE: the need to determine which entity has jurisdiction over it and which entity has the responsibility to provide public safety and law enforcement services.

12. Adjourned

Motion to adjourn by Kowal; seconded by Hoexter. The motion carried unanimously by voice vote. The meeting was adjourned at 5:37 PM.

Respectfully Submitted by:

Joie Houchin
Saugatuck Douglas Police Department

**Meeting Minutes for
Saugatuck-Douglas Police Commission
Douglas City Hall Council Room
April 8, 2009
4:00 PM**

1. Call to Order:

The meeting was called to order at 4:02 PM by Vice-Chairperson Bailey.

2. Roll Call:

Present: Bailey, Hoexter and Kowal.

Absent: Johnson, Simon and Harrier.

Also present: Police Chief Giles and Saugatuck City Treasurer Stanislawski.

Kowal questioned whether Stanislawski was in attendance to represent Manager Harrier as a voting member of the Commission or simply as an observer.

Stanislawski indicated he was representing Manager Harrier as a voting member of the Commission.

3. Changes/Additions/Deletions to Agenda:

Motion to approve the agenda as presented by Hoexter/2nd by Kowal. Motion carried unanimously.

4. Approval of Minutes:

Regular meeting minutes of the Saugatuck-Douglas Police Commission meeting of January 14, 2009.

Motion by Hoexter /2nd by Kowal to approve the January 14, 2009 meeting minutes of the Saugatuck-Douglas Police Commission as presented. Motion carried unanimously.

5. Public Communications: (limit of 3 minutes for comments regarding agenda items)

A. Verbal: None

B. Written: None

6. Unfinished Business:

None

7. New Business:

A. Update: Police Officer Arbitration Hearing

Kowal indicated that he believed the City's case in the subject arbitration hearing was very strong. However, he reminded the Commission that one can never state with any degree of assurance/certainty how an arbitrator will eventually rule. Regardless of the outcome of the arbitrator's

eventual opinion in this matter, Kowal indicated that he could state unequivocally that the case presented by Attorney Callander and Attorney Schultz on the City's behalf was nothing short of extraordinary. Moreover, the testimony provided by Chief Giles and Sergeant Kent was outstanding. Further, Kowal commended the attorneys and our police department management for arranging the testimony of the City's expert witness, Allegan County Chief Assistant Prosecutor, Ms. Margaret Bakker – an expert in domestic violence matters. She is also to be commended for her expert knowledge and brilliant testimony.

Regardless of the eventual outcome, Kowal stated that both City Councils and the Police Commission should be aware that the City's case in this matter was as professionally presented as any he had ever witnessed in his 25-year career in city government. He stated further that he didn't believe it would have been possible for the City's labor attorneys or Police Department management to have done a better, more thorough job. Kowal stated that he didn't expect to receive a decision from the arbitrator until approximately late June or July.

B. Discussion and Question/Answer Session RE: Availability of Funding Under the COPS Hiring Recovery Program (“CHRP”)

Chief Giles advised he completed the grant application and it had been submitted on April 7th. The Chief advised that he believes the Department should hear if it has been approved for funding by next month. He advised that the total grant is for \$184,807 for a 3-year officer and 2,084 hours. However, of course, there is no guarantee that the Department's application will be approved.

C. Presentation of Proposed Fiscal Year 2009/2010 Police Department Budget

Motion to receive and recommend for ratification by the City Councils of the City of the Village of Douglas and the City of Saugatuck the proposed Fiscal Year 2009/2010 Police Department Budget.

The Commissioners reviewed and discussed the proposed FY 2009/2010 Police Department budget. Motion by Hoexter/ 2nd by Kowal to receive and recommend for ratification by the City Councils of the City of the Village of Douglas and the City of Saugatuck the proposed Fiscal Year 2009/2010 Police Department Budget. Motion carried unanimously by roll call vote. It will be referred to both City Councils.

8. Chief of Police Report:

Chief advised that DDP software has been sold and that the Saugatuck-Douglas Police Department recently purchased and had installed New World software. Maintenance costs for New World will be about the same as the current DDP software. He advised that it was installed on four work stations at a cost of

approximately \$1,200 per station and that an adequate appropriation for the purchase was budgeted within the Department's FY 2008/2009 budget. The Chief stated that statistical and other management information will be significantly improved with the new software.

9. Revenue/Expenditure Summary Report:

The Police Department Budget to Actual Summary Report for the Period of July 1, 2008 through March 31, 2009 was presented. There were no questions.

10. Commissioner Comments:

Vice-Chairperson Bailey asked Chief Giles if the Department has an emergency plan between the Saugatuck-Douglas Police Department, Allegan County, and Michigan State Police. The Chief advised that Allegan County has such a plan.

11. Hear from the Audience: (Limit of 3 minutes for general comments)

None

12. Adjournment:

Motion to adjourn the meeting made by Kowal / 2nd by Stanislawski. The motion carried unanimously. The meeting adjourned at 5:01 PM.

Respectfully submitted,
Joie Houchin
Saugatuck-Douglas Police Department

Meeting Minutes
Saugatuck-Douglas Joint Police Commission
Douglas City Hall Council Room
October 14, 2009
4:00 PM

1. Call to Order:

The meeting was called to order at 4:00 PM by Chairperson Johnson.

2. Roll Call:

Present: Simon, Harvath, Hoexter, Kowal, Johnson, Harrier.

Also present: Police Chief Giles

3. Changes/Additions/Deletions to Agenda:

Motion by Kowal / 2nd by Hoexter to approve the agenda for October 14, 2009 meeting as presented. The motion was approved unanimously.

4. Approval of Minutes:

Regular meeting Minutes of the Saugatuck-Douglas Joint Police Commission meeting of April 08, 2009.

Motion by Kowal / 2nd by Hoexter to approve the April 08, 2009 meeting minutes of the Saugatuck-Douglas Joint Police Commission as presented. Motion carried unanimously.

5. Public Communication: (limit of 3 minutes)

Verbal: none

Written: none

6. Unfinished Business:

None

7. New Business:

A. Update RE: Police Officers Arbitration Opinion and Award

Kowal advised that Officer Brian Long's unpaid suspension had been overturned by the arbitrator. He is instead to receive a letter of discipline. Officer Mark Zerbe's termination was reversed by the arbitrator. He was reinstated with full back pay and benefits retroactively applied to date of termination. He shall serve instead a seven day unpaid suspension. Kowal went on to say that, in his opinion, the arbitrator had improperly taken into account the acquittal of the defendant in the domestic violence prosecution case, which should have had no bearing whatsoever on the arbitration hearing. Chief Giles also stated that it appeared that the arbitrator was suggesting that the victim, who was a juvenile, the suspect, and

the witnesses should have testified at the arbitration hearing. Chief Giles noted that such would have been wholly improper and is unheard of in arbitration hearings. Kowal advised that the extraordinary amount of legal work that went into this process from beginning to end would total approximately \$20,000. He noted that this was less costly than if the arbitration hearings for Officers Long and Zerbe had been separate and not been combined into one. Kowal advised that the police department budget will have to be cut where possible to fund the unbudgeted expenses associated with Officer Zerbe's reinstatement. Harrier asked if the police department budget could be cut enough to offset the entire additional cost. Kowal advised that it would be difficult, but the total amount owed Zerbe had yet to be determined. Kowal suggested that one possible big-ticket budget cut could be the patrol car. Kowal stated that, in accordance with the subject Opinion and Award, the City was allowed to take as a credit the wages Officer Zerbe would have lost had he served a seven day unpaid suspension, as well as any earned income he received that he would not have received had he remained employed, and all unemployment compensation benefits which were retained by him and which he had no liability to repay.

Both Kowal and Chief Giles stated that, despite the arbitrator's Opinion and Award, neither would have done anything differently in this case and both would still recommend the identical disciplinary actions as initially imposed. Chief Giles stated he believes in progressive discipline but, unfortunately, it didn't appear that the arbitrator bothered to look at the past disciplinary actions involving Officer Zerbe. Kowal stated that, while the Chief and he both respect the arbitrator and the process, the arbitrator's Opinion and Award were simply bad.

B. Update RE: Availability of Funding Under the COPS Hiring Recovery Program ("CHRP"); U.S. Department of Justice, Officer of Community Oriented Policing Services ("COPS")

Chief Giles advised that the department had been accepted for the COPS grant; however, the department was not awarded a grant at this time. He advised that he believed the department would be successful in securing a grant during the next cycle. The subject grant would cover the costs associated with 3-years' of wages, benefits, and training and the department would have to cover the fourth year of costs. Chief Giles went on to say that, without the grant as well as the reinstatement of Officer Zerbe, Officer Lori Warsen will have to be laid off as a fulltime officer. She will be returned to part-time status.

8. Chief of Police Report:

Chief Giles discussed the need for caller ID for the police department due to hang-up calls. He advised that the police patrol cars now have the MCT's installed. Chief Giles also advised the Commissioners to keep in mind that there are cuts everywhere and the Allegan County could be losing two to four police officers. As a result, assists to Saugatuck Township may increase.

9. Revenue/Expenditure Summary Report:

Kowal advised that actual expenditures to date appear to be on target and explained that the actual figures reflect the part-time wages incurred over the summer. Chief Giles added that he will make cuts everywhere he has to in order to keep the budget on target.

10. Commissioner Comments:

Hoexter commended Chief Giles for the job he has done and that she believes he did the right thing with regard to the initially imposed Long and Zerbe disciplinary actions.

Simon asked if, while going through the re-acclimation period, Officer Zerbe is under closer supervision. Chief Giles advised that Officer Zerbe has been assigned to the day shift and is being supervised by the two senior officers.

11. Hear from the Audience: (Limit of 3 minutes)

None

12. Adjournment:

Motion by Kowal / 2nd by Hoexter that the Saugatuck-Douglas Joint Police Commission meeting be adjourned. The motion carried unanimously. The meeting was adjourned by Chairperson Johnson at 4:50 PM.

Respectfully Submitted,

Joie Houchin
Saugatuck-Douglas Police Department