

November 20, 2019

To: The Board of Fire and Police Commissioners
From: Paul Mozina
Re: FPC19403 – Resolution to approve Testing & Recruiting Committee Recommendations

I am asking you to reject FPC19403: Resolution to approve Testing and Recruiting Committee Recommendations. This resolution is being presented under the false pretext that the FPC Commissioners present at the September 12, 2019 meeting of the Testing and Recruiting Committee did NOT unanimously approve a motion to amend Chief Morales' proposed testing requirements for the Police Lieutenant, Police Sergeant and Detective Exams to include 4 residency preference points. Rejecting this item would also require rejecting FPC19404, FPC19405 and FPC19406. All of the aforementioned FPC Files should be sent back to the Testing and Recruiting Committee to address the residency preference points amendment that was made and passed by that committee on September 12.

The language in the motion made by the Committee on September 12 to amend the Chief's proposal dated 8/29/19 was never noticed in the record for FPC19335 by Executive Director Aldrete or her staff. Commissioner Soler indicated that the Board had contacted Assistant City Attorney, Ellen B. Christopoulos, regarding this matter and that they were not made aware of any issues. But on the evening of November 13 Deputy City Attorney Miriam Horwitz was made aware that residency preference points would be discussed at the Testing and Recruiting Committee meeting on November 14. At that meeting Attorney Horwitz advised the Commissioners against even discussing residency preference points because it had not been noticed in the file FPC19335 i.e., there was no written record including the language of the amended motion passed by the Commissioners on September 12 included in the file.

This was due to the malfeasance of Executive Director Aldrete and her Staff. For the record:

Chapter 314-5 of the City of Milwaukee Ordinances states regarding the Executive Director: **Under the direction of the board**, the executive director shall act as the principal staff of the board in exercising the board's functions and powers provided in s. 62.50, Wis. Stats., and described under s. 314-3.

FPC Rules III Administration: Section 5 states: The Executive Director or designee **shall attend all meetings and shall record all official actions**. (Rev. 7/26/01)

To the detriment of the Board, the MPD and the people of the City of Milwaukee, Executive Director Aldrete did not "record all official actions" of the Board and she did not follow the Board's direction to produce a report documenting the issues related to residency preference points. She did not take responsibility for her inaction at the November 14 meeting while the Commissioners were blindsided and dumbfounded as Attorney Horwitz advised them that, because residency preference points had not been noticed and made part of the written record for FPC19335, they could not even talk about it.

The official action at issue here is the motion made by the Testing and Recruiting Committee at their September 12th meeting. At approximately 22 minutes into the meeting the committee formulated a motion regarding residency points.

Commissioner Cocroft:

“I move that we accept the Chief’s recommendation with the addition of the residency points for promotional exams for Fire and Police of 3 points, please.”

After further discussion, Commissioner McKenzie amended the motion to make it 4 points.

Then Commissioner Soler restated the motion:

“So let’s clarify, a motion was made on the floor by Commissioner Cocroft, which is to accept or to approve the requirement of the changes for the police lieutenant, police sergeant, and detective exams such as the Chief has suggested, and adding, or insuring that the words 3 residency points given to the applicants and Commissioner McKenzie is amending that to say 4 points. So, he accepts the amendment — right — so we have, that will be the motion that we need to vote on. — the amended motion.”

All of the Commissioners present voted Aye to approve the motion to amend the Chief’s “REQUEST FOR REQUIREMENT CHANGES – POLICE LIEUTENANT, POLICE SERGEANT, AND DETECTIVE EXAM”, dated August 29, 2019.

FPC19335 was heard again at the October 31 Testing and Recruiting Committee meeting and the exact same document from the Chief that they had amended on September 12 to include residency preference points was before them. Executive Director Aldrete was not present for the discussion, but all of the Commissioners remembered exactly what motion they had approved at the September 12 meeting, notwithstanding the fact that neither Executive Director Aldrete, nor anyone on her staff, had memorialized the motion explicitly in written form and noticed it for the record. No action was taken on the item at the meeting.

FPC19335 was heard again at the November 14 meeting of the Testing and Recruiting Committee meeting. Approximately 57 minutes into the meeting when the item was being brought before the committee, Deputy City Attorney Horwitz strongly advised the Commissioner not to even discuss residency preference points because it was not explicitly noticed in the file.

The memo titled “191120 Reg. for TR mtg.pdf” attached to the FPC193403 file that is before you now, reads in part regarding FPC19335 and the actions taken at the November 14 meeting:

“... and Commissioner Soler seconded the motion with an amendment to the motion which states this process will be approved for this current class only, pending discussion of preference points for the next class. The motion carried unanimously. ...The

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preference points referred to in this discussion would be for Detectives testing for Police Sergeant.”

To be clear, the preference points that Commissioner Soler was referring to in his motion were the residency preference points. There is nothing on the record that limits the discussion of preference points to Detectives as is asserted in the memo titled “191120 Reg. for TR mtg.pdf”. In fact, at the November 14 meeting at the 1:09:48 mark, Regina Howard tried to clarify and asked: “So, is it for a class or the three separate ranks; Detective, Sergeant and Lieutenant — 3 separate promotion opportunities?” Commissioner Soler confirmed that the scope of the discussions was all three exams.

Is this how policy is made by this Fire and Police Commission? The Commissioners pass motions to amend items before them that are not recorded by their Executive Director or staff leading to confusion, delay and ultimately, the obstruction of their attempt to create policies that are a reflection of the desires of the community they represent? Has Ms. Aldrete taken responsibility for failing to record the actions of the Board?

The motion passed by the Committee on September 12 was unequivocally clear that the policy they wanted to recommend to the full Board was the addition of 4 residency preference points for the Police Lieutenant, Police Sergeant and Detective exams.

Is the policy making authority of the Board of FPC Commissioners to be thwarted by the negligence and incompetence of their Executive Director?

No! Send this item back to Committee and do it right.

You can review the video record of the proceedings related to this matter via the links below.

September 12, 2019 meeting of the FPC’s Testing and Recruiting Committee (motion to amend requirements presented by Chief Morales amended to include Residency Preference Points)
http://milwaukee.granicus.com/MediaPlayer.php?view_id=2&clip_id=2030

October 31, 2019 meeting of the FPC’s Testing and Recruiting Committee (a fruitless attempt to discuss the matter further without a clear presentation of what was or was not “on the record”)
http://milwaukee.granicus.com/MediaPlayer.php?view_id=2&clip_id=2091

November 14, 2019 meeting of the FPC’s Testing and Recruiting Committee (Deputy City Attorney shuts down any discussion of residency preference points because of the issue was not noticed in the file thus forcing the committee to accept the Chief’s original, unamended, document. http://milwaukee.granicus.com/MediaPlayer.php?view_id=2&clip_id=2111