



Village of El Portal Public Safety Meeting

Date: 1/22/19

Meeting Start: 6:31 PM

Meeting End: 8:37 PM

Meeting Length: 02:06:10

Mayor Cubillos: Good evening. I would like to go ahead and call our Public Safety Committee meeting to order. Today is Tuesday, January 22. It is 6:31 PM. We have already had a moment of solid meditation. Madam Clerk, may I please have roll call.

City Clerk Jacobi: Roll call. Mayor Cubillos.

Mayor Cubillos: Here.

City Clerk Jacobi: Vice Mayor, Nickerson.

Vice Mayor Nickerson: Here.

City Clerk Jacobi: Councilperson, Roman.

Councilwoman Roman: Here.

Mayor Cubillos: Thank you. May I please have motion to approve the agenda.

Vice Mayor Nickerson: Motion to approve the agenda, Madam Mayor.

Mayor Cubillos: Motion has been made by Vice Mayor Nickerson. Is there a second?

Councilwoman Roman: Second.

Mayor Cubillos: Second by Councilwoman Roman. All in favor signify by saying aye.

All: Aye.

Mayor Cubillos: Any nays? Hearing none, our agenda for Public Safety Committee passes. There is no minutes to approve. We have two agenda items. There is good and will for anybody who would like to come up and say anything before we get the meeting started. We will have another good and will for the end. Hearing none, I am going to open it up back to the council for the first agenda item. First agenda item is we have the McGrath presentation consulting group from the assessments.

Ron Moser: Thank you, Mayor. My name is Ron Moser, I'm the lead police consultant for the firm of McGrath Consulting Group which was contracted with the village to do this

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assessment over the police department. I thank the Mayor, Council, and manager for choosing us for this important study. To give you a bit of background and for the audience here, our firm is one that specializes in Public Safety Consulting, police fire EMS and we do human resources and administration. Firm's been in business for over 20 years. The principals are Dr. Victoria McGrath and Dr. Tim McGrath. I serve as the lead police consultant for the firm. We have over 300 clients in 34 states. I've been in business for over 20 years. We have at least 27 consultants throughout the country that serve one projects for us.

For this particular project, the scope of work involved providing an assessment of the abilities of police department, to provide policing services in the village, develop or tell, provide an assessment of the capabilities of the staff of the department. Recommend alternatives to police service delivery and recommend changes and modifications to the police department related to organization and staff. How we went about our work which started in September of this year, was first to request data and reports for off-site analysis by myself and the other consultants chosen for this project. We then met on site with village staff, others in the village and conducted interviews, tour the facility, went about then our work and also looking at files and various reports. The project team to acquaint with them, again myself, I'm the lead police consultant, my background is municipal policing, primarily. I've served in six police departments in three states. I was chief at three. Much of my work was done in the Chicago suburban area. At the end of an 11-year tenure at one of the suburbs, I was also asked to serve as village manager. I have three years of administrative experience related to that. I have two masters degrees and I teach. I'm an adjunct faculty member for criminal justice.

The other members of the team included Chief Cecil Smith, who is the current chief of police of Sanford, Florida. He's retired from Elgin Illinois police department. A large Chicago suburb where he was the Deputy Chief. He came into Sanford. If some very controversial times after the Trayvon Martin and George Zimmerman incident and he's done great work in that community to bring them together. He would provide a testimony before President Obama's Task Force on 21st Century Policing regarding the issue of building trust within communities of color and he served as a panelist on many other Department of Justice and other panels. Another member of the team, and these were persons that were on site, with Sheriff Patrick Perez, is retired Sheriff from Kane County, Illinois, which is called a collar county of the city of Chicago. A county of about 500 and some thousand. He served his career with the department. He served two terms as Sheriff at supervision of over 300 employees and 30 divisions. He's also a graduate of the National Sheriffs Institute.

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Dr. Victoria McGrath, one of our principals served as the advisor for any issues related to human resources. She was not on site here, but we refer to her for any matters related to HR. In addition to our consulting, she is an adjunct faculty member at Northwestern University. On site, we also had Molina Halverson Mays who was one of our lead consultants related to human resources, who did much of the work-related to that topic. Having given you the background on our agency or our business, the overview we were brought in, we did this comprehensive review and we presented our findings in the organizational assessment that you have now received. I'd like to go through some of the basic management practices that we found and then we can go into as much detail or not as you like, but I encourage you to read this report in detail.

As a matter of our work, we did find difficulties in management practices. I'd like to go over those first. This has been a period of transition that we've been involved in because when we started in September, Chief Hufnagel was serving as the interim chief, then that changed Chief Perez who was subsequently brought on, who's not here at this time. We went through a couple of phases there, but we found that there are identified basic management practices that we find difficult here and need change and need solutions. There's not a clear distinction at times between the top command staff, the chief of police and the line officers. In our discussions, we found that Chief Hufnagel was on the board of the Police Benevolent Association. When asked if that seemed to be a conflict, she felt it was not. We see it as clearly a conflict that the CEO of the department should not have that role also. When we started the project, we requested a number of documents that should be basic and should be readily available. We had trouble receiving some of those documents. For example, we requested a call for service information which is the responses that the police officers go on which we should be able to get by date, by time, by category and so forth. We received a written communication back short sentence said that Miami, Dade dispatches for the department so that information was not available. We followed up again and requested it when we were on site. Our whole team came on site on November 5th through the seventh or eighth, I believe. We, again, requested it at that time, explained that should be easily available through the dispatch center. We did not receive that subsequently. Chief Perez got us three months of data late into the study.

There's also a concern over the basic Policies and Procedures Manual which is the document that the officers and personnel need to file to perform all of their functions. First, when we requested it, we were advised there was not a manual. Further follow up later then, I did receive some older policies via email. Which then rolled later into-- I was presented from the village manager with a set of policies that are dated May 1 of 2018. They were issued by-- Well, I don't know. Not issued but they were signed by Chief Hufnagel. The manager

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advised me that there is a process that those have to, in fact, go through the manager for approval. That was not done. They had not been issued and in a cursory review of them, they did not match all of the functions that your police department does. In fact, they were, for example, ranks listed that you don't have divisions listed that you don't have. May have been modeled after another agency, but they weren't approved. They weren't reviewed. They didn't match the structure. In our conversations with some of the personnel, one officer advised that that officer had never received a copy. They had never seen the police manual. It's imperative they have proper policies for your personnel [unintelligible 00:10:04] that's a cornerstone of the Department. The discipline process we found that there was confusion, chief seemed unclear, cited the Village charter to assess the policy but we did not find that in the charter. Discipline should be well-known by the commanding officers of the department and it should be part of policies and perhaps a collective bargaining agreement but there was confusion there. The scheduling we were informed that a goal of this council is to as much as possible have a minimum of two officers on duty at any time. We were advised though that no alternatives had been brought forward in an attempt to do that.

Again, in speaking with the chief, we found that no data on calls for service which would show you your peak times were used to determine the schedule. Instead, we were asked how the schedules were formed and the statement to us, well, this is how it has been. Then, we further pressed that chief advised that it was presumed that the busiest time is in the evening but that presumption conflicts with the overlap you have on your 10-hour shift. The data is not being used in intelligence-led policing manner to focus your forces as best suited for the village. All of the officers work 10-hour days including the chief police. The chief works Sunday through Wednesday and it was described as typically 7:00 AM to 5:00 PM.

We inquired as to would it be better to work an eight-hour shift Monday through Friday to have more interaction with the manager and other department heads and to be available during those peak hours of what's typically an administrator's job. The chief informed us that that would not work because of a part-time job that she works on the other days. We think that your chief needs to pay full attention to the council and the job here. There's also the issue of the staffing of the part-time and reserve officers and there are several issues related to part-time and reserve officers that I'm speak about. In looking at the schedule, it looked like the part-time and reserve officers work based on personal needs as opposed to the department needs where they could fill in when a full-time officer is off or double up to get in the peak periods of time to cover. There's no clarity as to the difference between a reserve and a part-time officer which I have more on that here shortly.

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There's also the investigative function which is the follow up on criminal cases or incidents to successfully resolve them is inadequate. It's described as this, you have no detective function essentially when a patrol officer takes a report. Let's say, it's a burglary or a theft or fortunately, you have very few crimes of violence but if they take that report, then it is up to them to follow up themselves either that shift or the next shift or try to pass it on to another officer but without any clear procedures how that is done. We spoke to an officer that works typically midnight-type hours which if you take a report of theft or a burglary or something at 2:00 AM, and those are the hours you work, it's very difficult to follow up and locate witnesses, talk to the prosecuting attorneys and so forth too get that work done.

It's reflected in we looked up in Florida Department Law Enforcement Uniform Crime Reports, the clearance rate of for criminal offenses in El Portal the most recent year reported was 10.3%. 10% of the criminal offenses in El Portal are cleared in some way or another. Cleared does not mean an arrest, it means there's several categories that could be cleared by arrest, that could be cleared because the victim wishes to not cooperate. It could be cleared because the prosecuting attorney does not wish to follow up but that 10% rate is quite low.

I think again it's reflective in the way that these investigations flow. Another issue was critical training, there's no clear documentation of training, there's not a training plan. We requested documents on all mandatory state training records filled last two years for the officers, it was not provided to us. Our initial requests for training we got, I think it's called the Global training sheet that comes from FDLE, Florida Department of Law Enforcement training section but did not reflect all the training records. We just didn't get it which led to-- I went through the files here to try to establish what you had with the training records that are unclear. There are required documents to be filed with FDLE related to every four years you have several mandatory training courses that the officers have to complete.

There's also a form I believe it's every two years, they have to complete a mandatory weapons qualification. Most of the files did not have that documentation, it could be at FDLE but it's not here, it's not readily available to you. There's critical training records missing from Officer files here. As part of that then, in looking at the employment records here, there's confusion and it doesn't match what HR has in many cases. One item issue that we found that's been brought to the attention of the manager and chief Perez when he was here was, there is a file that shows that. An officer was hired last summer, I believe it was July it might have been June but one of the two part-time. This was confusing to me because the other records show that this officer worked here as far back as 1995 and then there are memos in the file that also shows officer was working here in like 2012 I think it was.

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I asked the manager about this and the document that officially hires the officer was submitted at that time by the chief and signed off on by a temporary notary public that was serving here if I'm correct on that. The manager wasn't notified and so frankly we don't know the status of this officer. Chief Perez may have followed up on that but I don't have that information. Then HR records show the officer working here for at least two years, somewhere around 2010 to 2012. This has to be followed up on and found out and the employment records need to be pulled together to make sure you've got all this accurate.

We didn't find evidence managing the organization with any goals or a vision for the department, what they want to get done for your residents. There seemed to be a mood in speaking with employees of us against them. Us would be police, them would be you and appointed officials and the focus was on pay and more officers. That was the consistent theme we heard and asking the chief about expectations of the Department. The quote was that the focus was to keep the officers happy. There's also a lack of any annual or other narrative reports to use the decision makers about the workings of the Police Department. You get a monthly statistical report I believe which is numbers of stops or arrests or tickets or whatever but there's not like an annual report that would be a wonderful thing to put on your website to inform your citizens about the workings of the department.

One thing that was very concerning that we did not find out about until Chief Perez was here is that of what's called CJIS which is the system of which the officers get their information electronically on any driver's licenses, any vehicle registrations, wanted persons, stolen property and so forth. CJIS as administered by Florida Department of Law Enforcement, which then accesses NCIC, which is the National Crime Information Center. We were presented with a document that was dated July 16th in which a representative of CJIS had a meeting with chief and cited eight sections with 38 deficiencies that needed to be corrected for you to keep your certification licensing with CJIS. Now, on that sheet, some had been corrected. I'm just recently informed that it appears that much of that is completed. You never want to get behind like that because if you lose that certification, you're unable to do your job as police officers.

Mayor Cubillos: Ron, if I may. Just add to that, yes, I've been working with one of our officers, officers who are relative curious about those deficiencies that remain. We had about eight things left on that list and we're down to about three now. We are in communication with FDLE as latest this morning talking to them about getting those remaining items completed. It went too long and it wasn't reported so we had to go in and fix it. That's all I have.

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Ron Moser: Another issue is the integrity of your evidence storage area. This, again, was brought to our attention by Chief Perez. I understand that he contacted Florida Department of Law Enforcement who came and did an audit of your evidence. Now, the concern was there was evidence intermingled with other properties and there was evidence that was not separated with greater security such as cash, drugs, guns, and so forth.

Essentially on shelves, there were different things. There was also biohazard evidence in there and there was unsecured evidence actually in back of this building. I don't know if it's still is or not, but primarily larger items like bicycles and so forth. It's in secure, which means it's tainted. FDLE has done an audit. They may come back with recommendations or comments related to that. Another major function of command staff, the CEO is budgeting. The police budget is substantial part of your annual budget, the chief had really no involvement in preparing, tracking and so forth.

When asked about that the involvement we were advised was that a wish list was provided as opposed to any type of analysis or statements of what's needed and so forth. There was also no proactive pursuit of grants from either state, federal, other. One issue that popped to us right away was we were told that in your current budget, I believe you budgeted for new best for all officers if I'm not correct, and there is been a standing grant program called the bulletproof vest partnership for maybe decades that provides funding to buy vest.

We provided this information to, I'm not sure if to you or, the chief at that time. The deficiency is an awareness of these financial opportunities that police department has. There's a section we have on HR, which deals a lot with employee files and where certain files should be, and so forth. I won't go into the minutiae of that, but I told you I was going to circle back to this. That is related to the issue of reserves versus what is the status of part-time. The Fair Labor Standards Act speaks to that.

The issue is that we found that part-timers are paid, you have a budget to pay them an hourly amount, reserve officers are volunteers that are unpaid but in our work, we found that sometimes they're paid. Sometimes is if they can't get someone to volunteer, then they offer pay which enhances the volunteerism and then the person works and get paid but the next time they work, they may not. I want to read this to you because this is very important. We found out that the village sometimes may compensate a volunteer on an hourly basis if a shift is difficult to fill.

Now, the Fair Labor Standard Act, the FLSA provides a specific exemption for individuals who volunteer services to public agency. The FLSA, however, exempts public employers

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from paying minimum wage and overtime to individuals who qualify as volunteers, which are individuals motivated to contribute service for civic, charitable or humanitarian reasons. An individual who perform services for a public agency qualifies as a volunteer if A, the individual receives no compensation or is paid expenses, reasonable benefits, or a nominal fee to perform the services for which the individual volunteered.

Such services are not the same type of services for which the individual is employed to perform for the same public agency. You need to clearly determine what personnel are volunteers versus employees and go forward with the FLSA requirements because right now there's a great deal of confusion there. There's also a major HR topic. You've had turnover in the last three years of 21 full time or part time police or officers on a very small police force but you don't engage in exit interviews. From those 21 persons, we don't have data on why did they leave. You want that data so you can improve and you can fix that and you can aid in retention.

Clearly, you need to start a process of that in which then is managed by HR but the police chief is informed that and can make adjustments. You also have a new employee manual pending approval, is that correct? We went through that and I actually provided a couple of other like statutes that you should include in that. Unfortunately, I've told you what we found is being difficult here which are the major topics, we looked at your staffing, the scheduling and other employee issues. I take direction from mirror manager as to which direction you want me to go now with what you'd particularly spoken on.

Mayor Cubillos: If you could please talk a little bit about the amount of staff we have on our force and the scheduling but hours? There were some times when I asked that we do 8-hour shifts, 12-hour shifts, what kinds of shifts could we do to small staff that would try to address some of our needs for more officers on the street?

Ron Moser: Starting on page 12 actually of your report, we looked at the schedules and we provided sample 8-hour, 10-hour, and 12-hour schedules. It would be our opinion that an eight-hour schedule fits you best, the size of your department. You need to look at this because the collective bargaining agreement contains language that talks about the basic workweek for officers. It says, "Such service shall normally consist of 4, 10-hour work days." Goes on to say that it's the intent of this section that each covered officer be entitled to a minimum of two consecutive days off during each week of service.

I talked to the manager, what does normally mean? Does that mean it has to be 10 hours or not? I think you need to confer with labor attorney, look at the notes of the previous

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negotiations and see if 10 hours is required, because if it's not, you should look at particularly the eight-hour schedule. Now, I'd also say that there's a management right and scope of the agreement which states the villages rights, powers, authority and discretion to carry out its police department responsibilities and missions include, but are not limited to, the scheduling of the police departments, operations and shifts. We think that it looks as though you may have the authority to change the current 10-hour shift if appropriate to carry out your mission, of which then I give a couple of scenarios for an eight-hour schedule with officers that then does away with-- A 10-hour shift is good if you have a whole lot of people and you don't- you have minimum. We've looked at, in fact, I spell out number of bullet points if you have to go one by one, but we made a couple of assumptions here but took the the amount of hours that you have for patrol officers to work on this department and you clearly don't have enough hours between full and part-time to staff two officers every shift 24 hours a day. You don't have that. To do it with reserves, you need more reserves also and make sure that they're doing their minimum per month. It's in a perfect world that maybe that work but in reality it won't.

You're in a position right now you can't staff two officers per shift every shift with what you have. We do offer some different schedules here that you should look at. Again, we think the eight-hour serves you best but there are other 10-hour shifts that if you need to continue with that 10-hour shift we do recommend the chief should be on an eight-hour shift. I would feel that, Monday through Friday. Again, work with the manager and also give the chief ability to work with sergeant, corporal, perhaps to lead them. These shifts also, there's advantages that we say here on each of those, but they also all provide for assignment of investigation duties to the corporal's or corporal or sergeant. We're improving in a couple different ways; coverage and also the investigative function.

Then to carry it a step farther, beyond those schedules, one of the issues to look at was alternatives to status quo right now, meaning speak with the County Sheriff's Department about contractual services. Give me a moment and I can find that page. If you look on page 29 of your report, again, in the work we do, the smaller the department, the harder it is to staff because you just don't have staff to draw from and move from one division. You can move someone out of a large division of detectives in the patrol for a while, but with you, you just don't have you know that flexibility.

We did look at the issue of contracting and we found that Miami Day County Sheriff's Department we found three cities that do contract with them; Cutler Bay, Miami Lakes and Palmetto Bay. We listed their population, we found their budget online and looked at what their budget is for police services, what they pay the county. We calculated the annual cost

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per resident as far as daily cost per resident. You see for those three communities, annual costs per resident range from \$225 a year to \$325 a year. Your population with your budget of \$785,000 and some your annual cost per resident is much higher at 337 per year. You're paying more than these other cities are for contract.

We didn't contact sheriff's department. That wasn't our role at this time but what our knowledge of it is, is that when looking at their website and knowing what we know about it, is we understand if you were to consider that the sheriff would assign a ranking officer, not sure if it's major, whatever which is almost serve as your area police chief and then they would provide not only the pro services to you, but then all the backup that that very large department has, and investigations in evidence processing, collection, storage, liability, sieges, on and on.

That is an elected official determination. Whether you wish to pursue that, we are in a position to make a recommendation that you do speak with them and see what that would mean to you. We've given you options on changing the schedules and so forth but you aren't going to with what you have get to that point and you added an officer in this budget and employees are very expensive. You've taken a large staff there, but it's not getting to you what you want on that coverage.

Mayor Cubillos: [00:36:17] Excuse me, Ron, could you talk about critical shifts. Do we need two officers for [crosstalk]

Ron Moser: Well, here's what we got related to when we got the calls for service from Chief Perez. Let me find that if you give me a moment. On page 21, again, the chief got us this basic information on calls for service from the Sheriff's Department from September 1st, 2018 through November 30th, of 2018, three months. During that time, and you got to really pick this apart, there were a total of 781 calls recorded. Now that includes both 911 dispatch were citizen calls and it includes a self-initiated call for service white officer such as a traffic staff. It also in this data includes off-duty assignments is recorded. When they go out of service, it's recorded. There's a lot of calls that are either self initiated or a break or an administrative function, so forth. If you pull all that out of the 781 calls, we found that 307 are actual citizen calls for service. Meaning citizen calls 911 and it's dispatched to an officer.

If you break that down, you're getting a little over 102 calls a month or about three and a third a day for that period of time. You have, fortunately which is great, very low violent crime in this city. You have actually per thousand, you have a large police force per thousand but it's small at eight authorized now. You have difficulty staffing but you have very low call

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volume also. You're putting a lot of resources at a low number of calls by the citizens. Which is not to say the traffic stops and proactive activity isn't important. To look at it in perspective, when a citizen calls police, it's relatively rare experience over this short period of time that that we looked. Again, 63 recommendations, prioritizing them, we have a system we prioritize one being very critical and needs to be done as soon as possible and we ranked those as, which is in the executive summary, 14% or 22% of our 63 recommendation. We ranked priority one. Number two, which is requiring urgent or immediate attention which is also very important, 44%, 69%. You have 90% of the recommendations we've made here. You should look at it as soon as you can. That's a lot to take in. I understand that. You need to look at this in finer detail. Again, I take any questions on any of the issues that I've brought forward.

Mayor Cubillos: [unintelligible 00:40:46] trying to follow up.

[background conversation]

Mayor Cubillos: I know that you all have been working together. I know that this became final last week or so. Are any of them have been corrected so far, as far as last--

City Clerk Jacobi: No.

Mayor Cubillos: Okay, all right.

City Clerk Jacobi: Because we are without the interim Chief. I have not been able to address on anything on the list just yet minus procedures checklist that was presented just to me once the interim Chief Perez left.

Mayor Cubillos: Okay, does the committee have any questions from this report?

Vice Mayor Nickerson: No, Ma'am Mayor. Thank you.

Ron Moser: Thank you.

Vice Mayor Nickerson: I want to thank the Manager Alou, the officer Burrell for starting to work on the procedures and they did it down to the FBI. Such large amounts right away. I appreciate it. Thank you, Officer Burrell for the [inaudible 00:41:50]

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Mayor Cubillos: Absolutely. There is no other questions from the-- You'll definitely hear back from the manager. The committee will have to review it and then she'll give us a plan for what the plan of action as soon as she meets with the committee to hire the new chief.

Ron Moser: Very good.

Mayor Cubillos: Okay?

Ron Moser: Thank you very much for your time.

Mayor Cubillos: Thank you for a every detailed report.

Ron Moser: Thank you.

Mayor Cubillos: Okay, next on the agenda, we have Milton from Weiss Serota to go over Ronnie Hufnagel grievance on alleged violation of April 15 contract. Can you please introduce yourself to everybody?

Milton Collins: Sure. Good evening, Madam Mayor, members of the committee. My name is Milton Collins. I'm an attorney of Weiss Serota. I've been retained by the village as Labor Counsel. it's a pleasure meeting all of you. I know it's my first time here so thank you for such a warm welcome. A lot of folks here too. I'll wait for the train.

Mayor Cubillos: Okay.

[background noise]

Milton Collins: Testing. As you know, we are here for a grievance that was filed by Ronnie Hufnagel, her employment is in flux but for the purposes of this matter-- I'm getting a lot of feedback. For the purposes of this matter, she is a grievant. She's an employee and I will refer to her as the grievance for the purposes of this meeting. Procedurally, as you know the collective bargaining agreement has three steps to the grievant process and that's in exhibit 1 to your packet.

Step one is to the Chief of Police, step two is to the village manager, and step three is to the village council. That's pretty unusual but that is what the collective bargaining agreement states. Now, from what I understand the committee is somewhat of vetting or a go-between prior to issues coming before the village council.

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For the purposes of this grievance, I'm presuming, of course, I'll defer to the village attorney, but I presume that you'll be looking at this grievance as if you were the village council and you will be making a recommendation whether the grievance is rejected or sustain, which means you agree with the terms of the grievant. That said, look typically, during a grievance process the grievant is here or the grievant attorney is here and they present their side of the case, after all, this is their grievance, you look at them as a plaintiff.

They typically argue their case. We've talked to the union attorney and she indicated that she is not here tonight and I don't see her. I'm not sure if the grievant is here or if there are any representatives here. Obviously, I would suggest that if there's anyone representing the grievant that they be allowed to speak as well. Actually, prior to me presenting my case. If there is someone here they should be allowed.

Mayor Cubillos: I don't see Christina Escobar which is the attorney and I don't see Ronnie Hufnagel. Officer Burrell, do you want to say something?

Officer Burrell: [inaudible 00:45:38]

City Clerk Jacobi: Kindly come to the podium.

Mayor Cubillos: Did you want to say anything about, on behalf of the grievant, Ronnie Hufnagel?

Officer Burrell: [inaudible 00:45:52]

Milton Collins: Let the record reflect that there is a PBA rep here, but they are not representing the grievant in this particular meeting. Proceeding with this issue. Now that there is no plaintiff, there is no grievant. Typically, what my role would be-- Go ahead.

Mayor Cubillos: May I just add one thing. Now, they are not here because no matter what this will go to the village council next week. Whether it's because we denied it or whether it's because we approved the grievant, this will go to the village council. They will be here next week.

Milton Collins: Correct. They'll have a right to be heard at a later date. I think it's next week actually.

Mayor Cubillos: Next Tuesday?

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Milton Collins: Next Tuesday. Typically, how this would work is the plaintiff or the grievant would present their case and I would play more of a passive role. I would rebut arguments, I would assist the fact finder which would be you or I would just generally advise the council. Seeing that there is no grievant here, we discussed this internally in the firm and what we decided. Obviously, with your okay, is that we play the role of an advocate. What that means is we looked at the grievance.

I looked at case law, I looked at all the relevant documents and we analyzed it whether the grievance is valid or invalid. What I can do here tonight, this might be a good idea as far as having a road map is for us to present or for me to present my analysis of the grievance. Very short, very brief. I'll go through why I believe the grievance is or isn't valid then, of course, I will defer to you to discuss that.

You can either accept my analysis in full, you can accept it in part or you can reject it. If you accept it in full, I actually have a more comprehensive document outlining my analysis and I have it here tonight. What you can do is you can take my analysis, read the written document and that will be your basis for accepting the grievance or denying the grievance. Obviously, if you reject my analysis in part or if you reject it fully then we'll talk about how we're going to reduce your decision to writing.

I guess what would happen is you would direct me to draft something that would go to the village council. If that's okay with you that's my suggestion but I will, of course, defer to the committee.

Mayor Cubillos: I'm okay with that as far as the recommendation for the civil union. We'll take it from there.

Milton Collins: Okay, we took a look at the grievance and all the relevant documents. It's our decision, it's my decision. I did the research, it's my decision that the grievant is invalid and should be denied. I have three reasons for that. We'll go over those reasons and as I talk, I'll be referencing the exhibits. As you know, do have a packet with five exhibits, one through five. I'll be referencing those particular numbers.

As a threshold matter, if you looked at the summary of the grievance, the essence of the grievances that the village has violated what's called a written agreement. In essence, what that document is in April 15th memorandum from the village manager to the grievant. That's Exhibit 5. Now, looking at Exhibit 5, one of our bases for denying the grievance is that this written agreement cannot be grieved.

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The reason being is in order for someone to have a written agreement with a bargaining unit employee there has to be buy-in from the union, there has to be consent and actually agreed upon by the bargaining unit. If there is a side agreement to the union contract, it has to be the employer, the employee and the union. Obviously, that makes sense logistically because if the employer is free to directly deal with the employee and bypass the union, then in essence, the union contract is meaningless. For that reason we believe that this grievance is denied, should be denied, because this April 15, 2018 cannot be considered a valid agreement. It's void as a matter of law, and it should be denied on that basis. Now, related to that, look, I think the nomenclature how we characterize this document is important.

Throughout the grievance, it's referred to as an agreement. It's my contention that it's not an agreement. It's a memorandum from a superior to a subordinate, outlining responsibilities and goals, but it does not constitute a binding agreement. That's an aside. As you look at this matter, you really need to hone in on that issue, is this an actual agreement? Or is this just a document in the normal course of business here at the Village.

The second reason why we believe that this grievance should be denied is that it's not grievable as a matter of law. When you look at exhibit one, the term grievance is defined in the collective bargaining agreement. Specifically, it says, "A grievance means the interpretation and/or application of this agreement or the circumstances and conditions of employment." As I just indicated, this grievance involves this April 15th memorandum.

This is not involving the interpretation or the application of the collective bargaining agreement. It's involving the interpretation and application of the side agreement, which I've already indicated, should be void and is void. Now, the part B of the grievance definition, it's a dispute concerning the circumstances and conditions of employment. Now, we contend that those circumstances and conditions of employment involved the grievance employment while she was not in the bargaining unit. Remember, by virtue of this April 15th memo, the employee was actually promoted from within the bargaining unit to a management position.

At that point, she has no rights in the collective bargaining agreement, she's a management employee. The action that she's concerned about, the action that she filed a grievance on happened while she was the interim police chief, not a bargaining unit employee. Therefore, we argue that this document, the January 2nd grievance, is not grievable, it's not considered a grievance under the union contract.

The final reason why we believe the grievance should be denied is, the grievant argues, and this is the crux of her argument, that she has a vested right to the lieutenant's position. She

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indicates that she should be permanently assigned to the lieutenants position. We argue that there is no legal right, no legal authority for someone to be permanently assigned to any position here at the city.

You have management rights as the prior presenter just explained, you have rights to control the means and methods and personnel. If you wanted to create five lieutenant spots tomorrow, you can do so. If you can eliminate the entire classification, you can do so as well. There is no permanent assignment obligation to any employee. In fact, from what I understand, and perhaps someone in the police department can confirm this, I understand there is not currently a lieutenant position.

In essence, she's asking that you create one and you have to look at that, you're actually having an employee, a grievant dictate positions that you can create or abolish. We also argue on that basis as well, the grievance should be denied. Now, there are other smaller legal arguments that may be made by my colleague next week but these are the three core arguments that I think the committee should focus on here tonight. Obviously, I'm here to answer any questions.

We can dig through these exhibits, but the facts are largely not in dispute. A lot of this is a legal argument. There is no dispute she was made interim police chief, there was no dispute that she was made a sergeant again. The issue is, do you have the right to do that? We argued that you had the right to do that and you did do that and therefore the grievance should be denied. That is the essence of our analysis. We looked at case law. Again, we looked at the relevant documentation, and we believe it's pretty clear. With that said, we can talk about your thoughts on that analysis. If you have other questions, I'm here to answer them.

Mayor Cubillos: Thank you, Milton. I will move over to the manager with regards to the statement. Well, no, we're going to opine in a few minutes, but I wanted to see if you have anything else to add to that or what the statement is-- I didn't get your last name, Milton.

Milton Collins: Collins.

Village Manager Alou: Just to follow up with what Mr. Collins said. When I got this grievance, I recognized that the position for lieutenant had not been met while I was operating as Village manager and I spoke with our Village attorney about that as well. The qualifications for that and we were considering it. That's the only reason it was put into the memo.

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This is was a longtime employee, who had been here for 20 years, and I had only had an opportunity to work with her for six months. That was during a hurricane and it's clean up. We were very busy with a lot of things. It was not my intention to just put someone in a position without them qualifying for it. I assume she did since she was a 20 year employee, but once things settled down a bit and we were able to start doing the business of the Village, and also through the information I got from the assessment, I was able to see that we had some deficiencies that would preclude her from becoming a lieutenant. I moved her back to sergeants' position, which was her position before she became acting police chief and we went from there.

Mayor Cubillos: Okay, thank you. The only question I had was with regards to, you have not spoken about this with Christina at all so far you're coming to us first?

Milton Collins: No.

Mayor Cubillos: Okay. Christina would be the PBAs attorney. Any questions from the committee?

Milton Collins: If I may add something. What I'll say is, procedurally, how this generally works is that if a grievance is not grievable, the employer typically says so during the grievance process. Now, there are no step one or step two responses and maybe you can ask why that is the case. I presume that's the case because the police chief and the manager said this is not grievable so it's not even worthy of me responding to it.

That's strategically done in a lot of places and there's nothing wrong with that. At step three, if this ends up at arbitration, we do have to ensure that the Village Council and/or the committee weigh in on this. Is this a grievable matter? Yes or no, before even going to the merits of the grievance. It's important that we have something for the record to explain or decide whether this is a grievance that's grievable or not.

Mayor Cubillos: The question I had was the timing of it. On April 15th, I think that's the date that's on the actual memo, right?

Milton Collins: Exhibit five, yes.

Mayor Cubillos: You're saying that that memo is basically not a contract and I get that because she was still a bargaining member. Even though she was the chief of police, she was still part of the Union.

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Milton Collins: Correct. There would have to be a union signature on this document at the very least. I still argue that this is still not an agreement but even if you were to argue and someone were to convince you, yes, this is an agreement because it's not signed off by all parties, it would be void and illegal.

Mayor Cubillos: Not only because she was the interim chief but because the position she was going back to would have been a union position.

Milton Collins: Yes. Well, you don't remember, but when she read this document, she was still a member of the sergeant's unit. I guess she was the acting police chief, but an acting assignment is not the same as a promotion or anything like that. When she received this memo, she was a part member of the bargaining unit, and as such, there should have been an agreement with the three parties.

Mayor Cubillos: Go ahead. You have a question?

Councilwoman Roman: I would like to motion.

Mayor Cubillos: Well, I'd want to know before I call for the motion or for any recommendation I wanted the committee to ask him any questions with regards to anything that he might have said in terms of date, in terms of anything, his bullet points. Before I even ask for a motion, can we see the other sheet that you created?

Milton Collins: Yes, and I drafted a two-page memo essentially outlining those three arguments and I have them here. If you were to adopt them--

Mayor Cubillos: Is it a longer version of this memo?

Milton Collins: No, that is the memo.

Mayor Cubillos: Okay, that's the one now.

Milton Collins: No, you mean the memo that's in the packet? It's a different memo. Essentially how I wrote it as if I was the committee, and this is my recommendation memo that goes to the Village Council.

Mayor Cubillos: Basically you have just put in writing everything you just said?

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Milton Collins: Correct.

Mayor Cubillos: You said you were writing?

Milton Collins: Yes, had bullet points I just wrote it and tried to summarize it for you. Again it's your discretion to adopt it in whole and part or reject it and like you said, no matter what it should go to Village Council for final consideration.

Mayor Cubillos: Yes, no matter what happens this evening this would go to the Village Council next Tuesday, that is correct. If there any further questions for either the attorney, manager or the committee to Milton. If not is there any motion before I open it up?

Councilwoman Roman: I will motion to accept the recommendation and deny the agreements.

Mayor Cubillos: And move it to Council?

Councilwoman Roman: And move it to Council.

Mayor Cubillos: And just for the record, Vice Mayor Nickerson who is in our committee cannot vote on this. If you have any questions on that you can call the manager or the attorney on that, but are still a part of the attorney. With that said, with one vote it won't pass, with two it will, and no matter what it's going to full committee next week. With that said there is a motion to accept the grievance which is deny the grievance and moving it to full Council next Tuesday. The motion was made by Councilperson Roman and I'm the only one here, so I'll second the motion. Okay. Thank you.

Milton Collins: Thank you very much. I guess you can execute this document and this will be part of the record. This seems to [unintelligible 01:03:14] of the chairperson. Thank you.

Mayor Cubillos: Okay, Madam Clerk can we have roll call please?

City Clerk Jacobi: Roll call. Councilperson Roman?

Councilwoman Roman: Yes.

City Clerk Jacobi: Mayor Cubillos.

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Mayor Cubillos: Yes.

City Clerk Jacobi: Motion passes.

Mayor Cubillos: To next Tuesday. Okay, now we go into Good and Welfare. Anybody at this time want to come up to discuss anything that we've covered this evening with the McGrath presentation as well as the grievance that goes to the full Council next week?

David: David Ward, 48 North East 90th Street. The first question is regarding the grievance, and part of it is just to help me understand some of the lawyers speak. If I understood correctly, recommendation was to reject the grievance, comment number one was that there was no written agreement or no consent for the union, therefore, it's not a valid grievance. Yet point number two was that the interim chief was a management employee, therefore, it's not a valid grievance. It seems like double jeopardy to me. I wasn't clear on the one hand, it's not valid because she didn't get it by it from the union, on the hand it says, she was a management employee, therefore, it wasn't valid.

Mayor Cubillos: The one comment I'm going to say is that while she was acting in interim, she was still part of the union and she still served on their board of directors. There probably is a really fine line between doing that, that probably shouldn't have been done, and as a result it puts potentially here in this situation.

David: Okay. I guess my real question is that I hope the Council addresses next weekend, is that if in fact she's considered a management employee at the time of that grievance, then does that mean the memorandum is a valid contract? I'm not asking for an answer now, but that's a question I have in the back of my mind. The other questions I had were regarding McGrath. Is there going to be an opportunity for residents to submit questions?

Mayor Cubillos: I encourage any questions go to the manager. That should go to the manager, the questions.

Village Manager Alou: Please submit any questions you may have in writing, send me an email, and I can follow up with McGrath and see, but I probably should have stated this. This is an assessment of where we are at, and unfortunately we have a lot of transition during those three months with the department, but we intend to address all of them, in fact we want to do a committee to find the chief, but we also need to increase all of those things on that list. Without that leadership, we have a lot to cover, so first things first we have to get a chief.

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David: Maybe I'll ask a couple of the questions I had, the rest of them I'll email in. One question is the issue with employee records and records in general within the police department. I'm curious although the audit didn't look at the Village itself, but do non-police Village employees have the same issues with their personal records. Do they have the same issue with a lack of annual reports? Do they have the same issues with annual goals, or it's strictly a police department issue?

Village Manager Alou: We've looked at the administrative staff as well. In fact that's what really started this whole thing about going to the police department because once-- Magarie Toppo is here, she's our HR coordinator. She's worked with me hand in hand in trying to resolve some of those issues within the administrative staff, and our HR tracking.

Then we looked to the police, now we need to get this done. We've cured a lot of our issues within the administration. That's a lot easier than it would be for the police, because you've got tons of other things. That was more detailed oriented. We needed stuff to help us do that because with police officers who are patrolling our city and keeping us safe, and the former Interim Chief Hufnagel we've met and discussed it. We couldn't do it ourselves, that's why we've brought in McGrath. We have looked at other consultants to do that for that department. We actually have an item on the administration and finance committee which is the administration's policies and procedures and how we are changing that. So that's being cured too.

David: Okay. A question about the presenter said that the chief had no involvement in the budgeting process. This maybe a question for the Council rather than the Village Manager, but when Chief Morales was here, was he involved in the budgeting process? It's only once we move to an interim manager that there was no involvement in the budgeting process.

Mayor Cubillos: There was involvement if I may say, I felt always that there was room improvement because -

David: Under Chief Morales.

Mayor Cubillos: Even under Chief Morales. As someone who's worked in corporate for a long time, I'm used to the department heads knowing their full budget and actually making their recommendations. I found that that was not as clear when I first joined the Council. We have encouraged for the chief and the acting chief and interim chief to be more proactive and more involved in their budgeting process.

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Village Manager Alou: I can also attest to that. Our CFO Aaron Williams and I met on a number of occasions with Interim Chief Hufnagel to go over our budget because we were also getting the request from salaries and everything, but we wanted our officers to know the budget so they can understand, when I say we can do this, but we can't do that. We wanted everyone to understand where we stood. That was reviewed probably in a number of occasions.

Mayor Cubillos: I'm sorry. What was the question?

David: The original question was, they presented from McGrath said that the chief basically had no involvement in the budgeting process. My first question was, did she was Chief Morales more involved? The answer's I heard yes but also the answer I heard is that Interim Chief Hufnagel was also maybe more involved than what McGrath--

Village Manager Alou: I'm sorry. No, what I meant to say is I met with her on many times to discuss the budget. She wasn't involved in the budgeting of police. I wanted her to understand it. It was to teach her.

Mayor Cubillos: To answer Morales and Jason because I was here, yes. They worked together on the budget for police. Then they would present it to the Public Safety Committee. Yes. As far as Interim Chief Hufnagel, I think what he may have been suggesting, he didn't word it but I don't want to speak for him and that is that we didn't get probably level of input recommendations that, where can we get grants, and how could we really use \$790,000, which is our budget right now. How can we get a little more creative? I think that's where he probably meant direction. She may have been a part of it but she wasn't an active participant maybe from lack of experience, lack of knowledge or whatever.

Female Speaker: That's not what he said. He said--

Mayor Cubillos: Right now, I'm not going to have out of order. If you want to make a comment, you come up and present your name here.

David: I guess the other question was they listed in the report about the upfront costs that police officers face when they apply to the Village that there's \$2,000 in costs, whether it's a medical exams or psychological. I'm not sure what the \$2,000 in cost is, and I'd hope to ask the presenter from McGrath if he knew if there were grants available to assist police officers with those costs. The suggestion in the report was, the Village should cover that cost to make

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it more attractive for people to apply. I really wonder if there are grants available out there that could take the burden off the Council.

Mayor Cubillos: If I might add, those are the things that the interim chief or the chief would bring forward if they would be aware of any grants like that. Actually, during the collective bargaining agreement, the manager even said that she was going to ask the Council at the reopener for the Village to absorb that cost. It's something that we would consider at the next go around we do it, I think it's 2020.

David: Last question. I'll submit the rest of the question. In regard to that [unintelligible 01:12:29] system, the data information system, the presenter said that in July there were 38 deficiencies and some of those were completed or most of those were completed by September. Is that correct?

Village Manager Alou: No, you're talking about the [unintelligible 01:12:47]?

David: Yes.

Village Manager Alou: No. We didn't know if it was recorded. I've met with Officer Parell. He went through this with me and talked to staff and that's when we saw that some of these have already been done. He submitted something. This was just maybe two weeks ago, so it was January.

David: During our two interim chiefs really as far as we know, there was nothing done by either interim chief to address those deficiencies?

Village Manager Alou: Interim Chief Perez brought it to our attention. We didn't know that those were still out there lingering and hadn't been completed.

David: Thank you.

Mayor Cubillos: Thank you.

Sandra: Sandra, 87 Miami Court. Is it true that Chief Perez resigned?

Village Manager Alou: Yes.

Sandra: When was that?

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Village Manager Alou: I got a letter from him but I got it on January whatever Wednesday it was, but the letter-

Sandra: You don't know when he resigned?

Village Manager Alou: I am explaining it to you.

Sandra: What is the date please?

Village Manager Alou: On January 6th. I got a letter from him January 16th.

Sandra: January 16th?

Village Manager Alou: Yes, but the letter was dated or backdated. I hand't received it.

Sandra: Is backdated to what date please.

Village Manager Alou: January 7th.

Sandra: January 7th? Who is the acting chief now?

Village Manager Alou: I am.

Sandra: You are? You understand what that means? Are you the right person to be the acting chief? I don't know. Are you qualified for it?

Mayor Cubillos: I want questions related to the items in the agenda.

Sandra: Which is public safety.

Mayor Cubillos: Two items on the agenda is McGrath and the grievance. Any other questions I encourage you to please email the manager [**unintelligible 01:14:38**].

Sandra: We'll do then. Okay.

Mayor Cubillos: Thank you.

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Sandra: I have in regards to McGrath, I have a couple of questions. Who is that officer that McGrath is mentioning that nobody knows what his status is. I would like to know the name of that.

Mayor Cubillos: Clearly, if he didn't state that on the record there's probably a reason to that, so I encourage you to call the manager tomorrow.

Sandra: Will do.

Village Manager Alou: Or email me please.

Sandra: Will do. He mentioned that FTLE has done an audit. When was that audit done on the police department or the administration or whatever it was?

Village Manager Alou: We had an audit for our evidence [unintelligible 01:15:25], he was speaking about that.

Sandra: The FTLE that he mentioned. The FTLE run an audit on our department, so I would like to know when was that?

Village Manager Alou: That was done on the 14th and 15th of January. I don't have my calendar on me but FTLE came in and did an audit in our evidence room at the encouragement of Interim Chief Perez. It may be the previous Monday and Tuesday. May have been the seventh and eighth.

Sandra: We don't know what the others.

Village Manager Alou: I don't have my calendar on me. If I'd known you were asking for dates, I would have brought that out but if you would email me tomorrow--

Mayor Cubillos: If you're going to potentially be giving this to anybody, I encourage you to please call or email the manager tomorrow and so you do not give incorrect information out. We came prepared to talk about McGrath.

Sandra: McGrath mentioned that on the presentation.

Mayor Cubillos: Exactly. But if you are asking for specific dates I kindly ask you to please-

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Sandra: But that's part of the presentation of McGrath.

Mayor Cubillos: Let me speak. I kindly asked you that if you have specific dates, and if this information is going anywhere else to please be sure that the dates you get, when she has her calendar in front of her. Do not give them this information please.

Sandra: Anywhere else we were. I'm asking you questions, you respond.

Mayor Cubillos: She does share facts. If you want the specific days I encourage you to call or email her tomorrow.

Sandra: Okay. Will do.

Mayor Cubillos: Anything else?

Sandra: Yes. All these recommendations, when will that be starting, the process without the recommendations from McGrath, what is the plan ahead? I've seen that there is a job posting for the chief so what is the plan after this? Can you please not laugh at me. Kindly. I think it's really rude too actually to laugh at people, especially residents I will rather not have that expressions. I would really appreciate it. So what is the plan of action?

Mayor Cubillos: We were going to get to all that as soon as we can answer all the public records requests. That's why I laughed because we were talking about--

Sandra: Oh, there's public records request. Okay. I didn't know. All right. That's all. Thank you.

Village Manager Alou: Have a good night, Sandra.

Sandra: You too.

Carol: Good evening.

All: Good evening.

Carol: My name is Crystal Carol and I reside at 480 Northwest 91st Street. I've lived and resided in El Portal for almost 20 years. My husband even longer because he grew up here much longer. I really wanted number one, thank the current police department that is here.

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We appreciate you, that we do understand that there's a lot going on, and we value the fact that you are still here and that you do still protect our streets and thank you for that.

[applause]

I would also like to appreciate the two presenters that came to speak to our Village. Obviously we have a need, obviously we have some deficiencies as we're going to call them. I understand that those deficiencies cannot be completed without having someone at the top. Someone that can guide us in the right direction because as residents, and I understand that many of us might go home tonight and they will post things on Next Door, they will be half-truths. They will be inaccurate.

I'm speaking to my residence, my neighbors. The ones that I live with, the ones that reside with me, the ones that place votes in this very building for people that are sitting up here. If we're going to put information, it needs to be accurate. It needs to be correct, and it needs to be without personal feelings and personal opinions. I'm ignoring the people up here on the podiums because quite honestly, we all should be ashamed of ourselves for not being residents. The man stood up here and said that there's deficiencies within our community. The point is not to point the finger, it is not to sit here and talk about people that are not here to defend themselves.

What we should be doing as residents is finding a solution before guess what? We're absorbed into the City of Miami or the County of Miami Dade. All of those comments that we've heard at other meetings fall by the wayside because we have such a quick response and the residents are so happy that they can make a call and place a police car in front of their home when they're on vacation. All of that will be gone. Everyone should take a look to their neighbor and share with them the fact that if they want to get involved, they should be sitting in these chairs. It should not be about personal opinion, it should not be about personal feelings and it should not be about destroying our Village. It should be finding solutions. Finding ways that we can better our property value, finding ways that we can assist the people that we all elected whether you like it or not.

I'm not up here for your applause. I'm tired. I am tired of reading the nastiness on Next Door. I'm tired of the backlash of inappropriate and half-truth. I am a proud resident of El Portal Patel Village. My husband's father was the first black councilperson on this Village Council and he would be ashamed because he worked hard to have all the residents unified. All the residents together. What I see on Next Door is terrible.

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I appreciate you for sitting here and trying to resolve the issues that we have because we do have issues. We do have deficiencies and they need to be resolved. We all need to go home tonight and not post on Next Door this, this. It's ridiculous. Thank you for your time. I apologize for going over my three minutes but it is out of control.

[applause]

Garcia: Good evening, I'm Ms. Garcia. 500 Northwest 87th Street. First, thank you, Ms. Carol. You basically said everything that most of us are thinking. There are plenty of deficiencies in our residential neighborhoods. I ran for office this last November to take a seat on the Village Council to try to address some of those because I being a resident on the west side have seen these deficiencies in the short time that I've lived in the neighborhood. I moved in five years ago almost and I have seen changes that weren't good. I have seen changes that were positive, but what I've seen most is the vitriol that keeps coming out between the residents, the arguing back and forth.

The common denominator that I keep hearing because I try very hard to stay off Next Door because it's a very toxic environment when the information that's out there isn't even accurate. The reason I know it's not accurate is because the moment that I decided to run for office, I did the research. I wanted to understand. I went to my neighbors and asked for the signatures and got to the bottom of what they felt was the actual problems. The misinformation isn't helping any of us. Now, my previous living location was Liberty City. I know what it's like to live in Miami, in an area where when you call the police, good luck when they get there.

I had squatters in my old house. I've been broken into. I've lived all that. I would now want this wonderful Village that I've moved into to revert to the City of Miami or Miami Dade County because I've lived those areas and it's a lot harder to have the protections that we have with our wonderful police department. We need to get past that vitriol and stop throwing out that misinformation. Get involved, come to the meetings, listen to what's happening and get the actual truth before we start just throwing ramping accusations back and forth of who did the what to whom and why. It's not healthy. It's not going to complete anything. It's not going to make us any better.

We need to start getting more involved. You need to start listening to each other but with an open mind and then do the research. Look into it. If you hear somebody make a claim, look into it. Ask your representatives. They're there because we voted them in to represent us.

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What's the point if we don't ask them for the information or we don't look it up ourselves? Please, residents, need to get involved.

This is the first time I've seen this room this full in a long time. I came to every single meeting for the last six or eight months as my health allowed me. Please, I beg the residents to get involved. Get informed and speak to your representatives as to what can be done. Give suggestions and ideas not just complain. Thank you.

[applause]

Monique: Good evening Council. Monique Martin for 65 Northwest 89th Street. I'm relatively new to the Village. I don't have the history and background a lot of you guys have, but there're certain things going on that are embarrassing. The police department clearly is one of them. I respect the presentation. You guys are some great chiefs here looks like. The question that we have, I think is whether we can afford a chief that's going to come in here and carry these things through. Will the budget allow that? It's a question we need to ask. We moved here partially because of the police department. We like how protected we felt. I've emailed some of you guys about that.

The question is, whether our budget will support what we need. I think it's embarrassing if what the presentation said is true, that one of our major solutions to our lack of police is something that may violate the Florida statues. That's shocking. I don't know where the oversight is, if it stops at the chief, or if it rolls up somewhere else but we need to figure out really what's going. The thing that's really important to me, is what process we're going to use. I think processes are very important.

I heard someone mention earlier that we'll have a committee to decide on who this chief is going to be. I would like to ask you guys how that process is going to work. Who's going to be on the committee and whether the residents are going to have any say or notice of who's going to be selected because I think it's a vitally important decision. If we don't get it right, all this money we pay for these guys is going to be wasted.

Mayor Cubillos: Yes, 100% and welcome. Nice to see you at the meeting. Happy New Year.

Monique: Same to you.

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Mayor Cubillos: The Police Chief position has been posted since January 7th. It's been posted on the Village website and it's been posted on Indeed. That was done because it was a new year and we wanted to see what was out there. We'll be getting an applicant pool, yes. Generally, police officers that become commanders or majors or even chiefs at a bigger municipality generally retire I think it's 25, 30 years and they are about 50 years old. We get that applicant pool that applies for the police position. I know that the police position has been posted for two weeks and I believe the manager said she's got like about 35 resumes or so.

She called everybody on the Council and she said I'd like to form a committee. What resident would you like to recommend? I actually recommended you. You had somebody else. We each gave her two people. You're actually one of them. She's going to be calling and then the committee of five will be the residents and they'll be working with the manager.

Monique: As much as I appreciate that, thank you. I'm honored. I know nothing about police. I'm interested in the topic, but I don't know that I'm qualified to select who this next chief is going to be. I'm humbled enough to say, maybe we need some people who really do know about this to help us make this decision.

Village Manager Alou: Well, if I maybe, those resume. You're not just going to be looking at 35 resumes. We've already gone through a process, McGrath weighed in and lifted some resumes. I asked another community member who is in law enforcement fire actually, Eden Carroll who is with the fire department to also be on that committee to review. We're going to narrow it down but I think it is important that you get an opportunity to come and meet and talk to the applicants that we consider or the candidates we're considering.

Monique: Very well, happy to help.

Mayor Cubillos: Yes, what we think it's important about having that resident committee is so that they know who we are, so that they know what our expectations are as a community especially this community policing base. I think the manager is going to have another chief in there from another community which generally will also do, but the resident input we thought, it's something that we've heard and we know it will bring value and that is what she called each of us, we each give her two people and she's going to take it from there.

Monique: Very well. Thank you. Thank you for all the work you guys do.

Mayor Cubillos: Thank you.

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[applause]

Gigi: Good evening. I'm Gigi Crop. I live at 130 Northeast 88th Street. I have a possible suggestion for who would be on the committee. Perhaps we could ask the chief of police from Miami Shores or Biscayne Park or one of those other people to be on the committee because I think that they would be knowledgeable and have a clear concept of what's required of that position.

Village Manager Alou: Ms. Crop. I have indeed asked the chief of Brisbane Park to participate as well and he has agreed. I agree because they are small municipalities who know what we are going through as well. They would have value on that committee, so I have asked. Thank you.

Gigi: Maybe Miami Shores as well.

Mayor Cubillos: Thank you, Gigi.

Andrew: Good evening. Andrew [unintelligible 01:30:39] 460 Northeast 89th Street. Just a couple of general questions. As far as this specifically the police organizational assessment from McGrath terms of recommendations, will there be any opportunity for residents to provide input into any of these recommendations? For example, specifically, like the schedule. I'm just curious if there is any point in the future as these recommendations are considered and then different actions are weighed. Will there be any further opportunity for resident input on this, or should I speak now or forever hold my peace?

Mayor Cubillos: No. Like I mentioned earlier to Sandra and to David Ward, please email the manager. We do hear, we do listen and we do know-

Andrew: Just have a general comment.

Mayor Cubillos: -good, obviously, we're going to work through it, or implement it.

Andrew: I didn't know if it would be on a future agenda that I would just at that time speak at that appropriate time on the agenda. Literally, specifically, I just have a comment about the schedule in terms of an opinion.

Village Manager Alou: Yes. Go ahead.

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Mayor Cubillos: If I may, I like everyone to know that you have access to our manager, Monday through Friday for at least 8 to 10 hours. You don't have to wait to come to a meeting. You don't have to speak to your residents neighbors to find out things. You can come directly. You have access to the manager, you have access to the Council. Any questions regarding the McGrath, any questions regarding anything, you have access to the management.

Andrew: That's incredibly helpful.

Mayor Cubillos: Absolutely.

Andrew: Okay. All right. Thank you.

Mayor Cubillos: Nice seeing you.

Maggie: Good evening, Mayor Cubillos, and also Vice Mayor Nickerson, and the committee and also the residents. I'm actually here to introduce myself to you all. My name is Maggie Aldof, and I am from Chairwoman RG Edminson's office. I will be the new community liaison and I just wanted to introduce myself to you all.

Mayor Cubillos: Thank you for coming. Our Council meeting is on the fourth Tuesday of every month and that's next week. Looking forward to seeing you there.

Maggie: Perfect. Thank you so much. Thank you.

Mayor Cubillos: Any other public comments? Charles, you're coming up.

Charles: Madam Mayor, members of the Council, happy new year to you all. To residents who don't know who I am, I'm Charles C. Scott II, the Outreach Director for Congresswoman Frederica S. Wilson. I've been coming to El Portal in responsibility as Director of Outreach for the Congresswoman for the better part of three years now. I'm encouraged to see the number of people here tonight. I think this is the largest audience you've had in some time.

I must say something to you all. In 1996, I got elected to public office in Dade County. I was the first person ever elected in this county as a community councilperson, because no one opposed me in the community which I left, and it was something that was paramount and

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passed on to me by my mentor in politics, Commissioner Betty T. Ferguson. She said, "If the people will lead, the leaders will follow."

Tonight I sat and I listened to the presentation which was very informative and enriching because in the context of the decision making processes you're challenged constantly to make. The resources that you have at your disposal, as well as the tough challenges to always find a balance to do the right thing. Without the input of the party who you're representing, it becomes a challenge. I would like to encourage the residents to not allow for adversity to be a motivation to participate in the process.

Think about what is really the priorities in your life as relates to your quality of life. Policing obviously is one of those, as a part of security, but the other elements that make El Portal special. For those of you who are advocating wherever, however, whenever about El Portal being folded into the City of Miami or the county, please stop, you're wasting time.

[applause]

I deal with this issue and I've dealt with it for most of this entire state for the better part of 30 plus years in the public forum. I've dealt with it internationally and other parts nationals country. No one is going to just fold a municipality into another municipality because of whatever adversity. It's not going to happen like that. **[unintelligible 01:36:03]** is a good example right now what they are going through, those four years.

Please, come together and understand, not one person sitting on this dais, not one, from the city manager, to Mayor and all the other Council persons ever sit down and think of way to harm, hurt, or make a decision that's adverse to your interest. Please, stand up and lead them to where you want them to lead you. Please, that's very important.

Pointing a finger is a easier thing to do, but remember always, when you point a finger at somebody, try and walk a mile in their shoes and understand the process they're going through. Given the opportunity, sit where they sit and spend the time they have to spend, becoming familiar to documentation and materials that are before them. Please understand they are human beings first, give them the benefit of the doubt.

I know the city is facing some challenges because everyday even to this day, before if I walk in this door, I was looking for some resources to help in certain matters, but in this particular city. You understand? The last thing they need in trying to help you, if you try to hurt them.

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I'm saying this to you because Miss. Carol left already, but I want you to understand, you are in this boat together.

El Portal is not my home by itself or your home by itself, it's all of you together, collectively. You do together can make a very positive difference if you focus on positive goal. Please continue to do so and Congress will be happy to know that seriously, we are finding ways to resolve these issues. The mayor came to my office, back in last year was it? She sat down with the Congresswoman expressing to her some of the concerns that she had.

We sat down around a table together discussing these matters, like every other mayor would do. She's trying to lead you, please grant her the support to do it well. God bless you all. Thank you so much.

[Applause]

Mayor Cubillos: Any other public comments? Kelly?

Kelly: Hi. I'm Kelly Jones. I live on 89th Street. What sparked this assessment?

Mayor Cubillos: Sorry, complete address please.

Kelly: The McGrath whatever-

Mayor Cubillos: Sorry, your complete address first, please Kelly.

Kelly: Oh, 465 Northeast 89th Street. What sparked the assessment? How did we get to where we needed an assessment?

Village Manager Alou: As I stated, we've gone through the administrations' policies and procedures, trying to improve the way we do business, going through job descriptions, all of this. We also recognize we hadn't done that for our police department. We had a community meeting I think was in June or July where community was really upset about we don't have enough coverage, we're worried about safety and we only have one officer on each--

We had a lot of concern from our officers as well as the community. I didn't understand why we couldn't fix this in working with then Interim Chief Hafnagal, we couldn't seem to address it and get our footing. I spoke with her and we decided to maybe outsource and find

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someone who can help us. We got different quotes and came up with McGrath because they could handle the smallness of our organization and just the level of assistance.

Kelly: Can I know how much that assessment cost the Village?

Village Manager Alou: It cost almost \$5,000.

Kelly: Okay. Thank you.

Kristen: Hi, I'm Kristen McLean. I live at 270 Northwest 86th Street. There's two things I want to say. The first is that as I was sitting here listening tonight, I was reminded of the meeting that we had when David Roseman left, and there was a scramble, as we were trying to figure out how we were going to run the Village and we didn't really have a backup plan. We had had three managers in two years or something at that point. At that meeting, I stood up and I said, "Hey, we really need to think about our processes and some of our foundational things. We need to address foundational issues so that if this happens to us, again, we're not left in the lurch."

The reason I think that's really relevant right now is that we're a small Village, we have limited resources, we're always trying to do and work at the absolute outside edge of what we can manage to try to do the best for the residents and get our jobs done and meet our charter and all that. I think sometimes, especially since we have some very big projects on our plate and some big looming things, like the bridge loan and the septic to sewer project and the farm.

That it's really easy for us to really work on addressing or think about addressing the big things that are out there and I think that we have not really adequately addressed some of the foundational issues in the Village for many years. I'm not pointing fingers at anybody, I just think that we are having a reckoning right now of the fact that we need to stop, go back to basics, figure out how to reset and move forward so that we're really engineered for these things that are in front of us, and that's really hard.

I think it has caused a lot of stress within the Village, and I think that in addition to rebuilding some of our foundational practices, we also really need to rebuild some foundational trust in the Village generally, collectively not towards or away from anything. I just want to, as we move forward continue to encourage the residents and the Council to really think about it from that perspective.

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Because we can spend all of our time looking backwards but right now we really need to look forward, and we really need to think about taking the McGrath report in and taking our HR feedback in and taking in feedback from the residents. Try to use that all productively to move us forward rather than to tear us apart. Right? Actually, I think that was really all I wanted to say. Just want to encourage everyone to--

Mayor Cubillos: I have to add something, because that is exactly what we're doing, and when you do something like that, this is what happens. What's happening is that we are not settling for status quo anymore. What's happening is that we are holding people accountable. What's happening is that we have the policies and procedures in place and they're implementing them. What's happening is we brought in an auditor team, not because of anything more than we weren't getting the answers that we needed for the people that were in place.

If we were getting the answers, maybe the audit wouldn't have happened, but another component and the reason why we thought it was a good idea when the manager brought it to us is because we as a Village and as a government financial body. We are audited every year and they get through all the minutes, they get everything they compile and they present to the Council every October November.

When the manager brought it to us I was, well, our biggest department is the police department, so absolutely that's a great idea. I think it's time to have an assessor come in because as we are trying to no longer accept status quo and really hold people accountable, this is actually what's happening. Because I remember exactly when you said that and actually, the manager has another idea which I'm not at liberty to mention right now.

That in the event that we're in this position for the police department we won't be in this position. Because one of the things that Christia Alou has done since she's been here is because we have operated for so long a little Lucy Goosey. Change the attorney, we're looking at what's happening without the police department, we are moving but what happens is this, people are upset and feelings are hurt right now. It's become so personal that's really all it is and it's not personal, I would love for all of us to still be here because we are being held accountable.

It is unfair for some of us to work and not all of us to work, and hey, if you don't want to work, but at least have the answers when you're asked for them. We were asking for answers. We didn't have to pay \$5,000 a report to tell me that the schedule was horrible, I had already been saying that for six months, but she wasn't getting the answers. She was asking for a

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better schedule, she was asking, so go get an opinion from another chief. She was asking why did we go from 19 to nine part-timers in a period of nine months?

We were asking all these questions. It makes me very unhappy to have to be here today because it does disrupt the work that we have to do, it does disrupt the septic to sewer, it does disrupt the little farm, it does disrupt the [unintelligible 01:44:50] it does, completely has disrupted our flow of work. I have a new plan, might tell her has trips to the manager the legislators calling us every single day, what do we do? We haven't had the time because we're having to deal with a grievance and a lawsuit.

It's caused disruption because we are fundamentally trying to no longer operate the way this Village used to, and we're doing it exactly because I remember when you said that and you were right. Jason Walker did a great job but he was always handling and there was a lot of balls in the air, but when Joe Gallo was here, was great, he provided excellent service for us.

The Village is not what it was 25 years ago, look at all of you, I mean it's changed, it's young, it's progressive, it's very young couples, you all are educated, you are all very smart, you're all evolved, and that's fantastic. With that, you're holding us accountable, and as a result of that, we're trying to really see what we can do so that, hey, when I'm not here, because I won't be after November 2020. Everybody up here has a solid foundation that it doesn't matter who's in the position but the job is getting done.

At the end of the day, I think that's what you all guys want. It doesn't matter who the manager is, doesn't matter who the clerk is, it doesn't matter who the chief is, and it doesn't matter who the Mayor or Council is. It only matters if they're doing their job and the job description has to be written down, and if you don't know it then you can't be there. I don't know how other way to put it. It's a terrible position to place for us to have to do this right now, but we're doing it. Yes, you're right we're doing that.

Kristen: Okay. There's a couple of things, so the first is that it doesn't matter, we have to slow down and stop and address it. We're not going to be able to function as a Village. I'm seriously concerned about unless we can figure out how to get on a better footing. It's very hard work for not very much pay to be on the Council and so I thank you for that. So I'm concerned that if we can't do what we've talked about in various ways tonight and come together and move forward that we're not going to have good representation on the Council.

That this is going to cause a rupture that's going to just, we are not going to be able to do what we need to do on these other very large projects until we can repair this and move

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forward. If there was a big fat reset button right here, I would push it. The other thing Christia I heard two people tonight mention that they wanted to be able to give feedback or ask questions about McGrath, I don't know if we're going to be able to post that publicly. If we can the report, I don't know if can legally, can we post the McGrath report?

Village Manager Alou: Yes we can.

Kristen: This particular case, I think it's really important that we post that so that people can get access to it, so it's totally transparent. Then I do think we should consider a process for getting feedback. I don't know what we're going to do with the feedback but it seems really important for people to be able to give feedback about that report so that they feel that they're being heard, right?

Village Manager Alou: Absolutely, can I just address that? I agree. I want all of these documents to be transparent, of course I think it's important that you know what's happening to your Village and especially the police department. I'm asking that people write an email, that way, it's trackable, like just calling me and saying something, track it, let's put it in email form, I can respond, I'll ask McGrath. I don't know what that's going to turn into, but I will try to answer as much as I can, as fast as I can, if you send me an email.

Kristen: I just wanted to maybe make us have a feedback loop where down the road at a certain point from now, a month or two months, you can actually feedback to the Village what people were asking. Look like a mailbag kind of thing, so that at least people are aware of what's been asked and what's been answered.

Village Manager Alou: Also hopefully, what's been addressed. I'm for that, I think that will be great.

Kristen: Yes. Then the last thing is just please like you're the committee inviting people to sit on the committee for the new chief, I think there are other opportunities to invite participation from the Village right now at a time when we clearly want to move things forward. I don't know exactly what that means, but I do think there are people here and people who are not here who probably would be willing to step up and help for a positive outcome. Anyway, thank, guys.

Mayor Cubillos: Thank you Kristen. Any other public comments?

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Tommy: Good evening Council, good evening neighbors. I'm Tommy Smith, 475 Northwest 89th Street. I'd like to first offer everybody a smile, if you don't have one you could buy one from me, i sell them for a quarter. Next thing we'll have is 20 minutes of silence. We did lose a person from the Village, former Police Chief Amos [unintelligible 01:49:45] We want to take the time to just have 20 seconds of silence for Amos.

[silence] Thank you. I'd like to thank everyone that had something to say. We can all agree to disagree. We never going to all have the same thoughts but we all are the same people. Thank you, Council. Thank you, neighbors. God bless.

[applause]

Mayor Cubillos: I want to take a moment to recognize our former Vice Mayor Marcus, who's here. I haven't seen you. Happy New Year. Nice to see you.

[applause]

Mayor Cubillos: Let's go back and I believe I see Councilperson Olt, or former Councilperson Olt. Hello, welcome. Nice to see you guys. Good and Welfare. Anybody in the audience, Mr. March.

March: Good afternoon, neighbors, Council. I hope this is a forum for me to say. I second emotion when he said Amos, a mechanic was a great person, former chief. I won't put you through 30 seconds even though he deserves it. Nice person, great person. I voiced my concern about my dwelling. I think you're aware of it. I have a minor problem. It's called property and life in danger. I've been in El Portal. Excuse me, I forgot the correct forum. My address is 318 Northeast 90 Street, since 1987-88. My neighbor has this wonderful tree. Should I say four trees. That every year historically a little bit of wind, my house gets damaged. The great part about this happens to be I've offered to pay for removal. Removal is not \$1,500. One tree is over \$4,000. I've offered to pay for it. Surprisingly, fell on deaf ears.

Vice Mayor Nickerson: No, it didn't. I've spoken to Mr. Turner three times. Its very, very difficult.

March: Well, I'm not attempting to blame you, people. Well, I appreciate that,

Vice Mayor Nickerson: Well, I was letting you know that I told you I was going to do it and I'm actually going back next Saturday with the code enforcement officer.

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Village of El Portal Public Safety Meeting

Date: 1/22/19

Meeting Start: 6:31 PM

Meeting End: 8:37 PM

Meeting Length: 02:06:10

March: I thank you for your hard work, but I'm going to ask you a difficult question. If we were to get a mild tornado, which we've had before in El Portal and Miami Shores, and that tree was to fall in my house and one of my grandchildren were there, have you seen the tree?

Vice Mayor Nickerson: Yes, I have.

March: It's guaranteed major damage possible death. I cannot pay for the tree. I cannot get the tree removed, nor will he let me access. As the law states, I can cut what's on my side. Well, I made an offer and somebody laughed at me. The offer was to hire a helicopter to cut the tree because I cannot gain access through his property. If I cut the tree like I've done many times and the tree is rotten, there must be a time. There must be a place in somebody's heart to pay attention that the rotten tree which still exists, it's rotten. Do we agree? How do we encourage somebody to remove this tree when life and property is at danger? I am the father of six. Yes, I am crying to all of you. I have five grandchildren. I might think I look old, Some might think I look young. I've been in this earth long enough to know there comes a time when there's a right thing to do in life. I'm not proclaiming to be as the word used to be, have money like Trump, but how do you encourage? That's humorous, right? How do you encourage somebody with money to cut their tree when there is no argument. You cannot speak to the person. We don't argue. I'm not an argumentative person. My last offer was pre-last hurricane. Mathematically, can we do the math? How many months have passed since? Went to one year, what five months? The police were called because the debris removed was put on the swale of his tree. How do we work this one out?

Vice Mayor Nickerson: I'm still working on it. I have spoken to an arborist that will certify that there is an an issue with the tree, and we have to take it from there.

March: Trees, plural?

Vice Mayor Nickerson: The tree, sorry. You know, Mr. Turner--

March: This is true. Yes.

Vice Mayor Nickerson: Needless to say, I mean, the door wasn't even open for me. It was--

March: It never will be?

Vice Mayor Nickerson: Yes, he's very--

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March: Give me a second. This gentleman here, he came by my home today. I was not home. Carlos Garcia. I had mentioned to Carlos Garcia that the quickest way to get his attention happens to be quite simple. The swale he believes for over 30 years belongs to him. Park your city car over there, he'll walk out.

I said I can get his attention too, and how is that? I could walk on his property with two glasses of water and he would accuse me of trespassing. Knocking on his door, he's never going to answer and he still hasn't, how is he able to get away with this action? Before you answer that, this was spoken about my little cheat notes months ago. I asked about a simple question. Well, more than one. How is he able to have old railroad tires on public property and they're still sitting there today after six months. How is he able to do this? No, it's not me picking on my neighbor. It's just a simple question. How is his trees able to grow over my roof weight into the street? Forget about me for a second. I have gotten a ticket for parking on the sidewalk, disruption of pedestrian through-way. How come he gets to have a hedge that overgrows the whole sidewalk? Things that make you go, "Hmm."

Vice Mayor Nickerson: No, I just took over code enforcement again.

March: Did you?

Vice Mayor Nickerson: Yes. In the last code enforcement meeting, you weren't there, but there is going to be code enforcement this week and people-

March: I rushed to get here today because I remember seeing the sign. It was not planned. I cannot lie about that. I asked about street lighting.

Vice Mayor Nickerson: We discussed that at the last meeting.

March: It cannot be solved right away. I got it. I asked for something very simple. Why is it my trash can says city of North Miami?

Village Manager Alou: Excuse me, Mr. March, we've ordered your trash cans and-

March: Excuse me?

Village Manager Alou: We ordered your trash receptacles. We did that months ago, you haven't received them? We've also cited your neighbor as well for code enforcement violation for the tire treads. We can't cure all the issues--

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March: I'm totally understanding.

Village Manager Alou: I want you to understand-

March: I did get one trash can. I requested two years ago, and I did get one, yes. Trash can is the least of my problems. Street flooding, because the street is higher made by the City of El Portal. Pretty strange lighting has always been the same since '87, '88. That's not overnight, no problem. I think the biggest thing that concerns me could be my life and safety. Or could we say that's a problem that could be solved quicker than street lighting. There's a lot of bureaucracy in this world of ours. When it comes to the life and safety of someone's family, I think the rules should change. My house is probably one of the ugliest homes in the neighborhood and my fence cannot be replaced. Who would replace a \$10,000 fence with trees hanging over, that damage the fence in the first place? Which if you look at my fence, you'll see multiple colors. Why? Over the years of I've replaced pieces of the fence from his tree? My fence is not at a 90-degree angle anymore. Have you seen it, sir?

Mayor Cubillos: Mr. March, for respect for the residents that are just still wanted to speak and we have two meetings still, I encourage you, Councilperson Roman, made a great comment earlier, and that is you don't have to wait to the meetings. Call Councilperson Mathis and please get a hold of the manager, [unintelligible 01:59:02] speaking so that we've taken help as best as we can.

March: I apologize for over speaking. I sincerely do but this is a problem that has been going on for-- Excuse me?

Vice Mayor Nickerson: Forever.

March: Over 25 years, those who remember Hurricane Andrew. I respect, I'm taking time for all the people. This is not a recent problem. I think I'm speaking politely and I think I'm speaking calmly. How many people here would put up with us this long without calling an attorney? When you call an attorney, some of us here are married to attorneys. Is that good for neighborhood camaraderie? No, it's not. I've avoided that. Instead, it's cost me money, not the county, not the state or anybody else. I think it needs to come to a head at some point in life. As for the police department, I thank all of for your great work. Council people, I realize you have a very hard job. I realize I am not the only citizen here, but please respect my concern. If you look at my file, I have spent, a couple of years ago, over \$100,000 in renovating my home. For this to be damaged by somebody's tree that they don't care about, this is upsetting to me. I think I've said my piece. I went over my limit by what? 12 minutes?

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Village Manager Alou: I'm not counting, but maybe.

March: It feels that way. It feels like 20 minutes to me, so I'm lying. I thank all of you so much. To the police department, I think you're doing a great job. If I can assist in any way, as both of you know, let me know.

Vice Mayor Nickerson: I will continue to work on this.

March: I thank all of you. Have a blessed night.

Mayor Cubillos: Thank you so much.

[applause]

Mayor Cubillos: Goodbye. Nice seeing you.

Linda: Linda Marcus, 355 Northeast 86th Street. I know you all are running longer than you wanted to. I had a quick question for the manager. If I heard right, you're now acting as the interim chief of police, as well the Village manager.

Village Manager Alou: I'm acting as the chief, in the capacity of trying to get through some of the administrative matters. It's very temporary.

Linda: Would that include any action on this assessment?

Village Manager Alou: It already has. I've been working with the officers to address some of the CG's requirements because that's a more immediate need. I can't do that and do the Village business, but I am working on it the best I can. We need to really identify a new police chief and that is my priority so that we can achieve--

Linda: Because I know that it's two totally divergent and sometimes conflicting.

Village Manager Alou: Right. That's why this is very temporary.

Linda: Okay. Is there a time limit. Have you made it clear to the Council at what date or at what point you are longer willing to serve in those capacities? Is there a hire by date?

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Village Manager Alou: No. We still had to vet and do that in a transparent way so that the community can see how this happens in this whole process, but if we can't resolve it quickly, I foresee--

Linda: Hire. If you can't hire someone quickly.

Village Manager Alou: Right. I don't see that I would continue in that capacity. We would find some other mechanism. We do have MLUs and mutual aid agreements with other municipalities. Perhaps they can assist us with police administration and police chief duties, as well as staff here. We also have our corporal who is a supervisor, who can also assist in that capacity as well. We will address it.

Linda: That was my next question. There's no possibility of promoting someone from within at this point, from within the police department to serve.

Village Manager Alou: It's a consideration, but it's not a promotion that we'd just be acting until we place the permanent.

Linda: I'm concerned about the workload that you might be looking at, because this is a comprehensive report and I gathered that there are some issues. My second question is, can you tell me the reason why the police chief left?

Village Manager Alou: I don't know.

Linda: There was no reason given in his letter of resignation?

Village Manager Alou: No.

Linda: Okay. Have you assessed the underlying reasons, for the turnover part-timers?

Village Manager Alou: I have some idea. I think that--

Linda: Is it in the McGrath report?

Village Manager Alou: No.

Linda: Okay. Are you willing to share that reason?

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Village Manager Alou: No. Not at this point. I don't know it to confirm it. I wouldn't want to share that.

Linda: Okay. I would like to say that a couple of residents here have spoken about reciprocity of sharing information and keeping each other informed. I don't find that a good answer.

Village Manager Alou: It's what I can provide. We don't have exit interviews. I don't know for sure why. I have my thoughts, but that's not--

Linda: Okay. That's fair enough. If you don't have the information, that's fair enough.

Village Manager Alou: I don't have that information. That's the only answer I can give you.

Linda: It's not that you're not willing to share. It's that we don't have that information.

Village Manager Alou: Yes. That's right, exactly [unintelligible 02:04:19]

Linda: Is that part of the McGrath report to address turnover?

Village Manager Alou: Yes. That's going to be in the exit interviews and doing a better job of tracking our staff.

Linda: We're going to institute exit interviews?

Village Manager Alou: Absolutely.

Linda: Okay. All right. I didn't mean to put you on the spot or challenge you or anything. I know that the manager position is a challenge enough without the added extra. I'm going to join my voice to the cause. Without a police department, we won't be a Village anymore. We will really lose a lot of our protection. I had a reason to call code enforcement and my hats off to them.

I won't take anymore of your time, but I will mention if you would like, there are two dead trees outside of the top lot gate. The gentleman who spoke about his tree issue, I know that they probably are timed out. I think they were part of the new planting where we earn tree cities. They're dead. They need to come out. They're very small, which shouldn't be a big issue if they're still under contract. Whoever put them in could jock to back out. It was a little

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weird to have tree city and then two dead trees. Thank you guys very much. I appreciate your time. Have a good night.

Mayor Cubillos: Have a good night. Any other public comments? Okay. Hearing none, I'm going to close public comments and open it up back to the Public Safety Committee agenda. Any other comments from the committee? Okay. Hearing none, may I have a motion to adjourn?

Councilwoman Roman: Motion to adjourn.

Mayor Cubillos: Motion's been made by Councilperson Roman. Is there a second?

Vice Mayor Nickerson: I second it.

Mayor Cubillos: Second by Vice Mayor Nickerson. All in favor, signal by saying "Aye."

All: Aye.

Mayor Cubillos: Any nays? Hearing none, the Public Safety concludes at 8:37 PM. Thank you.

[02:06:10] [END OF AUDIO]

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