

By Jan Schultz

The Imperial Republican

Monday's city council agenda will again focus on discussion of the Imperial city police chief position.

In addition to a request from local resident Penny Teply to be on the agenda to discuss Police Chief Rob Browning's resignation, two items from the Oct. 21 meeting will be back on the Nov. 4 agenda.

Those include approval of an appointment of an interim Police Chief, and an ordinance change setting that person's salary.

Those items could not be acted on last week in the absence of Mayor Dwight Coleman, who oversees the police department and appoints the chief.

Browning resigned abruptly on Friday, Oct. 18, turning in a letter of resignation that day.

A copy of Browning's letter obtained by The Imperial Republican stated, "It is with a humble heart that I resign my position as Chief of Police, effective today, Friday, the 18th of October, 2013.

"I have thoroughly enjoyed my career in law enforcement with the Imperial Police Department.

"Due to events in my life, it is time to explore other avenues.

"I want to thank the citizens of Imperial for putting their trust in me, and for being good friends and neighbors."

While specifics for the resignation were not given in the letter, a dispute between two council members over the giving of a cash gift to Browning appears to be a factor in the resignation.

At the Sept. 3 council meeting, three officers in the Imperial Police Department, Ryan Wisnieski, Kyle Hansen and Spencer Rowley, were given \$300 overtime pay for the hours spent during the Julie Hanes' kidnapping incident in August. The original ordinance providing for the \$300 overtime pay included Browning.

After a closed session, a motion excluding Police Chief Browning from the \$300 extra pay was approved by the council on a 4-0 vote from council members Chad Yaw, J.R. Reeder, Dan Thompson and John Arterburn.

After that meeting, Yaw said he and his wife Amber talked about it and decided to give Browning \$300 of their own money as a "thank-you" for keeping Imperial and their family safe during the kidnapping incident.

After learning of the Yaws' cash gift to the police chief, Yaw said fellow council member Thompson came to his house "and said he was disappointed" with the giving of the cash gift after Yaw voted with the council on the wage ordinance that excluded the chief.

"I didn't at the time think it would go any further than it did that night, with him being upset with me," Yaw said.

A call to council member Thompson to discuss the issue and if the gift-giving has been taken further did not yield comment.

Thompson said since it involves personnel, "I am not going to talk about it.

"I wish I could tell you more; it would answer a lot of questions," he said.

Thompson said he would not confirm anything other than the fact Browning has resigned as police chief.

Frank Daley, executive director of the Nebraska Accountability and Disclosure Commission in Lincoln, said the issue of gifts involving public officials or employees comes up often in his

office.

By law, he does not discuss investigations that have been requested of his office because they are to remain confidential.

He would not say whether his office is looking into the situation here.

However, he said he's had several calls from the Imperial community with questions on the topic.

Daley said his office will investigate an incident in two cases:

- 1) If a sworn complaint is received from an individual alleging a violation of the Nebraska Political Accountability and Disclosure Act, or
- 2) If his office believes there is a violation of the law.

Intent in the giving of a gift seems to be the bottom line of the state law.

Daley said there is a provision in the Act that says no person shall offer a public official or employee anything of value based on an understanding or agreement that official action, judgment or vote of that public official or employee would be influenced thereby.

Daley said, in other words, "bribes are not okay, but the statute generally does not prohibit gifts."

In reviewing such situations, it does not matter, Daley said, whether it's a public official or citizen who has given a gift, as the law says "no person shall...."

Daley also said he encourages, in these situations, that individuals look at their local policy and ordinances.

A section of the city of Imperial's personnel policy states the following:

"No city official or employee shall accept or solicit any gift or favor that might reasonably tend to influence that individual in the discharge of official duties, or that the official or employee knows or should know has been offered, with the intent to influence or reward official conduct."

Rest of agenda

The meeting Monday will begin at 6 p.m. in the council chambers.

Other agenda items on the docket as of Wednesday morning included a mayoral appointment of a student representative to the council, approval of the annual maintenance agreement with the Department of Roads and further discussion on removal of a trailer on East 17th St.