

**Charter Change Committee**  
**Tuesday, June 18, 2024**  
**Public Works Conference Room at 645 Pine St. or Remote via Zoom.**  
**DRAFT MINUTES**

**Members Present:** Councilor Bergman (Chair), Councilor Carpenter, Councilor Doherty (remote)

**Staff Present:** Kimberlee Sturtevant (Assistant City Attorney), Chief Jon Murad (BPD), Detective Joseph Corrow (BPD)

**Public Present:** Commissioner Keefe

Meeting called to order at 5:09 PM.

**1. Agenda**

**1.01 Motion to amend/adopt agenda**

*Motion to Adopt Agenda as is.*

*Motion by Councilor Carpenter, Seconded by Councilor Doherty*

*Final Resolution: Motion Passes*

*Yes: Unanimous*

**2. Adopt Draft Minutes from 6/12**

**2.01 Adopt Draft Minutes from 6/12**

*Motion to Amend Draft Minutes from June 12, 2024 by clarifying Commissioner Cox's statement to read that "Commissioner Cox does not believe the Commission should undertake investigations."*

*Motion by Councilor Bergman, Seconded by Councilor Carpenter*

*Final Resolution: Motion Passes*

*Yes: Unanimous*

**3. Public Forum**

*No members of the public spoke at public forum.*

**4. Discussion of the Joint Committee's Proposed Charter Changes**

*Attorney Sturtevant shared the draft changes to the charter in resolution format. The proposed changes can be found in the agenda packet.*

Councilor Bergman explained that the small change to line 29 of the draft resolution to include the words "The Mayor's proposed budget and..." is to accommodate the budget structure of the city. Change approved without objection.

Councilor Bergman said that the changes to lines 34 and 35 of the draft resolution is to clarify the circumstances when a complaint can and cannot be disposed without notifying the Board of Police Commissioners. Councilor Bergman asked Attorney Sturtevant and others for more clarity on how the change to line 35 will align with Department Directive (DD) 40 and the BPOA union contract.

Detective Corrow said that an officer would be put on paid administrative leave after an allegation, but before any potential discipline. He continued that the City does not consider administrative leave to be a punishment.

Councilor Bergman asked Attorney Sturtevant to work on the clearest language for line 35 that would ensure there are no ambiguities on when the Commission must be notified of the disposition of a complaint.

Councilor Bergman said the changes to lines 46-47 was in response to a comment from Commissioner Keefe. The change is to accommodate any further other statutory issues that may arise from misconduct from the Chief of Police. Change approved without objection.

Councilor said that change to line 53 came from a request from the BPOA to make clear that disposition would happen in a timely manner as laid out in an ordinance. The change to line 54 was from a request from Commissioner Keefe to make clear the finality of the disposition from the independent panel. Councilor Bergman said he would like to adjust the change to line 54 to be “applicable right of appeal or grievance process” instead of “statutory right of appeal” to ensure there are no changes to the union grievance and arbitration system.

Commissioner Keefe asked if the independent panel is taking the power of final disposition away from the Chief and thus the grievance would go to the panel instead of the Chief. If there is no answer in that grievance to the panel then it would go to arbitration.

Councilor Bergman said he would like to leave the Chief as the person that hears the first step of the grievance. Councilor Doherty asked for the City Attorney’s Office to examine this issue and talk with BPD and the BPOA about this potential change.

Councilor Doherty said the draft changes to lines 55-59 did not reflect his thoughts from the previous meeting. He said that his original intent was to have a member appointed by the Commission rather than have a Commissioner themselves on the panel. The Committee was in agreement that it would be a person appointed by the Commission rather than a member of the Commission itself.

Councilor Carpenter said it seemed repetitious to have the BPOA and Commission both have appointees on the independent panel as well as being involved in other levels of the process. She continued that she favors having three members but is unsure who would appoint them.

Councilor Doherty said that having appointees from these two groups did not effect the independence of the independent panel. He continued that the logistics of finding and appointing panelists should be the prerogative of the appointing entities. He said that the BPOA has not

made large requests of the Committee and having one member of the panel be appointed by them would be fair and modest.

Detective Corrow said the BPOA wants the process to be fair and having an appointed member would be helpful to that goal. The BPOA is interested in having a fair disciplinary process rather than just seeking the least severe discipline for its members. He continued that he was concerned that the independent panel could be weaponized against the police depending on who is appointed and who is the Mayor. He said that the Department has lost applicants after they read the proposed charter changes. He said the criteria for appointment by the Mayor should have a minimum of 10 years of experience in law enforcement or labor or employment law.

Councilor Bergman said he was fine with having a five person independent panel. He said he is not in favor of having a BPOA-appointed member. Councilor Bergman said the union will be at the table for any grievances or arbitration and should not be able to pick one of the panelists.

Councilor Doherty also asked for a drafting change to lines 58-59 to clarify the kinds of experience that are necessary to be appointed by the Mayor to the panel.

Councilor Bergman said that the material in lines 81-85 was removed in a previous draft but is being placed back into the current draft. Change approved without objection.

## **5. Any Other Committee Business**

The Committee's next meeting is set for June 25 at 7:30 PM.

## **6. Adjournment**

### **6.01 Adjournment**

*Motion to Adjourn.*

*Motion by Councilor Doherty, Seconded by Councilor Carpenter*

*Final Resolution: Motion Passes*

*Yes: Unanimous*

The meeting was adjourned at 6:38 PM.