

ORDINANCE and CHARTER CHANGE JOINT COMMITTEE

Wednesday, November 1, 2023

Bushor Conference Room in City Hall and Remote via Zoom

DRAFT MINUTES

Members Present: Councilor Traverse (Ordinance Committee Chair), Gene Bergman (Charter Change Committee Chair), Councilor Carpenter, Councilor Hightower, Councilor Doherty, Councilor Shannon

Staff Present: Kimberlee Sturtevant (Assistant City Attorney), Jordan Redell (Mayor's Chief of Staff), Josh Diamond (Outside Counsel)

Others in Attendance: Romeo Von Hermann, Lee Morrigan, Mike Hoey, Melo Grant, Amy Malinowski, Jake Schumann

Meeting called to order at 5:39 PM.

1.0 Agenda

Motion to adopt/amend agenda

Motion to Adopt the Draft Agenda.

Motion by Councilor Bergman, Seconded by Councilor Carpenter

Final Resolution: Motion Passes

Yes: Unanimous

2.0 Adopt the Draft Minutes from October 18

Motion to Adopt Minutes as is.

Motion by Councilor Bergman, Seconded by Councilor Carpenter

Final Resolution: Motion Passes

Yes: Unanimous

3.0 Public Forum

Jake Schumann: Looking at the charter change proposal, Section 190(a) Line 5 there is a typo in the charter that we can correct. We should also add gender neutral language. It might be worth adding something about protecting the Commission or oversight bodies from retaliation by the police or codifying positive working relationships.

4.0 Councilor Discussion and Review of Vital Questions

Discussion began with a review of the charter change draft language as put together by Josh Diamond.

Councilor Traverse gave a brief review of the previous meeting and said there was general consensus on almost everything discussed except for the issue of an impasse between the Commission and the Chief. Another question without consensus is the number of commissioners needed to vote to launch their own investigation.

Councilor Carpenter brought up the unresolved question of increasing the size of the Commission. She also brought up adding requirements of having commissioners from different wards or districts so there is representation. Having more commissioners could mean having subcommittees for different topics.

Councilor Hightower agreed and wanted the Commission expanded to at least nine members to provide for subcommittees. She recommended putting ward or district requirements in ordinance.

Jordan Redell said that the Administration wants to keep the Commission size at seven members, but increase staffing for them to help fulfill their duties. The Administration is unsure if it wants ward/district requirements put in place for the Commission as it sets a precedent for other commissions.

Councilor Shannon agreed that the Commission should not be expanded beyond seven. The Council already considers ward/district residency in appointments and Councilor Shannon thinks it is more important to value all forms of diversity (ethnic, geographical, professional) rather than focus on residency.

Councilor Bergman supported increasing the size of the Commission to nine members. He also agreed that a broad statement in charter that the Commission should represent the citizens of the city would be appropriate.

Melo Grant: I support adding two more commissioners. I like the idea of subcommittees to handle particular tasks. If the Commission isn't expanded, the City needs to be diligent in staffing. As for geographical requirements, there are varying attitudes about service/response on the Commission depending on where they live so it can be important.

Councilor Hightower asked if it is possible to have flexibility in the charter and use 7-9 legal voters for composition as the language.

Councilor Traverse supports either a seven or nine member Commission, but does not support having ward/district requirements. The City Council should be focused on finding qualified candidates.

Motion to change the draft language for Article 62 Section 183 from seven to nine legal voters.

Final Resolution: Motion Passes

Yes: Councilors Hightower, Carpenter, Bergman, and Traverse

No: Councilor Shannon

Motion to change the draft language for Article 62 Section 183 to add the language "and should represent the diverse nature of said city's constituents, including those from historically marginalized communities,"

Final Resolution: Motion Passes

Yes: Unanimous

Motion to change the draft language for Article 62 Section 184(a) to be: "The city council shall make rules and regulations for the government of the entire police ~~foree~~ department and shall fix the qualifications of applicants for positions and service on said ~~foree~~ department and, to the extent permitted by applicable law, the chief of police shall furnish the city council with any information they may require concerning ~~the finances~~ of the police department. The chief of police

shall be responsible for all expenditures made by the police department and no expenditures shall be made by the department except in conformity with the standards promulgated by the city council.”

Final Resolution: Motion Passes

Yes: Unanimous

Motion to change the draft language for Article 62 Section 184(b) to be: The board of police commissioners shall have such authority and responsibility relating to the management, auditing, or monitoring of the police department, its services and facilities, as may be delegated from time to time by ~~resolution~~ the ordinances and orders of the city council. Said board shall notify the mayor and the chief administrative officer, in writing, of any and all changes, modifications or additions to the rules and regulations of the department.

Final Resolution: Motion Passes

Yes: Councilors Traverse, Carpenter, Hightower, Doherty, and Shannon

No: Councilor Bergman

Motion to adopt the proposed Article 62 Section 184(c) as drafted by Josh Diamond: “Without limitation to the foregoing, the board of police commissioners and the chief of police may propose rules and regulations for the government of the entire police department in a manner not inconsistent with those established by the city council. Adoption of such proposed rules and regulations requires joint approval by the board of police commissioners and the chief of police. In the event joint approval is not provided by the board of police commissioners and the chief of police, either party may bring forward to the city council the proposed rule or regulation for the city council’s consideration.”

Final Resolution: Motion Passes

Yes: Unanimous

Motion to adopt the proposed Article 62 Section 184(d) as drafted by Josh Diamond: “The board of police commissioners shall have the authority to receive and review all civilian and internal allegations of misconduct by members of the police department. The board of police commissions shall have the authority to independently investigate any allegation of misconduct by members of the police department upon a vote of _____% of its commissioners.” Percentage needed purposely left blank.

Final Resolution: Motion Passes

Yes: Unanimous

The Joint Committee has set two meetings for the future:

11/13 at 5:30PM, fully remote via Zoom

11/27 at 5:30PM in Bushor Conference Room in City Hall and remote via Zoom

5.0 Adjournment

Motion to adjourn.

Motion by Councilor Traverse, without objection

Yes: Unanimous

The meeting was adjourned at 7:50 PM.

DRAFT