



Source: City Clerk *SA*

Agenda Item No: REP 135-13

To: City Council

From: City Manager and Staff *MM*

Council Meeting Date: September 3, 2013

Re: Membership Clarification of the Citizens Police Review Board

EXECUTIVE SUMMARY:

The Citizens Police Review Board (CPRB) was established in 2009, and when established the terms of its members was restricted to six consecutive years. This specific restriction will ultimately require current members to leave mid-term, and as a result, guidance is being requested by the Council.

DISCUSSION:

The CPRB was established by ordinance in 2009. At that time, three members were appointed to a two year term, another three members were appointed to a three year term and the remaining two members were appointed to a four year term, and thereafter members appointed by the Council were appointed to three year terms as required by ordinance. In addition, since the time of initial appointment, many members have resigned and other members were appointed to complete those vacant terms. The ordinance language states "no member shall serve more than six consecutive years" and this is creating a situation in which current members will not be able to serve another full three year term if they reapply and are reappointed.

The establishing legislation for other boards and commission that have term limits generally state "no member shall serve more than two consecutive full terms," and this language change in the ordinance will resolve the problem of members being forced to vacate their position on the CPRB in the middle of a three year term.

The current ordinance language also indicates the member appointed by the commission on human rights shall serve a term of one year, and the six year limit could continue to apply to that member.

Attached is Section 21-46 of the Code of Ordinances with the current language and the proposed language. A list of the current members and how future appointments would need to be handled under the existing language change and the proposed language change has also been provided.

The CPRB is aware of this issue, and has been reviewing the establishing ordinance with regard to this and other issues, but they are not ready to submit anything to Council at this time. Due to the terms of two members that were initially appointed to the four year terms expiring on November 1, 2013, an ordinance, if Council agrees a change is necessary, would need to be introduced at the September 16 Council Meeting, and voted on at the October 7 Council Meeting. This would allow Council to reappoint those two members to a full three year term (if they applied and if Council wanted to appoint them) at the October 21 Council Meeting as Council does not meet again until November 4, which would be after their terms had expired.

FISCAL IMPACT:

None.

VISION IMPACT:

<http://www.gocolumbiamo.com/Council/Meetings/visionimpact.php>

None.

SUGGESTED COUNCIL ACTIONS:

Direct staff to bring back an ordinance for Council consideration, if Council agrees a change is necessary.

FISCAL and VISION NOTES:					
City Fiscal Impact Enter all that apply		Program Impact		Mandates	
City's current net FY cost	\$0.00	New Program/ Agency?		Federal or State mandated?	
Amount of funds already appropriated	\$0.00	Duplicates/Expands an existing program?		Vision Implementation impact	
Amount of budget amendment needed	\$0.00	Fiscal Impact on any local political subdivision?		Enter all that apply: Refer to Web site	
Estimated 2 year net costs:		Resources Required		Vision Impact?	No
One Time	\$0.00	Requires add'l FTE Personnel?		Primary Vision, Strategy and/or Goal Item #	
Operating/ Ongoing	\$0.00	Requires add'l facilities?		Secondary Vision, Strategy and/or Goal Item #	
		Requires add'l capital equipment?		Fiscal year implementation Task #	

Current Language:

Sec. 21-46. Establishment; membership; qualifications; terms; and removal.

- (a) The citizens police review board is hereby established.
- (b) The board shall consist of eight (8) members appointed by the city council and a member of the commission on human rights appointed by the commission. Members shall serve without compensation.
- (c) Board members must be residents of Columbia and registered voters. Board members may not be employed by the city, be a party to any pending litigation against the city, be an elected public office holder, or be a candidate for elected public office. Board members should reflect the cultural and racial diversity of Columbia and have no serious criminal record. The police chief shall obtain a criminal history of all applicants for membership on the board and advise the city council of any convictions for violations of federal, state or local law.
- (d) Three (3) of the members first appointed by the city council shall serve terms of two (2) years, three (3) shall serve terms of three (3) years and two (2) shall serve terms of four (4) years. Thereafter, members appointed by the city council shall serve terms of three (3) years. The member appointed by the commission on human rights shall serve a term of one (1) year. No member shall serve more than six (6) consecutive years. Vacancies shall be filled for unexpired terms in the same manner as the original appointments.
- (e) The board may recommend to the city council that a board member be removed from the board if the member persistently fails to perform the duties of office.

(Ord. No. 20331, § 1, 7-20-09)

Proposed Language:

Sec. 21-46. Establishment; membership; qualifications; terms; and removal.

- (a) The citizens police review board is hereby established.
- (b) The board shall consist of eight (8) members appointed by the city council and a member of the commission on human rights appointed by the commission. Members shall serve without compensation.
- (c) Board members must be residents of Columbia and registered voters. Board members may not be employed by the city, be a party to any pending litigation against the city, be an elected public office holder, or be a candidate for elected public office. Board members should reflect the cultural and racial diversity of Columbia and have no serious criminal record. The police chief shall obtain a criminal history of all applicants for membership on the board and advise the city council of any convictions for violations of federal, state or local law.
- (d) Three (3) of the members first appointed by the city council shall serve terms of two (2) years, three (3) shall serve terms of three (3) years and two (2) shall serve terms of four (4) years. Thereafter, members appointed by the city council shall serve terms of three (3) years. No member appointed by the city council shall serve more than two (2) consecutive full terms. The member appointed by the commission on human rights shall serve a term of one (1) year. The member appointed by the commission on human rights ~~No member~~ shall not serve more than six (6) consecutive years. Vacancies shall be filled for unexpired terms in the same manner as the original appointments.
- (e) The board may recommend to the city council that a board member be removed from the board if the member persistently fails to perform the duties of office.

Current Member	Existing Language	Proposed Language
James Martin (initial 4 yr term) 11/02/2009 – 11/01/2013	If this person reapplies and is reappointed, he would have to resign on 11/01/2015; and then someone would need to be appointed to fill the remaining one year.	If this person reapplies and is reappointed, he could serve one more full three year term, which would expire on 11/01/2016. He would have served a total of seven years.
Betty Wilson (initial 4 yr term) 11/02/2009 – 11/01/2013	If this person reapplies and is reappointed, she would have to resign on 11/01/2015; and then someone would need to be appointed to fill the remaining one year.	If this person reapplies and is reappointed, she could serve one more full three year term, which would expire on 11/01/2016. He would have served a total of seven years.
Stephen Alexander (initial 2 year term) 11/02/2009 – 11/01/2011 11/02/2011 – 11/01/2014	If this person reapplies and is reappointed, he would have to resign on 11/01/2015; and then someone would need to be appointed to fill the remaining two years.	This person has served five years, but would not be able to be reappointed since he has served two consecutive full terms.
Stephan Sheltmire 02/07/2011 – 11/01/2012 11/02/2012 – 11/01/2015	If this person reapplies and is reappointed, he would have to resign on 02/07/2017; and then someone would need to be appointed to fill the remaining term, which would end 11/01/2018.	If this person reapplies and is reappointed, he could serve one more full three year term, which would expire on 11/01/2018. He would have served a total of about 7 ¾ years.
Roger Dowis 08/01/2011 – 11/01/2011 11/02/2011 – 11/01/2014	If this person reapplies and is reappointed, he would have to resign on 08/01/2017; and then someone would need to be appointed to fill the remaining term, which would end 11/01/2017.	If this person reapplies and is reappointed, he could serve one more full three year term, which would expire on 11/01/2017. He would have served a total of about 6 ¼ years.
Jerry Kennett 11/02/2011 – 11/01/2014	No issue. Can serve another full three year term.	No issue. Would be able to serve another full three year term for a total of six years.
Thomas Hargrove 08/20/2012 – 11/01/2012 11/02/2012 – 11/01/2015	If this person reapplies and is reappointed, he would have to resign on 08/20/2018; and then someone would need to be appointed to fill the remaining term, which would end 11/01/2018.	If this person reapplies and is reappointed, he could serve one more full three year term, which would expire on 11/01/2018. He would have served a total of about 6 ¼ years.
Andrew Fisher 08/19/2013 – 11/01/2015	This person was recently appointed and would not be affected unless he reapplied twice and was reappointed both times. He would have to resign less than a year into his second full term – 08/19/2019.	This person was recently appointed and could serve a total of eight years and 1 ½ months total.
Gabriel Scott Dean (Commission on Human Rights) 11/02/2010 – 11/01/2011 11/02/2011 – 11/01/2012 11/02/2012 – 11/01/2013	No issue. Can serve another three one year terms.	No issue. Can serve another three one year terms for a total of six years.

*This would also allow someone to reapply after a break in service of two consecutive full terms. If you wanted, you could restrict when a person could reapply after serving two consecutive full terms. For example, you could say "no member appointed by the city council shall serve more than two (2) consecutive full terms and shall not be eligible for further appointment until one (1) year after the expiration of the second term" and "the member appointed by the commission on human shall not serve more than six (6) consecutive years and shall not be eligible for further appointment until one (1) year after the expiration of the sixth year." You could make it longer than one year as well if you wanted.