

# ORGANIZATION AND BYLAWS OF THE CITY OF EUGENE POLICE COMMISSION



*Adopted December 1999, Revised November 2000*

## INTRODUCTION

The following sets forth information, rules and regulations concerning the Police Commission.

### **POLICE COMMISSION MISSION STATEMENT**

Our mission is to recommend to the City Council, the City Manager, the Police Department, and the people the resources, preferred policing alternatives, policies and citizens' responsibilities needed to achieve a safe community. We strive to create a climate of mutual respect and partnership among people, and between people and the Police Department that helps achieve safety, justice and freedom for all people in Eugene.

#### **Our Goals:**

- Ensure that the policies and procedures of the Eugene Police Department protect the civil rights and liberties of everyone in Eugene.
- Promote policing that respects and reflects Eugene's rich culture and diversity.
- Increase communications, understanding and trust between police and the people in Eugene.
- Encourage problem solving and partnerships between people, neighborhoods, other agencies and police.
- Provide fair opportunities for the public and criminal justice professionals to comment and participate in the commission's work, recognizing the interconnectedness of the criminal justice system.

## ARTICLE I. ESTABLISHMENT

The Eugene Police Commission, hereinafter referred to as the commission, was established in December 1998 (Ordinance No. 20136) and was appointed by the City Council in conformance with Eugene Municipal Code 2.013 and 2.368. All powers and duties of the Eugene Police Commission are derived from City of Eugene Ordinance 20136. Nothing in these bylaws shall be construed as expanding the authority conferred upon the commission by the ordinance.

## ARTICLE II. PURPOSE AND OBJECTIVES

Section 1. The commission shall act as an advisory body to the City Council, city manager, and police chief regarding police policy issues. The commission exists to work toward the following outcomes for the community:

- a. to increase communications between police and the community, leading to a greater understanding of the preferred policing alternatives for the city;
- b. to identify police policy and resource issues related to preferred policing alternatives;
- c. to decrease misunderstandings regarding the nature of adopted police policies, practices and approaches;
- d. to provide input on police policies and procedures that reflect community values;
- e. to assist the City Council in balancing community priorities and resources by advising it on police resource issues; and
- f. recommend police policies reflecting community values.

Section 2. The commission shall develop a mission statement and a yearly work plan, to be reviewed and approved by the City Council, which will articulate how the listed outcomes will be achieved.

Section 3. The commission may:

- a. review and make recommendations on police policies, practices and priorities for consistency with community values;
- b. provide input on service and resource needs for community safety;
- c. work on police related projects as directed by the City Council; and
- d. provide a forum for addressing public concerns related to police policies and practices.

Section 4. The commission shall not undertake the review of allegations and inquires related to the actions of individual police officers.

## ARTICLE III. APPOINTMENT, MEMBERSHIP, TERM OF OFFICE

Section 1. The commission members shall be nominated by the Mayor and appointed by the City Council.

Section 2. The commission shall consist of:

- a. two members of the City Council
- b. one member from the human rights commission
- c. one member recommended by the police chief
- d. one member from the citizens review board, if it exists
- e. eight citizens.

Section 3. Members of the commission shall be city residents who have demonstrated interest and expertise in police matters and may represent the following diverse elements of Eugene:

- a. youth
- b. students of the University of Oregon and Lane Community College
- c. persons with a demonstrated interest in law enforcement
- d. social service providers
- e. educators
- f. members of community or neighborhood groups
- g. persons engaged in private business
- h. persons with a diversity of ethnic and cultural affiliations
- i. persons with diverse economic backgrounds and interests.

Section 4. The eight citizen members shall be appointed to a four (4) year term. The terms of the first appointees shall be staggered so that approximately one-half of the commissioners' terms end after three years. Councilor members shall be appointed annually as part of the process of appointing elected officials to other committees, and shall serve during their terms as councilors. The members from the human rights commission, citizens review board, and the member recommended by the police chief shall serve during their term on such commission, committee or board, or for four years, whichever is less.

Section 5. No member of the commission shall serve more than two (2) consecutive terms as a member of the commission.

Section 6. Vacancies on the commission shall be filled in the same manner as original appointments, and the appointee shall hold office for the remainder of the unexpired term. Except where the vacancy occurs because members from the City Council ceases to serve on the commission, the City Council shall appoint within 45 days of the position becoming vacant. A position becomes vacant upon:

- a. the death or resignation of the incumbent
- b. removal of a member by the City Council for being absent for more than three consecutively scheduled meetings without having been excused by the Chair of the commission
- c. failure of the City Council to reappoint an incumbent at the expiration of his or her term
- d. the incumbent ceases to be qualified for initial appointment.

Section 7. Commission members shall receive no compensation, but shall be reimbursed for authorized expenses (see Article X, Section 2).

## ARTICLE IV. OFFICERS AND DUTIES

Section 1. The officers of the commission shall be a Chair and Vice Chair, (see Article V, Election of Officers).

Section 2. The Chair and Vice Chair shall serve for two (2) years. The election will be held no later than the commission's regular meeting in June. If the Chair cannot serve a full term, the Vice Chair shall assume the office for the remainder of the Chair's term. If the Vice Chair cannot serve a full term, the commission shall, at the meeting following the departure from office of the Vice Chair, elect a new Vice Chair to complete the unexpired term. If both Chair and Vice Chair vacate their respective offices prior to the end of their terms, elections must be held at the following meeting to fill both offices.

Section 3. Commissioners may not be elected as Chair for more than two (2) successive terms.

Section 4. The Chair shall preside at all meetings of the commission; call special meetings subject to requirements of Article VI; consult with staff on preparation of commission agendas; and perform all other duties necessary or incidental to the office.

Section 5. In the absence of the Chair, or in the event of the Chair's inability to act, the Vice Chair shall perform the Chair's duties. In the event of the absence or inability to act of both the Chair and the Vice Chair, the remaining members shall appoint one of their members to act temporarily as Chair.

Section 6. The Chair shall decide on all points of order and procedure during meetings and his/her decision shall be final unless overruled by a majority of the members present.

Section 7. The Chair and Vice Chair are entitled to vote on all issues.

Section 8. The Chair or Chair's designee is the official spokesperson for the commission on all matters of community concern that have been duly addressed by the commission.

Section 9. The Chair and Vice Chair shall:

- a. conduct orientation of new commission and committee members.
- b. assist with educating commission, committee and City Council members on procedures and responsibilities.
- c. act as liaisons between the commission and all committees.
- d. at the request of the commission, prepare recommendations on commission bylaws and other administrative matters.

## ARTICLE V. ELECTION OF OFFICERS

Section 1. Any member may nominate a candidate from the membership for the position of Chair or Vice Chair. Nominations need not be seconded.

Section 2. A member may withdraw his/her name if placed in nomination, announcing that, if elected, s/he would not be able to serve; but s/he may not withdraw in favor of another member.

Section 3. Any member may move to close the nominations; a second is required. If the motion carries, the Chair then calls for the election.

Section 4. The votes of all committee members will be recorded by the minutes recorder. The candidate who receives a majority of the votes cast becomes the new Chair. In the event that no candidate receives a majority of the votes cast, a run-off election shall be held between the two candidates receiving the most votes. The same procedure is followed for the election of the Vice Chair.

## ARTICLE VI. OPERATING REQUIREMENTS OF COMMISSION AND MEMBERS

Section 1. The commission shall submit an annual report and yearly work plan in writing to the City Council by July 1. The report shall list the activities and accomplishments to date and assess these against the commission's mission and against the yearly work plans. The work plan must be approved by the City Council. As a result of a significant event or unforeseen circumstances, the Commission may request the City Council approve a work plan amendment at any time as a consent item on the Council's agenda.

Section 2. All regularly scheduled meetings will be announced in the Public Meeting Calendar at least one week prior to the meeting and will include a time for public comment.

Section 3. The commission may make and alter rules for its conduct and procedure,

providing they are consistent with state law and applicable provisions of the City charter, ordinances, and policies.

## ARTICLE VII. MEETINGS, VOTING AND PROCEDURES

Section 1. The commission shall meet at least six (6) times a year to conduct regular business, with such additional meetings as it deems necessary to properly perform its duties. Additional meetings may include, but are not limited to, annual work planning and process sessions.

Section 2. The commission shall achieve quorum at a minimum of six (6) of its regularly scheduled meetings each year.

Section 3. Seven (fifty percent plus one of the current membership = 7) commissioners shall constitute a quorum for the transaction of official business. In the absence of a quorum at a meeting, any member present may cancel the meeting fifteen minutes after the scheduled beginning time. If no member is present by fifteen minutes after the scheduled time, the meeting is automatically adjourned.

Section 4. Each voting member of the commission shall be entitled to vote at all regular and special meetings of the commission, except that a member shall not vote or take part in discussion as a member when there is an actual conflict of interest. If a member wishes to abstain in a situation where there is a potential conflict or no direct conflict of interest, but where the public might construe that such a conflict exists, or if a member has a conflict deriving from his or her relationship with persons involved in the issue, then he or she may ask to abstain. In this case, it is up to the commission to decide whether the abstention is necessary. If members are in doubt about the nature of a conflict, they may ask for the advice of the City Attorney. In addition to a conflict of interest, members may have other reasons for abstaining from a vote.

Section 5. All members of the commission shall be involved in commission and committee activities, including regularly attending commission and committee meetings. Any member who misses more than three (3) consecutive regular commission meetings with or without a quorum and without having been given a leave of absence by the commission Chair, may be removed by the City Council upon recommendation of the commission. If members are unable to attend a meeting of the commission or a committee, they shall notify the commission Chair or staff as soon as possible.

Section 6. An agenda setting committee consisting of the Chair, Vice Chair and lead staff person establishes the meeting agenda. An item may be placed on the agenda or removed by a majority vote of the commission. Requests to place an item on the agenda may be made by individual commission members, city councilors, staff or members of the public. Through a formal action, City Council may direct the inclusion of an item on the commission's agenda. The agenda setting committee shall decide the date that items come before the commission.

Section 7. The Chair or six (6) members of the commission may call special meetings by delivering a 24-hour written notice personally or by mail to each member of the commission and to media representatives filing with the City Manager's Office a written request for such notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. Seven commissioners shall constitute a quorum for a special meeting.

Section 8. Members shall not vote on a question unless they are present before the vote is called for or when their names are called by the Chair. Proxies are not permitted.

Section 9. Members may at any time explain their votes, or file written explanations of such votes, after the result of the voting has been announced and recorded.

Section 10. In general, communication to and from the public during meetings occurs during the public comment period. Except for the right to vote and to move a motion, the privilege of the floor may be granted to any member of the public at the discretion of the Chair.

Section 11. As an alternative to using simple majority votes to make its decisions, the commission may use a consensus method in an effort to incorporate all interests and gather full support for the final decision. In general, consensus decision making is appropriate when addressing process and routine issues. The decision-making approach should be used when the commission is taking a formal position on a topic. Even when an alternative decision making approach is being used, the conflict of interest laws still apply. Any member with an actual conflict of interest must recuse himself from deliberation on the issue.

Section 12. To further its mission, the commission may agree to invite specific group representatives, citizens or staff to participate with the commission in the evaluation, discussion and problem solving of specific issues or policies.

Section 13. The commission, committee and work group meetings shall follow Oregon's open meeting laws.

Section 14. Commission members may refer to Robert's Rules of Order regarding rules of procedure for guidance with respect to the conduct of meetings or points of order.

## ARTICLE VIII. STAFF

Section 1. The Police Chief or his designee shall attend all regularly scheduled commission meetings. The Chief is not a voting member of the commission and shall not be counted for purposes of obtaining a quorum. The Chief shall take all reasonable steps to ensure the commission is kept fully informed about all major police issues that may be of concern to the community.

Section 2. The City manager may, within his or her discretion, furnish staff assistance to the commission or to the commission's committees.

Section 3. A City staff member shall mail or electronically provide minutes of the previous meeting with the agenda for the next meeting to all members at least five working days of the meeting date. All printed information to be distributed to the members with the minutes will be submitted to staff ten (10) days before the meeting so that the materials may be made available to the media and public.

Section 4. A recorder may be furnished to the commission by City administration to record the minutes of each regular meeting in accordance with ORS 192.650. The minutes of all meetings shall be filed with the staff person appointed by the City Manager to serve the commission. The written minutes shall include at least the following information:

- a. all members of the commission present
- b. all motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition
- c. the results of all votes and the vote of each member by name
- d. the substance of any discussion on any matter
- e. a reference to any document discussed at the meeting (subject to ORS 192.410 to 192.505 relating to public records).

## ARTICLE IX. COMMITTEES, PROGRAMS & WORK GROUPS

Section 1. The commission may establish temporary committees for specific tasks. A majority vote of the commission members present is required to form a committee. No temporary committee shall continue for more than six months without City Council approval.

Section 2. The size, term, membership and duties of a committee shall be established by the commission at the time the committee is approved. Committee membership shall consist of no more than six commission members.

Section 3. Vacant positions on a committee shall be filled by commission appointment of a person nominated by the committee. A position shall be considered vacant under the same conditions as set forth for a vacancy on the commission.

Section 4. The officers of each committee shall be a Chairperson and a Vice Chair elected by the committee. The Chairperson shall be a member of the commission and shall preside over meetings of the committee and shall have the right to vote. The Vice Chair shall perform the duties of the Chairperson in the absence or disability of the Chairperson. The officers shall serve for terms of one (1) year or for the term of the committee which ever is less.

Section 5. Each committee shall meet as it deems necessary to properly perform its

duties.

Section 6. Each committee may make and alter rules for its conducts and procedure, providing they are consistent with state law and applicable provisions of the City charter, ordinances, policies and commission bylaws.

Section 7. Fifty percent plus one of the current membership of a committee shall constitute a quorum for the transaction of official business.

Section 8. The commission may recommend that the City Council establish any additional committee or task force that the commission feels will assist the commission and the City in meeting the goals of the commission.

Section 9. The Chair of the committee shall be responsible for calling and developing agendas for all meetings.

Section 10. Committees may base their recommendations upon a consensus or upon majority and minority points of view.

Section 11. Committees may take public action only with the approval of the commission.

Section 12. Committee Chairs shall submit names of committee members who are frequently absent from the committee meetings to the commission Chair, who may replace them.

## ARTICLE X. FISCAL POLICIES

Section 1. As per City ordinance (City Code 2.368.) and subject to State law, the Oregon Budget Law, and the Charter of the City, the commission may expend public funds with the approval of the City Manager or his/her designated representative and may accept contributions and expend the same, as long as the funds are related to the commission's own purposes and work plan and clearly benefit the City.

Section 2. Any member who incurs expenses as a result of commission work shall submit to the Chair a statement itemizing the expense. The Chair may seek reimbursement for the member from the City Manager or his or her designee. Except for commissioners' meal expenses at local or in-state activities, expenses shall be approved by the commission membership prior to disbursement.

Section 3. Members wanting to attend meetings or events to represent the commission shall first seek approval from the Chair of the commission to have the trip placed on the agenda of a commission meeting. The membership may then approve spending of commission funds and appoint a member to attend.

Section 4. The fiscal year of the commission runs from July 1 to June 30.

## ARTICLE XI. AMENDMENT OF THE BYLAWS

Section 1. These bylaws may be adopted, by a majority vote at any session of the commission and will continue in force for the commission until rescinded or amended. They may be suspended, rescinded, or amended by an affirmative vote of seven (7) members of the commission at a regular or supplementary meeting. Public notice of proposals to amend the bylaws shall be included on a regularly scheduled agenda with notification included in the Public Media Calendar at least one week prior to the meeting where the amendments will be considered by the commission.