

# Ordinance No. 826-16

Mayor Jackson and Council Member Zone

## AN EMERGENCY ORDINANCE

Authorizing the submission to the electors of the City of Cleveland of a proposal to amend Section 115-2 of the Charter of the City of Cleveland relating to the Police Review Board.

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WHEREAS, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health or safety in that it must be certified to the election authorities immediately in order for the question to appear at a special election to be held on November 8, 2016, and providing for the usual daily operation of a municipal department; now therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That this Council authorizes the submission to the electors of the City of Cleveland at a special election to be held at the usual places of voting in the City of Cleveland on Tuesday, November 8, 2016, of a proposal to amend the Charter of the City of Cleveland by amending existing Section 115-2 to read as follows:

§ 115-2      Civilian Police Review Board

The Civilian Police Review Board shall consist of nine (9) members who are representative of the diverse communities within Cleveland. Five (5) members shall be appointed by the Mayor. Four (4) members shall be appointed by Council. Each of the police districts shall be represented by at least one (1) citizen who resides in that district. At least one member of the Board shall be between the ages of 18 and 30 at the time of appointment and may be among the members appointed by either the Mayor or the Council. No member of the Board shall be employed currently as a law enforcement officer and no member shall be a current or former employee of the Cleveland Division of Police. Vacancies during a term shall be filled in the same manner as original appointments for the unexpired term. Within 30 days of any vacancy on the Board, including vacancies caused by the end of a term, the City shall post an announcement of any vacancy and a request for applications to fill any vacancy. Members shall be chosen from the applicants.

The members of the Civilian Police Review Board holding the office as of the effective date of this section may continue in office for the remainder of their terms recognizing that all of the police districts may not be represented until the service of those members is completed. The two additional members shall be appointed by Council and their terms shall commence on February 7, 2017. The next two vacancies following the effective date of this section, whether for a new term or an unexpired term, shall be filled by Council. Terms of office for members of the Board shall be for four years. No member may serve for more than two four-year terms when the second term begins less than four years after the end of the first term. However, a person may be eligible for appointment four years after the end date of the second term. Time spent fulfilling an unexpired term of two years or less shall not be considered as part of the two consecutive terms.

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The executive head of the police force may remove any member of the Board, upon notice and hearing, for neglect of duty or malfeasance in office.

All members of the Board shall participate in initial and annual training on topics relevant to the duties of the Board.

Members of the Board shall receive compensation as may be established by the Council.

The Civilian Police Review Board shall have its own budget separate from the budget for the Department of Public Safety Administration. The person in charge of administering the Office of Professional Standards shall oversee the budget on behalf of, and with guidance from, the Board.

The Board shall designate annually one member of the Board to serve as its chair and one member to serve as its vice chair. No person shall serve more than two consecutive one-year terms in each position, but, except as further provided, may be eligible for appointment two years after the end date of the second term. A person may be eligible to serve in one of the positions for up to two consecutive one-year terms consecutive to service in the other position, but then may not serve in either position for two years after the end date of the term for the second position even if service in the first or second position was less than two years.

The Board shall appoint personnel as its staff as it deems necessary.

Section 2. That the foregoing proposed amendment to the Charter, on receiving at least a majority of the votes cast at the November 8, 2016, special election, shall become effective immediately on its adoption.

Section 3. That the Clerk of this Council is authorized to promptly forward a certified copy of this ordinance to the Board of Elections of Cuyahoga County.

Section 4. That the Board of Elections of Cuyahoga County shall cause an appropriate notice to be given of the election to be held on November 8, 2016, on the foregoing amendment to the Charter of this City and otherwise to provide for the election in the manner provided by the general laws of the State of Ohio.

Section 5. That the Clerk of Council is authorized to cause the full text of the proposed amendment to the Charter to be published once a week for two consecutive weeks in a newspaper published in the City of Cleveland, with the first publication to be

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made at least fifteen days prior to the election to be held on November 8, 2016, as provided in Article XVIII, Section 9 of the Constitution of the State of Ohio, Section 731.211 of the Revised Code, and Section 200 of the Charter of the City of Cleveland.

Section 6. That the ballot submitting the question of the adoption of the amendment shall read as follows:

PROPOSED CHARTER AMENDMENT  
CITY OF CLEVELAND

A majority affirmative vote is necessary for passage.

Shall Charter Section 115-2 regarding the Police Review Board be amended to change the name to Civilian Police Review Board; to increase the size of the Board from seven to nine members; to have the Mayor appoint five members and the Council appoint four members; to limit the terms of the members to two four-year terms within 12 years; to provide that at least one member of the Board shall be between the ages of 18 and 30 when appointed; to provide that there shall be at least one member from each police district; to provide that no member shall be a current law enforcement officer or a current or former employee of the Division of Police; to provide for posting of vacancies and application to fill those vacancies; to have the Board select the chair and vice-chair; to limit the terms of the chair and vice chair to two consecutive one-year terms each, with eligibility for either office again after two years; to provide that the Board's budget be separate from the Department of Public Safety's administrative budget and be overseen by the administrator and the Board; and to provide that Board members receive initial and annual training?

Section 7. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

BAL:nl  
7-13-16

FOR: Mayor Jackson and Councilmember Zone

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READ FIRST TIME on JULY 13, 2016  
and referred to DIRECTORS of Public Safety, Law;  
COMMITTEES on Safety, Finance

REPORTS

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

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Published in the City Record \_\_\_\_\_

REPORT  
after second Reading

PASSAGE RECOMMENDED BY  
COMMITTEE ON  
SAFETY

FILED WITH COMMITTEE

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PASSAGE RECOMMENDED BY  
COMMITTEE ON  
FINANCE

FILED WITH COMMITTEE

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