



## Legislation Text

File #: 71014, Version: 1

### Fiscal Note

No fiscal impact.

### Title

Amending Resolution 61667 Adopting the Final Report of the Alder Workgroup to Develop Logistics & Operational Details for Madison Police Department Independent Civilian Oversight to align with MGO Section 2.27 "Council Action on Solitary Reports."

### Body

DRAFTER'S ANALYSIS: In March 2021, §2.27 entitled "Council Action on Solitary Reports" of the Madison General Ordinances was repealed and recreated to clarify options for acting on reports of the Common Council. Clarification included that acceptance of the report does not constitute adoption or rejection of any recommendations or statements as City policy and that any such recommendations or policy shall be accomplished explicitly through legislative action. This amendment removes the language that adopted the report as the official policy of the City of Madison, removes past deadlines, and brings the Resolution in line with the amendments to §5.20 M.G.O. (Legistar # 71016).

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WHEREAS, By Resolution (20-00459, Legistar File Number 60764), adopted June 16, 2020 ("Resolution"), the City of Madison established the Alder Workgroup to Develop Logistics and Operational Details for Madison Police Department Independent Civilian Oversight ("Workgroup") consisting of Alder Shiva Bidar, Alder Rebecca Kemble, and Alder Donna Moreland; and,

WHEREAS, Alder Donna Moreland served as Chair of the Workgroup, which was supported by various city staff members, including from the Finance Department, Human Resources, Information Technology, Common Council Office, and Office of the City Attorney; and,

WHEREAS, the Resolution charged the Workgroup with 1. Creating an ordinance to establish independent civilian oversight of MPD, including provisions for the Civilian Oversight Board ("Board") and Independent Police Monitor ("Monitor") as recommended by the Madison Police Department Policy and Procedure Review Ad Hoc Committee ("Ad Hoc Committee") and accepted by Common Council Resolution (RES-19-00578); 2. Identifying budget and other support needed to ensure effective functioning of the Board and Monitor, including drafting budget amendments, proposed staff support, and training needed; 3. Identifying the community organizations who will nominate some of the Board members; and 4. Creating a timeline and process for recruitment of Board members and hiring of the Monitor; and

WHEREAS, the Workgroup met ten (10) times between June 22, 2020 and August 3, 2020 and reached out to fifty nine (59) community based organizations to receive input on the ordinances and processes it was creating; and,

WHEREAS, the Workgroup created proposed ordinances establishing the Office of the Independent Monitor and Police Civilian Oversight Board (Legistar File Numbers 61593 and 61595), a Resolution appropriating funding in 2020 to support the Board and the Monitor, including a position description for the Monitor (Legistar File Number 60617), a list of nine (9) community based organization that would nominate some of the Board members, and a timeline for establishing the Board and hiring a Monitor; and,

WHEREAS, the above legislative items will be introduced at the August 4, 2020, Common Council meeting and referred to the Common Council Executive Committee, the Finance Committee, the Equal Opportunities

Commission, and the Public Safety Review Committee for comments and recommendation; and,

WHEREAS, in addition to creating the above legislative items, the Workgroup also created the following list of nine (9) community-based organizations that will provide the Mayor and Common Council with nominations for Board members pursuant to proposed M.G.O. § 5.20(3)(a)3: Freedom, Inc., JustDane, YWCA, Urban Triage, UNIDOS, Community Response Team, OutReach, Sankofa, and NAACP of Dane County; and,

WHEREAS, as provided in the proposed ordinance creating the Board, this list of community-based organizations will be updated every two years by the Monitor, Board, and Common Council and, moreover, nothing prohibits other community-based organizations from providing the Mayor and Common Council with recommendations of individuals to serve on the Board; and,

WHEREAS, the timeline created by the Workgroup for establishing the Board and hiring the Monitor is detailed in the Final Report; and,

WHEREAS, on August 3, 2020, the Workgroup voted unanimously to forward its Final Report to the Common Council for adoption,

NOW THEREFORE, BE IT RESOLVED, that the Common Council of the City of Madison Accepts ~~Adopts~~ the Final Report of the Workgroup; and,

~~BE IT FURTHER RESOLVED, by adopting the final report of the Workgroup pursuant to M.G.O. §2.27(3) the Common Council is stating that it agrees with the Final Report and that the policy recommendations are adopted as policy of the City, which the City and its agencies are expected to follow; and~~

BE IT FINALLY RESOLVED, that the initial members of the Board shall be selected through the following appointment and confirmation process:

1. Common Council staff will issue and distribute a call for applications and nominations. ~~on September 2, 2020 which shall include a deadline of September 16, 2020 for the return of applications and deadlines.~~
2. ~~No later than September 23, 2020,~~ Mayoral and Council staff shall compile a spreadsheet containing demographic data regarding the individuals who have applied or be nominated as Board members. ~~At the Mayor and Council Leadership meeting on September 23, 2020, t~~ The Mayor and Council Leadership shall jointly select one nominee from each of the 9 nominating organizations to be forwarded for Council confirmation.
3. From the remaining list of applications and nomination, the Mayor shall select a regular Board member and an alternate Board member for Council confirmation.
4. Mayoral and Council staff shall perform a gap analysis regarding the characteristics and qualifications of Board members ~~discussed outlined in required under~~ MGO §5.20 and shall forward to Common Council Members ~~by September 28, 2020,~~ a ballot listing the names of individuals from the remaining list of applicants and nominees who would create diversity ~~discussed outlined~~ required in the ordinance.
5. Council Members shall select their preferences, using rank choice voting, for one regular Board member and one alternate Board member to Council staff. The votes shall be tallied by Common Council staff and Mayoral staff.
6. The names of the 13 regular and alternate Board members that have been nominated by the Mayor and Common Council shall be provided to the Common Council Executive Committee for its consideration at its next available meeting. ~~of September 29, 2020.~~

7. The names of individuals approved by the Common Council Executive Committee shall be forwarded to the Common Council for a confirmation vote, under suspension of the rules, at its next available meeting. ~~of October 6, 2020.~~