

Legislative #

200056

ORDINANCE NO. 200056

An ordinance of the City of Gainesville, Florida, creating a new Division 4. titled “Police Advisory Council” within Article V. of Chapter 2 of the City Code of Ordinances; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, the City has long had a police advisory council (created and appointed by

City management) that received feed-back from the community concerning public safety issues and law enforcement needs and actions, provided advice to the City Manager and Chief of Police on the provision of public safety services and facilitated the flow of ideas and information relative to public safety services for the continued improvement of the quality of life of Gainesville residents; and

WHEREAS, on June 22, 2020, the City Commission moved to expand the role of the existing police advisory council and to have it appointed by and report directly to the City Commission; and

WHEREAS, this ordinance creates the Police Advisory Council within the City Code of Ordinances as an advisory body that is appointed by and reports to the City Commission; and

WHEREAS, at least 10 days’ notice has been given once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of public hearings to be held in the City Commission Auditorium, City Hall, City of Gainesville; and

WHEREAS, the Public Hearings were held pursuant to the published notice described at which hearings the parties in interest and all others had an opportunity to be and were, in fact heard.

1 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE**
2 **CITY OF GAINESVILLE, FLORIDA:**

3 **Section 1.** A new Division 4. titled “Police Advisory Council” within Article V of
4 Chapter 2 of the City Code of Ordinances is created to read as set forth below.

5 **Chapter 2 – ADMINISTRATION**

6 **ARTICLE V. – BOARDS, COMMISSIONS AND COMMITTEES**

7 **DIVISION 4. – POLICE ADVISORY COUNCIL**

8 **Sec. 2-301. – Intent and purpose.**

9 It is the intent of the city commission to create, empower, staff, and fund a police advisory
10 council whose purpose is to study the city’s police department, gather information, receive
11 community input concerning public safety issues and law enforcement needs and concerns,
12 and make policy recommendations to the city regarding all aspects of the delivery of public
13 safety services with the goal of maintaining a safe city that enjoys a strong, positive and
14 trusting relationship between the community and the city police department.

15 **Sec. 2-302. – Advisory board.**

16 The police advisory council (the “council”) is hereby created as an advisory board to advise
17 the city commission, city manager and the chief of police regarding all matters of public
18 safety services and community law enforcement needs and concerns as more fully described
19 in sec. 2-305.

21 **Sec. 2-303. – Appointment of members; terms; officers; no compensation; attendance;**
22 **removal; procedural rules.**

23 (a) Appointment. The city commission shall appoint eleven members to the council. It is
24 desired that the members be reflective of the racial, age, socio-economic and geographic
25 desired that the members be reflective of the racial, age, socio-economic and geographic

1 diversity of the city. All members' permanent residence shall be within the municipal
2 corporate limits of the City of Gainesville, Florida. Current employees of the city's
3 police department are not eligible to serve on the council.

4 (b) Terms.

5 (1) Each member shall be appointed to a 4-year term. However, to establish staggered
6 terms, 3 initial appointees shall be appointed to a 2-year term, 4 initial appointees
7 shall be appointed to a 3-year term and 4 initial appointees shall be appointed to a 4-
8 year term.

9 (2) Members may be reappointed for consecutive terms. A member may remain on the
10 council until a successor has been appointed; however, the successor will serve only
11 the remaining term of that seat in order to preserve the staggered terms.

12 (3) When a seat becomes vacant before the end of that seat's term, the city commission
13 shall may appoint a substitute member to fill the vacancy for the duration of that
14 seat's term.

15 (c) Officers. The council shall annually elect a chair and vice-chair from among its
16 membership.

17 (d) Compensation; expenses. The members of the council shall not be deemed employees of
18 the city, nor entitled to compensation, pension, or other benefits on account of service on
19 the council. Council members may be reimbursed for mileage, travel and any other such
20 expenses incurred on council business from funds budgeted by the city commission and
21 expended pursuant to city financial policies and procedures.

1 (e) Attendance. Council members are required to attend all regular and special meetings of
2 the council. Each council member may be granted four excused absences per calendar
3 year. Each council member shall notify the council clerk of an absence prior to the
4 meeting, if practicable.

5 (f) Removal. A member may be removed from the council with or without cause by the city
6 commission.

7 (g) Rules of procedure and meetings.

8 (1) The council shall adopt rules of procedure to govern the conduct of its meetings and
9 carry out its purposes. All rules must conform to this code and state law and must be
10 approved by the city commission and approved as to form and legality by the city
11 attorney.

12 (2) The council shall meet at least once each calendar month, unless cancelled by the
13 council or its chair. The council may meet more often at the call of the chair or the
14 city commission.

15 (3) A quorum shall consist of a majority of the voting members of the council; however,
16 a smaller number may adjourn a meeting. Official action may only be taken by
17 majority vote when a quorum is present.

18 (4) The council and its members are subject to the applicable provisions of Florida's
19 Government in the Sunshine Law (Section 286.012, Florida Statutes), Florida's Code
20 of Ethics for Public Officers and Employees (Chapter 112, Part III, Florida Statutes),
21 and Florida's Public Records Law (Ch. 119, Florida Statutes), all as may be amended
22 from time to time.

1 **Sec. 2-304. – Training.**

2
3 To assist each member in gaining a fundamental understanding of the police department
4 and public safety services, the city will give, or arrange for, training in the following areas within
5 one year of each member’s appointment: organizational structure, communications, facilities
6 and equipment, the internal affairs process, the hiring process, community policing and
7 information led policing, and high liability areas. Additional training will be provided on an as-
8 needed or as-requested basis.

9 **Sec. 2-305. – Authority, functions and duties of the police advisory council.**

10
11 The council shall make independent recommendations regarding all aspects of public
12 safety to the city commission, the city manager and the chief of police. The functions and duties
13 of the council include, but are not limited to:

- 14 (a) Review how existing police operations and procedures affect communities and
15 individuals of color, especially black residents, as well as other historically and currently
16 marginalized communities and individuals;
- 17 (b) Consider what, if any, current police department programs, functions and practices
18 should be ended, are having a positive impact and should be better-supported or might
19 best be delivered by a different existing city department.
- 20 (c) Offer proposals for reform as clear, stand-alone modules that consider logistical and
21 funding concerns, with special attention to how they affect communities and individuals
22 of color, in particular black residents, as well as other historically and currently
23 marginalized communities and individuals.

- 1 (d) Serve as a panel to review closed cases of use of force, internal investigations against
2 police officers and/or complaints against the department with the purpose being to make
3 recommendations on controls, processes and/or systems that should be considered in
4 order to prevent the occurrence of future issues.
- 5 (e) Host summits on police transformation.
- 6 (f) Study increasing the use of police service technicians and renaming the program
7 “community service technicians” to have more non-weaponized officers respond to calls.
- 8 (g) Assist in generating community interest and involvement in crime prevention, to include
9 community oriented policing and other areas of community relations and distribution of
10 material on crime deterrence; and
- 11 (h) Review and make recommendations concerning such other matters as may be referred to
12 the council from time to time by the city commission, city manager and/or chief of
13 police.

14 The council does not have the authority to direct the city commission, the city manager, the chief
15 of police or any other city employee to take or not take any action.

16 **Sec. 2-306. – Work plan; reports; referrals.**

17
18 The council shall develop its goals and priorities each year and recommend such annually in the
19 form of a work plan for consideration and approval by the city commission. At the end of each
20 quarter of the fiscal year (January 1, April 1, July 1), the council shall provide a report to the city
21 commission on the activities of the council during that quarter. The city commission, city
22 manager and/or chief of police may refer issues, questions of interests, or areas of study to the
23 council. Upon receipt of the referral, the council shall meet, review, prioritize and study the

1 referred issue and shall subsequently provide a recommendation to the city commission, city
2 manager and/or chief of police as soon as practicable.

3 **Sec. 2-307. – Council member guidelines.**

4
5 Council members are is expected to actively engage in the collection and evaluation of
6 information related to the provision of police and public safety services. Council members shall
7 conduct research, gather information and learn from the experiences of industry experts and
8 other councils/boards/committees from throughout the country in order to make informed and
9 independent recommendations to the city commission, the city manager and/or the chief of
10 police.

11 **Sec. 2-308. - City resources.**

12
13 (a) The council may request information from the city manager and other city charter
14 officers as necessary. At the direction of the city charter officers, city staff shall prepare
15 such reports, analysis, and recommendations as are reasonably requested by the council
16 to allow it to carry out its functions and duties as set forth in this division.

17 (b) The city attorney, or designee, shall serve as legal advisor to the council.

18 (c) The city manager, or designee, shall designate a staff member to serve as clerk to the
19 council. The clerk may prepare an agenda, shall prepare minutes of each council meeting
20 and shall work with the clerk of the commission to properly notice each meeting and
21 retain records in the city’s legislative system.

22 **Secs. 2-309—2-320. - Reserved.**

23
24 **Section 2.** It is the intention of the City Commission that the provisions of Section 1 of
25 this Ordinance shall become and be made a part of the Code of Ordinances of the City of

1 Gainesville, Florida, and that the sections and paragraphs of this Ordinance may be renumbered
2 or relettered in order to accomplish such intentions.

3 **Section 3.** If any word, phrase, clause, paragraph, section or provision of this ordinance
4 or the application hereof to any person or circumstance is held invalid or unconstitutional, such
5 finding shall not affect the other provisions or application of the ordinance which can be given
6 effect without the invalid or unconstitutional provisions or application, and to this end the
7 provisions of this ordinance are declared severable.

8 **Section 4.** All ordinances or parts of ordinances, in conflict herewith are to the extent of
9 such conflict hereby repealed.

10 **Section 5.** This ordinance shall become effective immediately upon final adoption.
11

12

13 **PASSED AND ADOPTED THIS ____ DAY OF _____, 2020.**

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LAUREN POE
MAYOR

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19

ATTEST:

Approved as to form and legality

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21

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23

OMICHELE D. GAINEY
CLERK OF THE COMMISSION

NICOLLE M. SHALLEY
CITY ATTORNEY

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27

This ordinance passed on first reading this ____ day of _____, 2020.

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This ordinance passed on second reading this ____ day of _____, 2020.