



Resolution

R-17-0144

AGENDA ITEM COVER PAGE

File ID: #1935

Resolution

Sponsored by: Vice Chair Ken Russell

A RESOLUTION OF THE MIAMI CITY COMMISSION RE-ESTABLISHING THE CITY OF MIAMI COMMUNITY ADVISORY BOARD TO PROVIDE OVERSIGHT AND FEEDBACK TO THE CITY OF MIAMI POLICE DEPARTMENT ("MPD") AND THE INDEPENDENT REVIEWER PURSUANT TO THE TERMS OF THE AGREEMENT ENTERED BETWEEN THE CITY OF MIAMI AND THE UNITED STATES DEPARTMENT OF JUSTICE RELATING TO THE OVERSIGHT OF THE MPD'S PRACTICES AND POLICIES CONCERNING THE USE OF DEADLY FORCE; PROVIDING THE BOARD'S PURPOSES, POWERS, DUTIES, COMPOSITION, RULES OF PROCEDURE, MEETING, QUORUM, ASSIGNMENT OF PERSONNEL AND PUBLIC NOTICE; AND PROVIDING FOR AN EFFECTIVE DATE.



City of Miami

Legislation

Resolution

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Miami, FL 33133
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File Number: 1935

Final Action Date:

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WHEREAS, on November 17, 2011, the United States Department of Justice ("DOJ") initiated an investigation of the City of Miami Police Department's ("MPD") use of deadly force by police officers; and

WHEREAS, the DOJ and the City of Miami ("City") negotiated an agreement related to a resolution of the DOJ's investigation which avoids the necessity of federal court litigation; and

WHEREAS, the DOJ and the City agreed on the terms of a written agreement ("Agreement") with the goal of ensuring that police services continue to be delivered to the people of the City in a manner that fully complies with the Constitution and laws of the United States, effectively ensuring public and officer safety, and promotes public confidence in the MPD, which Agreement shall terminate on or before March 15, 2020; and

WHEREAS, the City Commission adopted Resolution No. 16-0076, on February 25, 2016, authorizing and directing the City Manager to execute the Agreement relating to the oversight of the MPD's practices and policies concerning the use of force; and

WHEREAS, under the terms of the Agreement, Section VII, entitled "Community Oversight", requires the City to convene a community board of civilian City residents who will provide oversight and feedback on policies and practices pertaining to use of deadly force to the MPD and to the Independent Reviewer retained by the City to oversee the Agreement's implementation; and

WHEREAS, on April 28, 2016, the City Commission adopted Resolution No. 16-0206 establishing the Community Advisory Board ("CAB") and providing that the CAB would automatically sunset three hundred sixty-four (364) days after its creation, and every year thereafter, unless extended in three hundred sixty-four (364) day increments by majority vote of the City Commission; and

WHEREAS, the City Commission has deemed it necessary to extend the term of the CAB for an additional term of three hundred sixty-four (364) days, to continue to aid in the City's efforts towards compliance with the terms of the Agreement and development of best policies and practices pertaining to the MPD's use of deadly force;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF MIAMI, FLORIDA:

Section 1. The recitals and findings contained in the Preamble to this Ordinance are adopted by reference and incorporated as if fully set forth in this Section.

Section 2. The City's Community Advisory Board is hereby re-established.

Section 3. Purpose, powers and duties.

The CAB is hereby re-established to provide oversight and feedback to the MPD and the Independent Reviewer pursuant to the monitoring agreement entered between the DOJ and the City. The CAB will leverage the insights and expertise of the community to address policing concerns and promote greater transparency and public understanding of the MPD. The CAB shall continue to be authorized to:

(a) Advise the Chief of Police on strategies and training to improve community relations and MPD responsiveness to community concerns;

(b) Work with the Chief of Police to establish and carry out community public safety priorities;

(c) Provide the community with information on the Agreement and its implementation; and

(d) Receive and convey to the MPD and the DOJ public comments and concerns, in addition to MPD's civilian complaint system.

Section 4. Membership Composition, Selection, and Qualifications; Term of office and vacancies.

(a) The CAB shall consist of the thirteen (13) voting members who are residents of the City and shall serve without compensation.

(b) The terms of the thirteen (13) members currently serving on the CAB are hereby renewed for an additional three hundred sixty-four (364) days.

(c) Any vacancies on the CAB will be filled by persons nominated by the CAB and approved by a majority vote of the Commission.

Section 5. Meetings; Attendance requirements; Officers; Quorum and voting.

(a) All meetings of the CAB shall be noticed and open to the public.

(b) It is expected that all appointed members of the CAB attend each meeting. Absences and attendance requirements for members of the CAB shall be governed by Section 2-886 of the Code of the City of Miami, Florida.

(c) The members of the CAB shall select and designate a Chairperson and Vice-Chairperson from among the members of the board who shall serve at the pleasure of the board. The Chairperson shall reserve the right to appoint an executive committee and to delegate tasks to various subcommittees of the whole.

(d) The CAB shall use Robert's Rules of Order as the rules for the conduct of their official business; provided, that in addition, the board may adopt its own order of business and rules of procedure governing its meetings, and take actions on matters within its authority, not inconsistent with the provisions set forth herein, which rules of procedure, if adopted, shall be filed with the City Clerk.

(e) The CAB, any committee, and any subcommittee, if applicable, shall comply with all requirements of Chapters 119 (Public Records) and 286 (Sunshine Law), of the Florida Statutes. The minutes of each meeting shall be promptly made available by the City Clerk and such records shall be open to public inspection.

(f) At all meetings, a minimum of fifty percent (50%) plus one (1) of the member seats shall constitute a quorum for the purpose of convening any meeting or conducting any business, i.e. seven (7) members present. An affirmative vote of not less than fifty percent (50%) plus one (1) of the members present at any meeting is required for any action to be taken by the members.

Section 6. Legal advisor.

The Office of the City Attorney shall provide legal counsel to the CAB as may be necessary and requested by the CAB.

Section 7. Administrative assistance.

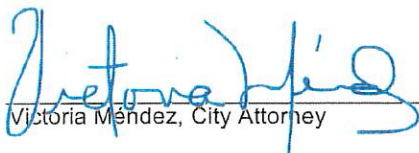
It shall be the duty of the City Manager to provide full cooperation and sufficient personnel for administrative necessary support to the CAB, including assignment of a particular person to act as liaison and secretary to the CAB.

Section 8. Abolition of the Community Advisory Board.

The CAB shall automatically sunset three hundred sixty-four (364) days after its creation, and every year thereafter, unless extended in three hundred sixty-four (364) day increments by majority vote of the City Commission but in no event shall the CAB operate beyond the term of the Agreement.

Section 9. This Resolution shall become effective immediately upon its adoption and signature of the Mayor.¹

APPROVED AS TO FORM AND CORRECTNESS:


Victoria Méndez, City Attorney

3/14/2017

¹ If the Mayor does not sign this Resolution, it shall become effective at the end of ten (10) calendar days from the date it was passed and adopted. If the Mayor vetoes this Resolution, it shall become effective immediately upon override of the veto by the City Commission.