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City Council Document Tracking Sheet

Meeting Date: 7/28/2011

Sponsor(s): Fioretti, Bob (2)
Pawar, Ameya (47)
Moore, Joseph A. (49)
Moreno, Proco Joe (1)
Jackson, Sandi (7)
Sawyer, Roderick T. (6)
Reilly, Brendan (42)
Smith, Michele (43)
Maldonado, Roberto (26)
Cochran, Willie (20)
Foulkes, Toni (15)
Sposato, Nicholas (36)
Osterman, Harry (48)
Hairston, Leslie A. (5)
Arena, John (45)
Waguespack, Scott (32)
Dowell, Pat (3)
Munoz, Ricardo (22)
Brookins, Howard (21)
Burnett, Walter (27)
Colón, Rey (35)
Cappleman, James (46)

Type: Ordinance

Title: Amendment of Chapter 2-84 of Municipal Code regarding
Police Board powers and duties

Committee(s) Assignment: Committee on Public Safety

SUBSTITUTE

ORDINANCE

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

SECTION 1. Section 2-84-020 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

2-84-020 Police board – Establishment, membership and organization.

(a) There is hereby created a police board consisting of nine members to be appointed by the mayor, by and with the advice and consent of the city council. ~~They~~ Except in the case of vacancies filled for the remainder of an unexpired term, board members shall be appointed for a term of five years, or until their respective successors are appointed and qualified. Provided, however, that no person shall be eligible for reappointment to the board if such person has served on the board for more than ten years during his or her lifetime. Board members shall ~~serve without compensation~~ be reasonably compensated for their service on the board as provided for in the annual appropriation ordinance.

(b) Vacancies shall be filled for the remainder of an unexpired term in the same manner as original appointments.

(c) ~~Members of the board may be removed by the mayor as provided by law.~~ The mayor is authorized to remove any member of the police board for just cause, after written notice to the board member stating with particularity the grounds for such removal and an opportunity for a hearing before the mayor or the mayor's designee. Just cause for such removal shall include, but is not limited to, incompetence, neglect of duty, gross misconduct or criminal conduct of the type that threatens to impair or undermine public confidence in the board, or other acts of nonfeasance, malfeasance or misfeasance in office. If, during any calendar year, a member of the police board fails to attend three or more scheduled meetings of the board, the president of the board shall provide written notice of such fact to the mayor and a rebuttable presumption of neglect of duty shall exist.

(d) The mayor shall designate a president and a vice-president from among the members of the board. The president and vice-president shall be designated to serve in such capacity for a term not to exceed two years, and may be redesignated by the mayor to serve in such capacity for an additional term(s) not to exceed two years. The board shall hold a regular meeting at least once a month. All regular meetings shall be in a public office of the board with reasonable provision for attendance by the public. The superintendent of police ~~or the superintendent's designee and the chief administrator of the independent police review authority or the chief administrator's designee~~ may shall be present at all public meetings of the board and

shall have the right to take part in the discussions and deliberations but shall have no vote.

(e) The board shall appoint a secretary who shall not be a member of the board. The secretary shall keep a record of the proceedings and transactions of the board specifying therein the names of the members of the board at all meetings and giving the ayes yeas and noes nays upon all votes. ~~He~~ The secretary shall post and publish all orders, resolutions and notices which the board shall order to be posted and published, and shall perform such other duties as are herein or may be, by order of the board, imposed on ~~him~~ the secretary. The yeas and nays of police board members on all votes shall be posted by the secretary on the police board website within ten business days of any such vote and shall remain posted on such website for at least two years.

(f) The powers of the board shall be exercised by order or resolution adopted by a majority of its members and recorded in the minutes with ayes yeas and noes nays at length. Such action shall be attested by the signatures of the president or vice-president or two members of the board and by the signature of the secretary of the board.

SECTION 2. Section 2-84-030 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

2-84-030 Police board – Powers and duties.

The board shall exercise the following powers:

1. When a vacancy occurs in the position of superintendent of police, ~~it shall to~~ nominate three candidates to fill the position and to submit the those nominations to the mayor;
2. ~~Adopt~~ To adopt rules and regulations for the governance of the police department of the city; and
3. ~~Review, approve, and submit to the budget director of the city the annual budget of the police department;~~
4. ~~Serve~~ To serve as a board to hear disciplinary actions for which a suspension for more than the 30 days expressly reserved to the superintendent is recommended, or for removal or discharge involving officers and employees of the police department in the classified civil service of the city.

(Omitted text is unaffected by this ordinance)

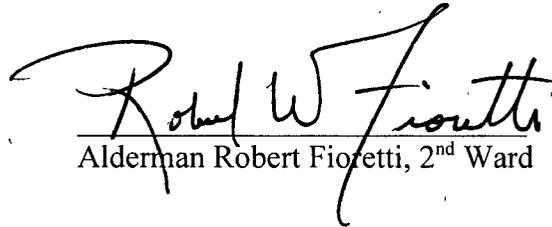
The police board, or any member or hearing officer designated by it, may administer oaths and secure by its subpoena both the attendance and testimony of witnesses and the

production of relevant books and papers. All proceedings before the police board, or any member or hearing officer designated by it, shall be recorded. No continuance may be granted after a hearing has begun unless all parties to the hearing agree thereto. The findings and decision of the police board, including an explanation of those findings and decision, when approved by said board, shall be certified to the superintendent and shall forthwith be enforced by said superintendent. Such findings and decision, including an explanation of the reasons for such findings and decision, shall be posted by the secretary on the police board website within ten business days of the date of certification of such findings and decision to the superintendent, and shall remain posted on such website for at least two years. If any member of the police board dissents from the board's findings and decision, such member shall state the reasons for his or her dissent. Such dissents shall be posted by the secretary on the police board website within ten business days of the date of certification of the board's findings and decision to the superintendent, and shall remain posted on such website for at least two years.

(Omitted text is unaffected by this ordinance)

The board's power to adopt rules and regulations for the governance of the police department does not include authority to administer or direct the operations of the police department or the superintendent of police, except as provided in Section 12.1 of "An Act to regulate the civil service of cities" approved March 20, 1895, as amended. The board in its discretion shall have the authority to make recommendations to the superintendent of police and to the chairman of the city council committee on public safety or its successor committee concerning revisions in policy and operating procedures to increase the efficiency of the department of police. Such recommendations shall be posted on the police board website within two business days of the date on which such recommendation is made to the superintendent and shall remain posted on such website for a period of at least two years.

SECTION 3. This ordinance shall take full force and effect 90 days after its passage and publication.


Alderman Robert Fioretti, 2nd Ward



CITY COUNCIL
CITY OF CHICAGO

COUNCIL CHAMBER
SECOND FLOOR, CITY HALL
TELEPHONE: 312-744-6800

September 8, 2011

To the President and Members of the City Council:

Your Committee on Public Safety begs leave to report and recommend that Your Honorable Body pass the proposed substitute ordinance transmitted herewith (referred on July 28, 2011) to amend Section 2-84-020 of the Municipal Code of Chicago regarding the Police Board membership and organization.

This recommendation was concurred unanimously by a viva voce vote of the members of the Committee with no dissenting vote.

(Ward 2)

Respectfully submitted,

James A. Balcer

Chairman

Committee on Public Safety