

Ann Arbor City Council Regular Session: October 15, 2018
Email Redactions List Pursuant to Council Resolution R-09-386

| | A | B | C | D | E | F | G |
|----|-----------------|------|---|------------------|------------------------------|--------------------------------------|----------------------|
| 1 | <u>Received</u> | | | | | | |
| | Sent Time | Time | TO | From | CC | Redactions | Reason for Redaction |
| 2 | 7:08 PM | | Jane Lumm | Jerome Schulte | | Email addresses, phone number | Privacy |
| 3 | 7:09 PM | | Graydon Krapohl | Andrew Smith | | Email address, address | Privacy |
| 4 | 7:09 PM | | Christopher Taylor | Andrew Smith | | Email address, address | Privacy |
| 5 | 7:09 PM | | Jacqueline Beaudry | Zach Ackerman | | | |
| 6 | 7:10 PM | | Jack Eaton | Andrew Smith | | Email address, address | Privacy |
| 7 | 9:32 PM | | Jane Lumm | Paul Glendon | | Email address, phone number | Privacy |
| 8 | 10:13 PM | | Anne Bannister | Evan Minsker | | Email address | Privacy |
| 9 | 10:13 PM | | Jane Lumm | Clark McCall | | Email address, address, phone number | Privacy |
| 10 | 10:54 PM | | Jacqueline Beaudry | Zach Ackerman | | | |
| 11 | 11:08 PM | | Jacqueline Beaudry | Jack Eaton | | | |
| 12 | 11:20 PM | | Jacqueline Beaudry | Zach Ackerman | | | |
| 13 | 11:31 PM | | Stephen Postema | Chuck Warpehoski | | | |
| 14 | 11:34 PM | | Howard Lazarus | Chuck Warpehoski | | | |
| 15 | 11:36 PM | | Chuck Warpehoski | Mason Sharp | | Email address, address | Privacy |
| 16 | 11:46 PM | | Jacqueline Beaudry | Chuck Warpehoski | Howard Lararus, Sara Higgins | | |
| 17 | 12:24 AM | | Anne Bannister | Samantha Basile | | Email address | Privacy |
| 18 | 12:42 AM | | Anne Bannister, Jack Easton, Sumi Kailasapathy, Jane Lumm | Glenn Nelson | | Email address | Privacy |
| 19 | 1:49 AM | | Jacqueline Beaudry | Zach Ackerman | | | |

**Ann Arbor City Council Regular Session: October 15, 2018
 Email Redactions List Pursuant to Council Resolution R-09-386**

| | A | B | C | D | E | F | G |
|----|---------|---|--------------------|-------------------|---|---|---|
| 20 | 2:06 AM | | Christopher Taylor | Christopher Frost | Stephen Postema, Howard Lazarus, Margaret Radabaugh, Chuck Warpehoski, Jacqueline Beaudry, Zach Ackerman | | |
| 21 | 2:09 AM | | Jacqueline Beaudry | Chuck Warpehoski | | | |
| 22 | 2:14 PM | | Jacqueline Beaudry | Chuck Warpehoski | | | |

Journal Archive

From: Jerome Schulte [REDACTED]
Sent: Monday, October 15, 2018 7:08 PM
To: Lumm, Jane
Subject: Re: PLEASE VOTE TO FUND CLIMATE ACTION

I did shoot something out from our home email and likely rambling but saying very little. I did also try to contact the clerk's office for the last 3 minute spot but I am sure they are long gone.

Thank you for supporting residents and not political action groups. Sorry to let you down by there not being one voice at the meeting to support responsible stewardship.

Jerry

On Mon, Oct 15, 2018, 6:12 PM Jerome Schulte [REDACTED] wrote:

Jane,

Thanks. At a minimum I will email council ahead of the meeting. I presume too late for last public speaking spot?

On Mon, Oct 15, 2018, 5:53 PM Lumm, Jane <JLumm@a2gov.org> wrote:

Hi and thanks, Jerry! The only oppty. to speak is at the beginning of the mtg. – just checked and there are 9 speakers signed up. Most are to speak for spending this \$\$ on climate action – no one to speak against. The Eco. Ctr. has done a blitz mailing and we've been bombarded w/100's of pro emails. I'm not voting for this budget amendment—it's the poster child of fiscal irresponsibility.

If you want to write council to say why this should not be supported, feel free. Kirk wasn't at the last mtg., but they need him tonight. And, they've gotten a bunch of pro- climate change ward 2 people to write me, but I'm not buckling. Don't put yourself on the hotseat by coming to council. But if you want to write us, go for it. Hope you and Claire had a nice time away!

From: Jerome Schulte [REDACTED]
Sent: Monday, October 15, 2018 5:23 PM
To: Lumm, Jane <JLumm@a2gov.org>
Subject: Re: PLEASE VOTE TO FUND CLIMATE ACTION

Jane,

Sorry I am just getting to this now as we were away most of the weekend. Is this CA-22 and is there an opportunity for public commentary prior to the vote? I am likely not going to be able to make it tonight but will try to move things if its possible to talk.

Jerry



Jerry Schulte

University of Michigan AEC

Associate Director Construction

734-764-9289

From: Lumm, Jane

Sent: Sunday, October 14, 11:17 AM

Subject: FW: PLEASE VOTE TO FUND CLIMATE ACTION

To: Claire

Jerry, On tomorrow's council agenda there's a staff proposed budget amendment resolution (on the consent agenda, of course!) to allocate \$300+K to climate action spending for this year's budget. This will move our expenditures for "climate action", under Howard Lazarus (who created a new dept., added staff... for this work) to \$1M a year! The Ecology Center has blitzed its members who are sending mega emails to council to support. I feel like the dam is about to burst..... they need 8 votes to amend the city budget, and why they're doing this now, before the new folks make it more difficult. Sorry to vent, Jerry, just so very frustrating. We have endless needs in the city, and this is so much money, and it's being done in a really questionable way. -Jane

From: Lumm, Jane

Sent: Sunday, October 14, 2018 11:05 AM

To: 'Nancy T L Stoll' [REDACTED] Bannister, Anne <ABannister@a2gov.org>; Kailasapathy, Sumi <SKailasapathy@a2gov.org>; Eaton, Jack <JEaton@a2gov.org>

Cc: Taylor, Christopher (Mayor) <CTaylor@a2gov.org>; Westphal, Kirk <KWestphal@a2gov.org>; Grand, Julie <JGrand@a2gov.org>; Krapohl, Graydon <GKrapohl@a2gov.org>; Warpehoski, Chuck <CWarpehoski@a2gov.org>; Ackerman, Zach <ZAckerman@a2gov.org>; Smith, Chip <ChSmith@a2gov.org>; Postema, Stephen <SPostema@a2gov.org>; Lazarus, Howard <HLazarus@a2gov.org>

Subject: RE: PLEASE VOTE TO FUND CLIMATE ACTION

Dear Nancy,

I do not know how my other colleagues, and specifically, Anne, Jack and Sumi, plan to vote. (I am responding to all to let my colleagues know I am unaware of how my colleagues will vote on this matter.) Apparently some residents and others (hopefully not my colleagues) are attempting to count votes in advance (I know I, personally, have, in addition to the 100's of email's we've received on this matter from climate action/environmental activists, been pushed to declare how I will vote, as you also now appear to be doing), and I will not, sorry, "cave" to this pressure. Why the pressure? One obvious reason – this is a budget amendment, and budget amendments for good reason require 8 votes – so, inquiring minds want to know before Monday night's vote if the 8 votes have been secured. I will say my piece, publicly, Monday night.

The funding source is the "Washtenaw County Community Mental Health and Public Safety Preservation Millage". That's right, mental health and public safety. Here's the ballot language:

"For the purposes of using the Washtenaw County Community Mental Health Department to improve the treatment of people with mental health needs, provide increased financial support for mental health crisis, stabilization and prevention, and for continued law enforcement services provided by the Washtenaw County Sheriff's Office, and for local governments which have their own police force, shall the limitations on the total amount of taxes which may be levied against taxable property within Washtenaw County, Michigan, as provided for by Section 6 of Article IX of the Michigan Constitution of 1963, be increased up to the amount of \$1.00 per thousand dollars of taxable valuation (1.0 mills) for a period of eight years, beginning with the December 1, 2018 levy and extending through the 2025 levy, which shall raise in the first year an estimated \$15,433,608.00 to be used as follows: 38% shall be allocated to Washtenaw County's Community Mental Health Department for mental health crisis, stabilization and prevention, and to meet mental health needs in an appropriate setting, thus reducing the burden on the jail and improving care; 38% shall be allocated to the Washtenaw County Sheriff's Office to ensure continued operations and increased collaboration with the mental health community; and 24% shall be allocated to jurisdictions in the County which maintain their own police force (currently Ann Arbor, Chelsea, Milan, Saline, Ypsilanti, Pittsfield Township and Northfield Township) in proportion to their respective 2016 population values?"

Yes _____

No _____

The Washtenaw County Board of Commissioners' September 20, 2017 Resolution "Adopting the Community Mental Health and Public Safety Preservation Millage Expenditure Policy Ordinance for Washtenaw County" whereas clauses specify how the millage proceeds are to be spent (with no reference to the city's proposed uses for the 24%), and the Community Mental Health and Public Safety Preservation Millage Expenditure Policy Ordinance "Declaration of Purpose" states:

"The Washtenaw County Board of Commissioners seeks to fully address the challenges of a lack of necessary resources affecting mental health services which is overseen by the County's Community Mental Health Department and Board; and public safety which is overseen by the Washtenaw County Sheriff's Office (WCSO)."

State law (MCL 211.24f(2)(d)) requires a ballot shall state "a clear statement of the purpose for the millage". Likely why, when polled, 77% of citizens expected the revenues from the millage would be devoted to mental health and public safety services. (Polling was conducted by Public Policy Polling in Raleigh, NC and commissioned by Citizens for Mental Health & Public Safety.)

On July 3rd, July 14th, August 4th, and September 18th I submitted questions to our City Attorney regarding the ballot language vis a vis council's "Resolution of Intent" for how the 24% of the millage proceeds were proposed to be spent – i.e., on climate action, affordable housing, pedestrian/bicycle safety. I had to submit my Q's multiple times because responses were not provided. On September 18th I received the following response to two of the Q's I posed again, and had posed since early July. My questions and staff's response:

Q: "Is there any precedent in Michigan for this situation of a county tax millage that has a defined purpose and the title "Mental Health and Public Safety Preservation Millage", but involves sending money back to certain sub-jurisdictions of that County that can be used for completely unrelated purposes? If so, can you please provide a bit of information on the precedent(s). Also, are there any state laws, regulations or guidelines for how the money should be allocated back to sub-jurisdictions?"

Staff's response: "Staff are unaware of a prior example. The millage speaks for itself."

Q. "Given that the City is not obligated to spend the proceeds consistent with the County Millage purpose and title "Mental Health and Public Safety Preservation", what specific actions do staff recommend to ensure voters/taxpayers in the City fully understand what they are voting on:

- Different/amended ballot language? If not, please explain how the County's current ballot language, coupled with the declared intent of City Council to not

use funds for public safety purposes, meets the state's election law standard on millages for a "clear statement of purpose?"

Special educational efforts? If not different language or special educational efforts, how are Ann Arbor voters expected to know what they are actually voting on?"

Staff's response: "It is not the City's role to provide information on another jurisdiction's ballot proposal to voters."

Yes, I waited three months for these non-response, responses.

For these reasons, and more, I did not vote for the city council 7/3/17 "Resolution of Intent" or the 9/18/17 "Resolution of Intent". It should be noted that the 7/3/17 City Council "Resolution of Intent" preceded the Board of Commissioners approval of the ballot proposal (which occurred on 7/12/17).

I do not know what sort of funding reimbursement plan you are referring to, or how the millage proceeds would be reimbursed by another funding source. Any information you can provide with regard to this funding proposal would be greatly appreciated.

Thank you for writing, Jane

I am replying to all but, as noted, am just stating the facts of this ballot Q, state law, my votes on the resolutions of intent, my questions for staff and staff's responses – everything that's on the public record/in the public domain. I am also responding to all to clear the air on this issue of counting votes, putting councilmembers on record, in advance of the public meeting when this will be discussed. Folks can strive to count votes, but voting occurs, properly, in the public domain.

From: Nancy T L Stoll [REDACTED]

Sent: Sunday, October 14, 2018 8:54 AM

To: Bannister, Anne <ABannister@a2gov.org>; Kailasapathy, Sumi <SKailasapathy@a2gov.org>; Eaton, Jack <JEaton@a2gov.org>

Cc: Taylor, Christopher (Mayor) <CTaylor@a2gov.org>; Lumm, Jane <JLumm@a2gov.org>; Westphal, Kirk <KWestphal@a2gov.org>; Grand, Julie <JGrand@a2gov.org>; Krapohl, Graydon <GKrapohl@a2gov.org>; Warpehoski, Chuck <CWarpehoski@a2gov.org>; Ackerman, Zach <ZAckerman@a2gov.org>; Smith, Chip <ChSmith@a2gov.org>

Subject: PLEASE VOTE TO FUND CLIMATE ACTION

Hi Anne, Sumi, and Jack,

I understand that you are not in support of funding certain City climate actions, that will be put to a vote on Monday.

I have heard that the intended use for the monies in question was for mental health, public safety, *and climate change*.

If this is incorrect and the use was for mental health and public safety only: What bigger threat to public safety than climate change? (Witness wildfires, hurricanes, heat waves!)

Also, even if you think this funding for climate action comes from the wrong source, I understand that there is opportunity to reimburse the funding source from another one easily.

PLEASE SUPPORT FUNDING FOR CLIMATE ACTION

WE REALLY ARE RUNNING OUT OF TIME TO LESSEN THE CARBON IN OUR ATMOSPHERE AND EVERY ACTION WE TAKE HELPS.

Sincerely,

Nancy Stoll

Journal Archive

From: Smith, Andrew [REDACTED]
Sent: Monday, October 15, 2018 7:09 PM
To: Krapohl, Graydon
Subject: Funding for Ann Arbor's New Railroad Station?

Hi -

I live and vote in the 4th Ward.

I'm wondering about leveraging private-sector capital to fund a new train station.

If it were build with private funds, or a mix of public and private funds, and had extra space for retail and offices, then it would generate income which would attract private investors.

This model has been successful in other cities.

Even if it were built with public funds, but had those retail and office spaces, then the rent collected would pay the debt on the train station, and the city would essentially get the station for free.

Thanks for reading.

- Andy Smith

Journal Archive

From: Smith, Andrew [REDACTED]
Sent: Monday, October 15, 2018 7:09 PM
To: Taylor, Christopher (Mayor)
Subject: Funding for Ann Arbor's New Railroad Station?

Hi -

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Thanks for reading.

- Andy Smith

[REDACTED]

Journal Archive

From: Ackerman, Zach
Sent: Monday, October 15, 2018 7:09 PM
To: Beaudry, Jacqueline
Subject: Possible Amendment FW: Police Commission bylaws
Attachments: Police Commission Bylaws amendment failed.docx; Police Commission Bylaws amendment passed.docx; CM Ackerman proposed amendments 10.10.18.docx

FYI

Zachary Ackerman

Ann Arbor City Council

Ward 3

(734) 883-8391

Emails sent to or from this address could be subject to public disclosure under the Freedom of Information Act (FOIA).

From: Frost, Christopher
Sent: Monday, October 15, 2018 12:45 PM
To: Ackerman, Zach
Cc: Postema, Stephen; Lazarus, Howard; Radabaugh, Margaret; Taylor, Christopher (Mayor); Warpehoski, Chuck
Subject: Police Commission bylaws

CM Ackerman,

The bylaws currently up for consideration do not reflect the amendments made to the ordinance at 1st reading. I have attached two versions of amended bylaws, one of which should be substituted for the prior bylaws tonight:

“Amendment failed” version should be substituted if your attached amendment regarding membership fails.

“Amendment passed” version should be substituted if your attached amendment regarding membership passes.

No other amendment we have reviewed from you or CM Warpehoski will affect the bylaws. If amendments we have not reviewed are passed, they may, but will not necessarily, require revisions to the bylaws.

Let me know if there are questions.

Christopher M. Frost | Senior Assistant City Attorney
City of Ann Arbor | 301 E. Huron St., PO Box 8647 | Ann Arbor, Michigan 48107
734.794.6186 Direct | 734.794.6170 Office | 734.994.4954 Fax | cfrost@a2gov.org

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**BYLAWS OF THE
INDEPENDENT COMMUNITY POLICE
OVERSIGHT COMMISSION**

Adopted on _____

**Article 1
NAME**

The name of this commission is the Independent Community Police Oversight Commission ("Commission").

**Article 2
ENABLING AUTHORITY**

The Commission is established by ordinance of the Ann Arbor City Council.

**Article 3
PURPOSE, OBJECTIVES, AND DUTIES**

3.1 The purpose of the Commission is:

- (1) To improve and strengthen police-community relations.
- (2) To create an environment which allows for better communication, understanding, and relations between the Ann Arbor Police Department ("Department") and the community.
- (3) To provide the community with a role in recommending policies and practices that ensure a high quality of police services, and to give the community a voice in influencing the selection of leadership for the Department.
- (4) To provide oversight of the Department with regard to the provision of police services, with the goal that the entire community – meaning everyone who lives, works, studies in, or visits Ann Arbor – may live safely and experience equitable treatment in any interactions with the police.
- (5) To work with the Department to encourage the respectful treatment of all persons, and without undue use of force. This concern is of special significance with respect to segments of the community that are vulnerable and have been marginalized, such as persons of color, immigrants, low-income people, victims of domestic violence, those who suffer from mental illness, and transgender persons.
- (6) To provide a process for outside review of particular incidents to evaluate the police response in the incident as well as the sufficiency of any police investigation related to the incident and to recommend any changes in police policies or practices..

3.2 The Commission is responsible to the Mayor and City Council. The Commission is an advisory body and is limited to performing the tasks enumerated by its enabling resolution or ordinance, these bylaws, and otherwise delegated to it by City Council.

Article 4 MEMBERSHIP

4.1 The Commission consists of 11 voting members, one of whom may be a youth member, nominated by one or more of the City Council liaisons to the Human Rights Commission or the Commission the Mayor and approved by City Council; and two nonvoting City Council member liaisons appointed by the City Council.

4.2 All members of the Commission serve without compensation.

4.3 The term of each voting member is three years, except that youth member, if any, is one year. The term of the Council liaisons shall be determined by City Council consistent with Council appointments for committees. Appointments shall be staggered so that one third of the voting members' terms expire each year. At least three months before the expiration of the term of any member of the Commission, the Commission shall initiate a community-wide effort to recruit new applicants, identifying any skills it believes new Commission members should ideally have, but such skills shall not be deemed requirements for membership.

4.4 Consistent with City Charter § 12.2, each member of the Commission shall be a registered elector of the City of Ann Arbor at the time of appointment, unless this requirement is waived by a resolution concurred in by at least seven members of City Council.

4.5 Consistent with City Code § 1:171, no member shall be allowed to hold over for more than 60 days beyond the appointed term whether or not a successor has been appointed, except that City Council may extend terms for periods of 90 days upon the recommendation of the Mayor and vote of at least six members of Council.

4.6 Consistent with City Code § 1:171, the Mayor shall notify City Council of the expiration of a member's term at least 30 days prior and shall present to City Council all proposed reappointments no later than 60 days after the expiration of the term.

4.7 Consistent with City Code § 1:171, any vacancy on the Commission occurring in the middle of a term shall be filled for the remainder of the term in the same manner as for full-term appointments.

4.8 Members are expected to attend regularly scheduled meetings and to notify the Chair and staff liaison in advance if they expect to be tardy or absent. If a member misses more than three regularly scheduled meetings in a 12 month period, the Chair shall notify the Mayor and may recommend removal of the member.

4.9 Consistent with City Code § 1:171, a member of the Commission may be removed for cause by the Mayor with the approval of City Council.

Article 5
ETHICS AND CONFLICTS OF INTEREST

5.1 A member of the Commission shall abstain from discussion or voting on any matter in which that member has a real or apparent conflict of interest. Decisions regarding conflicts of interest shall be evaluated on a case-by-case basis with reasonable application of the principles provided in this Article. A conflict of interest shall at a minimum include, but is not necessarily limited to:

- (1) Discussing, voting on, or otherwise acting on a matter in which a member or any member of his/her immediate family, his/her partner, or an entity with whom the member has family or business ties has a direct financial or beneficial interest.

5.2 A member of the Commission shall neither solicit nor accept gratuities, favors, or anything of monetary value from persons or entities in a position to benefit from a decision of the Commission.

5.3 A member of the Commission shall not obtain, for himself/herself or for any person with whom he/she has business or family ties, any financial or beneficial interest in a matter which may be affected by a decision of the Commission. This restriction shall apply during the member's tenure on the Commission and for one year thereafter.

5.4 A member of the Commission shall disclose the general nature of any potential conflict, real or apparent, and, except when it violates a confidence, shall disclose all pertinent facts relating to the potential conflict. These disclosures shall be made prior to discussion and voting when possible and shall be recorded in the minutes of the proceedings. If the member believes that the potential conflict warrants abstention, they may abstain from discussion and voting on the matter.

5.5 A member who cannot vote due to a conflict of interest shall, during deliberation of the matter before the Commission, leave the meeting or the area where the members sit until action on the matter is concluded.

5.6 When a question has arisen as to whether a member is ineligible to participate in discussion or vote on a matter because of a conflict of interest, the Commission may determine that the member is ineligible due to a conflict of interest by a vote of a majority of the other members present. Upon such a determination, the ineligible member shall not participate in discussion or vote on the matter.

5.7 Members of the Commission shall complete an annual disclosure of organization affiliations that could conceivably present a conflict of interest and shall update this disclosure in writing at any time during the year when such affiliations change.

5.8 Members shall not act, hold themselves out, or permit themselves to be perceived as official representatives or spokespersons for the Commission without authorization from the Commission or the Chair. When communicating for personal purposes on matters that may relate

to the Commission's business, members shall clearly indicate that their statements are made in a personal capacity and do not necessarily reflect the views of the Commission. Whenever a member is asked to speak on behalf of the Commission, the member shall seek permission of the Commission or the Chair in advance.

5.9 To maintain public confidence in the objectivity of the Commission and to avoid the appearance of bias or prejudice, a member shall not speak or appear before the Commission on behalf of or as a representative of a potential or actual petitioner. A member should avoid speaking or appearing before another entity on behalf of or as a representative of a potential or actual petitioner and shall inform the Commission and recuse themselves from such a petition if the member does so. Outside of a Commission meeting, a member shall not advise an actual or potential petitioner regarding a petition, except to inform the petitioner of factual procedures of the Commission. This section does not preclude a member from discussing a petition within the scope of the Commission's duties at a Commission meeting.

5.10 Members of the Commission shall communicate with City staff through the Commission's designated staff liaison, unless otherwise authorized by ordinance or the City administration, and shall follow applicable City administrative policies.

5.11 Members shall conduct themselves in a fair, courteous, and understanding manner at all times in the discharge of their duties, and shall avoid exchanges or actions based upon personal differences. Members shall be respectful of other members, the public, petitioners, and City staff.

Article 6 OFFICERS

6.1 The officers of the Commission shall be a Chair and Vice-Chair. The officers shall be elected each year from among the voting members of the Commission. The officers shall be elected for a one-year term by a majority of the voting members currently serving on the Commission. No member shall serve more than three consecutive full terms in the same office. The term of each officer shall be one year. Elections of officers shall be held no later than the month before the officer's term expires.

6.2 The Chair shall preside at all meetings and shall decide points of order and procedure, subject to the provisions of these bylaws. The Chair shall ensure that all meetings are conducted in an efficient and respectful manner. The Chair shall have the privilege of discussing and voting on all matters before the Commission. The Vice-Chair shall assume the duties of the Chair in the Chair's absence.

6.3 When an office becomes vacant before the expiration of the current term (whether by resignation, removal, incapacity, or other circumstance), the vacancy shall be filled by election in the same manner as for full-term officers and the new officer shall serve the remainder of the term. The replacement officer shall be elected at the next regularly scheduled meeting or as soon as practicable. The Vice-Chair may be elected as replacement Chair, in which case a replacement Vice-Chair shall be elected at the same time.

6.4 No member may hold multiple offices at the same time.

Article 7

MEETINGS

7.1 The Commission shall schedule regular monthly meetings. The entire schedule of regular meetings for the upcoming year shall be posted within 10 days after the first meeting of the year. A change in the schedule of regular meetings must be approved by the Commission, and notice of the change shall be posted within three days after the meeting at which the change is approved.

7.2 Special meetings may be called by the Chair or by the written concurrence of three voting members. Public notice of the special meeting shall be posted at least 18 hours prior to the scheduled starting time. Except when the special meeting is a rescheduled regular meeting, the purpose of the special meeting should be stated in the public notice if practicable, and the Commission should not conduct any business beyond the purpose stated in the public notice, except by unanimous consent of the voting members present.

7.3 The Commission may hold nonvoting working meetings to carry on the work of the Commission. Public notice of the working meeting shall be posted at least 18 hours prior to the scheduled starting time.

7.4 Public notice of regularly scheduled committee meetings shall be posted in the same manner as the schedule of regular Commission meetings. Public notice of nonregularly scheduled or special committee meetings shall be posted at least 18 hours prior to the scheduled starting time.

7.5 Public notice of all meetings shall be posted at City Hall or at any location designated by the City Administrator or City Council.

7.6 When practicable, meetings shall be scheduled to allow the staff liaison to provide notice to all members of the Commission at least 48 hours in advance.

7.7 The Chair may cancel a meeting if there is no business on the agenda or if it is clear that a quorum will not be present. The Chair may cancel a meeting due to weather, emergency, or other circumstances that may substantially limit the ability of members of the Commission or the public to attend. The Chair shall give notice of cancellation to members of the Commission and the staff liaison as soon as possible and at least two hours prior to the scheduled meeting time, when practicable. The staff liaison shall post public notice of the cancellation as soon as practicable. Cancelled regular meetings may be rescheduled in the same manner as special meetings.

7.8 The presence of six voting members shall constitute a quorum. The concurring vote of a majority of all members present and eligible to vote is required for the Commission to act. The right to vote is limited to members of the Commission actually present at the time the vote is taken at a lawfully called meeting. A member who is not eligible to vote on a matter because of a conflict of interest shall not be counted in establishing a quorum for that matter.

7.9 Voting shall be by voice or a show of hands. If the vote is not unanimous, a roll call vote shall be taken and recorded in the minutes.

7.10 The Commission shall keep minutes of all regular and special meetings in accordance with City administrative policies and direction.

7.11 Consistent with City Council Resolution R-642-11-91, all meetings of the Commission's committees and subcommittees shall be open to the public in the spirit of section 3 of the Open Meetings Act.

7.12 Public comment shall be allowed at all meetings. An individual may speak for up to three minutes on any item open for public comment. The Chair may extend an individual's speaking time in the Chair's discretion. Public comment on non-agenda items may be limited in the Chair's discretion.

Article 8 AGENDA AND ORDER OF BUSINESS

8.1 An agenda for each meeting of the Commission shall be developed by the Chair and the staff liaison in consultation with members of the Commission as needed. To the extent practicable, agendas, resolutions, and materials for all regular meetings shall be made available to the public and other members of the Commission at least 48 hours before the meeting's scheduled starting time.

8.2 The order of business at regular meetings shall be as follows. The order of business may be suspended or modified by a majority vote of those members present.

- (1) Call to Order
- (2) Roll Call
- (3) Approval of Agenda
- (4) Approval of Minutes
- (5) Public Comment
- (6) Regular Business
- (7) Communications
- (8) Adjournment

Article 9 COMMITTEES AND LIAISONS

9.1 The Commission may create standing or special committees to carry on the work of the Commission. Standing committees may, but need not be, described in the bylaws. Committees shall be limited to performing the tasks delegated to them by the Commission. Each committee shall include at least one member of the Commission and may include nonmembers in the Commission's discretion.

9.2 Members of committees shall be appointed by the Chair and approved by the Commission.

9.3 In creating each committee, the Commission shall consult with City staff to review the necessity of creating the committee and whether adequate resources exist to support the committee. Committees are subject to applicable City's administrative policies and procedures.

9.4 *Youth Groups.* The Commission or its members may consult with groups composed of youths residing in Washtenaw County between the ages of 16 and 21 years old, inclusive and may make broad-based outreach efforts with particular efforts to secure the participation of youths from marginalized communities and vulnerable communities, and youths who have had significant encounters with the police.

9.5 *Other Groups.* The Commission or its members may consult with other advisory groups such as a Council of Elders or other demographic groups if doing so will assist the Commission in advancing its purposes. The members of such groups might be those persons who can offer to the Commission experiences with the police that are unknown or unfamiliar to the Commission members and whose perspectives and voices will help the Commission do a comprehensive job of evaluating the policies and practices of the police.

9.6 *Community Liaisons.* The Commission may identify one or more persons in the community who may serve as a liaison for persons who wish to provide suggestions, concerns, or complaints, or other information related to the Commission's purpose, but who do not wish to contact the Commission or City directly, or participate in the complaint process identified in the Commission's enabling ordinance. In identifying community liaisons, the Commission shall take reasonable steps to ensure that the liaisons will:

- (1) Be publicly available to any person wishing to provide information.
- (2) Be available to provide the Commission with regular updates regarding all information received related to their role as a community liaison.
- (3) To the best of their ability, accurately report the information received.
- (4) Understanding that the information the liaison provides to the Commission is likely to be a public record, protect the identity or confidential information of persons who provide information, unless the person expressly authorizes otherwise.

The Commission may evaluate whether and to what extent any of the information received from a community liaison warrants further review, discussion, or response by the Commission, bearing in mind that the Commission likely will not have access to first-hand information.

Article 10

PARLIAMENTARY AUTHORITY

10.1 The rules contained in the current edition of Robert's Rules of Order Newly Revised shall guide the Commission; however, parliamentary procedure shall be flexible and may be adjusted in the Chair's discretion to best serve the needs of the Commission. Nevertheless, all parliamentary procedures must be consistent with these bylaws.

10.2 The Commission shall not adopt or follow any operating rules, regulations, guidelines, or procedures not expressly prescribed by these bylaws.

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AMENDMENT OF BYLAWS

11.1 Amendments to these bylaws may be approved at any regular meeting by a vote of two-thirds of all voting members currently serving on the Commission. Proposed amendments must have been submitted in writing at the previous regular meeting to be considered. Proposed amendments must be submitted to the Office of the City Attorney for review prior to adoption by the Commission. After adoption by the Commission, the bylaws are not effective until approved by City Council.

11.2 These bylaws shall be reviewed periodically by the Commission for possible amendment.

Article 12
MISCELLANEOUS

12.1 The City Administrator shall designate a staff member to be the liaison between the Commission and City staff. The City Administrator has final discretion regarding staffing.

12.2 The Ann Arbor City Attorney's Office shall be the legal consultant to the Commission.



**BYLAWS OF THE
INDEPENDENT COMMUNITY POLICE
OVERSIGHT COMMISSION**

Adopted on _____

**Article 1
NAME**

The name of this commission is the Independent Community Police Oversight Commission ("Commission").

**Article 2
ENABLING AUTHORITY**

The Commission is established by ordinance of the Ann Arbor City Council.

**Article 3
PURPOSE, OBJECTIVES, AND DUTIES**

3.1 The purpose of the Commission is:

- (1) To improve and strengthen police-community relations.
- (2) To create an environment which allows for better communication, understanding, and relations between the Ann Arbor Police Department ("Department") and the community.
- (3) To provide the community with a role in recommending policies and practices that ensure a high quality of police services, and to give the community a voice in influencing the selection of leadership for the Department.
- (4) To provide oversight of the Department with regard to the provision of police services, with the goal that the entire community – meaning everyone who lives, works, studies in, or visits Ann Arbor – may live safely and experience equitable treatment in any interactions with the police.
- (5) To work with the Department to encourage the respectful treatment of all persons, and without undue use of force. This concern is of special significance with respect to segments of the community that are vulnerable and have been marginalized, such as persons of color, immigrants, low-income people, victims of domestic violence, those who suffer from mental illness, and transgender persons.
- (6) To provide a process for outside review of particular incidents to evaluate the police response in the incident as well as the sufficiency of any police investigation related to the incident and to recommend any changes in police policies or practices..

3.2 The Commission is responsible to the Mayor and City Council. The Commission is an advisory body and is limited to performing the tasks enumerated by its enabling resolution or ordinance, these bylaws, and otherwise delegated to it by City Council.

Article 4 MEMBERSHIP

4.1 The Commission consists of 11 voting members, one of whom ~~may~~ shall be a youth member, ~~nominated to be appointed by the Mayor and approved by with the approval of City Council from nominations by one or more of the City Council liaisons to the Human Rights Commission or City Council liaisons to the Commission;~~ and two nonvoting City Council member liaisons appointed by the City Council.

4.2 All members of the Commission serve without compensation.

4.3 The term of each voting member is three years, except that youth member, if any, is one year. The term of the Council liaisons shall be determined by City Council consistent with Council appointments for committees. Appointments shall be staggered so that one third of the voting members' terms expire each year. At least three months before the expiration of the term of any member of the Commission, the Commission shall initiate a community-wide effort to recruit new applicants, identifying any skills it believes new Commission members should ideally have, but such skills shall not be deemed requirements for membership.

4.4 Consistent with City Charter § 12.2, each member of the Commission shall be a registered elector of the City of Ann Arbor at the time of appointment, unless this requirement is waived by a resolution concurred in by at least seven members of City Council.

4.5 Consistent with City Code § 1:171, no member shall be allowed to hold over for more than 60 days beyond the appointed term whether or not a successor has been appointed, except that City Council may extend terms for periods of 90 days upon the recommendation of the Mayor and vote of at least six members of Council.

4.6 Consistent with City Code § 1:171, the Mayor shall notify City Council of the expiration of a member's term at least 30 days prior and shall present to City Council all proposed reappointments no later than 60 days after the expiration of the term.

4.7 Consistent with City Code § 1:171, any vacancy on the Commission occurring in the middle of a term shall be filled for the remainder of the term in the same manner as for full-term appointments.

4.8 Members are expected to attend regularly scheduled meetings and to notify the Chair and staff liaison in advance if they expect to be tardy or absent. If a member misses more than three regularly scheduled meetings in a 12 month period, the Chair shall notify the Mayor and may recommend removal of the member.

4.9 Consistent with City Code § 1:171, a member of the Commission may be removed for cause by the Mayor with the approval of City Council.

Article 5
ETHICS AND CONFLICTS OF INTEREST

5.1 A member of the Commission shall abstain from discussion or voting on any matter in which that member has a real or apparent conflict of interest. Decisions regarding conflicts of interest shall be evaluated on a case-by-case basis with reasonable application of the principles provided in this Article. A conflict of interest shall at a minimum include, but is not necessarily limited to:

- (1) Discussing, voting on, or otherwise acting on a matter in which a member or any member of his/her immediate family, his/her partner, or an entity with whom the member has family or business ties has a direct financial or beneficial interest.

5.2 A member of the Commission shall neither solicit nor accept gratuities, favors, or anything of monetary value from persons or entities in a position to benefit from a decision of the Commission.

5.3 A member of the Commission shall not obtain, for himself/herself or for any person with whom he/she has business or family ties, any financial or beneficial interest in a matter which may be affected by a decision of the Commission. This restriction shall apply during the member's tenure on the Commission and for one year thereafter.

5.4 A member of the Commission shall disclose the general nature of any potential conflict, real or apparent, and, except when it violates a confidence, shall disclose all pertinent facts relating to the potential conflict. These disclosures shall be made prior to discussion and voting when possible and shall be recorded in the minutes of the proceedings. If the member believes that the potential conflict warrants abstention, they may abstain from discussion and voting on the matter.

5.5 A member who cannot vote due to a conflict of interest shall, during deliberation of the matter before the Commission, leave the meeting or the area where the members sit until action on the matter is concluded.

5.6 When a question has arisen as to whether a member is ineligible to participate in discussion or vote on a matter because of a conflict of interest, the Commission may determine that the member is ineligible due to a conflict of interest by a vote of a majority of the other members present. Upon such a determination, the ineligible member shall not participate in discussion or vote on the matter.

5.7 Members of the Commission shall complete an annual disclosure of organization affiliations that could conceivably present a conflict of interest and shall update this disclosure in writing at any time during the year when such affiliations change.

5.8 Members shall not act, hold themselves out, or permit themselves to be perceived as official representatives or spokespersons for the Commission without authorization from the Commission or the Chair. When communicating for personal purposes on matters that may relate to the Commission's business, members shall clearly indicate that their statements are made in a personal capacity and do not necessarily reflect the views of the Commission. Whenever a

member is asked to speak on behalf of the Commission, the member shall seek permission of the Commission or the Chair in advance.

5.9 To maintain public confidence in the objectivity of the Commission and to avoid the appearance of bias or prejudice, a member shall not speak or appear before the Commission on behalf of or as a representative of a potential or actual petitioner. A member should avoid speaking or appearing before another entity on behalf of or as a representative of a potential or actual petitioner and shall inform the Commission and recuse themselves from such a petition if the member does so. Outside of a Commission meeting, a member shall not advise an actual or potential petitioner regarding a petition, except to inform the petitioner of factual procedures of the Commission. This section does not preclude a member from discussing a petition within the scope of the Commission's duties at a Commission meeting.

5.10 Members of the Commission shall communicate with City staff through the Commission's designated staff liaison, unless otherwise authorized by ordinance or the City administration, and shall follow applicable City administrative policies.

5.11 Members shall conduct themselves in a fair, courteous, and understanding manner at all times in the discharge of their duties, and shall avoid exchanges or actions based upon personal differences. Members shall be respectful of other members, the public, petitioners, and City staff.

Article 6 OFFICERS

6.1 The officers of the Commission shall be a Chair and Vice-Chair. The officers shall be elected each year from among the voting members of the Commission. The officers shall be elected for a one-year term by a majority of the voting members currently serving on the Commission. No member shall serve more than three consecutive full terms in the same office. The term of each officer shall be one year. Elections of officers shall be held no later than the month before the officer's term expires.

6.2 The Chair shall preside at all meetings and shall decide points of order and procedure, subject to the provisions of these bylaws. The Chair shall ensure that all meetings are conducted in an efficient and respectful manner. The Chair shall have the privilege of discussing and voting on all matters before the Commission. The Vice-Chair shall assume the duties of the Chair in the Chair's absence.

6.3 When an office becomes vacant before the expiration of the current term (whether by resignation, removal, incapacity, or other circumstance), the vacancy shall be filled by election in the same manner as for full-term officers and the new officer shall serve the remainder of the term. The replacement officer shall be elected at the next regularly scheduled meeting or as soon as practicable. The Vice-Chair may be elected as replacement Chair, in which case a replacement Vice-Chair shall be elected at the same time.

6.4 No member may hold multiple offices at the same time.

Article 7 MEETINGS

7.1 The Commission shall schedule regular monthly meetings. The entire schedule of regular meetings for the upcoming year shall be posted within 10 days after the first meeting of the year. A change in the schedule of regular meetings must be approved by the Commission, and notice of the change shall be posted within three days after the meeting at which the change is approved.

7.2 Special meetings may be called by the Chair or by the written concurrence of three voting members. Public notice of the special meeting shall be posted at least 18 hours prior to the scheduled starting time. Except when the special meeting is a rescheduled regular meeting, the purpose of the special meeting should be stated in the public notice if practicable, and the Commission should not conduct any business beyond the purpose stated in the public notice, except by unanimous consent of the voting members present.

7.3 The Commission may hold nonvoting working meetings to carry on the work of the Commission. Public notice of the working meeting shall be posted at least 18 hours prior to the scheduled starting time.

7.4 Public notice of regularly scheduled committee meetings shall be posted in the same manner as the schedule of regular Commission meetings. Public notice of nonregularly scheduled or special committee meetings shall be posted at least 18 hours prior to the scheduled starting time.

7.5 Public notice of all meetings shall be posted at City Hall or at any location designated by the City Administrator or City Council.

7.6 When practicable, meetings shall be scheduled to allow the staff liaison to provide notice to all members of the Commission at least 48 hours in advance.

7.7 The Chair may cancel a meeting if there is no business on the agenda or if it is clear that a quorum will not be present. The Chair may cancel a meeting due to weather, emergency, or other circumstances that may substantially limit the ability of members of the Commission or the public to attend. The Chair shall give notice of cancellation to members of the Commission and the staff liaison as soon as possible and at least two hours prior to the scheduled meeting time, when practicable. The staff liaison shall post public notice of the cancellation as soon as practicable. Cancelled regular meetings may be rescheduled in the same manner as special meetings.

7.8 The presence of six voting members shall constitute a quorum. The concurring vote of a majority of all members present and eligible to vote is required for the Commission to act. The right to vote is limited to members of the Commission actually present at the time the vote is taken at a lawfully called meeting. A member who is not eligible to vote on a matter because of a conflict of interest shall not be counted in establishing a quorum for that matter.

7.9 Voting shall be by voice or a show of hands. If the vote is not unanimous, a roll call vote shall be taken and recorded in the minutes.

7.10 The Commission shall keep minutes of all regular and special meetings in accordance with City administrative policies and direction.

7.11 Consistent with City Council Resolution R-642-11-91, all meetings of the Commission's committees and subcommittees shall be open to the public in the spirit of section 3 of the Open Meetings Act.

7.12 Public comment shall be allowed at all meetings. An individual may speak for up to three minutes on any item open for public comment. The Chair may extend an individual's speaking time in the Chair's discretion. Public comment on non-agenda items may be limited in the Chair's discretion.

Article 8 AGENDA AND ORDER OF BUSINESS

8.1 An agenda for each meeting of the Commission shall be developed by the Chair and the staff liaison in consultation with members of the Commission as needed. To the extent practicable, agendas, resolutions, and materials for all regular meetings shall be made available to the public and other members of the Commission at least 48 hours before the meeting's scheduled starting time.

8.2 The order of business at regular meetings shall be as follows. The order of business may be suspended or modified by a majority vote of those members present.

- (1) Call to Order
- (2) Roll Call
- (3) Approval of Agenda
- (4) Approval of Minutes
- (5) Public Comment
- (6) Regular Business
- (7) Communications
- (8) Adjournment

Article 9 COMMITTEES AND LIAISONS

9.1 The Commission may create standing or special committees to carry on the work of the Commission. Standing committees may, but need not be, described in the bylaws. Committees shall be limited to performing the tasks delegated to them by the Commission. Each committee shall include at least one member of the Commission and may include nonmembers in the Commission's discretion.

9.2 Members of committees shall be appointed by the Chair and approved by the Commission.

9.3 In creating each committee, the Commission shall consult with City staff to review the necessity of creating the committee and whether adequate resources exist to support the committee. Committees are subject to applicable City's administrative policies and procedures.

9.4 *Youth Groups.* The Commission or its members may consult with groups composed of youths residing in Washtenaw County between the ages of 16 and 21 years old, inclusive and may make broad-based outreach efforts with particular efforts to secure the participation of youths from marginalized communities and vulnerable communities, and youths who have had significant encounters with the police.

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12.1 The City Administrator shall designate a staff member to be the liaison between the Commission and City staff. The City Administrator has final discretion regarding staffing.

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1:214(1) *Membership*. The Commission shall consist of 11 voting members, one of which ~~may shall~~ be a youth member, to be appointed by the Mayor with the approval of City Council from nominationsed by one or more of the City Council liaisons to the Human Rights Commission or City Council liaisons to the Commission with the approval of the City Council. In making appointments of members to the Commission, ~~City Council liaisons to the Human Rights Commission and the Commission shall appoint persons who, insofar as possible, represent the City's diverse population — especially those who tend to have significant negative interactions with the police and are committed to improving police and community relations.~~ No active-duty police officer shall serve as a voting member of the Commission. No City employee shall serve as a voting member of the Commission.

1:215(3) *Complaint Procedure*.

(a) Upon receipt of a complaint, the Commission will review the complaint and provide a copy of the complaint to the Department's Professional Standards Section. To the extent the complaint or inquiry concerns conduct of the Police Chief, the matter shall be referred to the City Administrator. If a complaint does not allege officer misconduct, but relates only to Police-related Policy, the Commission may review the complaint in accordance with Section 1:216 without immediate referral to the Department. A complaint that includes an allegation of officer misconduct must be immediately provided to the Department's Professional Standards Section.

1:215(7) *Disputes Concerning Production*. Any disputes concerning the production of information and materials may be resolved through a request to the City Administrator or via mutually agreed upon alternative dispute resolution process ~~a third-party mediator hired in accordance with Section 1:219 of the Ordinance.~~

Journal Archive

From: Smith, Andrew [REDACTED]
Sent: Monday, October 15, 2018 7:10 PM
To: Eaton, Jack
Subject: Funding for Ann Arbor's New Railroad Station?

Hi -

I live and vote in the 4th Ward.

I'm wondering about leveraging private-sector capital to fund a new train station.

If it were build with private funds, or a mix of public and private funds, and had extra space for retail and offices, then it would generate income which would attract private investors.

This model has been successful in other cities.

Even if it were built with public funds, but had those retail and office spaces, then the rent collected would pay the debt on the train station, and the city would essentially get the station for free.

Thanks for reading.

- Andy Smith

[REDACTED]

Journal Archive

From: Paul Glendon [REDACTED]
Sent: Monday, October 15, 2018 9:32 PM
To: Lumm, Jane
Subject: Re: FW: Climate Action

Thanks, Jane, for your very thorough and thoughtful response and explanation. Frankly, I agree that the whole process was and perhaps still is a bit squirrely, but since the City has shown no other specific intention or inclination to fund the Climate Action Plan by other means and there is no mental health purpose to which the funds the City will receive can be directed that is not already funded, and since the City's plan for using the money was fully divulged before the election, I swallowed my lawyerly misgivings, embraced the plan, and voted for the millage. I firmly believe that climate change is the defining issue of our time and local climate action is essential as part of a worldwide effort to deal with it. Therefore, however things turn(ed) out tonight on the request for budget amendment, I hope the *next* City budget will include adequate funding to at least begin to effectuate the Climate Action Plan, and that you will help to bring that about. Respectfully, Paul.

On Mon, Oct 15, 2018 at 5:44 PM Lumm, Jane <JLumm@a2gov.org> wrote:

Dear Paul,

Thank you for your very kind note, and for writing to share your perspective on the proposed climate action budget amendment. I understand that support for new climate action related programming is important to you and others in our community.

This additional funding would constitute, as you are aware, an amendment to the City's adopted 2019 City Budget – an action which is rarely recommended or approved, and an action which requires, as established by our City Charter, a super-majority vote of City Council. I will just share that, in the interest of responsible fiscal stewardship and discipline, I rarely support budget amendments, and believe budget amendments may be justified to address emergency needs, not otherwise budgeted. The City budget process is designed to identify needs, priorities, and funding sources. The amendment, as proposed, is completely outside the budget approval process and protocol.

I'd also like to share a bit of additional background on the proposed budget amendment funding source. The funding source is the "Washtenaw County Community Mental Health and Public Safety Preservation Millage". Here's the November 7, 2017 ballot language:

"For the purposes of using the Washtenaw County Community Mental Health Department to improve the treatment of people with mental health needs, provide increased financial support for mental health crisis, stabilization and

prevention, and for continued law enforcement services provided by the Washtenaw County Sheriff's Office, and for local governments which have their own police force, shall the limitations on the total amount of taxes which may be levied against taxable property within Washtenaw County, Michigan, as provided for by Section 6 of Article IX of the Michigan Constitution of 1963, be increased up to the amount of \$1.00 per thousand dollars of taxable valuation (1.0 mills) for a period of eight years, beginning with the December 1, 2018 levy and extending through the 2025 levy, which shall raise in the first year an estimated \$15,433,608.00 to be used as follows: 38% shall be allocated to Washtenaw County's Community Mental Health Department for mental health crisis, stabilization and prevention, and to meet mental health needs in an appropriate setting, thus reducing the burden on the jail and improving care; 38% shall be allocated to the Washtenaw County Sheriff's Office to ensure continued operations and increased collaboration with the mental health community; and 24% shall be allocated to jurisdictions in the County which maintain their own police force (currently Ann Arbor, Chelsea, Milan, Saline, Ypsilanti, Pittsfield Township and Northfield Township) in proportion to their respective 2016 population values?"

Yes _____

No _____

The Washtenaw County Board of Commissioners' September 20, 2017 Resolution "Adopting the Community Mental Health and Public Safety Preservation Millage Expenditure Policy Ordinance for Washtenaw County" whereas clauses specify how the millage proceeds are to be spent (with no reference to the city's proposed uses for the 24%), and the Community Mental Health and Public Safety Preservation Millage Expenditure Policy Ordinance "Declaration of Purpose" states:

"The Washtenaw County Board of Commissioners seeks to fully address the challenges of a lack of necessary resources affecting mental health services which is overseen by the County's Community Mental Health Department and Board; and public safety which is overseen by the Washtenaw County Sheriff's Office (WCSO)."

State law (MCL 211.24f(2)(d)) requires a ballot shall state "a clear statement of the purpose for the millage". Likely why, when polled, 77% of citizens expected the revenues from the millage would be devoted to mental health and public safety services. (Polling was conducted by Public Policy Polling in Raleigh, NC and commissioned by Citizens for Mental Health & Public Safety.)

On July 3rd, July 14th, August 4th, and September 18th I submitted questions to our City Attorney regarding the ballot language vis a vis council's "Resolution of Intent" for how the 24% of the millage proceeds were proposed to be spent – i.e., on climate action, affordable housing, pedestrian/bicycle safety. I had to submit my Q's multiple times because responses were not provided. On September 18th I received the following response to two of the Q's I posed again, and had posed since early July. My questions and staff's response:

Q: "Is there any precedent in Michigan for this situation of a county tax millage that has a defined purpose and the title "Mental Health and Public Safety Preservation Millage", but involves sending money back to certain sub-jurisdictions of that County that can be used for completely unrelated purposes? If so, can you please provide a bit of information on the precedent(s). Also, are there any state laws, regulations or guidelines for how the money should be allocated back to sub-jurisdictions?"

Staff's response: "Staff are unaware of a prior example. The millage speaks for itself."

Q. "Given that the City is not obligated to spend the proceeds consistent with the County Millage purpose and title "Mental Health and Public Safety Preservation", what specific actions do staff recommend to ensure voters/taxpayers in the City fully understand what they are voting on:

- Different/amended ballot language? If not, please explain how the County's current ballot language, coupled with the declared intent of City Council to not

use funds for public safety purposes, meets the state's election law standard on millages for a "clear statement of purpose?

Special educational efforts? If not different language or special educational efforts, how are Ann Arbor voters expected to know what they are actually voting on?"

Staff's response: "It is not the City's role to provide information on another jurisdiction's ballot proposal to voters."

Yes, I waited three months for these non-response, responses.

For these reasons, and more, I did not vote for the city council 7/3/17 "Resolution of Intent" or the 9/18/17 "Resolution of Intent". It should be noted that the 7/3/17 City Council "Resolution of Intent" preceded the Board of Commissioners approval of the ballot proposal (which occurred on 7/12/17).

As you can see, assuming state laws which require ballot language to state the purpose of a millage are relevant, I continue to struggle with the questionable funding of climate action programs with the County millage proceeds. Also, this funding recommendation was made by a council resolution, a resolution that was approved completely outside the budget process protocol.

Hope this is helpful, and thank you, again, for your thoughtful note and for taking the time to write to provide your input on this proposed budget amendment.

With my best regards to you and Anne,

Jane Lumm

From: Paul Glendon [REDACTED]
Sent: Friday, October 12, 2018 7:16 AM
To: Lumm, Jane <JLumm@a2gov.org>
Subject: Climate Action

Hi, Jane.

Please vote YES on the City Administrator's request for an additional \$313K expenditure for Climate Action in the current budget year.

Given the most recent UN Climate Change Panel's findings and the Trump administration's continuing stance of denial and opposition, local action to control carbon emissions is all the more urgent. Programs to be funded by this allocation are well thought out and vitally important, and for all its good intentions, the City's Climate Action Plan will wind up in the dustbin of empty promises if we don't start to fund real action to effectuate it.

As you know, I greatly admire and appreciate your thoughtful independence and rationality on Council and share your concerns about development (particularly the Library Lot) and democratic accountability in City government. But action to address those concerns can and should co-exist with effective local climate action. So please vote yes on this proposal as well as future budgetary commitments to make the Climate Action Plan a reality rather than a broken promise.

Thanks for your thoughtful consideration and continued service to our City.

-Paul

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Paul Glendon
Arbitrator/Attorney
414 N. Main Street #12

Ann Arbor, Michigan 48104-1192

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Paul Glendon
Arbitrator/Attorney
414 N. Main Street #12
Ann Arbor, Michigan 48104-1192

Journal Archive

From: Evan Minsker [REDACTED]
Sent: Monday, October 15, 2018 10:13 PM
To: Bannister, Anne
Subject: Re: Please vote for climate action tomorrow

Hi, this is Evan Minsker, following up on my last email. I've been watching the meeting tonight.

I'd like to urge you to please reconsider and to support funding climate action programs in Ann Arbor.

Specifically, I'd like to address your comments about our personal responsibility as citizens. I understand that we as a community have to do our part in the fight against climate change, but please understand that we as individuals can only do so much. As a vegan who takes public transportation, rides my bike whenever I can, drives a Prius when I can't, and pays my power bill through wind power offset credits, I know that it's still not within my personal budget as an individual citizen to put up solar panels or install charging docks for electric cars. I cannot afford an electric car, and my landlord isn't going to let me install a windmill (which I could not afford anyway).

I'm far from the only person in this boat. Many of us do care about the environment, but can only do so much with our day-to-day budget. It's on governmental bodies and corporations to enact change on a broad scale. As a member of city government, you have the power to do something that individual, less-than-affluent citizens cannot.

Please, consider approving this >1% of the budget to affect positive change in our community. In exchange, I pledge to do my share of not eating meat, keeping the heat turned low, and so forth.

Thanks again for your time,

Evan Minsker

On Mon, Oct 15, 2018 at 3:09 PM Evan Minsker [REDACTED] wrote:

Hi, my name is Evan Minsker. I live in Ward 1, and I'm writing to urge you to support funding for climate action programs here in Ann Arbor at tonight's City Council meeting.

With the recent release of the UN Climate report, it's so crucial that Ann Arbor fight to restore a safe climate. Given the extremity of what's happening to our planet, \$313,000 seems like a completely reasonable expense for our city to incur. Moreover, it sends a message to cities across the country that this is a cause worth fighting for.

I strongly believe that this funding is the right thing for our city. Please consider approving the budget tonight.

Thanks for your time,

Evan Minsker

Journal Archive

From: clark mccall [REDACTED]
Sent: Monday, October 15, 2018 10:13 PM
To: Lumm, Jane
Subject: Re: Support Climate Funding

Hi Jane,

Thank you for thoroughly thinking this through and providing me this background. I think things have changed since last year and while I don't want to set aside good fiscal processes, I do wish this could have been supported. I hope that resolutions like this in the future can include your voice more when they are first formed and during the process so that you will feel comfortable supporting them.

Will you be holding any public coffee hours or other public discussion sessions in the future?

Thanks for all your work.

Clark McCall

On Mon, Oct 15, 2018 at 5:34 PM Lumm, Jane <JLumm@a2gov.org> wrote:

Dear Clark,

Thank you for writing to share your perspective on the proposed climate action budget amendment. I understand that support for new climate action related programming is important to you and others in our community.

This additional funding would constitute, as you are aware, an amendment to the City's adopted 2019 City Budget – an action which is rarely recommended or approved, and an action which requires, as established by our City Charter, a super-majority vote of City Council. I will just share that, in the interest of responsible fiscal stewardship and discipline, I rarely support budget amendments, and believe budget amendments may be justified to address emergency needs, not otherwise budgeted. The City budget process is designed to identify needs, priorities, and funding sources. The amendment, as proposed, is outside the budget approval process and protocol.

I'd also like to share a bit of additional background on the proposed budget amendment funding source. The funding source is the "Washtenaw County Community Mental Health and Public Safety Preservation Millage". Here's the November 7, 2017 ballot language:

"For the purposes of using the Washtenaw County Community Mental Health Department to improve the treatment of people with mental health needs, provide increased financial support for mental health crisis, stabilization and prevention, and for continued law enforcement services provided by the Washtenaw County Sheriff's Office, and for local governments which have their own police force, shall the limitations on the total amount of taxes which may be levied against taxable property within Washtenaw County, Michigan, as provided for by Section 6 of Article IX of the

Michigan Constitution of 1963, be increased up to the amount of \$1.00 per thousand dollars of taxable valuation (1.0 mills) for a period of eight years, beginning with the December 1, 2018 levy and extending through the 2025 levy, which shall raise in the first year an estimated \$15,433,608.00 to be used as follows: 38% shall be allocated to Washtenaw County's Community Mental Health Department for mental health crisis, stabilization and prevention, and to meet mental health needs in an appropriate setting, thus reducing the burden on the jail and improving care; 38% shall be allocated to the Washtenaw County Sheriff's Office to ensure continued operations and increased collaboration with the mental health community; and 24% shall be allocated to jurisdictions in the County which maintain their own police force (currently Ann Arbor, Chelsea, Milan, Saline, Ypsilanti, Pittsfield Township and Northfield Township) in proportion to their respective 2016 population values?"

Yes _____

No _____

The Washtenaw County Board of Commissioners' September 20, 2017 Resolution "Adopting the Community Mental Health and Public Safety Preservation Millage Expenditure Policy Ordinance for Washtenaw County" whereas clauses specify how the millage proceeds are to be spent (with no reference to the city's proposed uses for the 24%), and the Community Mental Health and Public Safety Preservation Millage Expenditure Policy Ordinance "Declaration of Purpose" states:

"The Washtenaw County Board of Commissioners seeks to fully address the challenges of a lack of necessary resources affecting mental health services which is overseen by the County's Community Mental Health Department and Board; and public safety which is overseen by the Washtenaw County Sheriff's Office (WCSO)."

State law (MCL 211.24f(2)(d)) requires a ballot shall state "a clear statement of the purpose for the millage". Likely why, when polled, 77% of citizens expected the revenues from the millage would be devoted to mental health and public safety services. (Polling was conducted by Public Policy Polling in Raleigh, NC and commissioned by Citizens for Mental Health & Public Safety.)

On July 3rd, July 14th, August 4th, and September 18th I submitted questions to our City Attorney regarding the ballot language vis a vis council's "Resolution of Intent" for how the 24% of the millage proceeds were proposed to be spent – i.e., on climate action, affordable housing, pedestrian/bicycle safety. I had to submit my Q's multiple times because responses were not provided. On September 18th I received the following response to two of the Q's I posed again, and had posed since early July. My questions and staff's response:

Q: "Is there any precedent in Michigan for this situation of a county tax millage that has a defined purpose and the title "Mental Health and Public Safety Preservation Millage", but involves sending money back to certain sub-jurisdictions of that County that can be used for completely unrelated purposes? If so, can you please provide a bit of information on the precedent(s). Also, are there any state laws, regulations or guidelines for how the money should be allocated back to sub-jurisdictions?"

Staff's response: "Staff are unaware of a prior example. The millage speaks for itself."

Q. "Given that the City is not obligated to spend the proceeds consistent with the County Millage purpose and title "Mental Health and Public Safety Preservation", what specific actions do staff recommend to ensure voters/taxpayers in the City fully understand what they are voting on:

- Different/amended ballot language? If not, please explain how the County's current ballot language, coupled with the declared intent of City Council to not

use funds for public safety purposes, meets the state's election law standard on millages for a "clear statement of purpose?"

Special educational efforts? If not different language or special educational efforts, how are Ann Arbor voters expected to know what they are actually voting on?"

Staff's response: "It is not the City's role to provide information on another jurisdiction's ballot proposal to voters."

Yes, I waited three months for these non-response, responses.

For these reasons, and more, I did not vote for the city council 7/3/17 "Resolution of Intent" or the 9/18/17 "Resolution of Intent". It should be noted that the 7/3/17 City Council "Resolution of Intent" preceded the Board of Commissioners approval of the ballot proposal (which occurred on 7/12/17).

As you can see, assuming state laws which require ballot language to state the purpose of a millage are relevant, I continue to struggle with the questionable funding of climate action programs with the County millage proceeds. Also, this funding recommendation was made by a council resolution, a resolution that was approved completely outside the budget process protocol.

Hope this is helpful, and thank you, again, for writing to provide your input on this proposed budget amendment.

Best regards,

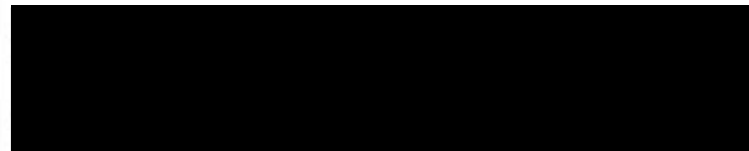
Jane Lumm

From: clark mccall [REDACTED]
Sent: Monday, October 15, 2018 4:11 PM
To: Lumm, Jane <JLumm@a2gov.org>
Subject: Fwd: Support Climate Funding

Hi Council Member Lumm,

Please support the budget resolution tonight to support funding for climate action.

Clark McCall



----- Forwarded message -----

From: clark mccall [REDACTED]
Date: Wed, Oct 10, 2018 at 1:04 PM
Subject: Support Climate Funding
To: <CityCouncil@a2gov.org>

Dear Council People,

Please support the budget resolution next Monday, Oct. 15 to support funding for climate action.

We are Ann Arbor. We must **lead** in taking positive and decisive steps toward a sustainable world and this resolution is one of those steps. Leading means we will occasionally stumble but we will be going in the right direction.

It is important that we act with haste to turn towards a stronger commitment to addressing climate change.

Clark McCall



Journal Archive

From: Ackerman, Zach
Sent: Monday, October 15, 2018 10:54 PM
To: Beaudry, Jacqueline
Subject: RE: Police Ordinance Amendments

Jackie,

I made some changes to my amendments. Can you please circulate the attached DRAFT 02 to Council when I speak?

Best,
Zach

Zachary Ackerman

Ann Arbor City Council

Ward 3

(734) 883-8391

Emails sent to or from this address could be subject to public disclosure under the Freedom of Information Act (FOIA).

From: Ackerman, Zach
Sent: Monday, October 15, 2018 9:15 AM
To: CityCouncil
Cc: Lazarus, Howard; Postema, Stephen; Beaudry, Jacqueline
Subject: Police Ordinance Amendments

Hi all,

Please see the attached amendments that I intend to bring forward.

Best,
Zach

Zachary Ackerman

Ann Arbor City Council

Ward 3

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Journal Archive

From: Eaton, Jack
Sent: Monday, October 15, 2018 11:08 PM
To: Beaudry, Jacqueline
Subject: B-2 amendments
Attachments: cm eaton amendments.pdf

Ms. Beaudry,

The attached file contains amendments I will propose. I have distributed this document to Council members earlier today.

Thanks,
Jack

Jack Eaton
Ward 4 Council member
734-662-6083

Messages to and from me regarding City matters are subject to disclosure under the Michigan Freedom of Information Act

Amendments to B-2 proposed by CM Eaton

Section 1:214 Composition of Commission

(1) *Membership.* The Commission shall consist of 11 voting members, one of which may be a youth member, to be appointed by one or more of the City Council liaisons to the Human Rights Commission or the Commission with the approval of the City Council. In making appointments of members to the Commission, City Council liaisons to the Human Rights Commission and the Commission shall appoint persons who, insofar as possible, represent the City's diverse population – especially those who tend to have significant negative interactions with the police and are committed to improving police and community relations. No active-duty police officer shall serve as a voting member of the Commission. No City employee shall serve as a voting member of the Commission.

Amendment:

(1) *Membership.* The Commission shall consist of 11 voting members, at least one of whom shall be a youth member. Members of the Commission shall be nominated by the Human Rights Commission and will be subject to approval by the City Council. In making nominations for appointment the Human Rights Commission should provide enough nominations to fill the available positions plus five alternative nominations in case any nominations are not approved by City Council. Nominations for the Commission should be persons who, insofar as possible, represent the City's diverse population – especially those who tend to have significant negative interactions with the police and are committed to improving police and community relations. Persons who are current employees of the City or who have been employed by the City, including active or former police officers, within five years of nomination shall not be eligible for appointment.

Current language:

(2) *Initial Recruitment Process.* To recruit applications community-wide for initial membership on the Commission, the Ann Arbor Human Rights Commission will do publicity and outreach to organizations that represent diverse populations. The Human Rights Commission, in conjunction with diverse representatives of the community, will plan multiple ways to inform the community about the Commission and the role and expectations of Commission members and its advisors. An application form shall be posted online and hard copies shall be made available in City Hall. Translation services shall be made available to applicants as necessary. Applicants may also choose to apply by interview completed by Human Rights Commission. Failure to apply shall not disqualify a person from being eligible for appointment. The Mayor, City, and other community organizations may also solicit recommendations for nominations from the community.

Proposed amendment:

(2) *Initial Recruitment Process.* To recruit applications community-wide for initial membership on the Commission, the Ann Arbor Human Rights Commission will do publicity and outreach to organizations that represent diverse populations. The Human Rights Commission, in conjunction with diverse representatives of the community, will plan multiple ways to inform the community about the Commission and the role and expectations of Commission members and its advisors. An application form shall be posted online and hard copies shall be made available in City Hall. Translation services shall be made available to applicants as necessary. Applicants may also choose to apply by interview completed by Human Rights Commission. Failure to apply shall not disqualify a person from being eligible for appointment. The Mayor, City, and other community organizations may also solicit recommendations for nominations from the community. All applications and recommendations will be forwarded to the Human Rights Commission who will develop and implement a process for review and ranking applications. The Human Rights Commission will nominate eleven initial members and five alternatives and forward those nominations to City Council.

1:215. - Incident Review

Current language:

(f) A person who wishes to transmit information to the Commission or City, but does not wish to file a complaint or contact the Commission or City directly, may contact a community liaison designated by the Commission under the Ordinance.

Proposed amendment:

(f) A person who wishes to file a complaint with the Commission without invoking the Police Department internal review process may do so if the complainant provides a written statement to the Commission that the complainant would not file any complaint if it required involvement of the Police Department. The complainant may request anonymity.

(3) Complaint Procedure.

Current language:

(a) Upon receipt of a complaint, the Commission will review the complaint and provide a copy of the complaint to the Department's Professional Standards Section. To the extent the complaint or inquiry concerns conduct of the Police Chief, the matter shall be referred to the City Administrator.

Proposed amendment:

(a) Upon receipt of a complaint, unless filed pursuant to paragraph 2 (f), the Commission will review the complaint and provide a copy of the complaint to the Department's Professional Standards Section. To the extent the complaint or inquiry concerns conduct of the Police Chief, the matter shall be referred to the City Administrator.

1:217 – Community Relations.

Current language:

(1) *Building Community Relations.* For the Department to be able to perform its vital function in a way that is both effective and equitable to all segments of the community, especially those segments of the community that are vulnerable and marginalized, it is crucial that there be increased understanding of the needs of those particular community groups by the Department. The Commission shall be proactive in discharging its responsibilities of fostering better communications and understanding between the Department and community, and of ensuring that its complaint procedure is known to the community as open and accessible to the public. To carry out its purpose, the Commission may, consistent with applicable law, host listening sessions, discussion circles, and educational sessions with community groups and with the community at large, with or without police participation, based on the preferences of each community group. In conducting these actions, the Commission:

(c) shall incorporate a youth perspective into the Commission's decisions and recommendations, organize events that are youth-oriented, and secure the participation of youth in other events as appropriate;

Proposed amendment

1:217 – Community Relations.

(1) *Building Community Relations.* For the Department to be able to perform its vital function in a way that is both effective and equitable to all segments of the community, especially those segments of the community that are vulnerable and marginalized, it is crucial that there be increased understanding of the needs of those particular community groups by the Department. The Commission shall be proactive in discharging its responsibilities of fostering better communications and understanding between the Department and community, and of ensuring that its complaint procedure is known to the community as open and accessible to the public. The Commission may take any action not prohibited by law that, in its discretion, it believes will help it do so. Such actions may include, without limitation, convening advisory boards, host listening sessions, discussion circles, and educational sessions with community

groups and with the community at large, with or without police participation, based on the preferences of each community group. In conducting these actions, the Commission:

(c) shall, through the Youth Liaison, work with the Youth Commission Member and either an existing or Commission-created Youth Council to incorporate a youth perspective into the Commission's decisions and recommendations, organize events that are youth-oriented, and secure the participation of youth in other events as appropriate;

1:219

Current language:

[No current language]

Proposed amendment:

(6) Funding and Budget. The Commission shall prepare an annual budget for its operations and submit a work plan to the City. Unless the Commission requests less, beginning with the fiscal year 2020 budget, the City shall appropriate each year, for the use of the Commission, no less than 1.15% of the amount appropriated in that year for the AAPD. Any unexpended funds shall be returned to the City's General Fund.

Current language:

No current language.

Proposed amendment:

(7) Additional Procedures and Rules of Operation. As provided in Title I, ch. 8, § 1.171(4) of the City Code, the Commission shall have the power to make rules and regulations concerning the administration of its affairs as shall not be inconsistent with laws, the City Charter, or the City Code – including, as examples, rules on the conduct of the Commission's meetings, governing whether remote electronic participation shall be allowed, and the maintenance by the Commission of its own means of communication, such as a website and Facebook page.

1:220. – Dispute Resolution.

Current language:

Any disputes concerning the Ordinance may be resolved through a request to the City Administrator or via a third-party mediator hired in accordance with Section 1:219 of the Ordinance.

Proposed amendment:

If the Commission and an officer or agency of the City disagree about the meaning or implementation of this ordinance, they shall have at their disposal, but shall not be limited to, the following processes, to be used at their discretion.

The City Administrator, on behalf of the City, and the Commission shall agree on the selection of a single Arbitrator, who shall serve for a one-year term, which may be renewed by mutual agreement. On the request of either party, the Arbitrator shall make a prompt attempt to resolve the matter by mediation. If at any time either party determines that the discussions have reached an impasse, they may call for arbitration. Upon a call for arbitration, the Arbitrator shall resolve the dispute as promptly as reasonably possible. The Uniform Arbitration Act, Act 371 of 2012, shall be deemed to apply to arbitrations held under this provision as if this provision were an agreement to arbitrate. Except to the extent necessary to protect confidential information, any hearing that is part of the arbitration process shall be open to the public.

A third-party arbitrator used under this section will be hired in accordance with Section 1:219 of the Ordinance.

Journal Archive

From: Ackerman, Zach
Sent: Monday, October 15, 2018 11:20 PM
To: Beaudry, Jacqueline
Subject: RE: Police Ordinance Amendments
Attachments: DRAFT 02 CM Ackerman proposed amendments.docx

Zachary Ackerman

Ann Arbor City Council

Ward 3

(734) 883-8391

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Sent: Monday, October 15, 2018 10:53 PM
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Best,
Zach

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Sent: Monday, October 15, 2018 9:15 AM
To: CityCouncil
Cc: Lazarus, Howard; Postema, Stephen; Beaudry, Jacqueline
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1:215(3) *Complaint Procedure*.

(a) Upon receipt of a complaint, the Commission will review the complaint and provide a copy of the complaint to the Department's Professional Standards Section. To the extent the complaint or inquiry concerns conduct of the Police Chief, the matter shall be referred to the City Administrator. If a complaint does not allege officer misconduct, but relates only to Police-related Policy, the Commission may review the complaint in accordance with Section 1:216 without immediate referral to the Department. ~~A complaint that includes an allegation of officer misconduct must be immediately provided to the Department's Professional Standards Section.~~

1:215(7) *Disputes Concerning Production*. Any disputes concerning the production of information and materials may be resolved through a request to the City Administrator or via mutually agreed upon alternative dispute resolution process ~~a third party mediator hired in accordance with Section 1:219 of the Ordinance.~~

Journal Archive

From: Warpehoski, Chuck
Sent: Monday, October 15, 2018 11:31 PM
To: Postema, Stephen
Subject: FW: Police Ordinance Amendments
Attachments: DRAFT 02 CM Ackerman proposed amendments.docx

Chuck Warpehoski
Ann Arbor City Council, Ward 5
cwarpehoski@a2gov.org
c: 734-972-8304

Visit www.chuckwarpehoski.org for Ward 5 updates and to sign up for a Ward 5 email newsletter.

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From: Beaudry, Jacqueline
Sent: Monday, October 15, 2018 11:20 PM
To: *City Council Members (All) <CityCouncilMembersAll@a2gov.org>
Cc: Postema, Stephen <SPostema@a2gov.org>; Lazarus, Howard <HLazarus@a2gov.org>
Subject: FW: Police Ordinance Amendments

From: Ackerman, Zach
Sent: Monday, October 15, 2018 11:20 PM
To: Beaudry, Jacqueline <JBeaudry@a2gov.org>
Subject: RE: Police Ordinance Amendments

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Cc: Lazarus, Howard; Postema, Stephen; Beaudry, Jacqueline
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To: Lazarus, Howard
Subject: FW: Police Ordinance Amendments
Attachments: DRAFT 02 CM Ackerman proposed amendments.docx

Chuck Warpehoski
Ann Arbor City Council, Ward 5
cwarpehoski@a2gov.org
c: 734-972-8304

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Cc: Postema, Stephen <SPostema@a2gov.org>; Lazarus, Howard <HLazarus@a2gov.org>
Subject: FW: Police Ordinance Amendments

From: Ackerman, Zach
Sent: Monday, October 15, 2018 11:20 PM
To: Beaudry, Jacqueline <JBeaudry@a2gov.org>
Subject: RE: Police Ordinance Amendments

Zachary Ackerman
Ann Arbor City Council
Ward 3
(734) 883-8391

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Cc: Lazarus, Howard; Postema, Stephen; Beaudry, Jacqueline
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Journal Archive

From: Mason S [REDACTED]
Sent: Monday, October 15, 2018 11:36 PM
To: Warpehoski, Chuck
Subject: Re: Please vote YES on CA-22!

Thank you Chuck for supporting the resolution today even though it didn't get passed. It is greatly appreciated. Maybe I can try to get more people to send in emails before the next city council meeting where this resolution is addressed again.

On Mon, Oct 15, 2018 at 6:22 PM Warpehoski, Chuck <CWarpehoski@a2gov.org> wrote:

Thank you. It has my full support.

Chuck Warpehoski

Ann Arbor City Council, Ward 5

cwarpehoski@a2gov.org

c: 734-972-8304

Visit www.chuckwarpehoski.org for Ward 5 updates and to sign up for a Ward 5 email newsletter.

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From: Mason S [REDACTED]
Sent: Monday, October 15, 2018 5:12 PM
To: CityCouncil <CityCouncil@a2gov.org>
Subject: Please vote YES on CA-22!

Dear Mayor and Council Members,

I would like to take this opportunity to ask you to vote "Yes" on budget resolution agenda item CA-22, the resolution to fund the Climate Action Plan, at today's Council Meeting. My name is Mason. I am a 24 year old resident of Ann Arbor currently living at my parents' house and working at Zingerman's. I have an interest in sustainable farming and I am proud to live in a city that values local food production as much as our city does.

President Schlissel announced on October 4th that the U of M will achieve its commitment to meeting its current Carbon Reduction Goal of 25% by 2025 and, even more exciting, will begin work to get on a path for Carbon Neutrality. Moreover, the U wants to work with the community to help achieve this goal for our entire community, AND make the U and Ann Arbor a model for other communities.

I think climate change is the defining issue of our time and given the latest IPCC report I think it is clear that doing anything less than everything humanly possible to reduce carbon emissions and adapt to our warming world doesn't make sense. That is why I strongly support this resolution. If the University of Michigan is stepping up to the challenge then I think it is time for Ann Arbor to join the fight. I hope this comment is read by the council before the meeting. My apologies for being so late in sending this.

Thank you,
Mason Sharp


Ward 5

Journal Archive

From: Warpehoski, Chuck
Sent: Monday, October 15, 2018 11:46 PM
To: Beaudry, Jacqueline
Cc: Lazarus, Howard; Higgins, Sara
Subject: amendments
Attachments: CM Warpehoski proposed amendments 10-12-18.docx

Chuck Warpehoski
Ann Arbor City Council, Ward 5
cwarpehoski@a2gov.org
c: 734-972-8304

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AMENDMENT 1:

1:215 – Incident Review

(2) Filing a Complaint.

(a) Any individual, whether or not involved in the incident in question and without respect to citizenship or residence, may file a complaint with the Commission or the Department. The Commission shall not inquire about any complainant's immigration status or gender identity legal identity.

AMENDMENT 2

1:215 – Incident Review

(2) Filing a Complaint.

(c) The complainant may choose to file the complaint anonymously. If filed anonymously, the Commission shall not attempt to determine the identity of the complainant, and shall attempt to communicate with the complainant only if it can do so without learning the complainant's identity. If a complaint is made without revealing the identity of the complainant, the Commission shall treat the complaint as being filed anonymously. A complainant who files anonymously may decide at a later time to reveal the complainant's identity. The fact that a complainant's identity is known to a Commission member shall not prevent the complainant from filing the complaint anonymously.

AMENDMENT 3

1:216 – Same—Reports and Recommendations Concerning Policies, Practices, and Compliance.

(2) Access to Information and Materials.

(c) Without Need for Request. The Department shall report to the Commission on a periodic basis (a) any significant developments bearing on the Department's performance of its functions, including any significant changes in policies or procedures (including without limitation in training or discipline), staffing, or budgetary needs, (b) any external complaints filed with the Department, including the substance of the complaint and the process and substance of the Department's response to it, and (c) data on field operations disaggregated by race to the extent that disaggregated data is available.

AMENDMENT 4:

1:219.(2) Facilities and Staff Support. The City shall provide the Commission with suitable facilities for the conduct of its meetings and other business. The City shall also provide the Commission with the services of an administrative liaison consistent with other City boards and commissions. The City Administrator, Police Chief, and City Attorney shall provide staff liaisons to the Commission with appropriate expertise to support the Commission. Within the Commission's designated budget, the Commission may seek additional professional services, to the extent the contract for those services is approved in accordance with City procurement procedures. The Commission shall have the opportunity to provide input regarding selection of such contractors, including legal counsel, and to make recommendations regarding proposed contractors and legal counsel. The City Administrator shall ensure that such contracts are properly entered into, in compliance with the City Charter and City hiring and procurement policies, and maintained (with respect to such matters as payment, tax withholding and reporting, and record-keeping for freedom-of-information purposes). The City Administrator shall ensure that the Commission has access to the contracted services in order to fulfill the purpose of the contract.

Journal Archive

From: Samantha Basile [REDACTED]
Sent: Tuesday, October 16, 2018 12:24 AM
To: Bannister, Anne
Subject: In response to your statements on CA 22

Good Evening Councilmember,

I'm a resident of Ward 1 and wanted to express my disappointment at hearing your statements against CA 22 earlier this evening.

You mentioned that it's the responsibility of city residents and the University to mitigate carbon emissions, and you're right, but the City **MUST** be a partner and leader in that effort. I felt that it was misleading and manipulative to assert that citizens alone must create change without help from their elected officials and that your constituents should find hope in the council's rejection of the work plan.

In terms of climate change adaptation, Ann Arbor can offer its residents tangible opportunities to live safer, healthier lives by investing in the work plan that the Office of Sustainability has put forward. Furthermore, with the work plan, the Council has the opportunity align with other departments to create a unified response to one of, if not the most, dire issues facing our future.

I believe we must work together on the issue of climate change. I hope you reconsider your position on the plan and vote yes to its approval in November.

Thank you for your time,
Samantha Basile

Samantha Basile
she/her
PhD Candidate, MEng Applied Climate
Climate and Space Sciences and Engineering
University of Michigan
[Research Profile](#)

Journal Archive

From: Glenn Nelson [REDACTED]
Sent: Tuesday, October 16, 2018 12:42 AM
To: Bannister, Anne; Eaton, Jack; Kailasapathy, Sumi; Lumm, Jane
Subject: Thank You!

Anne, Jack, Jane, Sumi,

Thank you for all you have done, and are doing, to make sure the voices of the general citizenry are heard and to serve the needs of those who struggle with health challenges that make it difficult for them to be as visible as others in political processes.

Glenn

Journal Archive

From: Ackerman, Zach
Sent: Tuesday, October 16, 2018 1:49 AM
To: Beaudry, Jacqueline
Subject: DC-2 Amendment Update

Hi Jackie,

After my Ordinance Amendment passing, please circulate the amendment below, which attempts to keep the Bylaws consistent with the Ordinance.

Article 4

MEMBERSHIP

4.1 The Commission consists of 11 voting members, one of whom shall be a youth member, to be appointed by one or more of the City Council liaisons to the Human Rights Commission or liaisons to the Commission with the approval of City Council; and two nonvoting City Council member liaisons appointed by the City Council.

Zachary Ackerman

Ann Arbor City Council

Ward 3

(734) 883-8391

Emails sent to or from this address could be subject to public disclosure under the Freedom of Information Act (FOIA).

Journal Archive

From: Microsoft Outlook on behalf of Frost, Christopher
Sent: Tuesday, October 16, 2018 2:06 AM
To: Taylor, Christopher (Mayor)
Cc: Postema, Stephen; Lazarus, Howard; Radabaugh, Margaret; Warpehoski, Chuck; Beaudry, Jacqueline; Ackerman, Zach
Subject: RE: Police Commission bylaws
Attachments: RE: Police Commission bylaws

Sender: CFrost@a2gov.org
Subject: RE: Police Commission bylaws
Message-Id: <836AF41FA717EF4C9EEC4F93C1F48474051FAB89@ExchMBX2.CITY.A2>
To: CTaylor@a2gov.org
Cc: SPostema@a2gov.org
Cc: HLazarus@a2gov.org
Cc: MRadabaugh@a2gov.org
Cc: CWarpehoski@a2gov.org
Cc: JBeaudry@a2gov.mail.onmicrosoft.com
Cc: ZAckerman@a2gov.org



**BYLAWS OF THE
INDEPENDENT COMMUNITY POLICE
OVERSIGHT COMMISSION**

Adopted on _____

**Article 1
NAME**

The name of this commission is the Independent Community Police Oversight Commission ("Commission").

**Article 2
ENABLING AUTHORITY**

The Commission is established by ordinance of the Ann Arbor City Council.

**Article 3
PURPOSE, OBJECTIVES, AND DUTIES**

3.1 The purpose of the Commission is:

- (1) To improve and strengthen police-community relations.
- (2) To create an environment which allows for better communication, understanding, and relations between the Ann Arbor Police Department ("Department") and the community.
- (3) To provide the community with a role in recommending policies and practices that ensure a high quality of police services, and to give the community a voice in influencing the selection of leadership for the Department.
- (4) To provide oversight of the Department with regard to the provision of police services, with the goal that the entire community – meaning everyone who lives, works, studies in, or visits Ann Arbor – may live safely and experience equitable treatment in any interactions with the police.
- (5) To work with the Department to encourage the respectful treatment of all persons, and without undue use of force. This concern is of special significance with respect to segments of the community that are vulnerable and have been marginalized, such as persons of color, immigrants, low-income people, victims of domestic violence, those who suffer from mental illness, and transgender persons.
- (6) To provide a process for outside review of particular incidents to evaluate the police response in the incident as well as the sufficiency of any police investigation related to the incident and to recommend any changes in police policies or practices..

3.2 The Commission is responsible to the Mayor and City Council. The Commission is an advisory body and is limited to performing the tasks enumerated by its enabling resolution or ordinance, these bylaws, and otherwise delegated to it by City Council.

Article 4 MEMBERSHIP

4.1 The Commission consists of 11 voting members, one of whom ~~may~~ shall be a youth member, ~~nominated to be appointed by the Mayor and approved by City Council~~ one or more of the City Council liaisons to the Human Rights Commission or liaisons to the Commission; and two nonvoting City Council member liaisons appointed by the City Council. Persons who are current employees of the City or who have been employed by the City, including active or former police officers, within five years of nomination shall not be eligible for appointment.

4.2 All members of the Commission serve without compensation.

4.3 The term of each voting member is three years, except that youth member, if any, is one year. The term of the Council liaisons shall be determined by City Council consistent with Council appointments for committees. Appointments shall be staggered so that one third of the voting members' terms expire each year. At least three months before the expiration of the term of any member of the Commission, the Commission shall initiate a community-wide effort to recruit new applicants, identifying any skills it believes new Commission members should ideally have, but such skills shall not be deemed requirements for membership.

4.4 Consistent with City Charter § 12.2, each member of the Commission shall be a registered elector of the City of Ann Arbor at the time of appointment, unless this requirement is waived by a resolution concurred in by at least seven members of City Council.

4.5 Consistent with City Code § 1:171, no member shall be allowed to hold over for more than 60 days beyond the appointed term whether or not a successor has been appointed, except that City Council may extend terms for periods of 90 days upon the recommendation of the Mayor and vote of at least six members of Council.

4.6 Consistent with City Code § 1:171, the Mayor shall notify City Council of the expiration of a member's term at least 30 days prior and shall present to City Council all proposed reappointments no later than 60 days after the expiration of the term.

4.7 Consistent with City Code § 1:171, any vacancy on the Commission occurring in the middle of a term shall be filled for the remainder of the term in the same manner as for full-term appointments.

4.8 Members are expected to attend regularly scheduled meetings and to notify the Chair and staff liaison in advance if they expect to be tardy or absent. If a member misses more than three regularly scheduled meetings in a 12 month period, the Chair shall notify the Mayor and may recommend removal of the member.

4.9 Consistent with City Code § 1:171, a member of the Commission may be removed for cause by the Mayor with the approval of City Council.

Article 5
ETHICS AND CONFLICTS OF INTEREST

5.1 A member of the Commission shall abstain from discussion or voting on any matter in which that member has a real or apparent conflict of interest. Decisions regarding conflicts of interest shall be evaluated on a case-by-case basis with reasonable application of the principles provided in this Article. A conflict of interest shall at a minimum include, but is not necessarily limited to:

- (1) Discussing, voting on, or otherwise acting on a matter in which a member or any member of his/her immediate family, his/her partner, or an entity with whom the member has family or business ties has a direct financial or beneficial interest.

5.2 A member of the Commission shall neither solicit nor accept gratuities, favors, or anything of monetary value from persons or entities in a position to benefit from a decision of the Commission.

5.3 A member of the Commission shall not obtain, for himself/herself or for any person with whom he/she has business or family ties, any financial or beneficial interest in a matter which may be affected by a decision of the Commission. This restriction shall apply during the member's tenure on the Commission and for one year thereafter.

5.4 A member of the Commission shall disclose the general nature of any potential conflict, real or apparent, and, except when it violates a confidence, shall disclose all pertinent facts relating to the potential conflict. These disclosures shall be made prior to discussion and voting when possible and shall be recorded in the minutes of the proceedings. If the member believes that the potential conflict warrants abstention, they may abstain from discussion and voting on the matter.

5.5 A member who cannot vote due to a conflict of interest shall, during deliberation of the matter before the Commission, leave the meeting or the area where the members sit until action on the matter is concluded.

5.6 When a question has arisen as to whether a member is ineligible to participate in discussion or vote on a matter because of a conflict of interest, the Commission may determine that the member is ineligible due to a conflict of interest by a vote of a majority of the other members present. Upon such a determination, the ineligible member shall not participate in discussion or vote on the matter.

5.7 Members of the Commission shall complete an annual disclosure of organization affiliations that could conceivably present a conflict of interest and shall update this disclosure in writing at any time during the year when such affiliations change.

5.8 Members shall not act, hold themselves out, or permit themselves to be perceived as official representatives or spokespersons for the Commission without authorization from the Commission or the Chair. When communicating for personal purposes on matters that may relate to the Commission's business, members shall clearly indicate that their statements are made in a

personal capacity and do not necessarily reflect the views of the Commission. Whenever a member is asked to speak on behalf of the Commission, the member shall seek permission of the Commission or the Chair in advance.

5.9 To maintain public confidence in the objectivity of the Commission and to avoid the appearance of bias or prejudice, a member shall not speak or appear before the Commission on behalf of or as a representative of a potential or actual petitioner. A member should avoid speaking or appearing before another entity on behalf of or as a representative of a potential or actual petitioner and shall inform the Commission and recuse themselves from such a petition if the member does so. Outside of a Commission meeting, a member shall not advise an actual or potential petitioner regarding a petition, except to inform the petitioner of factual procedures of the Commission. This section does not preclude a member from discussing a petition within the scope of the Commission's duties at a Commission meeting.

5.10 Members of the Commission shall communicate with City staff through the Commission's designated staff liaison, unless otherwise authorized by ordinance or the City administration, and shall follow applicable City administrative policies.

5.11 Members shall conduct themselves in a fair, courteous, and understanding manner at all times in the discharge of their duties, and shall avoid exchanges or actions based upon personal differences. Members shall be respectful of other members, the public, petitioners, and City staff.

Article 6 OFFICERS

6.1 The officers of the Commission shall be a Chair and Vice-Chair. The officers shall be elected each year from among the voting members of the Commission. The officers shall be elected for a one-year term by a majority of the voting members currently serving on the Commission. No member shall serve more than three consecutive full terms in the same office. The term of each officer shall be one year. Elections of officers shall be held no later than the month before the officer's term expires.

6.2 The Chair shall preside at all meetings and shall decide points of order and procedure, subject to the provisions of these bylaws. The Chair shall ensure that all meetings are conducted in an efficient and respectful manner. The Chair shall have the privilege of discussing and voting on all matters before the Commission. The Vice-Chair shall assume the duties of the Chair in the Chair's absence.

6.3 When an office becomes vacant before the expiration of the current term (whether by resignation, removal, incapacity, or other circumstance), the vacancy shall be filled by election in the same manner as for full-term officers and the new officer shall serve the remainder of the term. The replacement officer shall be elected at the next regularly scheduled meeting or as soon as practicable. The Vice-Chair may be elected as replacement Chair, in which case a replacement Vice-Chair shall be elected at the same time.

6.4 No member may hold multiple offices at the same time.

Article 7 MEETINGS

7.1 The Commission shall schedule regular monthly meetings. The entire schedule of regular meetings for the upcoming year shall be posted within 10 days after the first meeting of the year. A change in the schedule of regular meetings must be approved by the Commission, and notice of the change shall be posted within three days after the meeting at which the change is approved.

7.2 Special meetings may be called by the Chair or by the written concurrence of three voting members. Public notice of the special meeting shall be posted at least 18 hours prior to the scheduled starting time. Except when the special meeting is a rescheduled regular meeting, the purpose of the special meeting should be stated in the public notice if practicable, and the Commission should not conduct any business beyond the purpose stated in the public notice, except by unanimous consent of the voting members present.

7.3 The Commission may hold nonvoting working meetings to carry on the work of the Commission. Public notice of the working meeting shall be posted at least 18 hours prior to the scheduled starting time.

7.4 Public notice of regularly scheduled committee meetings shall be posted in the same manner as the schedule of regular Commission meetings. Public notice of nonregularly scheduled or special committee meetings shall be posted at least 18 hours prior to the scheduled starting time.

7.5 Public notice of all meetings shall be posted at City Hall or at any location designated by the City Administrator or City Council.

7.6 When practicable, meetings shall be scheduled to allow the staff liaison to provide notice to all members of the Commission at least 48 hours in advance.

7.7 The Chair may cancel a meeting if there is no business on the agenda or if it is clear that a quorum will not be present. The Chair may cancel a meeting due to weather, emergency, or other circumstances that may substantially limit the ability of members of the Commission or the public to attend. The Chair shall give notice of cancellation to members of the Commission and the staff liaison as soon as possible and at least two hours prior to the scheduled meeting time, when practicable. The staff liaison shall post public notice of the cancellation as soon as practicable. Cancelled regular meetings may be rescheduled in the same manner as special meetings.

7.8 The presence of six voting members shall constitute a quorum. The concurring vote of a majority of all members present and eligible to vote is required for the Commission to act. The right to vote is limited to members of the Commission actually present at the time the vote is taken at a lawfully called meeting. A member who is not eligible to vote on a matter because of a conflict of interest shall not be counted in establishing a quorum for that matter.

7.9 Voting shall be by voice or a show of hands. If the vote is not unanimous, a roll call vote shall be taken and recorded in the minutes.

7.10 The Commission shall keep minutes of all regular and special meetings in accordance with City administrative policies and direction.

7.11 Consistent with City Council Resolution R-642-11-91, all meetings of the Commission's committees and subcommittees shall be open to the public in the spirit of section 3 of the Open Meetings Act.

7.12 Public comment shall be allowed at all meetings. An individual may speak for up to three minutes on any item open for public comment. The Chair may extend an individual's speaking time in the Chair's discretion. Public comment on non-agenda items may be limited in the Chair's discretion.

Article 8 AGENDA AND ORDER OF BUSINESS

8.1 An agenda for each meeting of the Commission shall be developed by the Chair and the staff liaison in consultation with members of the Commission as needed. To the extent practicable, agendas, resolutions, and materials for all regular meetings shall be made available to the public and other members of the Commission at least 48 hours before the meeting's scheduled starting time.

8.2 The order of business at regular meetings shall be as follows. The order of business may be suspended or modified by a majority vote of those members present.

- (1) Call to Order
- (2) Roll Call
- (3) Approval of Agenda
- (4) Approval of Minutes
- (5) Public Comment
- (6) Regular Business
- (7) Communications
- (8) Adjournment

Article 9 COMMITTEES AND LIAISONS

9.1 The Commission may create standing or special committees to carry on the work of the Commission. Standing committees may, but need not be, described in the bylaws. Committees shall be limited to performing the tasks delegated to them by the Commission. Each committee shall include at least one member of the Commission and may include nonmembers in the Commission's discretion.

9.2 Members of committees shall be appointed by the Chair and approved by the Commission.

9.3 In creating each committee, the Commission shall consult with City staff to review the necessity of creating the committee and whether adequate resources exist to support

the committee. Committees are subject to applicable City's administrative policies and procedures.

9.4 *Youth Groups.* The Commission or its members may consult with groups composed of youths residing in Washtenaw County between the ages of 16 and 21 years old, inclusive and may make broad-based outreach efforts with particular efforts to secure the participation of youths from marginalized communities and vulnerable communities, and youths who have had significant encounters with the police.

9.5 *Other Groups.* The Commission or its members may consult with other advisory groups such as a Council of Elders or other demographic groups if doing so will assist the Commission in advancing its purposes. The members of such groups might be those persons who can offer to the Commission experiences with the police that are unknown or unfamiliar to the Commission members and whose perspectives and voices will help the Commission do a comprehensive job of evaluating the policies and practices of the police.

9.6 *Community Liaisons.* The Commission may identify one or more persons in the community who may serve as a liaison for persons who wish to provide suggestions, concerns, or complaints, or other information related to the Commission's purpose, but who do not wish to contact the Commission or City directly, or participate in the complaint process identified in the Commission's enabling ordinance. In identifying community liaisons, the Commission shall take reasonable steps to ensure that the liaisons will:

- (1) Be publicly available to any person wishing to provide information.
- (2) Be available to provide the Commission with regular updates regarding all information received related to their role as a community liaison.
- (3) To the best of their ability, accurately report the information received.
- (4) Understanding that the information the liaison provides to the Commission is likely to be a public record, protect the identity or confidential information of persons who provide information, unless the person expressly authorizes otherwise.

The Commission may evaluate whether and to what extent any of the information received from a community liaison warrants further review, discussion, or response by the Commission, bearing in mind that the Commission likely will not have access to first-hand information.

Article 10

PARLIAMENTARY AUTHORITY

10.1 The rules contained in the current edition of Robert's Rules of Order Newly Revised shall guide the Commission; however, parliamentary procedure shall be flexible and may be adjusted in the Chair's discretion to best serve the needs of the Commission. Nevertheless, all parliamentary procedures must be consistent with these bylaws.

10.2 The Commission shall not adopt or follow any operating rules, regulations, guidelines, or procedures not expressly prescribed by these bylaws.

Article 11
AMENDMENT OF BYLAWS

11.1 Amendments to these bylaws may be approved at any regular meeting by a vote of two-thirds of all voting members currently serving on the Commission. Proposed amendments must have been submitted in writing at the previous regular meeting to be considered. Proposed amendments must be submitted to the Office of the City Attorney for review prior to adoption by the Commission. After adoption by the Commission, the bylaws are not effective until approved by City Council.

11.2 These bylaws shall be reviewed periodically by the Commission for possible amendment.

Article 12
MISCELLANEOUS

12.1 The City Administrator shall designate a staff member to be the liaison between the Commission and City staff. The City Administrator has final discretion regarding staffing.

12.2 The Ann Arbor City Attorney's Office shall be the legal consultant to the Commission.

Journal Archive

From: Warpehoski, Chuck
Sent: Tuesday, October 16, 2018 2:09 AM
To: Beaudry, Jacqueline

RESOLVED, City Council approves an increase in the FY19 General Fund budget for City Administrator of \$30,000 for a staff liaison to provide administrative support on a contractual basis and \$20,000 for professional services funded as described in section 1:219 (2) and (3) with a use of fund balance;

Chuck Warpehoski
Ann Arbor City Council, Ward 5
cwarpehoski@a2gov.org
c: 734-972-8304

Visit www.chuckwarpehoski.org for Ward 5 updates and to sign up for a Ward 5 email newsletter.

Emails received and sent to me as a Councilmember regarding City matters are generally subject to disclosure under the Freedom of Information Act.

Journal Archive

From: Warpehoski, Chuck
Sent: Tuesday, October 16, 2018 2:14 AM
To: Beaudry, Jacqueline
Subject: RE:

Corrected

RESOLVED, City Council approves an increase in the FY19 General Fund budget for Ann Arbor Police Department of \$30,000 for a staff liaison to provide administrative support on a contractual basis and \$20,000 for professional services as described in section 1:219 (2) and (3) with a use of fund balance;

Chuck Warpehoski
Ann Arbor City Council, Ward 5
cwarpehoski@a2gov.org
c: 734-972-8304

Visit www.chuckwarpehoski.org for Ward 5 updates and to sign up for a Ward 5 email newsletter.

Emails received and sent to me as a Councilmember regarding City matters are generally subject to disclosure under the Freedom of Information Act.

From: Beaudry, Jacqueline
Sent: Tuesday, October 16, 2018 2:10 AM
To: *City Council Members (All) <CityCouncilMembersAll@a2gov.org>
Cc: Postema, Stephen <SPostema@a2gov.org>; Lazarus, Howard <HLazarus@a2gov.org>
Subject: FW:

From: Warpehoski, Chuck
Sent: Tuesday, October 16, 2018 2:09 AM
To: Beaudry, Jacqueline <JBeaudry@a2gov.org>
Subject:

RESOLVED, City Council approves an increase in the FY19 General Fund budget for City Administrator of \$30,000 for a staff liaison to provide administrative support on a contractual basis and \$20,000 for professional services funded as described in section 1:219 (2) and (3) with a use of fund balance;

Chuck Warpehoski
Ann Arbor City Council, Ward 5
cwarpehoski@a2gov.org
c: 734-972-8304

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