

# ***BEMIDJI CITY COUNCIL CITY OF BEMIDJI***

## **NOTICE OF REGULAR MEETING PURSUANT TO MINNESOTA STATUTES SECTIONS 13D.04 AND 13D.021**

### **NOTICE OF REGULAR COUNCIL MEETING BY TELEPHONE OR OTHER ELECTRONIC MEANS**

**NOTICE IS HEREBY GIVEN** that the City Council of the City of Bemidji will hold a Work Session on Monday, August 10, 2020 at 5:30 p.m. at Bemidji City Hall.

In accordance with the requirements of Minn. Stat. Sections 13D.04 and 13D.021, Mayor Rita C. Albrecht, has determined that an in person meeting is not practical or prudent because of a health pandemic and Peace Time State of Emergency, declared under Chapter 12 of the Minnesota Statutes.

Because of the health pandemic and Peace Time State of Emergency, it has been determined that attendance at the regular meeting location by members of the public is not feasible.

Because of the health pandemic and Peace Time State of Emergency, it has been determined that the physical presence at the regular meeting location by at least one member of the body, chief legal counsel or chief administrative officer is not feasible.

Therefore, some or all of the City Council members may be participating by telephone or other electronic means.

**To join by video conference, go to Cisco Webex website ([www.webex.com](http://www.webex.com)), click on “join” in the upper right corner and enter information below (access will open at 5:00 p.m.):**



- Enter meeting number: 126 959 8916
- Enter meeting password: rQs7gxC5Ja6 (77774925from phones & video systems)
  - Click Join Meeting

**To join by phone, dial: +1-408-418-9388. Enter meeting number (access will open at 5:15 p.m.):**

- 126 959 8916 #
- Press # for no attendee ID number

# ***BEMIDJI CITY COUNCIL***

## ***Work Session Agenda***

**Monday, August 10, 2020**

**City Hall  
5:30 P.M.**



1. CALL TO ORDER / ROLL CALL
2. LISTENING SESSION/POLICE ADVISORY COMMITTEE
3. ADJOURNMENT

# MEMORANDUM



**TO:** City Council, City Manager, Police Chief, and City Clerk  
**FROM:** Alan R. Felix, City Attorney  
**DATE:** August 4, 2020  
**RE:** Police Advisory Commission (Civilian)

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The primary reason for the upcoming August 10<sup>th</sup> Public Hearing/Listening Forum has been the suggestion by Police Chief Mike Mastin that the City consider creating a Police Advisory Commission as a forum to discuss and make recommendations concerning the police department and policing functions. Chief Mastin points to the Board created in neighboring Grand Rapids as a possible model to emulate.

At the same time, it has been suggested that Monday evening's discussion be expanded to also address citizen advisory involvement in what is being referred to as an "Equity Committee", to hear and consider community issues generally in the nature of race, bias, and inequality that exist in the community at large.

To assist the Council with some preliminary background information on Citizen Police Advisory Boards in preparation for Monday's discussion, Legal Staff have prepared a brief rundown of some of the relevant State Law, City Charter, and City Ordinance provisions respecting City personnel-related policy and oversight, particularly as relates to the Police Department function and law enforcement personnel generally. Additionally, to give you a picture of what a commission or board could look like and its function(s), we have attached copies of not only the Grand Rapids Ordinance creating their Police Community Advisory Board, but the Duluth Ordinance creating their Duluth Citizen Review Board.

## STATE LAW BACKGROUND

Should Monday evening's discussion become focused on the notion of a citizen's board functioning as an independent, complaint-handling oversight entity, I first need to point out (remind) that complaints respecting individual personnel trigger both State Data Privacy and Open Meeting Law implications. More importantly, respecting law enforcement personnel, Minnesota Statutes Section 626.89 codifies what is known as the Peace Officer Discipline Procedures Act. Of specific relevance is Subdivision 17, which provides that:

A civilian review board, commission, or other oversight body shall not have the authority to make a finding of fact or determination regarding a complaint against an officer or impose discipline on an officer. A civilian review board, commission, or other oversight body may make a recommendation regarding the merits of a complaint, however, the recommendation shall be advisory only and shall not be binding on nor limit the authority of the chief law enforcement officer of any unit of government." (See copy attached)

In addition to State Law, the City's Charter and City Code address Boards and Commissions, as well as personnel policy and management.

## **CITY CHARTER BACKGROUND**

The City Charter speaks to Boards and Commissions in Section 2.02, entitled “Boards and Commissions”. Section 2 provides that the council may establish boards or commissions to advise the council with respect to any municipal function or activity, to investigate any subject of interest to the city, or to perform quasi-judicial functions.

Charter Section 2.08, entitled “Investigation of City Affairs”, separately provides that the council may make investigations into the affairs of the city and the conduct of any city department, office or agency and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence.

However, both of these Charter provisions must be interpreted in harmony with the dictates of Minnesota Statute Section 626.89.

As pertains to personnel management, Charter Section 2.09, entitled “Interference with Administration”, provides that neither the Mayor nor any other councilmember shall dictate the appointment or removal of any city administrative officer or employee but may express its views and freely discuss with the Manager anything pertaining to the appointment and removal of officers and employees. (Of course, any such “expression of views” must comport with current Government Data Privacy and Open Meeting Law restrictions respecting the same.)

And, as further provided in Section 2.09, except for the purpose of inquiry and investigation under Section 2.08, the council shall deal with and control city administrative officers and employees under the jurisdiction of the manager solely through the Manager.

Charter Chapter 6 next speaks to administration of city affairs, specifically defining the powers and duties of the City Manager. As the chief administrative officer of the city, the manager solely has the power to direct and supervise all departments, officers and employees of the city, except as otherwise provided by law or Charter, and to appoint and may suspend and remove, upon the basis of merit and fitness and subject to applicable personnel rules, the city clerk, all heads of departments, and all subordinate officers and employees ***except for personnel who are governed by appropriate civil service commissions and/or other relevant boards as provided by statute. (emphasis added)***

Pursuant to its Charter authority, the City has enacted ordinances dealing both with personnel and Boards and Commissions as well.

## **ORDINANCE BACKGROUND**

Pursuant to Charter Section 6.03, ordinances have been enacted and codified under Bemidji City Code Chapter 2, Article IV, creating, among others, the Police Department and the department head position of Police Chief. Again, the Police Chief (and all department heads for that matter) are directly responsible to the City Manager.

As to Boards and Commissions, City Code, Article V, Division 1, Section 2-221 defines generally the conduct, composition and organizational of Boards and Commissions created by Council ordinance or resolution. (See copy attached) For example, all board and commission appointments shall be made by the mayor and confirmed by the council. Moreover, all appointed members shall serve without compensation, but may be reimbursed for out-of-pocket

expenses incurred in the performance of their duties when such expenses have been authorized by the council before they are incurred. Subsection 2-221(i) also states that they shall act in an advisory capacity and have no administrative authority.

\*[Note: City Merit Hearing Board, is codified in Section 2.326 of Division 5, Article V of Chapter 2. Under the City's current Personnel Policy, the Merit Hearing Board is empowered to act as review board for all personnel-related complaints and/or disciplinary matters brought before them.]

## **PERSONNEL POLICY/PROCEDURES, AND EMPLOYMENT AGREEMENTS (UNION)**

Without going into more detail, existing personnel policy and procedures, along with terms of employment agreements with law enforcement personnel (union), interplay with the State Law and City Charter/Code provisions mentioned above, adding complexity to personnel issues.

## **RESOURCES**

A consideration warranting mention early on in any discussion regarding creation of a new board or commission, is the ability to commit the necessary city and citizen resources to the creation and operation of a new commission or board.

## **SUMMARY**

In a nutshell, the foregoing is an abbreviated attempt to provide background information for Council benefit given the discussion anticipated to take place on August 10<sup>th</sup>. The foregoing information is by no means exhaustive on the subject of citizen police review/advisory boards. There is much Information and Commentary to be found on line respecting the efficacy of citizen review boards generally. Nonetheless, your review and comparison of the Grand Rapids and Duluth examples before Monday evening's discussion, may ultimately be of some help in terms of seeing what already is in operation in neighboring cities. Lastly, as exemplified by Grand Rapids and Duluth, the creation of a Citizens Advisory Board will require the passage of an ordinance, codifying a board into the Bemidji City Code.

**626.89 PEACE OFFICER DISCIPLINE PROCEDURES ACT.**

Subdivision 1. **Definitions.** For purposes of this section, the terms defined in this subdivision have the meanings given them.

(a) "Administrative hearing" means a nonjudicial hearing or arbitration authorized to recommend, approve, or order discipline.

(b) "Formal statement" means the questioning of an officer in the course of obtaining a recorded, stenographic, or signed statement to be used as evidence in a disciplinary proceeding against the officer.

(c) "Officer" means a licensed peace officer or part-time peace officer, as defined in section 626.84, subdivision 1, paragraphs (c) and (d), who is employed by a unit of government.

Subd. 2. **Applicability.** The procedures and provisions of this section apply to law enforcement agencies and government units. The procedures and provisions of this section do not apply to investigations of criminal charges against an officer.

Subd. 3. **Governing formal statement procedures.** The formal statement of an officer must be taken in accordance with subdivisions 4 to 10.

Subd. 4. **Place of formal statement.** The formal statement must be taken at a facility of the employing or investigating agency or at a place agreed to by the investigating individual and the investigated officer.

Subd. 5. **Complaint.** An officer's formal statement may not be taken unless there is filed with the employing or investigating agency a written complaint signed by the complainant stating the complainant's knowledge, and the officer has been given a summary of the allegations. Complaints stating the signer's knowledge also may be filed by members of the law enforcement agency. Before an administrative hearing is begun, the officer must be given a copy of the signed complaint.

Subd. 6. **Witnesses; investigative reports.** Upon request, the investigating agency or the officer shall provide the other party with a list of witnesses that the agency or officer expects to testify at the administrative hearing and the substance of the testimony. A party is entitled to copies of any witness statements in the possession of the other party and an officer is entitled to a copy of the investigating agency's investigative report, provided that any references in a witness statement or investigative report that would reveal the identity of confidential informants need not be disclosed except upon order of the person presiding over the administrative hearing for good cause shown.

Subd. 7. **Sessions.** Sessions at which a formal statement is taken must be of reasonable duration and must give the officer reasonable periods for rest and personal necessities. When practicable, sessions must be held during the officer's regularly scheduled work shift. If the session is not held during the officer's regularly scheduled work shift, the officer must be paid by the employing agency at the officer's current compensation rate for time spent attending the session.

Subd. 8. **Record.** A complete record of sessions at which a formal statement is taken must be made by electronic recording or otherwise. Upon written request of the officer whose statement is taken, a complete copy or transcript must be made available to the officer without charge or undue delay. The session may be tape recorded by the investigating officer and by the officer under investigation.

Subd. 9. **Presence of attorney and union representative.** The officer whose formal statement is taken has the right to have a union representative or an attorney retained by the officer, or both, present during the session. The officer may request the presence of the attorney or the union representative, or both, at any

time before or during the session. When a request under this subdivision is made, no formal statement may be taken until a reasonable opportunity is provided for the officer to obtain the presence of the attorney or the union representative.

Subd. 10. **Admissions.** Before an officer's formal statement is taken, the officer shall be advised in writing or on the record that admissions made in the course of the formal statement may be used as evidence of misconduct or as a basis for discipline.

Subd. 11. **Disclosure of financial records.** No employer may require an officer to produce or disclose the officer's personal financial records except pursuant to a valid search warrant or subpoena.

Subd. 12. **Release of photographs.** No law enforcement agency or governmental unit may publicly release photographs of an officer without the written permission of the officer, except that the agency or unit may display a photograph of an officer to a prospective witness as part of an agency or unit investigation, and the agency or unit may provide a photograph of an officer to the civilian police review authority for it to display to a prospective witness as part of the authority's investigation.

Subd. 13. **Disciplinary letter.** No disciplinary letter or reprimand may be included in an officer's personnel record unless the officer has been given a copy of the letter or reprimand.

Subd. 14. **Retaliatory action prohibited.** No officer may be discharged, disciplined, or threatened with discharge or discipline as retaliation for or solely by reason of the officer's exercise of the rights provided by this section.

Subd. 15. **Rights not reduced.** The rights of officers provided by this section are in addition to and do not diminish the rights and privileges of officers that are provided under an applicable collective bargaining agreement or any other applicable law.

Subd. 16. **Action for damages.** Notwithstanding section 3.736 or 466.03, a political subdivision or state agency that violates this section is liable to the officer for actual damages resulting from the violation, plus costs and reasonable attorney fees. The political subdivision or the state is deemed to have waived any immunity to a cause of action brought under this subdivision, except that the monetary limits on liability under section 3.736, subdivision 4, or 466.04 apply.

Subd. 17. **Civilian review.** A civilian review board, commission, or other oversight body shall not have the authority to make a finding of fact or determination regarding a complaint against an officer or impose discipline on an officer. A civilian review board, commission, or other oversight body may make a recommendation regarding the merits of a complaint, however, the recommendation shall be advisory only and shall not be binding on nor limit the authority of the chief law enforcement officer of any unit of government.

**History:** 1991 c 334 s 1; 2007 c 13 art 3 s 34; 2008 c 205 s 1; 2012 c 156 s 1,2

## Sec. 2-221. - Boards and commissions generally.

- (a) All board and commission appointments authorized by ordinance or resolution shall be made by the mayor and such appointments confirmed by the council at the first regular meeting in January of each year.
- (b) The term of each appointee shall be established and stated at the time of his appointment. New appointees shall assume office on February 1, January 31 being the date of expiration of terms. However, each appointee to a board or commission shall hold office until his successor is appointed and qualified. All vacancies shall be filled in the same manner as for an expired term, but the appointment shall be effective immediately when made and only for the unexpired term.
- (c) No appointed board or commission member shall be an employee of the city except those who are members by virtue of their office.
- (d) All appointed board and commission members shall serve without remuneration, but may be reimbursed for out-of-pocket expenses incurred in the performance of their duties when such expenses have been authorized by the council before they were incurred.
- (e) The chair and secretary shall be chosen from and by the board or commission membership annually to serve for one year, provided that no chair shall be elected who has not completed at least one year as a member of the board or commission.
- (f) Any board or commission member may be removed by the council for misfeasance, malfeasance or nonfeasance in office and his position filled as any other vacancy.
- (g) Each board and commission shall hold its regular meetings at a time established and approved by the council.
- (h) The city manager shall be an ex officio member of all boards and commissions. However, if he is unable to attend a meeting or act in the capacity of such membership, he may be represented by his assistant or some person duly authorized by him.
- (i)



Except as otherwise provided, this section shall apply to all boards and commissions; but, notwithstanding any section of this Code stating or inferring a contrary intent, all boards and commissions shall act in an advisory capacity to the council and shall have no administrative authority.

- (j) Notwithstanding the foregoing restriction on remuneration of boards and commission members, individuals appointed by the city council to serve as members on the Bemidji Area Growth Management Planning Committee shall be compensated by the city at the rate of \$45.00 per meeting for each meeting attended during the period after the effective date of the ordinance from which this subsection is derived (May 1, 2006) and through December 31, 2006.

(Code 1986, § 2.50; Ord. No. 427, 2nd series, § 1, 5-1-2006)

Councilmember \_\_\_\_\_ introduced the following ordinance and moved for its adoption:

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE OF THE CITY OF GRAND RAPIDS, MINNESOTA  
ESTABLISHING A POLICE COMMUNITY ADVISORY BOARD**

THE CITY COUNCIL OF THE CITY OF GRAND RAPIDS, MINNESOTA, DOES ORDAIN:

That the following Division \_\_\_\_, Police Community Advisory Board, is adopted and added to Grand Rapids Code, Chapter \_\_\_\_.

**Sec. \_-\_\_\_\_. – Police Community Advisory Board established**

There is created a Police Community Advisory Board, which shall have the membership, responsibilities, and authority as set forth in this division.

**Sec. \_-\_\_\_\_. –Purpose**

The Police Community Advisory Board is established to enhance lines of communication between Grand Rapids residents, Police Department and City Council. Together the Advisory Board and the Police Department will identify and focus on public safety issues and collaborate with community leaders, community organizations and stakeholders in developing solutions to multi-faceted community concerns. The Board provides recommendations to the Chief of Police and City Council as to how issues should be addressed.

**Sec. \_-\_\_\_\_. - Membership, appointments.**

The Police Community Advisory Board shall be composed of seven members, with members being appointed by the city council. Vacancies shall be filled for the unexpired portion of a departing member's term by action of the city council. Members of the board shall exclude themselves from taking any action when personal business relationships are acted upon by this board. Members will be appointed according to city policy regarding residency requirements.

**Sec. \_-\_\_\_\_. Officers and their duties.**

- (a) At the first meeting of each year, members of the commission shall select, by majority vote, a chair, vice chair, and secretary to serve until the end of that year and until a successor is chosen.
- (b) The chair shall:

- Set the agenda and preside at meetings of the Board
- Call additional meetings as needed
- Assign duties to Board members
- Arrange meetings with other commissions, boards and organizations from the public, private and non-profit sectors as needed
- Communicate with the city council and staff as needed
- Provide overall leadership to the Board in carrying out its purposes and responsibilities

(c) In the absence of or at the request of the chair, the duties of the chair shall be performed by the vice chair, and in the absence of both the chair and vice chair, by the secretary.

(d) The secretary shall keep minutes and maintain permanent records of every meeting of the Board, and shall submit minutes for approval at each successive meeting. The secretary shall serve as correspondent for the Board. Copies of the minutes of all meetings shall be filed with the city clerk.

**Sec. \_-\_\_\_\_. - Term of appointments.**

The term of each Police Community Advisory Board member shall be three years. A member shall serve until his successor is appointed and qualified. The city council reserves the right to waive this rule. Upon initial creation of the Police Community Advisory Board the City Council may appoint Board members for terms other than three years for the purpose of staggering terms.

**Sec. \_-\_\_\_\_. - Meetings.**

All meetings of the Police Community Advisory Board shall be held in conformance with Minn. Stat. § 471.705. The board shall hold regular quarterly meetings at a time and place to be set by the board, and such special meetings as may be called as deemed necessary by the board chairperson or secretary. The board shall keep and preserve accurate minutes of each meeting of the board or any committee thereof and these minutes shall be kept on file in the city administrator's office. The board shall adopt bylaws/rules of conduct for its meetings and the transaction of its business. A majority shall constitute a quorum for taking action. Each member shall have one vote.

**Sec. \_-\_\_\_\_. - Officers.**

The Police Community Advisory Board shall annually elect a chairperson, vice-chairperson and secretary from among its appointed members. They shall have the duties as implied by their titles.

**Sec. \_-\_\_\_\_. – Duties of the Board**

(a) The Police Community Advisory Board shall have the responsibility to advise the city council and police chief in matters pertaining to police service in the city. These include:

1. Enhancement of police community relations;
2. Community perspective and recommendations concerning procedures, programs, use of technology and the effectiveness of police service;
3. Promoting public awareness of the City's police services and programs;
4. Conduct meetings to solicit public input regarding police services and programs;
5. Review significant community issues and make recommendations;
6. Encourage individuals and community groups to assist the police department in the implementation of police programs and services;
7. Assist the police department in the budget process through review, program evaluation and priority recommendation;
8. Review and make recommendations concerning other matters as may be referred to the Board, from time to time, via the police chief, city administrator , Mayor and city council.

**Sec. \_-\_\_\_\_. Quorum.** For the transaction of business at any meeting of the Board, a quorum consisting of at least one-half of all members shall be required.

**Sec. \_-\_\_\_\_. Staff support.** A city staff member shall act as liaison to the Board, provide staff support, and help get recommendations for the commission on the agenda for consideration by the city council when necessary.

Adopted by the City Council of the City of Grand Rapids, Minnesota, this \_\_\_\_ day of \_\_\_\_\_, 2015.

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Dale Adams, Mayor

Attest:

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Thomas Pagel, City Administrator

Nothing to the contrary anywhere in this Code or other ordinances or resolutions of the city withstanding, the terms of the members of the various boards and commissions of the city shall end on March 31 of the years in which such terms would have ended if this Section had not been enacted; and the terms of their successors shall then begin. Unless otherwise provided in this Code, members shall serve until their successors are appointed and qualified. (Ord. No. 9934, 10-13-2008, § 1.)

## **Article XII. Duluth Citizen Review Board.**

### **Sec. 2-69. Created; membership.**

There is hereby created a citizen review board to be known as the Duluth citizen review board, consisting of seven duly qualified members. The citizen review board shall be an advisory body to the police department and city council, for the purpose of fostering relationships and strengthening trust and communication between the police department and citizens of Duluth in furtherance of the best interests of the city and all of its residents. (Added by Ord. No. 10166, 7-2-2012, § 1.)

### **Sec. 2-70. Appointment of members; oath; qualifications; training.**

(a) The members of the citizen review board shall be appointed by the mayor, subject to confirmation and approval of the city council. Each member shall make and file with the city clerk an oath of affirmation as provided by Section 28 of the City Charter;

(b) In selecting persons for appointment, the mayor and city council shall endeavor to achieve a membership that is representative of the racial, cultural and geographic diversity of the city. To the extent possible, the mayor and council shall seek to appoint at least three people of color, two women and one person with law enforcement background to the board. The following criteria should be considered, but do not represent the exclusive criteria for appointment:

(1) Nomination by community organizations, including, without limitation, the Duluth task force for improved community police accountability, connected to or representing sectors of the community where trust of law enforcement has historically been lower than in other parts of the community;

(2) A commitment to the principle of citizen involvement in the law enforcement process;

(3) An ability to be impartial and objective as demonstrated by the applicant's record of public leadership and community service;

(4) An ability to effectively communicate in verbal, written and electronic forms;

(c) The members of the board shall be residents of, or employed within, the city. Current employees of the city are ineligible to serve on the board;

(d) **Training.** In connection with the Duluth police department, the Duluth city attorney's office, and the Duluth task force for improved community police accountability, the city's human rights officer shall develop a training program for members of the board including, without limitation, the following subject areas: police use of force, police policies and procedures, the Minnesota Government Data Practices Act, the Peace Officers Discipline and Procedures Act, conflict of interest principles, and human rights. All new members, and any member reappointed for an additional term, shall complete the training program after appointment, but before being sworn in to assume their official duties. (Added by Ord. No. 10166, 7-2-2012, § 1.)

### **Sec. 2-71. Term of office, vacancies.**

Initial appointments to the citizen review board shall be as follows: two members for one year, two members for two years, and three members for three years. Should vacancies occur during any current term, such vacancies shall be filled by special appointment made by the mayor, subject to confirmation and approval by the city council. Such special appointees shall be

appointed to serve only for the unexpired balance of the term for which they are appointed. Upon the expiration of any term for which a member is appointed, his or her successor shall be appointed for a period of three years. No member shall be appointed to more than two terms consecutively, and no person who has held the office for more than two years of a term to which another person was appointed may be appointed to serve more than one additional consecutive term. (Added by Ord. No. 10166, 7-2-2012, § 1.)

**Sec. 2-72. Removal.**

Any member of the board may be removed as provided in Section 27 of the City Charter. (Added by Ord. No. 10166, 7-2-2012, § 1.)

**Sec. 2-73. Officers; quorum.**

At the first meeting of all of its sworn members following completion of the training program required herein, the citizen review board shall elect a president and vice president. The secretary of the board shall be the city's human rights officer. The secretary shall have no voting power. A majority of the board membership then serving shall constitute a quorum for the transaction of business. Any meeting shall be adjourned in the absence of a quorum. (Added by Ord. No. 10166, 7-2-2012, § 1.)

**Sec. 2-74. Rules of conduct; meetings; records.**

The citizen review board may make, alter and amend such rules and regulations for its government and the conduct of its business as is consistent with the City Charter, this Code, other ordinance of the city, and state law. The board shall meet at least two times per year in quarters provided by the city within City Hall, and meetings shall be open to the public as required by state law. The board shall keep an accurate record of all its proceedings. (Added by Ord. No. 10166, 7-2-2012, § 1.)

**Sec. 2-75. Powers and duties.**

The board shall have the following powers and duties:

(a) In partnership with the police department, the board shall develop a process to independently receive complaints of misconduct by Duluth police offices alleging, without limitation, any of the following:

- (1) Excessive force;
- (2) Abusive language or attitude;
- (3) Harassment;
- (4) Discrimination in the provision of public services on the basis of race, color, creed, religion, ancestry, national origin, sex, disability, age, or sexual orientation;
- (5) Theft where the alleged victim is a private citizen;
- (6) Failure to provide adequate or timely police protection;
- (7) Retaliation for filing a complaint with the board or other police review authority;

(b) After final disposition of a complaint filed with the chief of police, including final disposition of any disciplinary actions or proceedings arising out of the complaint, the chief of police shall prepare, and the board shall review, a report of the final disposition which shall include, without limitation the following:

- (1) A description of the investigative process and procedures used to reach the final disposition;
- (2) Specific reasons supporting the final disposition;
- (3) Any other information supporting the final disposition that the chief of police, in his or her discretion, deems appropriate for disclosure to the board, excluding:
  - (A) The name(s) of the complainant(s), police officer(s), or other witness(es), involved in the complaint;

(B) Data prohibited from disclosure under the Minnesota Government Data Practices Act or other applicable law or regulation;

(C) Information which, if disclosed, could compromise confidential sources, undercover police operations, or other ongoing criminal investigation;

(c) The board may review and make recommendations to the chief of police for improving:

(1) Police policies, procedures, and investigations of citizen complaints;

(2) Police/citizen interactions;

(3) Communication with sectors of the community where trust of law enforcement has historically been lower;

(d) The board shall have no authority to investigate complaints;

(e) The board shall have no authority to recommend or impose discipline;

(f) By the first day of February of each year, the board shall make and file a report of its transactions for the preceding year with the city council. (Added by Ord. No. 10166, 7-2-2012, § 1.)

#### **Article XIII. Repealed.**

**Secs. 2-76 to 2-82.** Repealed by Ordinance No. 8819, 12-15-1987, § 1.

#### **Article XIV. Repealed.**

**Secs. 2-83 to 2-89.** Repealed by Ordinance No. 9875, 11-26-2007, § 2.

#### **Article XV. City of Duluth Deferred Compensation Plan Commission.**

**Sec. 2-90. City of Duluth deferred compensation plan commission.**

A city of Duluth deferred compensation plan commission is hereby established. The commission shall have eight members, who shall be appointed by the mayor, but only with the approval of the city council. At least one person from each of the city's collective bargaining units shall be appointed, and any person so appointed shall be qualified to be a member of the commission only while being a member of the collective bargaining unit from which he or she was appointed. The term for any member shall be as the mayor and the city council shall specify at the time of appointment, but no such term shall be for more than four years. Any member or former member may be reappointed.

The duties of the commission shall be:

(a) To monitor the administration of the city of Duluth deferred compensation plan;

(b) To advise the city administration regarding the operation of the plan and the desirability of amending the plan. (Ord. No. 8499, 1-21-1980, § 1; Ord. No. 8581, 7-6-1981, § 1; Ord. No. 10052, 10-11-2010, § 1; Ord. No. 10221, 5-13-2013, § 1.)

#### **Article XVI. Repealed.**

**Sec. 2-91 to 2-94.** Repealed by Ordinance No. 9875, 11-26-2007, § 3.

#### **Article XVII. Commission on Disabilities.**

**Sec. 2-95. Creation of commission; membership.**

A commission is hereby established which shall be known as the commission on disabilities. The commission's purpose will be to advise the mayor and city council on all matters affecting persons with disabilities and help all residents and visitors enjoy more complete accessibility to community resources, including housing, employment and transportation. The commission shall have nine members, who shall be appointed by the mayor, and be subject to the approval of the city council. In 2020, three members shall be appointed to a term year ending

# BOARDS & COMMISSIONS

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[Alcohol, Gambling & Tobacco Commission](#)

[Building Appeal Board](#)

[Charter Commission](#)

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[Community Development Committee](#)

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[Duluth Parking Commission](#)

[Duluth Public Utilities Commission](#)

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## Duluth Citizen Review Board

### Duluth Citizen Review Board

[Apply \(/boards/forms/138/apply?board\\_name=Duluth+Citizen+Review+Board\)](#)

Board Details

Member Roster

#### Description

The Duluth Citizen Review Board is an advisory body to the Police Department and City Council for the purpose of fostering relationships and strengthening trust and communication between the police department and citizens of Duluth in furtherance of the best interests of the city and all of its residents.

Meeting Time and Place: Fourth Tuesday of each month at 5:30 at City Hall Room 303. Please check the agenda to confirm location each month

#### Vacancies

1 Current Vacancy  
0 Terms Expired

**Size** 7 Members

**Term Length** 3 Years

**Term Limit** N/A

#### Board and Commission Resources:

## Agendas

1/22/2020

[January 2020 Agenda](#)

12/4/2019

[December Special Session Agenda](#)

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