

Amending Section 5.20 of the Madison General Ordinances to modify the Police Civilian Oversight Board appointment process.

..Body

DRAFTER'S ANALYSIS: Under the current ordinance, each appointment to the Police Civilian Oversight Board ("PCOB") must be nominated by a local community organization on a designated list created by the Common Council. While still encouraging the involvement of local community organizations, this Ordinance Amendment removes this requirement, instructs the Office of Independent Monitor to collect applications for membership to the PCOB into a pool of applicants from whom the Mayor and Common Council Leadership will appoint new PCOB members, and otherwise streamlines the process. The Ordinance Amendment also makes other changes to the election of PCOB leadership.

The Common Council of the City of Madison do hereby ordain as follows:

1. Paragraph 2. entitled "Diverse Composition" of Subdivision (a) entitled "Members" of Subsection (3) entitled "Board Composition" of Section 5.20 entitled "Police Civilian Oversight Board" of the Madison General Ordinances is amended as follows:

"2. Diverse Composition. In considering the ~~nominations~~ and applicants of the Board, the Common Council shall strive to consider members who have lived experience with homelessness, mental health, substance abuse and/or arrest or conviction records and shall further strive to include members from a diverse background, including but not limited to:

- a. Members who are:
 - i. African American;
 - ii. Asian;
 - iii. Latinx;
 - iv. Native American; and
 - v. From the LGBTQ community.
- b. Members affiliated with an organization in the field of:
 - i. Mental Health;
 - ii. Youth Advocacy; and
 - iii. AODA.
- c. Members with an arrest/conviction record.
- d. In constituting the Board as outlined above, the Mayor and Council shall ensure that members represent a diversity of age, socioeconomic status, gender, geographic residence, and work experience.

Individual members may represent more than one of the categories listed."

2. Paragraph 3. entitled "Nominated by Community-Based Organizations" of Subdivision (a) entitled "Members" of Subsection (3) entitled "Board Composition" of Section 5.20 entitled "Police Civilian Oversight Board" of the Madison General Ordinances is amended as follows:

“3. ~~Nominated by community-based organizations Applications.~~ The Mayor and Common Council, in collaboration with the Department of Civil Rights, Office of the Independent Monitor shall seek ~~nominations applications~~ from the public and a designated list set of **nine (9)** community-based organizations that have an interest in civil rights, immigrant rights, disability rights/mental health, racial equity and social justice, and that also have an interest in the safety of the city and criminal justice reform. ~~Priority shall be given to organizations with budgets under \$1 million.~~ The Office of Independent Monitor, in consultation with the **Mayor Police Civilian Oversight Board** and Common Council, shall update ~~the list designated set of organizations shall be initially created in~~ conjunction with the adoption of this Ordinance and the Monitor, Board, and Common Council shall ensure that it is updated at least every two (2) years. ~~Each community-based organization shall submit two (2) names and applications to the Mayor and Common Council, except that an organization may re-nominate a member whose term is expiring without submitting three names. The Mayor and Common Council shall appoint one (1) person nominated by each organization. In the event that a community organization or organizations does not submit two (2) nominations when requested or does not re-nominate a current member, The Office of Independent Monitor is charged with collecting applications from the community-based organizations and the public, and with~~ **creating maintaining** a pool of eligible applicants for Board membership. The application for Board membership shall have a place for listing the support of a community-based organization from the list. Upon any vacancy of the Board, the Mayor and Common Council Leadership shall make an appointment from the pool of any eligible applications to submit for confirmation to the Common Council, as provided in sub. (3)(b)1.”

4. Paragraph 1. entitled “Appointment” of Subsection (b) entitled “Appointment and Residency of Members” of Subsection (3) entitled “Board Composition” of Section 5.20 entitled “Police Civilian Oversight Board” of the Madison General Ordinances is amended as follows:

“1. Appointment. Upon any vacancy on the Board, new members and alternates to the Board shall be appointed by the Mayor in consultation with Common Council leadership from the pool of applicants described in sub. (3)(a)3, and confirmed by the Common Council. In appointing new members and alternates from the pool of applicants described in sub. (3)(a)3, the Mayor and Common Council shall ensure that nine (9) of the eleven (11) total seats on the Board are filled by applicants nominated by the community based organizations, each filling no more than one (1) seat, and no more than two (2) seats out of the total eleven (11) seats on the Board filled by applicants without a nomination by a community based organization.

a. ~~Nine (9) Members, one (1) from each community-based organization and who have been selected as outlined in sub. (3)(a)3, shall be appointed by the Mayor and the Common Council and confirmed by the Common Council.~~

- b. ~~One (1) Member and one (1) alternate Member shall be appointed by the Mayor and confirmed by the Common Council.~~
- c. ~~One (1) Member and one (1) alternate Member shall be appointed and confirmed by the Common Council.~~

5. Paragraph 1. entitled "Terms" of Subdivision (c) entitled "Terms and Vacancies" of Subsection (3) entitled "Board Composition" of Section 5.20 entitled "Police Civilian Oversight Board" of the Madison General Ordinances is amended as follows:

- "1. Terms. ~~Notwithstanding the terms of Sec. 33.01, MGO, Members~~ members shall have staggered four-year terms, except that when the Board is initially created and filled, five (5) members shall be appointed for four year terms, three (3) Members shall be appointed for three year terms, and five (5) Members, including the two (2) alternate Members, shall be appointed for two year terms."

6. Subsection (6) entitled "Executive Subcommittee" of the Madison General Ordinances is amended as follows:

- "(6) Officers and Executive Subcommittee. ~~Notwithstanding the provisions of M.G.O. § 33.01(7)(a), the Board shall elect from its membership a Board Chair and a Board Vice Chair in January of every odd numbered year. After such election, The the Board shall create a five-member Executive Subcommittee, consisting of the Board Chair, the Board Vice Chair, and three (3) additional members selected by the Board. Members shall serve two-year terms on the Executive Subcommittee. Members may serve on the Executive Subcommittee for a maximum of two (2) Executive Subcommittee terms. The Chair of the Board shall serve as Chair of the Executive Subcommittee and the Vice Chair of the Board shall serve as Vice Chair of the Executive Subcommittee. Upon any permanent vacancy of the Executive Subcommittee, the Board Chair shall be able to select a temporary replacement from the Board membership until the Board is able to choose a replacement.~~ The Executive Subcommittee shall meet at least monthly in order to provide feedback and direction to the Monitor in between Board meetings. At all times, the Executive Subcommittee shall keep the Board informed of the Monitor's work."