

Ordinance No. _____

AN ORDINANCE AMENDING SECTIONS 16-56 AND 16-62 OF THE CHARLOTTE CITY CODE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA, THAT:

Section 1: Chapter 16 Section 16-56 and Chapter 16 Section 16-62 of the City Code is amended to read as shown in the attached Exhibit A, which is incorporated and made a part of this ordinance herein.

Section 2: This ordinance shall become effective upon adoption.

Approved as to form:

City Attorney

Exhibit A

Sec. 16-56. Creation; composition; terms; compensation; appointments; vacancies; quorum; removal.

- (a) There is hereby established a citizens review board to be composed of 11 members: five members to be appointed by the city council, three members to be appointed by the mayor and three to be appointed by the city manager. The appointing authorities shall strive to appoint a board that represents the diversity of the community.
- (a1) Candidates for the board may be interviewed by a panel comprised of a representative from the community relations committee, the citizens review board, and the city manager's office to assess core characteristics necessary to serve on the board. Such panels shall provide their assessments to the relevant appointing authority.
- (b) Members must be continually domiciled within the county and must be registered to vote within the county. Current and former city employees, and the spouse, parents, and children of a current or former CMPD officer, shall not be eligible to serve on the board.
- (c) Board members shall attend and successfully complete the Charlotte-Mecklenburg Police Department's Citizens' Academy and receive training on relevant legal, policy and cultural awareness issues as required by the city manager. This training must be completed prior to any board appointee serving as a member of the board. In addition, each members of the board shall participate in at least four hours of training each calendar year, which training may include a four-hour "ride-along" with a CMPD officer.
- (d) Individuals with a felony conviction or a Class A1 misdemeanor conviction shall not be eligible to serve on the board. In addition, individuals with a Class 1 or Class 2 misdemeanor conviction within three years of their nomination for appointment shall be ineligible to serve. Further, conviction of or a plea of nolo contendere to a felony, a Class A1 misdemeanor, a Class 1 misdemeanor, or a Class 2 misdemeanor during the term of office shall automatically terminate membership on the board, irrespective of any appeals. Board members charged with a felony, a Class A1 misdemeanor, a Class 1 misdemeanor, or a Class 2 misdemeanor during a term of office shall be automatically suspended until disposition of the charge, and a quorum shall be established from the remaining membership.
- (e) Prior to serving, each board member must sign a confidentiality agreement that is satisfactory to the city and which shall require that members maintain as confidential any information classified as confidential by state law or otherwise classified as confidential by the city.
- (f) The members shall serve staggered terms of office for three years, with no member serving more than two consecutive terms.
- (g) The board shall elect a chairperson and vice-chairperson from the membership.
- (h) When a vacancy occurs, the original appointing authority shall appoint a person to serve for the unexpired term of the vacant position.
- (i) Six members shall constitute a quorum in order to hold business meetings and hearings. Members are required to attend all business meetings and hearings in accordance with the attendance policies promulgated by the city council. Vacancies resulting from a member's failure to attend the required number of meetings shall be filled as provided in this section.
- (j) All members shall serve without compensation.
- (k) Members of the board shall be subject to removal from office by a two-thirds vote of the city council.

(Ord. No. 5259, § 1, 11-25-2013; Ord. No. 9118, § 1, 6-26-2017)

Sec. 16-62. Action by chief of police and city manager.

- (a) The chief of police shall review the determination and findings of fact of the citizens review board and any other information at his disposal. The chief of police shall take such action as he deems appropriate, consistent with state law and city policy. The chief of police will then, within fourteen calendar days of the receipt of the board's recommendations, report his decision to the city manager.
- (b) The city manager shall review the decision of the chief of police and, within fourteen calendar days of the receipt of the decision of the chief of police, take such action as he deems appropriate, consistent with state law, and shall advise the chief of police of any intended action.
- (c) The city manager shall notify all parties, including the citizens review board, of the decision of the city manager consistent with state law and city policy. The city manager also shall advise the city council of the outcome of the appeal. Notifications made under this subsection must be made within fourteen calendar days of the date that the decision of the city manager was initially communicated to the chief of police.

(Ord. No. 5259, § 1, 11-25-2013)