

**Minutes  
Mayor & Council Meeting  
February 1, 2005**

**Meeting called to order  
Pledge of Allegiance  
Review of Agenda**

**Councilmember Gandee:** Asked to go into a closed meeting to discuss issue of complaint against Police Officer.

**Mayor Knedler:** I don't know that this is really a personnel issue unless you are talking about the person involved.

**Councilmember Miles:** I think there is intent to do so.

**Mayor Knedler:** It's not a legal reason to have a closed meeting.

Council agreed not to go into closed session, but to add the item to the agenda

**Agenda approved  
All in favor 5-0**

**Announcements:**

**Assistant City Manager James Booth:**

**EconomicMDevelopment Forum will be held @ City Hall on February 22, 2005 from 4-7:pm.**

M.U.T.C. meeting will be held on February 16, 2005 @ City Hall 6:15 pm.

The City received a grant for the 34<sup>th</sup> street and community center written by City Manager Jeannelle Wallace and the Assistant City Manager James Booth.

Presentation by Prince Georges Volunteer Center  
Their goal is to recruit volunteers for Cert (Community Emergency Response Team).

The program is 22 hours of training.

Regina Wardell (301-864-7895) has been instrumental in the Mount Rainier Community to learn

about disaster preparedness, fire suppression. (how to put out fires). Preparedness, emergency life threatening injuries, and search rescue without putting ones self in harms way. Cert members have a disaster simulated program so participates can get a reality check to train people in the community to assist in recovery efforts until 1<sup>st</sup> responders arrive. This training will help you better organize your community.

**Calvin Hawkins**, a community outreach person stated Regina should be commended for her hard work.

**Councilmember Miles:** Says the City of Laurel goes 40 miles out to do their cert training.

Do we have it running on cable? And what is more effective to go away and do the 22 hours over the weekend or over a period of time?

Calvin Hawkins says he is not aware of the City of Laurel going away for their training and would like to speak with Councilmember Miles further about it also; whatever works for your community and whatever whatever it takes to get the most people involved.

**Councilmember Gandee:** The city is already moving towards using stripe cards and use of the rear conference room in the Police Station.

Regina Wardwell would like to have the names of those people who are medically dependent in our city.

The training is a 22 hour program. The database is collected of vulnerable citizens so they will not be lost in the event of a disaster. We are also looking for support personnel.

### **Office Reports**

**Treasurer Vijay Manjani:** gives his financial report for FY 2005 (See attached).

Mr. Manjani will check on residential rental licenses revenue for FY 2005 Auditors are scheduled on February 22<sup>nd</sup>, 2005 to conduct a preliminary visit @ City Hall for the FY 2004 audit.

Mr. Manjani reports no missing checks or invoices for the period of 07/01/04 thru 12/31/04

The Treasurer personally thanked the following staff for their contributions in making this possible.

Janis Lomax, Kathleen Cimino and Ruth Sandy.

**Mayor's Report:**

The Mayor is not seeking re-election. He is grateful for all of his supporters.

Mayor Priorities

FY-06 Budget

Ribbon cutting for the Art Space

Ground Breaking for Joe's Movement Emporium

**Ward I Report**

**No Report**

**Councilmember Haamid:** Wishes everyone a Happy New Year

Asks that all residents help with keeping streets clean.

Councilmember Haamid still hopes to do something with the teens in the area.

**Ward II**

**Councilmember Miles:** Personally thanked the Mayor for the stability that he has brought to the city. She has been honored to serve with him. Councilmember Miles also stated that she would be running for the Mayoral seat.

**Councilmember Briones:** Thanked colleagues and citizens for their well wishes to his father who is recovering very nicely. Briones thanked Assistant City Manager James Booth for putting together an excellent program for the Economic Development.

Anyone who has an idea for a proposal for Livable Communities Projects the deadline was extended to February 11<sup>th</sup> 2005.

**Councilmember Miles:** will submit the Mayor's idea to solicit funds to pay youths to paint the curbs in the city.

**Councilmember Gandee:** The city can fix bikes up to give to youths who participate.

**Assistant City Manager James Booth:** Will Campos has discretionary funds, he suggest to ask Councilman Campos for funds for Mount Rainier Day.

**Old Business**

**2<sup>nd</sup> Reading / Vote Ordinance 2  
Compensation for Mayor and Council**

**Moved Briones  
2<sup>nd</sup> Gandee to approve amended version**

**(1) Mayor's salary to increase after May, 2005  
(2) Council salary to increase after May, 2007  
All in favor -- 4  
Abstention- 1- Miles**

**Moved Gandee  
2<sup>nd</sup> Briones to approve ordinance 2 as amended.  
All in favor 5-0**

**Resolution 04-2005  
Surplus vehicle in Police Dept. no longer needed  
Councilmember Miles:** cautioned about young people driving at high speed. She is concerned about the City of Mount Rainier allowing our cars to be purchased under these circumstances.

**Resolution 2-2005  
Motioned, Briones  
2<sup>nd</sup> Mayor Knedler  
All in favor 5-0**

**Resolution 5-2005  
Beautification Committee/ AIB  
Councilmember Miles:** is willing to allow \$500.00 to come out of the Tool Shed Grant to pay for registration fees.

**Motion- Councilmember Miles to approve as Amended  
2<sup>nd</sup> Councilmember Gandee**

**Put registration fee for AIB programs as a priority each year and allocate it in the City Budget.**

**All in favor 5-0**

**Ordinance 4-2005  
Councilmember Haamid:** comments 95% of the people who came before the committee do what they are asked to do. The guidelines say that he committee is to advise and suggest.

legislation. The Councilmember does feel that it is necessary to pass additional

Councilmember Miles: Recommends removing work color pg.2- see 3-109B.

### **Ordinance 3-2005**

**1<sup>st</sup> reading: Council will review resumes.**

#### **Approval of Minutes**

**Move to approve & submit changes to City Manager**

**2<sup>nd</sup> Councilmember Haamid**

**Miles will submit changes**

**All in favor –5-0**

#### **Police Complaint:**

**Councilmember Miles:** spoke to the other two Councilmembers on ward one and asked them not to address this item when it was on the agenda last week because she wanted to have a full Mayor & Council to deal with that issue. She said “If we were not going to do it collectively than my question would be that this item be brought to the table instead of in a closed meeting if appropriate, to add it to the agenda as a last item, and go ahead and vote on it that’s what you said you would be willing to do.”

**Councilmember Miles:** the item that is being tossed around now for 4 months is the simple

complaint not the investigation, not what happened to it but the just written words of what ever that complaint was.

**Mayor Knedler:** It’s a policy issue, I don’t feel it’s an appropriate issue for closed session and I have no problem talking about it open session.

**Councilmember Miles: I would like to put this item on the agenda  
Second –no second**

**Councilmember Haamid:** If we vote that she can or cannot give us this information how will this affect other complaints coming up? Will we have to vote on every complaint?

**Mayor Knedler:** the motion will be whether or not to compel the City Manager to turn that document over. That’s my understanding.

**Councilmember Gandee:** After a couple of discussions with MML on a couple of occasions

and reading the General Orders and reading the L.E.O.B.R. (Law Enforcement Bill of Rights),

I think the Council needs to be aware of this and secondly if that individual had chosen they could have just as easily gone to any Councilmembers home, called or e-mailed them with that complaint. I think that there was something about that in the opinion from the lawyer saying that if they did that it was okay well, I don't think if they did that it was okay. "If they can do it," Therefore I don't think this is confidential. I think we have a right to know. I think as the Mayor & Council who have all the judiciary responsibilities in this city, we need to be aware of complaints against staff.

**Councilmember Miles:** My take on it wasn't so much being aware of complaints against staff as to what information is the Mayor & Council entitled. I specifically raised that question with Mr. Manjani in the room to take notes to make sure I quoted it correctly that if a complaint of any kind is given to any member of the Mayor & Council what should happen to it. They said any citizen could give it to us. The question is what are we entitled to as Mayor & Council. When I sat on the Council in previous terms I know that if a complaint was filed against a Police Officer the content of it wasn't given to me, we were told an allegation has been made and you need to be aware of it.

Can we not be aware of the allegation?

**Mayor Knedler:** When you were on the Council before you were operating under a different charter. You have now adopted a new charter. We need to resolve this because it keeps coming back. The charter says the City Manager deals with personnel matters. I don't think that we need to see it. I think we get dozens of complaints against staff every month.

**Councilmember Haamid:** Not of abuse!

Two years ago when Jeannelle was here we were receiving these things freely.

**Mayor Knedler:** All we were ever given were a list of when we were actually sued. We were never given list of actual complaints that we were not legally involved.

**Councilmember Haamid:** No, yes we were.

**Mayor Knedler:** I'll read from the personnel manual, which is current policy.

It says that the city shall not disclose personnel records to anyone other than the employee.

**Councilmember Haamid:** Nobody wants the personnel records, no one asked for them.

You keep going to records, you keep getting unfocused.

**Mayor Knedler:** The Mayor & Council may grant elected officials access to personnel

records when the personnel records are necessary to review the performance of the City Manager. The elected official shall review personnel records in the city's administrative office and shall maintain the confidentiality of the records. The Council may not use the information containing personnel records for any purpose other than reviewing the performance of the City Manager.

**Councilmember Miles:** The issue is before the document got to the personnel record should we be able to see it? My position is before it got in the record if the Mayor saw it why shouldn't the rest of the Council see it? Once documentation of misconduct of any kind comes to a Councilperson, the entire Council should review the document.

**Councilmember Gandee:** There is one other reason that I want to make sure that we get these kind of complaints is because I'm aware of at least one investigation within the Police Department because I'm the person that complained and there were two witnesses. The person that was alleged to do something wrong was unsubstantiated by the investigating police. I am concerned about the Police investigating themselves. MML suggests that even if an investigation is in progress we should still see it. In the L.E.O.B.R. there is an administrative investigative manual, that talks about these complaints alleging excessive force or brutality needs to be sworn. I assume that means the person needs to go to the court and swear out a warrant.

**Mayor Knedler:**

I don't know

**Councilmember Gandee:**

I'd like to know what that means and if that happened in this case. When a complaint alleges criminal misconduct or activity and the investigation will be of a criminal nature, the States Attorneys Office where the criminal conduct is alleged must be contacted for assistance and guidance. I want to know if that happened and I think as a Councilmember I have a right to know if that happened. I have a problem with the Police Dept.

investigating them especially when we have allegations of excessive force or brutality.

**Mayor Knedler:**

Don't they go to another agency for that?

**Councilmember Gandee:**

They are supposed to but there is a buddy system in the Police Dept. I'm sorry there were witnesses and nothing was done about it, this person got off the hook. Nobody ever got in trouble for what they did and I have no faith in their internal investigations and especially when we are talking about something as serious as people's civil rights and being abused by Police Officers. I have a problem with that.

**Mayor Knedler:** Haven't we basically had 2 legal opinions that said we shouldn't get the document and you're saying that MML says we should be able to get it. What attorney did you talk to at MML?

**Councilmember Miles:**

Carol talked to Tom Reynolds and I also talked to Tom Reynolds.

**Mayor Knedler:**

**He's not an attorney.**

**Councilmember Miles:**

No he isn't an attorney.

I talk to Mr. Karp who is an attorney at MML and when he stated to me that a complaint could be handed to anybody and if any of us received a complaint it was not an action at that time. The moment it went to the Chief, to the City Manager it became an action, and we were no longer entitled to see it.

**Mayor Knedler:** Here is my reason I'm going to vote against this is if I've been given legal advice that I shouldn't do something and I can get sued about something not necessarily this, then the insurance company is going to say wait a minute, you want us to indemnify you when you didn't follow the legal advice given, forget it. These are your own individual decisions that you need to make but if you've been told one thing and you ignore it from a legal opinion then don't expect the insurance company to cover your butt.

**Councilmember Haamid:** We got a complaint just last week a big fat one from personnel now it's quiet nobody said anything it's just an allegation. Does this set a precedent that anything the Police Dept. gets we can never get it? To me you're setting a firewall up between the Police Dept. and the Council. I think that information should flow freely between the managers, supervisors, and not personal stuff.

We were always given these documents without even asking for them.

Does this set a precedent? Do we have to vote every time somebody is accused of something, we get wind of it, and all we're trying to do is get the facts?

**Mayor Knedler:**

It depends on how you word your motion I suppose.

**Councilmember Miles:**

What's the difference between a public complaint and a personnel issue?

**Councilmember Gandee:**

We have a right to ask what the policy is and is it being followed in reference to the complaint.

**Motion Councilmember Gandee:**

**I move that the Mayor & Council be notified of any abuse, excessive force or brutality alleged against our police officers with names of the individuals involved and a brief description of the incident.**

**Councilmember Miles:**

**Asked for an amendment to the motion to remove the name of the officers.**

**Mayor Knedler:**

**Is there a second to the motion?**

**There is none**

**Mayor Knedler:**

**Re-read your motion.**

**Motion revision Councilmember Gandee:**

**Mayor and Council will be notified of any use of excessive force or brutality alleged against our police officers, what the abuse was and who the complainant was.**

**Council member Miles: Seconded the motion.**

**Discussion:**

**Council member Haamid:** Would like to know the name of the officer. If several complaints come in, it will be impossible to determine if one officer or the same officers are receiving complaints.

**Council member Miles:** We could request from the City Manager a monthly statistical report of any complaints or charges filed against the officers. The City manager could request this information in any format. We want to look for patterns and practice. The City manager would then be asked to address this.

**Council member Briones:** Agreed with Council member Miles. We need to know the numbers but not the names, because this opens it up to politicizing it.

**Council member Haamid:** I think knowing the names will keep the numbers of the complaints down.

**Council member Briones:** It may also keep people from complaining if they know that their Councilmember will find out.

**Council member Gandee:** If an individual wants to contact their council member, they can. We need to be kept apprized of the information and know whether the State's Attorney was notified.

**Council member Miles:** Prior to Chief Thompson coming on board, I would not have trusted anything coming out of the police department. In my opinion, credibility has come a long way since Chief Thompson was Chief of the MRPD. Maybe we are talking about educating our citizens on how to file a complaint. Once a complaint has been filed and acted on, it is out of our jurisdiction. We could ask, "How many complaints were issued on X Y and Z, how many were on police brutality.

**Council member Gandee restated the motion:**  
**The Mayor and Council will be notified of any allegations against the police and will be informed as to who filed the complaint, unless the complainant asks to be kept anonymous.**

**Council member Briones: Disagrees within knowing who filed the complaints; feels this will politicize the process.**

**Vote: 3- Yes – Gandee, Haamid, and Miles.**

**Vote: 2- No - Knedler, Briones.**

**Meeting adjourned.**