

FIRST READING: June 07, 2022
SECOND READING/ADOPTION: June 21, 2022

CITY OF MOUNT RAINIER, MARYLAND

Ordinance No. 05 -2022

Introduced by Mayor & City Council

Amending Chapter 24, “Boards, Committees, and Commissions”, of the Code of Ordinances of the City of Mount Rainier, to add Title 3, “Police Review and Advisory Board”, and repealing Ordinance No. 08-2020

WHEREAS, pursuant to § 5-202 of the Local Government Article of the Annotated Code of Maryland, the Council of the City of Mount Rainier, Maryland (the “City Council”) has the authority to pass such ordinances as it deems necessary to assure the good government of the municipality, protect and preserve the municipality’s rights, property, and privileges, preserve peace and good order, secure persons and property from danger and destruction, and protect the health, comfort, and convenience of the residents of the municipality; and

WHEREAS, the nation is in a period of heightened reckoning with a history of oppression of people of color, which includes a recognition that minorities and other disadvantaged persons in this country have frequently been subject to abuse at the hands of the very institutions entrusted with administering justice, including law enforcement departments and agencies; and

WHEREAS, it is the policy of the City of Mount Rainier that all members of the public are to be treated fairly, courteously and with respect by its law enforcement officers to the maximum extent practical consistent with the pursuit of the department’s law enforcement mission; and

WHEREAS, the City Council is confident that fair, courteous and respectful treatment of members of the public has been the practice of the Mount Rainier Police Department and desires to promote a similar confidence in the public by providing assurances that allegations of abuse and misconduct will be handled in a thorough and serious manner that leads to just resolution; and

WHEREAS, the City Council has deemed the creation and maintenance of a Police Advisory Board to review the operations of the City’s police department with respect to its treatment of members of the public in connection with the pursuit of its mission and to investigate allegations of mistreatment and misconduct to be in the public interest,

Section 1. NOW THEREFORE, BE IT ORDAINED AND ENACTED, by the Mayor and Council of the City of Mount Rainier, Maryland that Chapter 4, “Boards, Committees, and Commissions”, of the Code of Ordinances shall be and hereby is amended to add Title 3, “Police Review and Advisory Board”, to read as follows:

UNDERLINED TEXT IN SMALL CAPS : Indicates matter to be added to the City Code

TITLE 3. POLICE REVIEW AND ADVISORY BOARD

SECTION 4-300. PURPOSE.

A. THE GENERAL PURPOSE OF THIS TITLE IS TO PROVIDE FOR CITIZEN PARTICIPATION IN REVIEWING POLICE DEPARTMENT POLICIES, PRACTICES, AND PROCEDURES WITH RESPECT TO WHETHER THEY FOSTER THE FAIR, COURTEOUS, EQUITABLE, AND RESPECTFUL TREATMENT OF MEMBERS OF THE PUBLIC.

B. THE CITY COUNCIL SHALL MAKE EVERY EFFORT TO ENSURE THAT INDIVIDUALS APPOINTED TO THE BOARD FAIRLY AND ACCURATELY REPRESENT THE CITY'S RACIAL, SOCIAL, AND ECONOMIC COMPOSITION.

SECTION 4-301. ESTABLISHED—COMPOSITION.

A. THERE SHALL BE A FIVE-MEMBER CITY OF MOUNT RAINIER POLICE REVIEW AND ADVISORY BOARD. MEMBERS OF THE BOARD SHALL BE APPOINTED BY THE CITY COUNCIL. PRIOR TO APPOINTING ANY MEMBER TO THE BOARD, THE CITY COUNCIL SHALL SEEK QUALIFIED CANDIDATES BY ADVERTISING IN THE MANNER GENERALLY USED BY THE TOWN TO COMMUNICATE WITH RESIDENTS, INCLUDING ON THE CITY WEBSITE AND CABLE CHANNEL(S) AND IN SUCH OTHER MEDIA AS MAY BE DETERMINED TO BE APPROPRIATE BY THE CITY COUNCIL OR THE CITY MANAGER.

B. THERE SHALL BE TWO REPRESENTATIVES FROM EACH WARD ON THE BOARD AND ONE REPRESENTATIVE FROM AN APARTMENT COMPLEX WITH MORE THAN 25 UNITS, WITHOUT REGARD TO THE WARD IN WHICH IT IS LOCATED.

C. THE TERMS OF EACH MEMBERS\ OF THE BOARD SHALL BE TWO YEARS EXCEPT THAT HE OR SHE SHALL SERVE UNTIL HIS OR HER SUCCESSOR IS APPOINTED.

D. THE CITY COUNCIL MAY REMOVE MEMBERS OF THE BOARD ONLY FOR CAUSE AS DEFINED IN THIS TITLE. ALL MEMBERS OF THE BOARD SHALL BE RESIDENTS OF THE CITY. IF A BOARD MEMBER CEASES TO BE A RESIDENT OF THE CITY, HE OR SHE SHALL NO LONGER BE ELIGIBLE TO SERVE ON THE BOARD AND THE POSITION SHALL REMAIN VACANT UNTIL A NEW MEMBER IS APPOINTED TO COMPLETE THE TERM OF THE MEMBER FORMERLY HOLDING THE POSITION. THE CITY COUNCIL SHALL MAKE THE NEW APPOINTMENT WITHIN THIRTY DAYS OF THE POSITION BEING DECLARED VACANT OR AS SOON AS PRACTICAL THEREAFTER.

E. MEMBERS OF THE BOARD SHALL NOT HOLD ANY OTHER POSITION FOR THE CITY.

F. NO ELECTED OFFICIAL OF THE CITY, NO CITY EMPLOYEE, AND NO MEMBER OF THE IMMEDIATE FAMILY OF AN ELECTED OFFICIAL OR CITY EMPLOYEE (HUSBAND, WIFE, DOMESTIC PARTNER, BROTHER, SISTER, SON, OR DAUGHTER) MAY SERVE ON THE BOARD.

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G. THE BOARD SHALL ELECT A CHAIRPERSON ANNUALLY. THE BOARD SHALL MEET AT THE CALL OF ITS CHAIRPERSON OR OF THREE MEMBERS OF THE BOARD AT LEAST FOUR TIMES PER YEAR. MEETINGS OF THE BOARD SHALL BE OPEN TO THE PUBLIC.

H. MEMBERS OF THE BOARD SHALL NOT RECEIVE COMPENSATION FOR THEIR SERVICES

I. THE CHAIRPERSON SHALL BE RESPONSIBLE FOR TAKING MINUTES OF ALL MEETINGS, MAKE OFFICIAL REPORTS, WHEN REQUIRED, AND ENSURE THE MAINTENANCE OF ALL RECORDS OF THE BOARD.

SECTION 4-302. DUTIES.

THE BOARD SHALL HAVE THE FOLLOWING DUTIES:

A. THE BOARD SHALL REVIEW ANNUALLY THE POLICIES, RULES, REGULATIONS AND PRACTICES FOR THE POLICE DEPARTMENT (THE "DEPARTMENT") WITH RESPECT TO WHETHER THEY FOSTER THE FAIR, COURTEOUS, EQUITABLE, AND RESPECTFUL TREATMENT OF MEMBERS OF THE PUBLIC.

B. THE BOARD AND THE CITY MANAGER SHALL REVIEW THE DEPARTMENT'S BUDGET BEFORE IT IS SUBMITTED TO THE CITY COUNCIL.

C. THE BOARD SHALL MAKE ANNUAL REPORTS TO THE CITY COUNCIL OF ITS ACTIVITIES DURING THE PREVIOUS YEAR.

SECTION 4-303. CHIEF OF POLICE—DUTIES.

THE CHIEF OF POLICE SHALL ADMINISTER THE DEPARTMENT PURSUANT TO EXISTING LAWS, THE RULES AND REGULATIONS OF THE DEPARTMENT, AND THE CITY'S PERSONNEL POLICIES AND REGULATIONS.

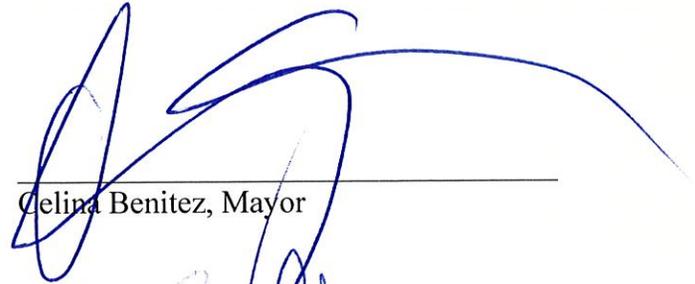
Section 2. BE IT FURTHER ORDAINED THAT Ordinance No. 08-2020 be and hereby is repealed in its entirety.

Section 3. This Ordinance is adopted by the Mayor and Council of the City of Mount Rainier this 21 day of June, 2022, and shall take effect on the 21 day of June, 2022, provided that a fair summary has been read at the meeting at which it is introduced and at the meeting at which it has been acted upon, that a copy shall be posted at City Hall immediately after introduction until it is acted upon and for at least two weeks after it becomes effective, and that a fair summary is published at least once in a newspaper having general circulation in the City, inclusive of the City's newsletter mailed or otherwise delivered to every City household.

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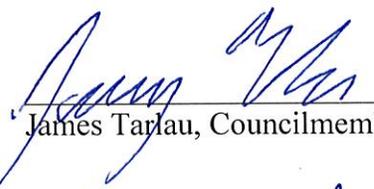
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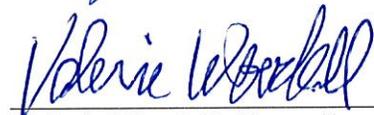
MSam
Melissa Sam, City Clerk


Celina Benitez, Mayor


Luke Chesek, Councilmember Ward 1


Jarrett Stoltzfus, Councilmember Ward 2


James Tarlau, Councilmember Ward 1


Valerie Woodall, Councilmember Ward 2

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