

Presented By:
City Manager

Action Taken:
Yes____
No____
Abstain____

CITY OF NOME, ALASKA

ORDINANCE NO. O-23-01-01

**AN ORDINANCE OF THE NOME COMMON COUNCIL, NOME, ALASKA,
AMENDING NOME CODE OF ORDINANCES 2.30.040 REDUCING THE NUMBER OF
MEMBERS OF THE PUBLIC SAFETY ADVISORY COMMISSION**

WHEREAS, the City of Nome created the Public Safety Advisory Commission in 2019 through the adoption of O-19-02-02 (S); and,

WHEREAS, the Public Safety Advisory Commission is comprised of nine members, appointed to overlapping terms; and,

WHEREAS, the Public Safety Advisory Commission has consistently encountered issues in maintaining a full membership, thus presenting issues in making quorum at regularly scheduled meetings; and,

WHEREAS, the Nome Common Council believes reducing the membership from nine (9) to seven (7) will address such issues and empower the Commission to meet regularly and provide guidance on public safety issues;

NOW, THEREFORE, BE IT ORDAINED by the Nome Common Council as follows:

Section 1. Classification. This is a Code ordinance.

Section 2. Amendment of NCO §2.30.040. Section 2.30.040 of the Code of Ordinances of Nome, Alaska is hereby amended to read as follows (deletions are ~~overstruck~~ and new language is underlined):

2.30.040 Public Safety Advisory Commission.

(a) There is established a public safety advisory commission consisting of ~~nine~~ seven members appointed for overlapping three-year terms.

(b) The mayor shall appoint the members of the commission, subject to confirmation by the city council. In addition to the requirements of NCO 2.30.020(b) a member of the commission shall not be a current employee of the Nome Police Department, and shall:

1. not have been employed by the Nome Police Department within the past two years;

2. pass a background check prior to appointment to confirm that a commissioner has not been convicted of a:

- A. felony within the past ten years, or be on probation or parole for a felony, or
- B. misdemeanor involving acts of sexual assault, domestic violence or acts of moral turpitude within the past five years, or be on probation or parole for said offense(s).

(c) In making appointments, the mayor shall:

1. consider experience or involvement in public service activity, such as prior experience in law enforcement, victim's services or advocacy, sexual assault or domestic violence support services, or mental or behavioral health; provided, however, that such experience or involvement shall not be a prerequisite for appointment.

2. attempt to have the membership composition reflect the cultural, racial and gender makeup of the community.

(d) Each member of the commission shall be appointed for a three-year term, with the exception of original members, three of whom shall be appointed for a one-year term, three of whom shall be appointed for a two-year term, and three of whom shall be appointed for a three-year term.

(e) The commission shall choose a chairman and vice chairman, who shall conduct the business of the commission according to Robert's Rules of Order and who shall hold their offices for one year, but may be re-elected to the same or other positions. The commission shall designate a single commissioner responsible to forward reports of concern related to department conduct received by any commissioner to the city manager. The city clerk or the clerk's designee shall provide administrative support for meetings of the commission.

(f) ~~Five~~ Four appointed members of the commission constitute a quorum for the conduct of business. The commission shall meet quarterly and at such other times as directed by the city council. The commission is subject to the Open Meetings Act, AS 44.62.310. All meetings of the commission shall be open to the public except as otherwise provided for executive sessions in Alaska Statutes. Once approved by the commission, a copy of the commission meeting minutes shall be delivered to the city clerk for inclusion in the council's next meeting packet.

(g) Each appointed member of the commission shall be compensated in an amount to be determined by resolution of the city council from time to time.

(h) Purposes. The public safety advisory commission is established to:

1. Advise the city council on matters relating to public safety and health.
2. Promote and foster communication by and between members of the public and the public safety department.
3. Encourage the highest ethical standards in the public safety department.
4. Promote the provision of quality law enforcement services to all residents with sensitivity, cultural understanding and racial equity.
5. Provide an alternative method for accepting citizen concerns relating to officer conduct or suggestions for changes in public safety department practices.

(i) Powers and Duties.

1. The public safety advisory commission shall:

A. Review periodic reports prepared by the public safety department to detect trends evident in Nome as portrayed through police statistics, separated by race and sex, including general information regarding the number of sexual assault and domestic violence calls, status of sexual assault and domestic violence cases including status of victim follow up, the number of public inebriation calls, the number of alcohol and drug abuse calls and the number of felony investigations.

B. Advise the city council on programs addressing data-based needs and recommend specific city action in response to identified needs.

C. Review periodic reports prepared by the public safety department regarding training sought and completed.

D. Review periodic reports prepared by the public safety department including general information, separated by race and sex, regarding the number of citizen complaints about public safety services received during the reporting period and the disposition of citizen complaints during the reporting period.

E. Report to the city council at least annually its recommendations:

i. to promote the efficiency, quality and availability of public safety services; and

ii. on the organizational structure, policies, and procedures of the public safety department.

F. When the position of chief of police is or is about to become vacant and has been properly advertised, members of the public safety commission shall be given the opportunity to:

i. participate in candidate interviews; and

ii. make a recommendation for hire to the city manager.

The manager shall, after reviewing all applications, and considering any commission recommendation, make his or her hiring decision subject to confirmation by the city council.

2 The commission shall be advisory in nature and shall possess none of the legal powers or authorities of the city or the public safety department unless specifically delegated by ordinance.

A. The commission may also receive complaints of alleged officer misconduct for referral to the city manager for investigation. In connection with these complaints, the commission:

i. shall, in collaboration with the city manager, devise a confidential means of receiving complaints of alleged officer misconduct and gather the complainant's personal information; the nature of the complaint;

witness information; the incident location, date, and time; and the Nome Police Department personnel involved.

- ii. The designated commissioner shall promptly forward the completed complaint in writing, signed by the complainant, to the city manager;
- iii. Commissioners shall not gather evidence, contact or interview witnesses (except the complainant as provided herein), or otherwise independently investigate a complaint;
- iv. Commissioners shall also assist individuals in understanding the complaint process and requirements for filing, but shall not solicit or attempt to compel the filing of a complaint by an individual.

B. Upon request of the complainant, commission members may review completed investigations of complaints of alleged police misconduct for adherence to the Nome Police Department's Operations Procedures Manual, and may recommend a re-opening of investigations if findings show lapses in procedure. The commission:

- i. shall, in collaboration with the city manager, devise a confidential means of reviewing completed investigations of complaints of alleged police misconduct;
- ii. shall not gather evidence, contact or interview witnesses, or otherwise independently investigate a complaint;
- iii. shall, upon completion of the review, notify the complainant and city manager in writing about its conclusions on whether the Public Safety Department adhered to the Operations Procedure Manual in its investigation of the complaint.

C. The public safety commission may request from the city manager such assistance as it may reasonably require, including records and other materials necessary for the fulfillment of its duties, except such records or materials that cannot be disclosed by law. If the requested assistance is not provided, the commission shall notify the city council, which will review the request to determine whether and how it will be fulfilled, and to direct the city manager accordingly.

(j) Training.

1. Within ninety (90) days of appointment, commission members shall be required to complete training that shall include:
 - A. The Alaska Open Meetings Act;
 - B. Confidentiality, privacy and due process rights of officers and civilians;
 - C. Rights of victims, criminal defendants, and targets of criminal investigations;
 - D. Nome Police Department's Operations Procedure Manual;
 - E. Racial equity;

- F. Trauma informed interview skills.
- 2. Commission members, upon determination of eligibility, will be offered the opportunity to participate in the Nome Police Department “ride along” program, preferably two shifts, in accordance with established program policies and procedures.

Section 3. Effective Date. This ordinance becomes effective upon passage.

APPROVED and **SIGNED** this 23rd day of January, 2023

JOHN K. HANDELAND, Mayor

ATTEST:

BRYANT HAMMOND, Clerk