

SECOND AMENDED ORDINANCE NO. 38-20

By: Troy Markham

An Ordinance to create Section 275, "Citizen Review Board"

WHEREAS, The City of Bexley places significant importance on increasing diversity, equity, and inclusion, including efforts to cultivate a welcoming, safe, and inclusive community for residents and visitors from all backgrounds; and

WHEREAS, Efforts to date have included the adoption of the Diversity, Inclusion and Equity Strategy amendment to the City's Strategic Plan as well as Mayor's Court reforms, including, but not limited to:

- creating a public defender program and developing a fine-free court option;
- creating and supporting new programming for police/community relations, including Cops and Kids events, Cross with a Cop, Southwest Bexley Block Party, Citizens Police Academy, and listening sessions
- updating police policy to adopt national best practices
- providing implicit bias and empathy training for city employees and elected and appointed officials, including police department employees; and
- hosting welcome events and delivering welcome packets for new residents

WHEREAS, In addition to these and other initiatives, the City has been advancing concepts for increased accountability and transparency in instances involving complaints of bias or unlawful discrimination involving employees from every City department; and

WHEREAS, In order to build trust and accountability within Bexley and among surrounding neighborhoods, the Bexley Citizen Review Advisory Board was created by Executive Order on June 9, 2020; and

WHEREAS, The Bexley Citizen Review Advisory Board provides citizen review and input into unsatisfied inquiries and complaints directed at City employees, in order to ensure full transparency and accountability of the City's responsiveness to such complaints; and

WHEREAS, Council and the Mayor desire to codify the Citizen Review Advisory Board function, in order to provide for formalized appointment and confirmation processes, and in order to provide the Board with additional powers as they become available through labor contracts and state law;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY, OHIO:

Section 1.

That Section 275 is hereby created as follows:

275.01 ESTABLISHMENT AND MEMBERSHIP.

- (a) There is established in and for the City a Citizen Review Board consisting of five voting members, appointed by the Mayor, who must be electors of the City of Bexley and are

subject to confirmation by Council, in accordance with Section 8(f) of the City Charter. To the extent practicable, Citizen Review Board voting members shall be representative of the diverse communities within the City of Bexley or similar areas on the basis of race, sex/gender, sexual orientation, gender identity or expression, ancestry, education, marital status, nationality, religion, mental or physical ability, ethnicity, age, socioeconomic status, familial status, and geographic region.

- (b) Members shall serve for a term of three years.

275.02 ORGANIZATION.

- (a) The Board shall select one voting member as chairperson. The chairperson shall serve for a one-year term expiring on June 30th and may serve successive terms as such.
- (b) All Board members shall serve without compensation. Vacancies caused by death, resignation, removal or otherwise, shall be filled for the unexpired term in the same manner as original appointments are made.
- (c) The Board shall meet at such time and place as it shall decide and as shall be called by the chairperson after at least twenty-four hours' notice to each member, which notice may be provided via e-mail. All meetings shall be open to the general public, except as provided by Chapter 223.
- (d) The Board shall adopt rules to govern the conduct of its business and shall keep minutes of its proceedings.
- (e) The Board shall report its findings to the public within 30 days of reaching a conclusion by providing a written report, which shall be published on the City website.

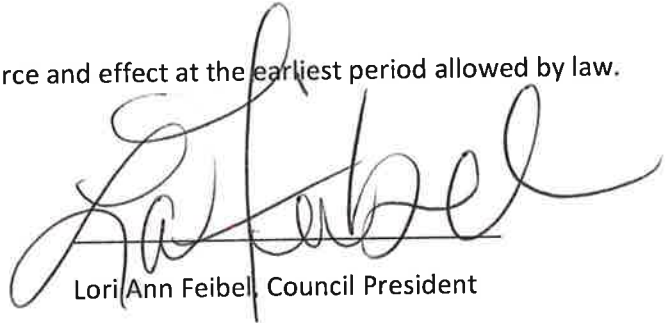
275.03 DUTIES AND FUNCTIONS.

- (a) Duties and Functions of the Citizen Review Board.
 - (1) The Bexley Citizen Review Board shall provide citizen review and input into inquiries and complaints directed at City employees which have been reviewed internally and in which case the internal decision the complainant wishes to appeal, in order to ensure full transparency and accountability of the City's responsiveness to such complaints.
 - (2) In the event that a complainant appeals the findings of the initial response from the relevant department, the Mayor will request a review and investigation of the case by the Bexley Citizen Review Board. Upon completion of an investigation, the Board shall make recommendations to the Mayor regarding resolution of the complaint and, where warranted by the facts, may make recommendations pertaining to discipline.
 - (3) The appropriate department(s) shall make available its records relating to any matter under investigation, review, or evaluation by the Board, subject to the restrictions of applicable federal and state law.
 - (4) The Board shall have the authority to request the attendance of witnesses and the production of documents, photographs, audio recordings, electronic files, and other tangible evidence relating to any matter under investigation, review, or evaluation by the Board, subject to the restrictions of applicable federal and state law.
 - (5) With the approval of the City Attorney or the City Attorney's designee, the Board shall have the authority to request that a subpoena be issued to compel the attendance of a key witness or the production of any documents, photographs, audio recordings, electronic files or other tangible evidence relating to any matter under investigation,


- review, or evaluation by the Board in accordance with relevant provisions of this Section, subject to the restrictions of applicable federal and state and, for city employee members of a bargaining unit, the terms of any collective bargaining agreement.
- (6) The Board must work cooperatively to arrive at a report that receives unanimous approval from the Board, however, unanimity is not required. If the Board is not able to reach unanimous consent, then each member may provide an individual report on their findings to the Mayor.
 - (7) The Mayor will review the appeal, alongside the findings of the Bexley Citizen Review Board, and provide a written response to the appeal. The Mayor's response, as well as the written report of the Bexley Citizen Review Board, shall be provided to the complainant and/or the Complaint Liaison and be published on the City of Bexley website.
 - (8) Subject to the approval of Council, the Citizen Review Board shall make rules providing for additional board procedures and processes as they deem necessary.

Section 2. That this Ordinance shall go into full force and effect at the earliest period allowed by law.

Passed: October 13th, 2020



Lori Ann Feibel, Council President

Attest: 
William Harvey, Clerk of Council

Approved: Oct 13, 2020



Ben Kessler, Mayor

First Reading: 9-8-20

Second Reading: 9-27-20

Third Reading: 10-13-20

Passed 10-13-20

