

**CPCC By-Laws**

**AMENDMENTS TO**

**By-Laws**

Adopted February 11, 2016

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**ARTICLE I**

**DEFINITION**

Section 1. As used in these by-laws, unless a different meaning clearly appears from the context:

- A. "Commission" and "CPCC" shall mean the City of Long Beach Citizen Police Complaint Commission.
- B. "Commissioners" shall mean the members of the Commission.
- C. "Executive Director" shall mean the city employee appointed by the City Manager to (1) oversee the Commission's business; (2) direct the Commission's staff and support team; (3) receive allegations of police employee misconduct, and (4) exercise any other delegated authorities.
- D. "Independent Investigator" shall mean the person(s) appointed by the City Manager to receive, or investigate, at the direction of the Commission, allegations of police misconduct.
- E. "City" shall mean the City of Long Beach.

**ARTICLE II**

**AUTHORITY, POWES, DUTIES**

Section 1. The Commission shall have all of the authority, powers, and duties conveyed by Section 1153 of the City Charter.

Section 2. These by-laws do not, and are not intended, to exceed the powers given to the Commission by the City Charter and/or ordinances.

**ARTICLE III**

**COMMISSIONERS**

Section 1. Eleven (11) Commissioners shall be selected as follows:

- A. Each of the nine City Councilpersons shall nominate to the City Mayor one (1) resident from his or her district to serve in the district Commissioner positions;
- B. The City Mayor shall appoint one nominee from each Council district to serve in district Commissioner positions and two City residents to serve in at-large Commissioner positions;
- C. All appointees shall be confirmed by a majority vote of the City Council;
- D. The Commission shall be broadly representative of the population of the City in terms of race, ethnicity, age, gender, sexual orientation, religion, labor or business affiliation, and physical disability.

Section 2. Commission vacancies shall be filled in the same manner as original appointments, to fill unexpired terms.

Section 3. Each Commissioner must reside in the City at the time of nomination and throughout his or her service on the Commission. Each Commissioner (other than at-large Commissioners) must maintain residence within the City Council district from which he or she was appointed during his or her service on the Commission.

Section 4. Commissioners who fail to maintain the residence requirements must resign from the Commission or be removed in accordance with Municipal Code §2.18.050.

## ARTICLE IV

### TERMS OF OFFICE

Section 1. The term of office shall be two (2) years.

Section 2. No Commissioner shall serve more than two (2) full terms.

Section 3. Serving a portion of an unexpired term shall not be counted as service of one term.

Section 4. Terms of office shall commence on the second Thursday of July. Terms of office for Commissioners representing Council Districts #1, #2, #6, and #9, and one at-large Commissioner, shall commence in even-numbered years. Terms of office for Commissioners representing Council Districts #3, #4, #5, #7, and #8, and one at-large Commissioner, shall commence in odd-numbered years. A replacement schedule shall be maintained by the City Clerk and the Executive Director to show when each Commissioner's term expires.

## ARTICLE V

### REMOVAL FROM OFFICE

- Section 1. Pursuant to City Charter Article V, Section 510, “[t]he Mayor may remove any member of a Charter-mandated commission at any time, with the concurrence of two-thirds (2/3) of the members of the City Council.”
- Section 2. Commissioners may be removed from the Commission by a majority vote of the City Council for the following causes:
- A. Absence from three consecutive meetings, including Commission meetings, training meetings, and assigned hearings, without official permission expressed in the minutes;
  - B. Incompetence, malfeasance, misfeasance, neglect of duty, or conviction of a crime involving moral turpitude;
  - C. Refusal to resign from the Commission when no longer a resident of the City or, except in the case of at-large commissioners, the district from which appointed; or
  - D. Failure to comply with the confidentiality requirements described in Article X below.
- Section 3. Commissioners may be declared malfeasant and recommended for dismissal by a majority vote of the Commission for the following reasons:
- A. Failure to receive training required for preparation to perform the duties of a Commissioner; or
  - B. Failure to assume and fulfill assigned responsibilities, particularly those related to investigations and hearings before the Commission.

## ARTICLE VI

### COMPENSATION

- Section 1. Commissioners shall receive no compensation for the performance of their official duties on the Commission unless compensation is expressly provided by the City Council.

## ARTICLE VII

### OFFICERS

- Section 1. The Commission shall have at least two officers, Chair and Vice Chair, and such other officers it deems necessary.
- Section 2. The Chair shall preside over all meetings of the Commission and shall have the same rights as other commissioners, including the right to vote on all matters. The Chair shall sign all documents on behalf of the Commission after such documents have been approved by the

- Commission and shall perform such other duties and delegated responsibilities as may be imposed upon the Chair by the Commission.
- Section 3. In the absence of the Chair, the Vice Chair shall assume all the duties and power of the Chair. In the absence of the Chair, all actions taken by the Vice Chair shall have the same force and effect as if taken by the Chair.
- Section 4. The election of officers shall be conducted annually at the first meeting in July in accordance with the most recent edition of Roberts Rules of Order.
- Section 5. All officers shall be elected by the Commission for a term of one year. No Commissioner may serve two successive years in the same office.
- Section 6. In the event of the resignation or removal of the Chair during the year, the Vice Chair shall become the Chair, and a new election shall be held for Vice Chair. In the event of the resignation or removal of any other officer, a new election shall be held to fill the vacant office.
- Section 7. If the Chair and Vice Chair are both absent at any meeting of the Commission, the Commission shall elect a Chair Pro Tem who shall perform all duties of the Chair. All actions taken by the Chair Pro Tem shall have the same force and effect as if taken by the Chair.

## ARTICLE VIII

### MEETINGS

- Section 1. The most recent edition of Roberts Rules of Order shall apply to the conduct of the Commission's meetings to the extent that they do not conflict with the Commission's by-laws, in which case the by-laws shall apply.
- Section 2. Regular meetings of the Commission shall be held on the second Thursday of each month at 6:30 p.m. in the City Council Chamber, 333 West Ocean Boulevard, unless otherwise agreed upon in advance by the Commission.
- Section 3. Special meetings of the Commission may be convened at the call of the Chair, or of the Vice Chair in the absence of the Chair. Upon petition of six Commissioners, the Chair shall be required to call a meeting of the Commission within one week. Commissioners will be given at least 24 hours notice before any special meeting. The notice and agenda for any special meeting will be distributed in accordance with Section 54956 of the California Government Code.
- Section 4. All meetings of the Commission shall be open to the public and, whenever possible, shall be held in a City-owned facility. Notice shall be given to the public prior to convening of any meeting in accordance with the Brown Act, Section 54950 et seq. of the California Government Code.

- Section 5. A majority of all Commissioners shall constitute a quorum for the transaction of business. A motion shall carry upon the affirmative vote of the majority of the commissioners present at any meeting.
- Section 6. A quorum being present, the order of business at the meetings of the Commission may include the following:
- A. Roll Call
  - B. Minutes of Previous Meeting
  - C. Staff Reports
  - D. Chair's Report
  - E. Committee Reports
  - F. Unfinished Business
  - G. New Business
  - H. Public Participation
  - I. Next Meeting
  - J. Recess to personnel or executive session, if required
  - K. Adjournment
- Section 7. A Commission meeting may be cancelled by the Chair due to a lack of a quorum, lack of sufficient agenda voting items, or for any reasonable cause as determined by the Chair.
- Section 8. Minutes of each Commission meeting shall be kept and filed with the City Clerk, and copies shall be sent to the Mayor and City Manager.
- Section 9. The Commission may promulgate such rules, regulations, policies, and procedures for its conduct as it deems necessary.
- Section 10. All adopted rules, regulations, policies, and procedures shall be filed within five (5) business days with the City Clerk and shall bear the signature of the Chair and the date they were adopted.
- Section 11. The annual meeting shall be the July meeting.
- Section 12. Special Commissioner training meetings shall be conducted at sites to be determined. No business other than training shall be conducted at such meetings. Appropriate notices shall be posted in accordance with the Brown Act.
- Section 13. Commissioners shall attend at least one training day every year and one Long Beach Police Department ride-along in their first 60 days of City Council approval as a Commissioner.
- Section 14. New Commissioners shall attend an orientation meeting prior to their participation in their first Commission meeting.

## ARTICLE IX

### INVESTIGATIONS AND HEARINGS

- Section 1. Investigations and hearings shall be conducted in accordance with the Policies and Procedures for processing complaints against police officers adopted by the Commission.
- Section 2. The hearing process shall be open to the public to the extent legally possible and insofar as it does not conflict with state or federal law, as required by Section 1153 of the City Charter.
- Section 3. Investigations and hearings shall be conducted solely to determine facts and to make recommendations to the City Manager.
- Section 4. Hearings shall be scheduled as needed.

## ARTICLE X

### CONFIDENTIALITY

- Section 1. All personnel records, investigative reports, documents generated within the Long Beach Police Department, information relating to deliberations of the Commission, and other matters shall be kept confidential to the extent required by law.

## ARTICLE XI

### COMMITTEES

- Section 1. The Chair may appoint special committees as needed. Each shall consist of an appointed Chairperson and at least two other Commissioners.
- Section 2. Committee appointments should be made to ensure a diversity of viewpoints to the greatest extent possible, in accordance with Section 1151 of the City Charter.
- Section 3. The Commission Chair shall be an ex-officio member of all committees.

## ARTICLE XII

### REPORT TO CITY

- Section 1. The Commission shall present an annual written report of its activities for the period of the previous July through June to the Mayor and City Council. The Commission may also make appropriate recommendations. The report shall include, but is not limited to, the following:
  - A. The name of the Commission;

- B. The Commission's goals, objectives, and functions;
- C. Reference, by category, to all reports and recommendations presented to the City Manager;
- D. The number of meetings held;
- E. The number of hearings conducted;
- F. Attendance records of all commissioners;
- G. The amount of money expended in support of the Commission, if known; and
- H. A list of City personnel who regularly assist the Commission.

Section 2. The report should be submitted by December 31 of each year.

### ARTICLE XIII

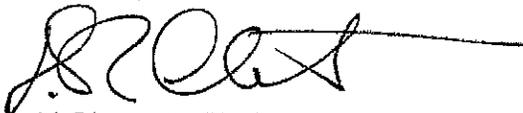
#### AMENDMENT OF BY-LAWS

Section 1. These By-Laws may be amended at any regular meeting of the Commission by majority vote of the commissioners present, provided that notice of such amendment shall have been given at the previous regular meeting and in accordance with any and all applicable laws.

#### **CHRONOLOGY OF AMENDMENTS AND ADOPTIONS:**

November 7, 1990	Original Adoption
November 11, 1993	Adoption Amended
June 10, 1999	Adoption Amended
December 14, 2000	Amendment Adopted
February 11, 2016	Amendment Adopted

Respectfully submitted:



David Clement, Chair  
Citizen Police Complaint Commission