

TOWN OF PURCELLVILLE
IN
LOUDOUN COUNTY, VIRGINIA

ORDINANCE NO. 20-09-01

PRESENTED: September 8, 2020

ADOPTED: _____

AN ORDINANCE: RETITLING ARTICLE IV (“BOARDS AND COMMISSIONS”) OF CHAPTER 2 (“ADMINISTRATION”) FROM “BOARDS AND COMMISSIONS” TO, “COMMITTEES, COMMISSIONS, AND BOARDS;”

ESTABLISHING A COMMUNITY POLICING ADVISORY COMMITTEE, INCLUDING ITS PURPOSE, DUTIES, MEMBERSHIP, AND AUTHORITY, BY ADDING TO CHAPTER 2 (“ADMINISTRATION”) OF ARTICLE IV (“COMMITTEES, COMMISSIONS, AND BOARDS”) A NEW “DIVISION 11” ENTITLED, “COMMUNITY POLICING ADVISORY COMMITTEE;”

RELOCATING THE ENTIRETY OF CHAPTER 26 (“COMMUNITY DEVELOPMENT”), ARTICLE I (“IN GENERAL”), ARTICLE II (“ECONOMIC DEVELOPMENT ADVISORY COMMITTEE”), ARTICLE III (“PARKS AND RECREATION ADVISORY BOARD”), ARTICLE IV (“COUNCIL STANDING COMMITTEES”), ARTICLE V (“TREE AND BEAUTIFICATION COMMISSION”), ARTICLE VI (“PURCELLVILLE TRAIN STATION STEERING AND OVERSIGHT COMMITTEE”), ARTICLE VII (“COMMUNITY DEVELOPMENT AUTHORITIES”), ARTICLE VIII (“PURCELLVILLE ARTS COUNCIL”), TO ARTICLE IV (“COMMITTEES, COMMISSIONS, AND BOARDS”) OF CHAPTER 2 (“ADMINISTRATION”) BY ADDING DIVISIONS 3 THROUGH 10

WHEREAS, the Town Council desires to establish a new standing advisory committee for the purpose of advising the Town Council on policing matters, to be called the “Community Policing Advisory Committee;” and

WHEREAS, the original scope of the committee was proposed ~~by citizens at a~~ Town Council at its meeting on July 14, 2020, by citizens who were inspired to create such a committee by recent incidents in other jurisdictions that received national media coverage, in which black men and women were killed by police, and by a recent demonstration

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march in Purcellville organized to protest such killings and to promote love and unity, in which over 1,000 persons participated, including the Town Police; and

WHEREAS, after ~~which~~the citizen presentation, Town Council directed staff to review and comment on the proposed ~~scope~~committee, and report back to Town Council; and

WHEREAS, staff reviewed and commented on the citizen-proposed policy and submitted those comments to the Town Council for its meeting on July 28, 2020; and

WHEREAS, at its meeting on July 28, 2020, Town Council adopted Resolution 20-07-02, stating its desire to establish a Community Policing Advisory Committee for the purpose of: (a) advising the Town Council, Town Manager, and Town Police on matters related to police-community relations, police training, and police protocols; (b) improving public trust of police by increasing communication and transparency, (c) raising awareness about racial injustices in policing, (d) promoting public education on policing matters, and (e) promoting the fair and equal treatment of all citizens by the police; and

WHEREAS, Resolution 20-07-02 directed staff to prepare, in collaboration with interested citizens, an ordinance creating the Community Policing Advisory Committee, describing its purpose, its membership, and its scope of authority, and further directed staff to advertise said ordinance for public hearing on September 8, 2020, or as soon thereafter as practicable; and

WHEREAS, in accordance with Council's direction, Town staff reached out through a press release to interested citizens and received expressions of interest from 36 community members, all of whom received a written copy of the proposed purpose, mission, powers, and duties of the committee; and

WHEREAS, four community members provided written comment to the proposed document, and Town staff revised the document to accommodate both council and citizen comments, and to ensure orderly governance and compliance with state law; and

WHEREAS, Town staff provided legally required notice in the August 21, 2020 and August 28, 2020 editions of the *Loudoun Times Mirror* that the Town Council would hold a public hearing on September 8, 2020, to receive public comment on this ordinance; and

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WHEREAS, for Town Code organizational purposes only, this Ordinance relocates regulations governing all of the Town Council's existing advisory committees, commissions, and boards from the "Community Development" chapter, to the "Administration" chapter.

NOW, THEREFORE, the Council of the Town of Purcellville, Virginia hereby ordains:

Section 1. That Town Code Article IV ("Boards and Commissions") of Chapter 2 ("Administration"), is hereby retitled from "Boards and Commissions," to "Committees, Commissions, and Boards."

Section 2. That the entirety of Town Code Chapter 26 ("Community Development") is hereby relocated to Town Code Chapter 2 ("Administration"), Article IV ("Committees, Commissions, and Boards"), by adding Divisions 3 through 9, with the exception of Town Code Chapter 26, Article I ("In General"), which shall be deleted because it has no content and was merely reserved for future use, and is, with this amendment, a duplication of Chapter 2, Article IV, Division 1 ("In General").

The following articles from Chapter 26 shall be relocated in their entirety to Town Code Chapter 2, Article IV, Divisions 3, through 9: Article II ("Economic Development Advisory Committee"), Article III ("Parks and Recreation Advisory Board"), Article IV ("Council Standing Committees"), Article V ("Tree and Beautification Commission"), Article VI ("Purcellville Train Station Steering and Oversight Committee"), Article VII ("Community Development Authorities"), and Article VIII ("Purcellville Arts Council").

Section 3. That Town Code Chapter 2 ("Administration"), Article IV ("Committees, Commissions, and Boards") is hereby amended to add a new "Division 10" entitled, "Community Policing Advisory Committee," as follows, with section numbers to be assigned by the Town's municipal code service upon publication:

Division 10 – Community Policing Advisory Committee

Section 10-1. Established; membership; terms; meetings; officers; minutes; bylaws; public records.

(a) Membership; removal; vacancy; voting; remote participation. The Community Policing Advisory Committee is hereby established. The committee shall consist of nine voting members, all of whom shall be appointed by the Town Council, and none of whom may be a current employee of the Town. The Town Council shall appoint members in a manner that achieves a diversity of viewpoint, race, ethnicity, and experience with law enforcement. Seats on the committee shall meet the following minimum requirements. If at any time a seat

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reserved for a person meeting the criteria specified below cannot be filled with a person who meets those criteria, then the seat shall remain unfilled. If the seat remains unfilled for a period of at least 4 months, then the seat may be filled by Town Council for a one-year term, without regard for the criteria assigned to that particular seat, provided, however, that at the conclusion of the one-year term, the seat shall again be reserved for a two-year term and filled by a person meeting the criteria specified:

- i. Two seats shall be reserved for persons who are the owner or manager of a business located in the Town;
- ii. Two seats shall be reserved for persons who are in high school, with one seat to be filled by a student from Valley High School, and another seat to be filled by a student from Woodgrove High School, provided, however, that if there are no applicants from one or the other of such schools, two students from the same school may be appointed;
- iii. Two seats shall be reserved for persons who identify as persons of color, provided that such information is expressly volunteered by the candidate;
- iv. One seat shall be filled by a person with professional experience of 5 years or more in the field of "criminal justice," which is defined herein to include only law enforcement, criminal prosecution, and criminal defense;
- v. One seat shall be filled by a person with professional experience of 5 years or more in the field of social work or mental health; and
 - vi. One seat shall be filled without regard to particularized experience.

Only one of the minimum criteria shall be satisfied by a single member, even if a single member possesses more than one of the membership criteria. Members shall be at least 16 years of age and shall be either a resident of the Town of Purcellville, or an owner or manager of a business located in the Town of Purcellville. Any committee member may be removed by the Town Council for failing to fulfill the duties assigned to committee members hereunder. If a vacancy exists on the committee, the seat will be filled as promptly as possible. A vacancy that brings the membership to a number less than nine shall not cause the committee to cease to exist; a quorum shall consist of a majority of the seated members exclusive of vacancies, and any proposed action by the committee shall pass by a majority vote of those present and voting. ~~Members shall be at least 18 years of age and shall be either a resident of the Town of Purcellville, or an owner or manager of a business located in the Town of Purcellville. Any member of Council appointed to serve as a liaison shall be a non-voting member, whose presence shall count toward a quorum.~~ Committee members may participate in duly-called meetings electronically, as permitted under the Council's adopted policy for remote participation.

~~(a)(b)~~ Staff and Council Liaisons. The Town Manager shall appoint a staff member who is an employee of the Purcellville Police Department to serve as a liaison between the committee

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and the Town Manager's office. Town Council may, at its option, appoint a member of Town Council to serve as a liaison between the committee and the Town Council. Neither the Staff liaison nor the Council liaison shall be a member of the committee, vote, or count toward a quorum.

(b)(c) *Terms.* All members shall be appointed to the Committee for a two-year term. In order to stagger the expiration of terms, the last four members appointed to the committee for its inaugural term, shall have terms of one year.

(e)(d) *Meetings.* The committee is a "public body" under the Freedom of Information Act (FOIA) and shall schedule all of its meetings, both regular and special, through the Town Clerk to ensure compliance with FOIA and other state law. The committee shall have at least four regular meetings each year. The committee chair may call special meetings as needed. ~~All meetings, both regular and special, shall be called through the Town Clerk.~~ All committee meetings shall be open to the public. At no time shall more than two members of the committee discuss the business of the committee outside of a public meeting called through the Town Clerk.

(d)(c) *Election of officers; minutes.* The committee shall elect a chairperson and secretary annually, for one-year terms. Staff and Council liaisons may not serve as the chair or secretary of the committee. The secretary shall prepare an official record of the proceedings ("minutes") of each meeting, which shall be adopted by a majority of those present and voting at the meeting immediately following the meeting for which the minutes were prepared. The minutes shall, at a minimum document the subject matters discussed, and the substance of all votes taken by the committee. If funds are appropriated by Town Council, then the Town will hire a service to provide meeting minutes from the audio recording of each meeting. Once adopted, the minutes shall be promptly sent by email from the committee chair to the Town Council, with a copy to the Town Manager, Town Attorney, and Chief of Police.

(f) *Bylaws.* ~~The~~ After all nine members have been appointed by Town Council, and prior to taking up any other business, the committee shall ~~be responsible for the preparation of~~ prepare by-laws setting forth rules for the conduct of meetings, and specifying the powers and duties of the committee and its members. The bylaws shall include ~~a provision that~~ the following provisions:

- a. That the committee will spend any funds allocated to it by Town Council only after a majority vote, and only in accordance with the Town's procurement policy. ~~Once prepared and adopted~~
- b. That each member of the committee shall promptly send to the Town Manager, with a copy to the Chief of Police, any complaint or complement received about the action or inaction of a member of the Town's police department.

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- c. That the committee shall identify and award, once each calendar year, a medal or plaque to the Purcellville police officer who best exemplifies community policing.
- d. That each committee member shall participate at least once each year in a virtual police training simulator, provided the training funds have first been appropriated by Town Council.
- e. That each committee member shall participate at least once each year in a “ride-along” with a Purcellville Police Officer.

Once prepared by the committee, the by-laws shall be sent to the Town ~~Council for approval.~~ Attorney for review to ensure consistency with this ordinance. Once the Town Attorney has determined the bylaws to be consistent with this ordinance, the committee may vote to approve them. Amendments to the bylaws shall be processed in the same manner.

(e)(g) Public Records. When related to the work of the committee, all webpages, electronic platforms, emails, notes, and other documents or recordings of the committee or its members are “public records” and shall be transmitted to the Town Clerk for compliance with Virginia public records laws.

Section 10-2. Purpose; Mission

- (a) Purpose. The formation of this committee is supported by Town Police. This committee is formed for the purpose of (i) enhancing communication and community engagement between the Town Council, the Town ~~police~~Police, and the full diversity of Purcellville’s residents, businesses, and visitors, about matters relating to police-community relations, police training, and police protocols; (ii) promoting equal and fair treatment of all citizens by Town law enforcement officers; (iii) promoting respect for Town Police by publicly recognizing their extensive training and good work; (iv) raising awareness about racial injustice in policing, generally, and becoming informed about how the Town actively seeks to promote racial equality in its policing; and (iv) improving public trust of the Town ~~police~~Police through increased communication and education.
- (b) Mission. The mission of the committee is to: (i) dialogue with Purcellville’s residents, businesses, police, and visitors, about public safety and policing; (ii) identify public safety issues in the Town and communicate those issues to the Town Council, (iii) recommend to the Town Council solutions to those public safety issues, which solutions shall be formulated by the committee in collaboration with community leaders, community organizations, and the full spectrum of stakeholders, including Town Police; and (iv) identify examples of excellent policing in the Town and publicly recognize the officers responsible.

Section 10-3. Powers and Duties

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(a) The committee's powers are as follows:

- i. Gather information on, and transmit to Town Police and Town Council reports describing: the community's perspective and recommendations concerning the procedures, programs, policies, training, use of technology, and effectiveness of Town ~~police~~Police;
- ii. Gather information from Town Police, and transmit such information to the community, describing the procedures, programs, policies, training, and technology of the Town Police;
- iii. Create, in collaboration with the Town staff, a webpage on the Town's website, ~~and to which the committee will post educational policing information to that page about its work, for the purpose of increasing public awareness of Purcellville's law enforcement services and programs;~~
- iv. Hold public meetings to solicit public input regarding law enforcement services and programs, provided that all such meetings are scheduled through the Town Clerk;
- v. Create, in collaboration with the Town's ~~Information Technology Department staff,~~ easily accessible platforms through which suggestions, comments, and questions, ~~or complaints about Town police~~ can be submitted by the community to the committee ~~by the community, provided that all such gathered input is treated as a "public record" under law or to the police, or to both (at the option of the person submitting), so long as notice is provided on the platform that complaints about a particular officer must be submitted privately to the Chief of Police or to the Town Manager, and a link is provided to the email of the Chief and Town Manager;~~
- vi. Serve as a liaison between the full diversity of the Purcellville community and the Town Police Department;
- vii. Review significant community policing issues in Purcellville, and make recommendations on potential solutions;
- viii. Provide informed recommendations on the policies by which complaints about a police officer shall be handled, and by which "bias" and "deadly force" cases are investigated;

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- ~~vi~~ix. Provide informed recommendations on Town policies that will prevent police bias and use of unnecessary deadly force, and that will strengthen police knowledge of de-escalation techniques;
- ~~ix~~x. Provide informed recommendations on police programs and police administration, including internal investigations practices;
- ~~x~~xi. Gather and distribute publicly-available data on Town police matters;
- ~~xi~~xii. Produce public reports at least yearly on the committee's activities; and
- ~~xii~~xiii. Provide informed recommendations on the proposed police budget each year, including recommendations for the distribution of funds within the police department.

(b) It is the duty of each committee member to:

- i. Listen carefully and impartially to all community opinions, attitudes, and needs;
- ii. Report carefully and impartially the information gathered from the community to the Town Council;
- iii. Engage in regular dialogue with all levels of the police department to understand both the opportunities and constraints inherent to public policing; ~~and~~
- iv. Become deeply informed, ~~at its own expense, or about~~ best practices in policing programs and services;
- v. Become deeply informed on the policies, procedures, and practices of the Town police;
- vi. Refuse gifts or favors that may be offered in the course of work on the committee;
- vii. Conduct the work of the committee with an open and questioning mind, objectivity, and fairness, in a timely manner;
- viii. Present all information without regard to personal beliefs or concern for personal, professional, or political consequences; ~~and~~
- ix. Treat all individuals with dignity and respect, and without preference for or discrimination against: age, ethnicity, culture, race, disability, gender, religion, sexual orientation, socioeconomic status, professional affiliations, or political beliefs.

Section 4. That all prior ordinances in conflict herewith are hereby repealed.

Section 5. This ordinance shall be effective upon its adoption.

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PASSED THIS ____ DAY OF SEPTEMBER, 2020.

Kwasi A. Fraser, Mayor
Town of Purcellville

ATTEST:

Diana Hays, Town Clerk

DRAFT