

# **BYLAWS OF THE POLICE ACCOUNTABILITY BOARD ALLIANCE**

## **Article 1. Statement of Purpose.**

The Police Accountability Board Alliance (“the Alliance”) was formed by the Police Accountability Board Organizing Committee, which in 2017 recommended to the Rochester City Council an ordinance establishing a Police Accountability Board (“the ordinance”). The purpose of the Alliance is to nominate Rochester community members to represent the interests of civilian residents of the City of Rochester on the Rochester Police Accountability Board.

The ordinance includes a process by which the Alliance will nominate six (6) representatives to be confirmed and appointed by City Council to serve on an eleven (11) member Police Accountability Board along with one (1) member appointed by the Mayor of Rochester and four (4) appointed by City Council.

## **Article 2. Membership.**

The initial Alliance membership shall consist of the organizations, listed in Appendix A, that endorsed the ordinance. Each organization shall have no more than two (2) voting representatives at any Alliance meeting. Individuals who are not Rochester Police Department employees may also apply to be selected as Alliance members.

No member organization, nor their representatives, shall be able to vote at an Alliance meeting without, prior to the first meeting, and annually thereafter, submitting a letter of intent indicating their intention to fulfill the obligations described below and selecting no more than two representatives. The submission process for letters of intent shall be described in a Notice of Meeting, as required per Article 3. a.

No member of the Police Accountability Board (“Board”) shall serve on the Alliance. If an Alliance member is nominated to serve on the Board, they shall be recused from the selection process, and if appointed to the Police Accountability Board, they shall resign from the Alliance during their term on the Board. No one with an active complaint against an RPD employee may serve as a member or representative in the Alliance.

## **Article 3. Executive Committee.**

At its first meeting, and as needed thereafter, Alliance members shall elect five (5) individuals to serve on the Executive Committee. The Alliance shall endeavor to nominate an Executive Committee that is reflective of the diversity of the community and represents the variety of organization members. The first Executive Committee nominees shall be elected as a slate by majority vote of Alliance representatives in attendance at the first Alliance meeting. The first Executive Committee shall serve a term of one year and

shall act as a transition team during the first year that the Alliance is operational. If the slate fails to pass or if the slate is elected and the one year term expires, Alliance members shall nominate Executive Committee members via secret ballot, in which each Alliance representative shall vote for five nominees. the five nominees who receive the most votes shall become the Executive Committee, and shall serve staggered three (3) year terms. Staggered terms shall be as follows: the two members with the highest and second highest number of votes will serve three-year terms, the two members with the third and fourth highest votes will serve two-year terms, and the fifth member will serve a one-year term. No member of the Executive Committee shall serve more than two terms consecutively. If a vacancy occurs on the Executive Committee, a replacement shall be elected by the Alliance.

The duties of the Executive Committee shall be to:

- a. Convene meetings of the Alliance and notify members of upcoming meetings at least two weeks in advance.
- b. Maintain and distribute records of the Alliance including meeting minutes, decisions, nominee applications, these by-laws, and other records as needed.
- c. Communicate with the Police Accountability Board related to Board vacancies.
- d. Manage the Board nomination process as described in Article 5 below.
- e. Monitor Alliance membership participation and design a process to seek new members as needed.
- f. Select a chairperson to facilitate meetings and to act as a spokesperson for the Alliance.

#### **Article 4. Meetings and Quorum.**

The Alliance shall meet at least quarterly each year and more frequently as necessary. A quorum at Alliance meetings to make decisions shall consist of at least fifty-one percent (51%) of the number of members that have submitted letters of intent per Article 2. However, the quorum requirement shall not be applicable at the first and second Alliance meetings, at which the first Executive Committee is selected and at which these by-laws are passed by simple majority vote of those in attendance.

#### **Article 5. Initial Nomination Process.**

- a. The Executive Committee shall request members of the Alliance to submit applications for nominees to fill six (6) positions on the Police Accountability Board ("Board"). The application shall include statements by nominees and their nominators indicating why they are qualified to be on the Board; the nominee's resume and letters of recommendation must be attached to the application.
- b. Each organization represented in the Alliance, as well as City residents, may submit applications to nominate individuals. Alliance organizations shall actively solicit applications from City residents, representing the diversity of the community.

- c. The Executive Committee shall screen nominee submissions and narrow the field to twelve (12) finalists who meet the requirements cited in the Police Accountability Board ordinance and reflect the diversity of the Rochester community, including race, religion, nationality, sex, gender, LGBTQ status, disability,, experience, and geography. The Executive Committee must approve the slate of finalists by a four-fifths vote of its members.
- d. The Executive Committee shall call a meeting of the Alliance to seek input regarding the qualifications of the finalists. The Executive Committee shall submit copies of the applications of the finalists to the Alliance at least one week prior to the meeting, along with guidelines on how the input shall be received.
- e. After review of Alliance input, the Executive Committee shall, by a four-fifths vote, determine the final six nominees and submit them to City Council for confirmation and appointment.
- f. Should City Council reject a nominee, the Executive Committee shall select a replacement(s) from the original pool of twelve (12) finalists and submit the replacement nominee(s) to City Council.
- g. The final list of community appointments shall not be published until all six (6) nominees are confirmed by Council.
- h. Alliance appointees to the Police Accountability Board shall serve terms in accordance with the City Council ordinance.

#### **Article 6. Subsequent Nomination Process.**

Prior to each Alliance quarterly meeting, the Executive Committee shall request the Police Accountability Board to provide a report indicating the anticipated needs for new community members to be nominated to replace Board members whose terms have ended or will end within the upcoming quarter, as well as those who have left or expect to leave the Board for other reasons. The Board report shall include the relevant qualifications of those leaving as well as those currently serving on the Board, so the Alliance may ensure the representative nature of the Board.

If vacancies need to be filled, the Executive Committee shall, as soon as possible, but at least four weeks prior to the upcoming quarterly meeting, call for nominations from Alliance organizations, who shall solicit nominations from City residents. For each vacancy, the Executive Committee shall follow the steps elucidated in Article 4, except the number of replacement candidates shall be twice the number of vacancies, e.g., if there is one vacancy, the Executive Committee shall select and seek input from the Alliance on two nominees, then select one to present to City Council.

Community members who have previously applied to the Police Accountability Board but who were not selected, may be nominated again, but their application must be updated and resubmitted each time there is a vacancy.

### **Article 7. New Members.**

Individuals who are not Rochester Police Department employees, but are not members of an Alliance organization, may apply directly to the Executive Committee to be selected as Alliance members. If organizations not listed in Appendix A desire to join the Alliance, they may apply to the Alliance for membership. New members must be nominated by existing members and must receive a two-thirds majority vote by the Alliance to be approved as new members.

If there are fifteen (15) or fewer participating member organizations in the Alliance, the Executive Committee shall initiate a process whereby new member organizations are sought, in order to maintain a high level of active members.

### **Article 8. Removal and Discipline.**

Members of the Alliance shall not make harassing or derogatory remarks concerning race, religion, nationality, sex, gender, LGBTQ status, or disability.

Alliance organizations and representatives can be removed from the Alliance for cause by a four-fifths vote of the Executive Committee. "Cause" shall include: willful misconduct and willful violation of these bylaws. By a four-fifths vote, the Executive Committee may also discipline Alliance organizations and representatives by, for example, requiring anti-bias or other training, suspension, or other discipline as appropriate in the circumstances.

### **Article 9. Indemnification.**

The Alliance shall, to the extent legally permissible, indemnify each person and organization who may serve or who has served at any time as a member, representative, or executive committee member of the Alliance against all expenses and liabilities, including, without limitation, counsel fees, judgments, fines, excise taxes, penalties and settlement payments, reasonably incurred by or imposed upon such person in connection with any threatened, pending or completed action, suit or proceeding in which they may become involved by reason of their service in such capacity; provided that no indemnification shall be provided for any such person with respect to any matter as to which they shall have been finally adjudicated in any proceeding not to have acted in good faith in the reasonable belief that such action was in the best interests of the Alliance; and further provided that any compromise or settlement payment shall be approved by a majority vote of Executive Committee who are not at that time parties to the proceeding.

The indemnification provided hereunder shall inure to the benefit of the heirs, executors and administrators of persons entitled to indemnification hereunder. The right of indemnification under this Article shall be in addition to and not exclusive of all other rights to which any person may be entitled. No amendment or repeal of the provisions of this Article which adversely affects the right of an indemnified person under this Article shall apply to such person with respect to those acts or omissions which occurred at any time prior to such amendment or repeal, unless such amendment or repeal was made with the written consent of such indemnified person.

**Article 9. Effective Date.**

The effective date of these bylaws is January 15, 2018. These bylaws shall remain in effect unless and until amended or rescinded by a two-thirds majority vote of the Alliance.