

Chapter 5

POLICE COMMISSION

2-5-1: COMMISSION ESTABLISHED:

There is hereby established a police commission for the city, hereinafter referred to as the commission. (Ord. 02-08, 4-1-2002)

2-5-2: PURPOSE, POWERS, PROCESSES AND DUTIES:

The powers and duties of the commission are set forth in Montana code 7-32-4151 through 7-32-4164, this chapter and rules of procedure adopted by the commission. Consistent with state statutes and this chapter, these powers and duties of the commission shall include:

- A. Review of police officer applicants when such review is sought by the chief of police or city manager;
- B. Hear and decide appeals by any member or officer of the police department who has been disciplined, suspended, removed or discharged by an order of the city manager; and
- C. Provide comment and recommendations to the chief of police or city manager on matters related to the police department. (Ord. 02-08, 4-1-2002)

2-5-3: MEMBERSHIP:

- A. Appointment; Compensation: The commission shall have three (3) members. Members shall be appointed by the mayor and ratified by the city council. Members shall reside within the corporate limits of the city and shall have maintained residency within the city for one year prior to appointment to the commission. Commission members shall receive no compensation.

B. Terms; Positions: Commission terms shall be three (3) years. There are hereby created positions numbered 1 through 3 inclusive of the members of the commission. Members serving on the effective date of this chapter shall be assigned to positions that correspond with the expiration dates of their existing terms:

Number	Term Expiration Date
1	First regular council meeting in May 2002
2	First regular council meeting in May 2003
3	First regular council meeting in May 2004

As each of the above listed expiration dates is completed, members shall be appointed successively to three (3) year terms. Terms shall begin upon appointment at the first regular city council meeting held in May of each year. However, a member serving on the commission during an appeal proceeding under Montana code 7-32-4155 shall continue to serve on the commission until such time that a decision on the appeal is rendered. In such case, a new member may not sit on the commission for business. At the discretion of the city council, members may be appointed to more than one term.

C. Removal Of Member: A member may be removed from the commission by majority vote of the city council for cause upon written charges and after a public hearing. Wilful disregard of state statutes, city ordinances and the rules of procedures of the commission, or absences from three (3) consecutive meetings, including regular and special meetings, or absences from more than fifty percent (50%) of such meetings held during the calendar year, shall constitute cause for removal. Circumstances of the absences shall be considered by the city council prior to removal. Any person who knows in advance of his inability to attend a specific meeting shall notify the chair or secretary of the commission at least twenty four (24) hours prior to any scheduled meeting.

D. Vacancy: Pursuant to subsections A and B of this section, any vacancy on the commission shall be filled by the mayor and ratified by the city council acting in a regular or special session for the unexpired term of the position wherein the vacancy exists. The city council may appoint members of the city council to temporarily fill vacant positions on the commission. (Ord. 02-08, 4-1-2002)

2-5-4: ORGANIZATION:

At its first meeting after June 1 of each year, the commission shall elect a chair, vice chair and secretary for the next twelve (12) month period. Upon the absence of the chair, the vice chair shall serve as chair pro tem. If the secretary is absent from a specific meeting, the attending members shall elect a secretary pro tem for the meeting. If a vacancy occurs in the chair, vice chair or secretary positions, the commission shall elect a member to fill the vacancy at the next meeting. The secretary need not be a member of the commission and shall keep an accurate record of all commission proceedings. (Ord. 02-08, 4-1-2002)

2-5-5: MEETINGS, RULES AND REGULATIONS:

Two (2) members of the commission shall constitute a quorum. Not less than a quorum of the commission may transact any business or conduct any proceedings before the commission. The concurring vote of two (2) members of the commission shall be necessary to decide any question or matter before the commission. The commission shall adopt rules of procedure for the conduct of meetings consistent with statutes, the city charter, ordinances and resolutions. Meetings of the commission shall be held at least once every three (3) months or at the call of the chair, chief of police or city manager, and at such other times as the commission may determine. All meetings shall be open to the public. (Ord. 02-08, 4-1-2002)

2-5-6: ENFORCEMENT OF DECISIONS:

Pursuant to Montana code 7-32-4161, the city manager shall make orders enforcing the decisions of the commission. (Ord. 02-08, 4-1-2002)

2-5-7: STAFF SUPERVISION:

The commission shall have no supervisory control and shall not direct the chief of police or other staff in the performance of their official duties. Commission involvement in the operations of the police department shall be limited to comment and recommendations. (Ord. 02-08, 4-1-2002)

2-5-8: EXPENDITURES:

The commission shall have no authority to make any expenditures on behalf of the city or

disburse any funds provided by the city or to obligate the city for any funds. (Ord. 02-08, 4-1-2002)