

A RESOLUTION

TO APPROVE THE BYLAWS OF THE COMMISSION ON FIRE AND POLICE PRACTICES

WHEREAS, Section 2-333(a) of the Code of Ordinances of the city of Greenville requires that all city boards and commissions, in consultation with the City Attorney, shall draft and approve proposed bylaws governing the operations of their respective areas of authority; and

WHEREAS, the City's Commission on Fire and Police Practices has prepared certain bylaws in accord with the City Code and presented the bylaws for consideration and approval of City Council; and

WHEREAS, the City Attorney has reviewed the bylaws and advises City Council that the bylaws comply as required by the City Code.

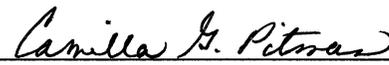
NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF GREENVILLE, SOUTH CAROLINA that the bylaws of the city of Greenville's Commission on Fire and Police Practices are approved in the form as attached to this Resolution. The operating procedures, which have also been shared with City Council and which are referenced in the bylaws, may be changed without further review and approval by Council with the understanding that any changes will otherwise comply with the approved bylaws and applicable law.

RESOLVED THIS 11 DAY OF MAY, 2009.



MAYOR

Attest:



CITY CLERK

SECTION NINE

The Commission on Fire and Police Practices

BY-LAWS

BY-LAWS
OF THE COMMISSION ON FIRE AND POLICE PRACTICES
OF THE CITY OF GREENVILLE, SOUTH CAROLINA

ARTICLE I - AUTHORITY

These by-laws are promulgated pursuant to City Ordinance 97-6 "To Provide for Consistent Procedures Among Municipal Boards as to Voting, Attendance, and Other Practices", and pursuant to City Ordinance 2005-44 "To Establish a Commission on Fire and Police Practices and to Discontinue the City Civil Service Commission..." In the event of a conflict between these by-laws and the foregoing code provisions, the latter shall control.

ARTICLE II – PURPOSE (Division 6, Article III, Chapter 2, Section 2-309; The Code of Ordinances of the City of Greenville)

City Council finds that the demands and challenges for uniformed employees serving in the city police and fire departments are different from those of employees serving in other city departments. People engaged in law enforcement and fire suppression are subjected to danger more regularly and with less notice than other people in the work force. Ordinarily, uniformed employees in the police and fire departments require training and certification under state law to perform their duties. They are organized in groups in which mutual support and chain of command are far more integral to the success of their individual responsibilities than is the case for employees in other departments. The characteristics of their organization and the authority vested in the departments can lead to abuses. Some abuses are those which the employees can sustain when the organizational structure and its practices perpetuate or cover inequitable treatment. Some abuses are those that less responsible uniformed employees might inflict upon members of the public at large under the pretense of exercising their duly vested powers and responsibilities.

In these circumstances there is merit in having independent citizens of good character and good judgment make conclusions after reasonable inquiry about general departmental practices and specific events which are brought to their attention. This division establishes the mechanism by which such inquiries can be made and such conclusions can be reached in a way that protects the public interest and promotes the integrity of the city organization.

ARTICLE III – MEETINGS

1. Regular, Special, and Quorum

Regular meetings of the Commission shall be held quarterly on the third Monday of the month beginning at 5:30 p.m. Special meetings of the Commission may be called by the chairperson or by a majority of the Commissioners upon at least five days notice in writing to all Commissioners. Notice may be waived by the attendance of all Commissioners at the meeting. The notice shall specify all matters to be acted upon at the special meeting. The attendance of at least three Commissioners is necessary to constitute a quorum for the transaction of any business and no official action may be taken if a quorum is not present. Fewer than a quorum shall have the power to discuss matters without official action and to adjourn from time to time until a quorum can be present. The act of a majority of the Commissioners present at a duly assembled meeting at which there is a quorum shall be the act of the Commission on Fire and Police Practices. A Commissioner must be present at a meeting in order to vote.

2. Presiding Officer, Order of Business, Agenda

Each regular or special meeting of the Commission shall be presided by the Chairperson or, in his or her absence, by the Vice Chairperson. In the absence of both the Chair and Vice Chair, the most senior Commissioner shall preside. At least five days prior to each regular meeting, the Secretary shall mail to each Commissioner an agenda setting forth all matters to be transacted at the meeting and the minutes of the previous meeting. For good cause shown, the chairperson may approve a shorter period of time for sending an agenda. Any Commissioner may direct the placing of items on the agenda. No matter may be acted upon at a regular meeting without the unanimous consent of all Commissioners present and voting at the meeting unless it is on the agenda. The minutes of the previous meeting shall be approved at the outset of each meeting.

3. Attendance

- A. Any member who for reasons other than sickness or a bona fide emergency misses fifty percent (50%) of all meetings within a calendar year shall be removed from the Commission. The position shall be declared vacant by City Council, which shall fill the vacancy; where good cause for the absences is shown; Council may in its discretion reappoint the removed member. Any member, who is unable to attend a meeting, whether regular or special, shall contact the staff liaison as soon as possible so that the staff liaison can determine and report to the chairperson whether a quorum can be established.
- B. The staff liaison shall maintain a record of attendance for each Commission member. The

staff liaison of the Commission shall be responsible for notifying the City Clerk of any members who violate the attendance requirements. The City Clerk shall then provide Council with the details of the violation.

4. Rules of Order

Meetings shall be conducted in an orderly manner to ensure the fair treatment of all persons and issues before the Commission. One or more generally recognized publications on procedure shall be available for reference when procedural issues are to be resolved.

ARTICLE IV - MEMBERSHIP; OFFICERS

1. Members

- A. The Commission on Fire and Police Practices shall consist of five (5) voting members. These members shall be of good moral character, not less than 30 years of age, and shall possess qualifications and requirements in force with respect to other officers of the City. Members also shall take an oath of office similar to that of City police officers; shall be and remain residents of the City during their term on the Commission. All members shall be appointed by the Mayor and City Council with the advice of the City Manager.
- B. In addition to the voting members, there shall be one non-voting participant representative of the uniformed employees from the Police Department and one non-voting participant representative of the uniformed employees from the Fire Department. These participants shall not be in a grade of lieutenant or higher. They will be selected by the City Manager after consultation with the Chiefs of each Department and with the voting Commissioners.

2. Officers: Election, Terms, and Removal

The officers of the Commission shall consist of a Chairperson and a Vice Chairperson. The Chairperson shall preside over meetings, enforce the orders of the Commission, and carry out such other duties as delegated to him or her by the Commission. The Vice Chairperson shall preside in the absence of the Chairperson. These officers shall be elected by a majority vote of all Commissioners at the first meeting of the Commission in each calendar year. These officers shall serve for a term of one year. In the event of an officer's death, resignation or removal, a majority of all Commissioners, shall elect a successor. An officer may be removed from office upon the vote of the remaining four Commissioners.

3. Secretary / Staff Liaison: Appointment and Duties

The Human Resource Department of the City of Greenville will provide administrative and staff liaison services for the Commission. A member of that department, or such other person as the City Manager may appoint as staff liaison, shall be designated *Secretary* for the Commission. The Secretary shall be the custodian of all records of the Commission and shall keep accurate minutes and records of all regular and special meetings of the Commission. The Secretary shall further carry out such duties and assignments as may be delegated or directed by the Commission such as, but not limited to, setting meetings, preparing agendas, other documents and correspondence, coordinating the acquisition of needed materials, and providing training. The Commission, in its discretion, may request a background check of the Secretary in accordance with procedures otherwise permitted by law.

4. Notice and Public Information

- A. The staff liaison of the Commission shall be responsible for ensuring compliance with the Freedom of Information Act and for notifying the City Clerk reasonably in advance of all meetings.
- B. The staff liaison is required to comply with guidelines pertaining to matters of public notice and scheduling as provided by the City Clerk.

5. Voting.

Each member, including the Chairperson, shall vote and shall not abstain from voting unless such member claims a conflict of interest, in which event the member shall be excused from voting. The member shall then state for the record the basis for the abstention and complete a Statement of Potential Conflict of Interest Form. Voting by proxy shall not be permitted.

6. Ethics

All Commission members shall be subject to the provisions of the South Carolina State Ethics Act and the City of Greenville's Code of Ethics.

ARTICLE V. - BY-LAWS: ADOPTION, AMENDMENT, FORCE & EFFECT

- 1. These By-laws shall become effective upon adoption by a majority of the Commissioners voting at a regular or special meeting, and upon acceptance by City Council. Upon acceptance by City Council, the City Clerk shall file the by-laws in a file maintained for that purpose.

2. These By-laws may be amended by a two-thirds vote of all Commissioners voting at a regular or special meeting of the Commission, provided that five (5) days written notice of the proposed amendment is given to all Commissioners. All amendments to the By-laws shall be filed with the City Clerk and be prepared and submitted to City Council in accordance with City Council procedure for acceptance by Council resolution.

ARTICLE VI – ESTABLISHMENT OF STANDARD OPERATING PROCEDURES

1. The Commission by resolution shall establish such Standard Operating Procedures (SOPs) as it deems necessary to properly exercise its duties and powers under Division 6, Section 2-309 et seq. of the City of Greenville Code of Ordinances. These SOPs shall comply with the relevant City ordinances pertaining to the Commission. These procedures shall be designed to promote fairness between all parties involved, and shall be set forth in a separate document entitled “*STANDARD OPERATING PROCEDURES*” of the Commission on Fire and Police Practices of the City of Greenville South Carolina. In the event of a conflict between said SOPs and departmental policies, general orders, procedures, or practices, the SOPs shall control.

ARTICLE VII - HEARING PROCEDURES

1. The Commission by resolution shall establish hearing procedures which shall comply with the relevant City ordinances pertaining to the Commission. These procedures shall be designed to promote fairness between all parties involved, and shall be set forth in the Commission on Fire and Police Practices’ Standard Operating Procedures.
2. Hearings, and notice thereof, shall be governed by applicable law, including the Freedom of Information Act.

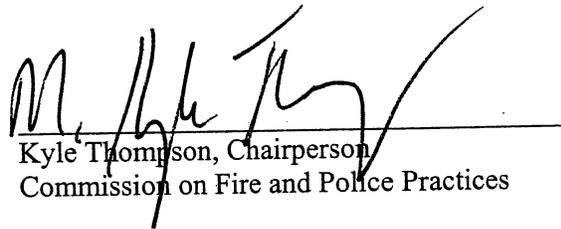
ARTICLE VIII - STAFF REPORTS AND RECOMMENDATIONS

1. As provided in Section 2-333(b) of the Code of Ordinances of the City of Greenville,” the staff liaison shall submit reports and recommendations for those agenda items requiring decisions or recommendations by the board, commission or committee. Other staff having experience, education, and professional training in the subject matter may provide input into the reports and recommendations, or may provide supplemental ones. The material submitted may be oral,

written, or graphic, or some combination of all. The reports and recommendations shall be accepted as evidence of record to the same extent as oral testimony and exhibits accepted from applicants, opponents, persons who are subjects of an inquiry, expert and lay witnesses, and members of the public who provide information for the record of the proceedings.

CERTIFICATE

This is to certify that the foregoing By-laws were adopted by the Commission on Fire and Police Practices on the 30th day of April 2009 at a regular meeting of the Commission, and that they supersede and replace all versions heretofore made or adopted.



Kyle Thompson, Chairperson
Commission on Fire and Police Practices