

ORDINANCE NO. 5079-22

AN ORDINANCE UPDATING THE LAW ENFORCEMENT ADVISORY PANEL (LEAP) FOR THE CITY OF NEWTON, KANSAS, AND ESTABLISHING THE PURPOSE, COMPOSITION, POWERS, FUNCTIONS AND DUTIES THEREOF AND REPEALING ORDINANCE 5022-20.

WHEREAS, the governing body of the City of Newton, Kansas (the "City"), under the provisions of K.S.A. 22-4606, *et seq.* (the "Act") previously created the Law Enforcement Advisory Panel (the "LEAP") for the purpose of advising and assisting in policy development, education, and community outreach and communications related to racial or other biased-based policing by law enforcement;

WHEREAS, K.S.A. 22-4611b provides cities with the authority to establish a community advisory board to work with law enforcement agency of such city;

WHEREAS, the City originally created the LEAP through Ordinance 4597-06, which dissolved both the Diversity Committee and the Law Enforcement Advisory Board;

WHEREAS, the City updated the purpose, composition, powers, functions and duties through Ordinance 5022-20;

WHEREAS, the governing body of the City hereby finds it advisable and expedient to continue to utilize the benefits of an appointed panel as outlined in the Act for the purposes and functions stated herein; and

WHEREAS, the governing body of the City hereby finds it desirable to review and update the purpose, composition, powers, functions and duties of LEAP to address the City's needs.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF NEWTON, KANSAS:

SECTION 1. Continuation and Renewal of LEAP. The LEAP as originally created by Ordinance 4597-06 and updated in 5022-20 is hereby dissolved. The LEAP as enacted through this Ordinance shall operate with new members as appointed with the consent of a majority of the City Commission subject to the terms and limitations included herein.

SECTION 2. Composition. The LEAP shall be composed of five (5) members (the "Members"). Each of the Members shall be appointed by the Mayor with the consent of a majority of the City Commission. Each Member shall serve a three (3) year term, except that the initial appointments of the at-large members shall be for a period of two (2) years to effectuate staggered terms of the members. The future appointments of at-large members shall be for three (3) year terms. Notwithstanding, any appointment to fill a vacancy due to the removal or resignation of a member shall be for the remainder of the unexpired term. The City Commission shall advertise and

accept applications for the five (5) newly created seats. The five (5) members shall be appointed by the Mayor and City Commission based on the following composition:

- a. A representative from the Newton faith-based community;
- b. A representative from an established organization that focuses on racial justice;
- c. A representative from the Newton community with experience as a mental health professional.
- d. Two (2) at large members that represent the diversity of Newton.
- e. Ex-officio members: The LEAP shall include an ex-officio member from the Newton Police Department.
- f. Staff Support: The City Manager shall have the authority and discretion to designate City-personnel to support the operation of the LEAP on an as-needed basis and to make certain City-facilities available for LEAP meetings.
- g. Discretion of Appointments: Notwithstanding the background requirements of membership outlined in Section 2. (a), (b) and (c), the City Commission retains full discretion to make an appointment of a Member that does not meet the qualifications if the City Commission determines that no such qualified applicant with the required background is willing to serve as a Member.

SECTION 3. Purpose and Functions. The LEAP shall perform the following functions:

- (a) To advise and assist in policy development, education, community outreach and communications related to biased-based policing by law enforcement officers and agencies under the jurisdiction of the City of Newton; and
- (b) To receive, review and provide feedback to the Newton Chief of Police on complaints related to biased-based police and law enforcement actions.

SECTION 4. Support Services and Training. Administrative support shall be provided by City staff as determined by the City Manager. Members shall receive training on fair and impartial policing and comprehensive plans for law enforcement agencies.

SECTION 5. Organization and Meetings.

- (a) **Presiding Officers.** The Members shall annually designate a chair and vice chair.
- (b) **Meetings.** Meetings shall take place once per calendar quarter, or as called on an as-needed basis.
- (c) **Quorum and Voting.** The quorum requirement necessary for a meeting of the LEAP shall be such number of Members as would constitute a simple majority of the total appointed Members of the LEAP. Each appointed Member shall have one equal vote. All matters determined by the LEAP shall be by a simple majority of the Members present and voting at a duly called and conducted meeting of the LEAP at which a quorum is present.

- (c) **Open Meetings and Records.** The LEAP, and each of the Members thereof, shall at all times conduct themselves in accordance with the requirements of the Kansas Open Meetings Act, K.S.A. 75-4317, *et seq.* and the Kansas Open Records Act K.S.A. 45-215 *et seq.*

SECTION 6. Repealer. Ordinance 5022-20 is hereby repealed and replaced.

SECTION 7. Effective Date. This Ordinance shall take effect and be in force from and after its publication in THE NEWTON KANSAN, the official newspaper of the City.

PASSED AND ADOPTED this 10th day of May 2022.



Clinton McBroom, Mayor

ATTEST:



Denise R. Duerksen, City Clerk