THE CITY OF ASHEVILLE

STAFF REPORT

Council Meeting Date: July 14, 2020

Subject: Delegation of authority to enter into a contract with Hillard Heintze to perform an evaluation of the APD response to recent protests.

Staff Resource(s): Brad Branham, City Attorney

Action Requested: Authorize the City Attorney to contract with Hillard Heintze in an amount not to exceed $82,550 to conduct an evaluation of the Asheville Police Department response to the recent protests including a report to be provided to City Council.

Background:

- In late May and early June of 2020, the City of Asheville experienced several public protests relating to the enduring national problems of police brutality, institutional racism, and the unlawful and unjustified killing of George Floyd on May 25, 2020.
- The Asheville Police Department responded to these protests which included crowd control measures such as tear gas and the arrests of some protestors.
- By Request, APD officers were assisted by other local police agencies as well as the National Guard.
- A City-wide curfew was established by Mayoral declaration from June 2nd - June 5th which restricted public protesting nightly after 8:00 pm, however many protesters ignored the curfew.
- The City has received numerous complaints regarding the operational response by ADP during the protests.
- The City Council determined that a thorough and transparent assessment of that response was necessary.

Council Goal(s):

- A Diverse Community
- A Well-Planned and Livable Community

Committee(s):

- Public Safety

Pro(s):

- This evaluation of the APD response will provide a competent, thorough, and independent assessment which will allow City Council and the public to better understand these events, as well as provide ADP with strategies for improvement if applicable.
- The resulting final report will be produced in a transparent and unbiased manner in order to bolster public trust in the process.

Con(s):

- The funds expended on this contract could be utilized elsewhere to address community concerns and budgetary shortfalls during the economic downtown created by the recent pandemic.

Fiscal Impact:

- For the month of July, the City is operating under an interim budget, which per § 159-16, only allows for appropriations for the purpose of paying salaries, debt service payments, and the usual ordinary expenses. Since this contract would not likely be considered a usual ordinary operating expense, full funding for the contract won't be available until adoption of the annual budget ordinance on July 28, 2020. The estimated total for services to be provided is between $66,000 and $72,000, excluding expenses. Additional contingency funds are included in the requested delegation of authority to account for final expenses. The contract will be funded from the Asheville Police Department Budget.

Suggested Motion:

- Move to authorize the City Attorney to execute the contract with Hillard Heintze to perform an evaluation of the Asheville Police Department response to the recent protests and to prepare a final assessment to be presented to the City Council during a public meeting.

Attachment(s)

- Resolution

RESOLUTION NO. 20-_____

RESOLUTION AUTHORIZING THE CITY ATTORNEY TO EXECUTE A CONTRACT WITH HILLARD HEINTZE TO PERFORM AN EVALUATION OF THE ASHEVILLE POLICE DEPARTMENT RESPONSE TO THE RECENT PROTESTS AND TO PROVIDE A FINAL PUBLIC ASSESSMENT TO THE CITY COUNCIL

WHEREAS, In May and June of 2020, the City of Asheville experienced several public protests regarding instances of police brutality around the nation, as well as institutional racism, and the unjustified killing of George Floyd in Minnesota, and

WHEREAS, the Asheville Police Department, in conjunction with outside police agencies and the National Guard, responded to these protests in a manner which included crowd control measures; and

WHEREAS, the Asheville City Council determined that it was in the best interests of the City to perform an independent, competent, and unbiased evaluation of the the police response to the protests; and

WHEREAS, In order to best serve the community trust, the Asheville City Council determined it would personally oversee the selection of an outside firm to conduct the evaluation; and

WHEREAS, the Asheville City Council has instructed the City Attorney to provide a recommendation for the performance of this evaluation, and then to continue to supervise the process throughout the assessment so that the analysis is conducted completely outside of the reporting hierarchy of the Asheville Police Department; and

WHEREAS, the City Attorney has recommended the firm of Hillard Heintz to perform the evaluation and provide a final assessment report to the City Council, said firm possessing the necessary competence, experience, and independence for this task; and

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to contract for services;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Attorney be authorized to execute the contract with Hillard Heintze to perform an evaluation of the Asheville Police Department response to the recent protests and to prepare a final assessment to be presented to the City Council during a public meeting.

Read, approved, and adopted this the 14th day of July 2020.

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City Clerk Mayor

Approved as to form:

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City Attorney