



## **Consideration of Citizen Petition by Mr. Kim Baker**

This report provides the City Council with information in response to a citizen petition submitted by Mr. Kim Baker at the April 5, 2023 Formal City Council meeting regarding an Open Meeting Law complaint investigation (**Attachment A**).

### **Summary**

The petition requests the City Council to investigate what happened to the open meeting law complaint related to Item 95 - Consideration of Citizen Petition Related to the Phoenix Police Department on Oct. 12, 2022 Formal City Council meeting. This item was in response to the citizen petition submitted by Mr. Kim Baker at the Sept. 21, 2022 Formal City Council meeting. The Sept. 21, 2022 citizen petition requested the City Council to direct the City Manager's Office to investigate the full dereliction of duty by the Phoenix Police Department concerning "Complaint Report #20210001646266, Bias Hate Crime."

Item 95 was heard by the Council at the Oct. 12, 2022 Formal City Council meeting. During the discussion, staff informed the City Council that Mr. Baker's complaint against the Phoenix Police Department was still under investigation.

The City does not investigate Open Meeting Law (OML) violations. OML violations are investigated by the Office of the Arizona Attorney General. Mr. Baker filed an Open Meeting Law Complaint Form with the Office of the Arizona Attorney General on Nov. 10, 2022.

The Phoenix Police Department investigation is now closed. Mr. Baker has been notified of the closed investigation.

Staff recommends the City Council take no further action on the petition.

### **Responsible Department**

This item is submitted by Deputy City Manager Ginger Spencer.

Date 4/25/23

## Citizens Petition

The City Council meeting 9/21/22, open law Complaint, was not investigate by the City Council and office of Arizona Attorney General.

I want you to investigate what happen to the open law Complaint 9/21/22 by the City of phoenix.

## Attached Documents

Kim Baker

8520 Palm Ln

Phoenix, AZ 85037

CITY CLERK DEPT.  
2023 APR -5 PM 6:04



Office of Arizona Attorney General  
**Mark Brnovich**  
 Open Meeting Law Complaint Form



### How We Investigate Complaints

The Attorney General's Office (the "Office") is authorized by statute to investigate and resolve allegations that public bodies have violated the Open Meeting Law. The statute requires that complaints submitted to the Office be in writing and signed. We do not act on anonymous complaints. Complaints and supporting materials are public records and may be disclosed as required by law. Upon receipt of the complaint, the case is assigned to a member of the Open Meeting Law Enforcement Team ("OMLET"). The OMLET member will review the complaint and may contact the public body and other witnesses for a response to your allegations and any other relevant evidence. If necessary, the OMLET member will contact you to obtain further information. In order to expedite the process, please consolidate your complaints as much as possible.

### How We Resolve Complaints

After gathering the relevant evidence, the OMLET member will work with the public body to reach a resolution of the case. The Office's primary mission in enforcing the Open Meeting Law is to *ensure compliance and educate the public and public officials* about the requirements of the statute. Most cases are resolved with mandatory training and a term of monitoring in which an independent attorney ensures that the public body is complying with the Open Meeting Law. In serious cases, the OMLET member may seek a civil penalty of \$500 per incident. If the public body refuses to reach an agreed resolution, the OMLET member may file suit in superior court seeking that the appropriate remedies be imposed by court order. If the evidence establishes that a public officer violated the Open Meeting Law with the *intent to deprive the public of information*, the OMLET member may seek to have the officer removed from office.

### How You Can Help Us

To expedite an investigation as much as possible, please provide as much specific information as you can about the alleged violations, such as the dates and times of events, the people present, and the content of any conversations; this should include the name and contact information for other witnesses who are willing to provide evidence about the alleged violations. Also, please include any documents, photographs, videos, or other evidence that support your allegations.

If you are one of a group of people interested in filing a complaint against a public body, please select one person to file a complaint and attach written statements from the remaining complainants.





Office of Arizona Attorney General  
**Mark Brnovich**  
Open Meeting Law Complaint Form Continued



Name of public entity that is the subject of this complaint:

City Council City of Phoenix

Please describe the conduct that you believe violated the Open Meeting Law. If more space is needed, please attach additional information on a separate sheet.

On October 12, 2022, Item No. 95, Deputy City Manager Ginger Spencer, offered two options of actions A, and B. I am the person who presented the Citizens Petition in question. I went to the meeting expecting one or the other option to be taken, I spoke in support of the petition, the petition received a motion to proceed, and a second, to further option A. The Mayor only took a roll count of three Council members of the nine that were in attendance, in an attempt to silence the matter. The Mayor got a directive by the City Manager as to what was to happen and refused to follow it.

List the date(s) on which you believe the violation(s) occurred.

October 12, 2022, Formal Council meeting

Please identify all members of the public body whom you believe violated the requirements of the Open Meeting Law.

The Mayor, the Council, and the City Manager. They didn't want to proceed with the Law Departments approval of a qualified Citizens Petition See (2) attached.



Office of Arizona Attorney General  
**Mark Brnovich**  
Open Meeting Law Complaint Form Continued



If possible, please provide the agenda for any meeting at which you believe a violation occurred. If there are other documents that you believe may assist in our investigation of your complaint, please provide them with this complaint.

Your Information	
Name:	Kimmie Baker
Address:	1550 E Thunderbird # 2106
City:	Phoenix
State:	AZ
Zip:	85022
Phone:	623-219-2621
Email:	bkim4749@gmail.com

I declare under penalty of perjury, that the facts and statements contained in this declaration, including any attached statements, are true, correct, and based upon my personal knowledge. I understand that the information contained in this declaration can only be altered by submitting a new declaration.

Signature: Kim Baker	Date: 11-10-22
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To submit a complaint about a violation of the Open Meeting Law, please complete this form, sign it, and mail it to:

Arizona Attorney General's Office  
Attention: Open Meeting Law Enforcement Team/CLD  
2005 N Central Avenue  
Phoenix, AZ 85004

Alternatively, please visit [www.azag.gov/complaints/omlet](http://www.azag.gov/complaints/omlet) to submit a complaint online.





Report

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Agenda Date: 10/12/2022, Item No. 95

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**Consideration of Citizen Petition Related to the Phoenix Police Department**

This report provides the City Council with information in response to a citizen petition submitted by Kim Baker at the Sept. 21, 2022 Formal City Council meeting regarding the Phoenix Police Department (**Attachment A**).

**Summary**

The petitioner requests the City Council to direct the City Manager's Office to investigate the full dereliction of duty by the Phoenix Police Department concerning "Complaint Report #20210001645266, Bias Hate Crime."

A similar request was submitted by Kim Baker at the Aug. 31, 2022 Formal City Council Meeting (**Attachment B**). The Law Department determined that the request was not a qualified citizen petition. Mr. Baker returned and submitted another citizen petition on Sept. 21, 2022 and the Law Department determined that it was a qualified citizen petition. A staff response dated Sept. 20, 2022 was included in the Sept. 22, 2022 General Information Packet (**Attachment C**) and emailed to Mr. Baker on Sept. 23, 2022, in response to his Aug. 31, 2022 request.

Options for Council Action

- A. Direct the City Manager's Office to research this request consistent with the citizen petition dated Sept. 21, 2022.
- B. Take no further action on the petition.

**Responsible Department**

This item is submitted by Deputy City Manager Ginger Spencer.

2022 SEP 21 PM 5: 21

## Attachment A

## CITIZEN'S PETITION

September 21, 2022

I, Kimmie Dwayne Baker, hereby petition the Mayor and Council to direct the City Manager's Office to investigate the full dereliction of duty by the Phoenix Police Department concerning "Complaint Report #20210001645266, Bias Hate Crime."

- (1) Why did I have to wait for about two hours for officers to respond and they never showed up on October 21, 2021?
- (2) Why is this police department allowing a lead person, David Carlson, Private Investigator, to obstruct justice per ARS 13-2409 when his text message to me met all Criteria of Obstruction?
- (3) Am I being permitted full protection of the law per A R S. 13-2409, if they want to fully investigate all suspects and leads.

Please see attachments A, B, C, and D.

Respectfully Submitted,

Kimmie Dwayne Baker 1550 E Thunderbird Rd., #2106, Phoenix, AZ 85022

Kim D. Baker