



AGENDA OF A REGULAR MEETING - NATIONAL CITY CITY COUNCIL/
COMMUNITY DEVELOPMENT COMMISSION – HOUSING AUTHORITY OF
THE CITY OF NATIONAL CITY
ONLINE ONLY MEETING

<https://www.nationalcityca.gov/webcast>

LIVE WEBCAST
COUNCIL CHAMBERS
CIVIC CENTER

1243 NATIONAL CITY BOULEVARD
NATIONAL CITY, CALIFORNIA
TUESDAY, FEBRUARY 15, 2022 – 6:00 PM

ALEJANDRA SOTELO-SOLIS
Mayor

MARCUS BUSH
Vice Mayor

RON MORRISON
Councilmember

MONA RIOS
Councilmember

JOSE RODRIGUEZ
Councilmember

NOTICE: The health and well-being of National City residents, visitors, and employees during the COVID-19 outbreak remains our top priority. The City of National City is coordinating with the County of San Diego Health Human Services Agency, and other agencies to take measures to monitor and reduce the spread of the novel coronavirus (COVID-19). **The World Health Organization has declared the outbreak a global pandemic and local and state emergencies have been declared providing reprieve from certain public meeting laws such as the Brown Act.**

As a result, the City Council Meeting will occur only online to ensure the safety of City residents, employees and the communities we serve. A live webcast of the meeting may be viewed on the city's website at www.nationalcityca.gov. For Public Comments see "PUBLIC COMMENTS" section below

ORDER OF BUSINESS: Public sessions of all Regular Meetings of the City Council / Community Development Commission - Housing Authority (hereafter referred to as Elected Body) begin at 6:00 p.m. on the first and third Tuesday of each month. Public Hearings begin at 6:00 p.m. unless otherwise noted. Closed Meetings begin in Open Session at 5:00 p.m. or such other time as noted, and after announcing closed session items, convenes into a Closed Meeting. If a workshop is scheduled, the subject and time of the workshop will appear on the agenda. The Mayor and Council members also sit as the Chairperson and Members of the Board of the Community Development Commission (CDC).

REPORTS: All open session agenda items and reports as well as all documents and writings distributed to the Elected Body less than 72 hours prior to the meeting, are available for review on the City's website at www.nationalcityca.gov. Regular Meetings of the Elected Body are webcast and archived on the City's website at www.nationalcityca.gov.

PUBLIC COMMENTS: There are multiple ways you can make sure your opinions are heard and considered by our City Council as outlined below:

Submit your public comment prior to the meeting: To submit a comment in writing, email PublicComment@nationalcityca.gov, provide the agenda item number and title of the item in the subject line of your email. Public comments or testimony is limited to up to three (3) minutes. If the comment is not related to a specific agenda item,

1243 National City Blvd.
National City, CA 91950
619-336-4240

Meeting agendas and
minutes available on the
City's website at
WWW.NATIONALCITYCA.GOV

indicate General Public Comment in the subject line. All email comments received by 4:00 p.m. on the day of the meeting will be emailed to the City Council Members and made a part of the official record.

Register online and participate in live public comment during the meeting: To provide live public comment during the meeting, you must pre-register on the City's website at <https://www.nationalcityca.gov/publiccomment> by 4:00 p.m. on the day of the regular meeting to join the City Council Meeting.

***Please note that you do not need to pre-register to watch the meeting online, but you must pre-register if you wish to speak.

Once registered, you will receive an email with a link from Zoom to join the live meeting. You can participate by phone or by computer. Please allow yourself time to log into Zoom before the start of the meeting to ensure you do not encounter any last-minute technical difficulties.

***Please note that members of the public will not be shown on video; they will be able to watch and listen and speak when called upon. Public microphones will be muted until it is your turn to comment.

Each speaker is allowed up to three (3) minutes to address the City Council. Please be aware that the Mayor may limit the comments' length due to the number of persons wishing to speak or if comments become repetitious or unrelated.

All comments are subject to the same rules as would otherwise govern speaker comments at the meeting. Speakers are asked to be respectful and courteous. Please address your comments to the City Council as a whole and avoid personal attacks against members of the public, City Council, and city staff.

Questions about public comment or City Council protocols? Please contact the City Clerk's Office at (619) 336-4228 or via email at Clerk@nationalcityca.gov.

INTERPRETATION SERVICES: To use the Zoom interpretation feature you must first Pre-Register on Zoom. Once logged into Zoom to use the interpretation feature, please scroll to the bottom of the Zoom screen (where the meeting controls are), click on the interpretation icon (world), and select English as your language. If you are joining using the Zoom mobile app (cell phone, tablet, etc.), please press the ellipsis (...), then Interpretation, and then choose your language.

WRITTEN AGENDA: With limited exceptions, the Elected Body may take action only upon items appearing on the written agenda. Items not appearing on the agenda must be brought back on a subsequent agenda unless they are of a demonstrated emergency or urgent nature, and the need to take action on such items arose after the agenda was posted.

CONSENT CALENDAR: Consent calendar items involve matters which are of a routine or noncontroversial nature. All consent items are adopted by approval of a single motion by the City Council. Prior to such approval, any item may be removed from the consent portion of the agenda and separately considered, upon request of a Councilmember, a staff member, or a member of the public.

Upon request, this agenda can be made available in appropriate alternative formats to persons with a disability in compliance with the Americans with Disabilities Act. Please

contact the City Clerk's Office at (619) 336-4228 to request a disability-related modification or accommodation. Notification 24-hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

AVISO: La salud y el bienestar de los residentes, visitantes y empleados de National City durante el brote de COVID-19 sigue siendo nuestra máxima prioridad. El Ayuntamiento de la Ciudad de National City se está coordinando con la Agencia de Salud y Servicios Humanos del Condado de San Diego y otras agencias para tomar medidas con el fin de monitorear y reducir la propagación del nuevo coronavirus (COVID-19). La Organización Mundial de la Salud declaró el brote como una pandemia global y se han manifestado emergencias locales y estatales que resultan en la suspensión de ciertas leyes de reuniones públicas, tal como la Ley Brown.

Como resultado de ello, la junta del Concejo Municipal del Ayuntamiento se llevará a cabo solamente en línea para garantizar la seguridad de los residentes, empleados y comunidades locales que atendemos. Se podrá ver una transmisión en vivo de la junta en el sitio web del Ayuntamiento en www.nationalcityca.gov. Para comentarios públicos, vea la sección “COMENTARIOS PÚBLICOS” más adelante.

ORDEN DEL DÍA: Las sesiones públicas de todas las juntas ordinarias del Concejo Municipal/Comisión de Desarrollo Comunitario - Autoridad de Vivienda (en lo sucesivo denominado Órgano Electo) inician a las 6:00 p.m. el primer y tercer martes de cada mes. Las audiencias públicas inician a las 6:00 p.m., a menos que se indique lo contrario. Las juntas cerradas inician en sesión abierta a las 5:00 p.m. o en cualquier otro momento que se indique, y tras anunciar los temas de la sesión cerrada, la junta se realiza como sesión cerrada. Si se programa una reunión de discusión y análisis, el tema y la hora de la misma aparecerán en la agenda. La Alcaldesa y los Concejales se reúnen por igual que el Presidente y los integrantes del Consejo de la Comisión de Desarrollo Comunitario.

INFORMES: Todos los temas e informes de la agenda de la sesión abierta, así como todos los documentos y escritos entregados al Órgano Electo menos de 72 horas antes de la sesión, aparecerán en el sitio web del Ayuntamiento. Las juntas ordinarias del Órgano Electo se transmiten por Internet y se archivan en el sitio web del Ayuntamiento en www.nationalcityca.gov.

COMENTARIOS PÚBLICOS: Hay varias formas en las que puede asegurarse de que sus opiniones sean escuchadas y consideradas por nuestro Concejo Municipal como se describe a continuación:

Envíe su comentario público antes de la sesión: Para enviar un comentario por escrito, envíe un correo electrónico a PublicComment@nationalcityca.gov, proporcione el número del tema o asunto de la agenda y el título del tema o asunto en la línea de asunto de su correo electrónico. Los comentarios o testimonios públicos se limitan a tres (3) minutos. Si el comentario no se relaciona con un tema o asunto específico de la agenda, indique Comentario Público General en la línea de asunto. Todos los comentarios por correo electrónico recibidos antes de las 4:00 p.m. del día de la sesión se enviarán por correo electrónico a los miembros del Concejo Municipal y formarán parte del acta oficial.

Regístrese en línea y participe en los comentarios públicos en vivo durante la sesión: Para proporcionar comentarios públicos en vivo durante la sesión, debe registrarse previamente en el sitio web del Ayuntamiento en

<https://www.nationalcityca.gov/publiccomment> **antes de las 4:00 p.m.** del día de la junta ordinaria para incorporarse a la sesión del Concejo Municipal.

***Tenga presente que no necesita registrarse previamente para ver la sesión en línea, pero debe registrarse previamente si desea hablar.

Una vez registrado, recibirá un correo electrónico con un enlace de Zoom para integrarse a la sesión en vivo. Puede participar por teléfono o por computadora. Tómese el tiempo necesario para iniciar la reunión en Zoom antes del inicio de la sesión para asegurarse de no encontrar dificultades técnicas de último momento.

***Tenga presente que las personas del público no se mostrarán en vídeo; podrán observar, escuchar y hablar cuando se les solicite. Los micrófonos públicos se silenciarán hasta que sea su turno de comentar.

Cada orador tiene hasta tres (3) minutos para dirigirse al Concejo Municipal. Tenga en cuenta que la Alcaldesa puede limitar la extensión de los comentarios debido a la cantidad de personas que deseen hablar o si los comentarios se vuelven repetitivos o no relacionados.

Todos los comentarios están sujetos a las mismas reglas que de otro modo regirían los comentarios de los oradores en la sesión. Se pide a los oradores que sean respetuosos y corteses. Dirija sus comentarios al Concejo Municipal en su conjunto y evite ataques personales contra personas del público, el Concejo Municipal y el personal del Ayuntamiento.

¿Preguntas sobre comentarios públicos o protocolos del Concejo Municipal?
Comuníquese con la Oficina de la Secretaria del Ayuntamiento al teléfono (619) 336-4228, o por correo electrónico a Clerk@nationalcityca.gov.

SERVICIO DE INTERPRETACIÓN: Para utilizar la función de interpretación zoom primero debe registrarse previamente en el sitio web de Zoom. Una vez que haya iniciado sesión en zoom para utilizar la función de interpretación, favor de desplazarse a la parte inferior de la pantalla de Zoom (donde aparecen los controles). Haga clic en el ícono de interpretación (globo terráqueo), y seleccione "*Spanish*" (español). Si está utilizando la aplicación móvil de Zoom (celular, tableta, etc.), presione los puntos suspensivos (...), luego "*interpretation*" y luego el idioma.

AGENDA ESCRITA: Con contadas excepciones, el Órgano Electo puede tomar medidas únicamente sobre los temas que aparecen en la agenda escrita. Los temas que no aparezcan en la agenda deben aparecer en una agenda subsecuente, a menos que sean de emergencia o urgencia demostrada, y la necesidad de tomar medidas sobre esos temas haya surgido después de haber sido publicada la agenda.

CALENDARIO DE CONSENTIMIENTO: Los temas del calendario de consentimiento implican cuestiones de naturaleza rutinaria o no controvertida. Todos los temas de consentimiento se adoptan mediante la aprobación de una sola moción del Concejo Municipal. Antes de la aprobación, cualquier tema puede eliminarse de la parte de consentimiento de la agenda y considerarse aparte, a petición de un concejal, individuo del personal del Ayuntamiento o persona del público.

Previa solicitud, esta agenda puede estar disponible en formatos alternativos apropiados para personas con discapacidades, en observancia de la Ley de Estadounidenses con Discapacidades. Llame al teléfono (619) 336-4228 de la Oficina del Secretario del Ayuntamiento para solicitar una modificación o adaptación de acceso relativa a la discapacidad. Notificar 24 horas antes de la sesión permitirá al Ayuntamiento hacer arreglos razonables para garantizar la accesibilidad a esta junta.

OPEN TO THE PUBLIC

A. CITY COUNCIL

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE TO THE FLAG

PUBLIC COMMENTS (THREE-MINUTE TIME LIMIT)

PROCLAMATIONS AND CERTIFICATES

1. [National City Celebrates Black History month recognizing Secretary of State Dr. Shirley Weber and National City's first African American Councilmember Fred Pruit.](#)

AWARDS AND RECOGNITIONS

PRESENTATIONS (FIVE-MINUTE TIME LIMIT)

2. [SUHI Mock Trial Team Presentation. \(City Attorney\)](#)
3. [Kimball Highland Master Plan Project Update. \(Chris Bloom and Tim Parham, Community HousingWorks\)](#)

INTERVIEWS / APPOINTMENTS

4. [Appointments: City Boards, Commissions and Committees - Mayoral Appointments. \(City Clerk\)](#)

REGIONAL BOARDS AND COMMITTEE REPORTS (FIVE-MINUTE TIME LIMIT)

CONSENT CALENDAR

5. [Motion of the City Council of the City of National City, California approving the waiving of the reading of the text of the Ordinances or Resolutions that are having a Public Hearing considered at this meeting and providing that such Ordinances or Resolutions shall be introduced and/or adopted after a reading of the title only. \(City Clerk\)](#)
6. [Resolution of the City Council of the City of National City, California, approving a Fifth Amendment to the 2017 Agreement with Liebert Cassidy Whitmore, a Professional Law Corporation, by increasing the annual not-to-exceed amount of Article 3.C by \\$100,000.00, for a not-to-exceed amount of \\$150,000.00. \(City Attorney\)](#)

7. [Resolution of the City Council of the City of National City, California approving the settlement in the litigation titled, Sheena Sanders v. the City of National City, et al. \(City Attorney\)](#)
8. [Resolution of the City Council of the City of National City, California approving the settlement in the litigation titled, Ali Mendoza v. the City of National City, et al. \(City Attorney\)](#)
9. [Resolution of the City Council of the City of National City, California: 1\) authorizing the Mayor to execute an Agreement with Omni Enclosures, Inc. dba Omni Pacific to purchase and install office furniture for the Police Department Records Division in a not-to-exceed amount of \\$70,493.98; and 2\) authorizing the establishment of an Asset Forfeiture Fund appropriation of \\$20,493.98 and use of Asset Forfeiture fund balance for said expenditure. \(Engineering/Public Works\)](#)
10. [Resolution of the City Council of the City of National City, California, 1\) approving the 341 E. 30th Street Subdivision Map, Case File Number 2016-23-S; 2\) authorizing the Mayor and City Clerk to sign the subdivision map; and 3\) accepting a portion of "D" Avenue dedication thereon. \(Engineering/Public Works\)](#)
11. [Resolution of the City Council of the City of National City, California, approving an amendment to the salary schedule for the National City Municipal Employees Association \(NCMEA\) to add the classification of Food Services Worker and approving an amendment to the part-time salary schedule to update the classification of Food Services Worker. \(Administrative Services\)](#)
12. [Resolution of the City Council of National City, California approving proposed amendments to the Community and Police Relations Commission \(CPRC\) Operating Procedures and Bylaws. \(City Clerk\)](#)
13. [Investment transactions for the month ended October 31, 2021. \(Finance\)](#)
14. [Warrant Register #28 for the period of 1/08/22 through 1/13/22 in the amount of \\$1,240,282.22. \(Finance\)](#)
15. [Warrant Register #29 for the period of 1/14/22 through 1/20/22 in the amount of \\$1,053,704.34. \(Finance\)](#)

PUBLIC HEARINGS: ORDINANCES AND RESOLUTIONS

16. [Public Hearing and Adoption of an Ordinance of the City Council of the City of National City Repealing and Replacing National City Municipal Code Chapter 2.75, entitled, Election Campaign Regulations. \(City Clerk\)](#)

NON CONSENT RESOLUTIONS

17. [Resolution of the City Council of the City of National City, California, allocating and appropriating \\$4.5M from the American Rescue Plan Act funds for the Las Palmas Wellness Center/Pool Building and Restrooms at Las Palmas Park, and \\$1M from the State Budget Allocation Grant for the Las Palmas Wellness Center/Pool Building, and authorizing corresponding revenue budgets for the projects. \(Engineering/Public Works\)](#)

NEW BUSINESS

18. [Overview of the Public Outreach Process and Participatory Budget Survey for uncommitted American Rescue Plan Act \(ARPA\) funds. \(Engineering/Public Works\)](#)

B. COMMUNITY DEVELOPMENT COMMISSION - HOUSING AUTHORITY

CONSENT RESOLUTIONS - HOUSING AUTHORITY

PUBLIC HEARINGS: RESOLUTIONS - HOUSING AUTHORITY

NON CONSENT RESOLUTIONS - HOUSING AUTHORITY

NEW BUSINESS - HOUSING AUTHORITY

C. REPORTS

STAFF REPORTS

19. [City Manager Report. \(City Manager\)](#)

MAYOR AND CITY COUNCIL

CLOSED SESSION

CLOSED SESSION REPORT

ADJOURNMENT

Regular Meeting of the City Council and Community Development Commission - Housing Authority of the City of National City - Tuesday - March 1, 2022 - 6:00 p.m. - Council Chambers - National City, California.

The following page(s) contain the backup material for Agenda Item: [National City Celebrates Black History month recognizing Secretary of State Dr. Shirley Weber and National City's first African American Councilmember Fred Pruitt.](#)
Please scroll down to view the backup material.

Item # ____

02/15/22

**National City Celebrates Black History month recognizing
Secretary of State Dr. Shirley Weber and National City's first
African American Councilmember Fred Pruitt**

The following page(s) contain the backup material for Agenda Item: [SUHI Mock Trial Team Presentation. \(City Attorney\)](#)

Please scroll down to view the backup material.

Item # ____
02/15/22

SUHI MOCK TRIAL TEAM PRESENTATION

(City Attorney)

The following page(s) contain the backup material for Agenda Item: [Kimball Highland Master Plan Project Update. \(Chris Bloom and Tim Parham, Community HousingWorks\)](#)
Please scroll down to view the backup material.

Item # ____

02/15/22

KIMBALL HIGHLAND MASTER PLAN PROJECT UPDATE

Chris Bloom and Tim Parham, Community HousingWorks



Kimball Highland Master Plan Project Update

PRESENTATION TO:

National City, City Council

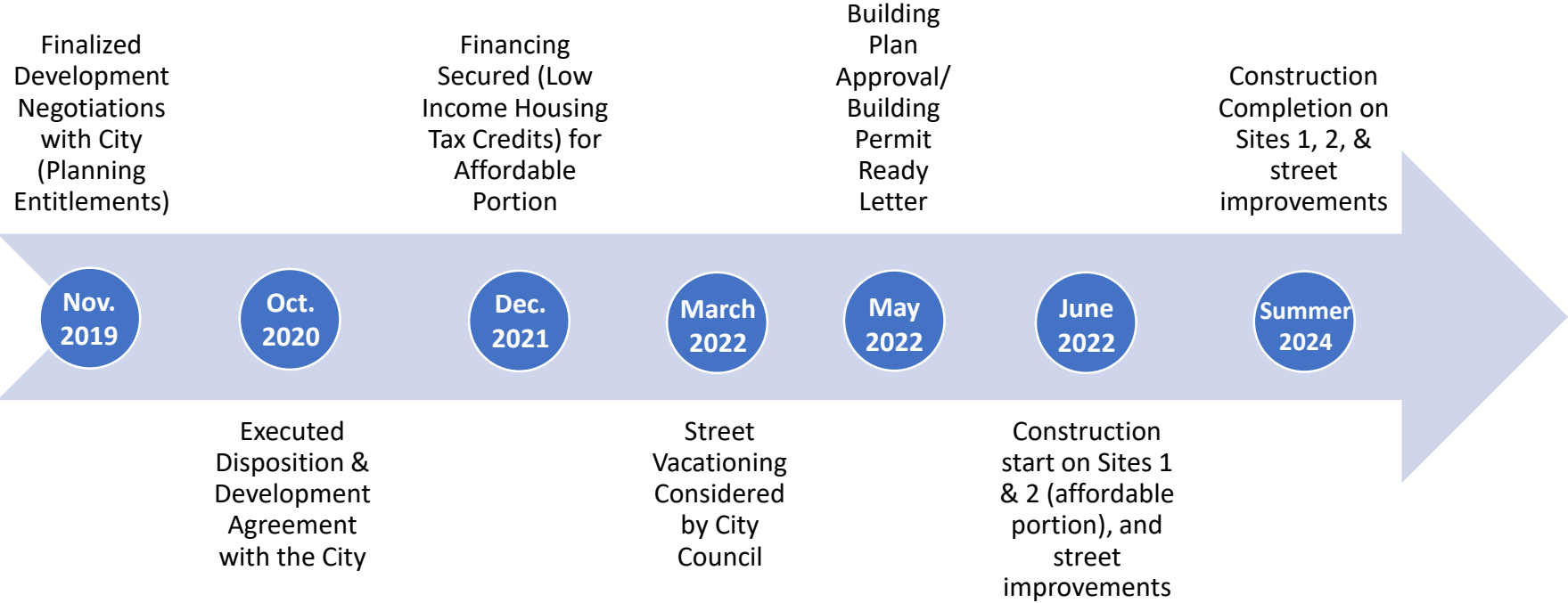
February 15, 2022



Kimball Highland Master Plan



Development Timeline



Site 1 - Kimball East

Aerial View



61 Affordable Rental Units

- 6 Studios
- 14 One-bedrooms
- 24 Two-bedrooms
- 17 Three-bedrooms

Community Amenities

- 1,015 SF community room includes kitchen
- Computer lab
- Outdoor common area
- Garage parking structure
- On-site resident services



Southeast View

Parking Lot West Adjacent to 1320 Highland Avenue

Site 2 - Kimball West

84 Affordable Rental Units

- 6 Studios
- 16 One-bedrooms
- 40 Two-bedrooms
- 22 Three-bedrooms



1221 D Avenue, National City

Senior Center Clinic

- Approx. 7,536 SF one-story Senior Center Clinic

Community Amenities

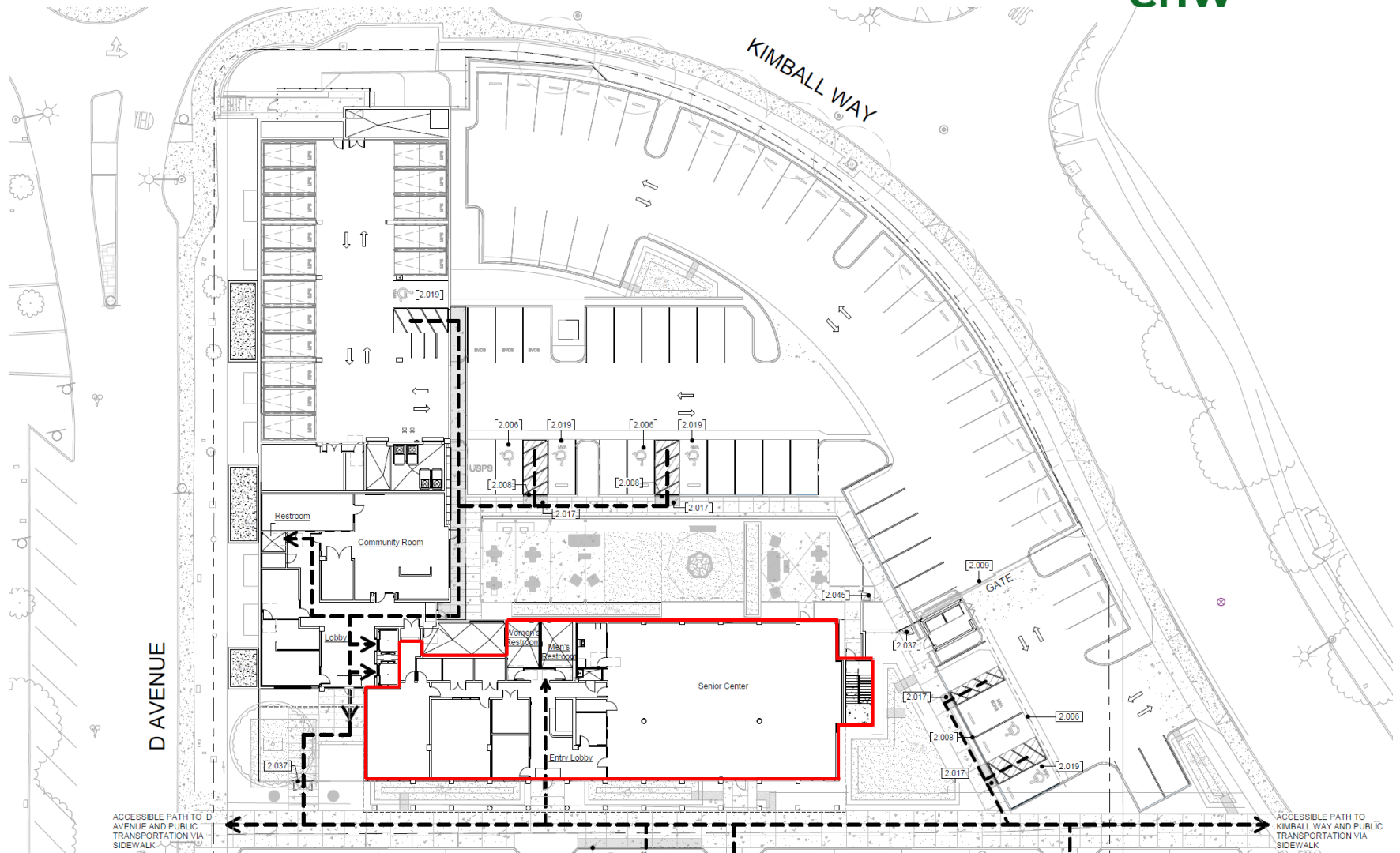
- Community room including kitchen
- Activity room
- Computer lab
- On-site resident services

Site 3 – San Ysidro Health

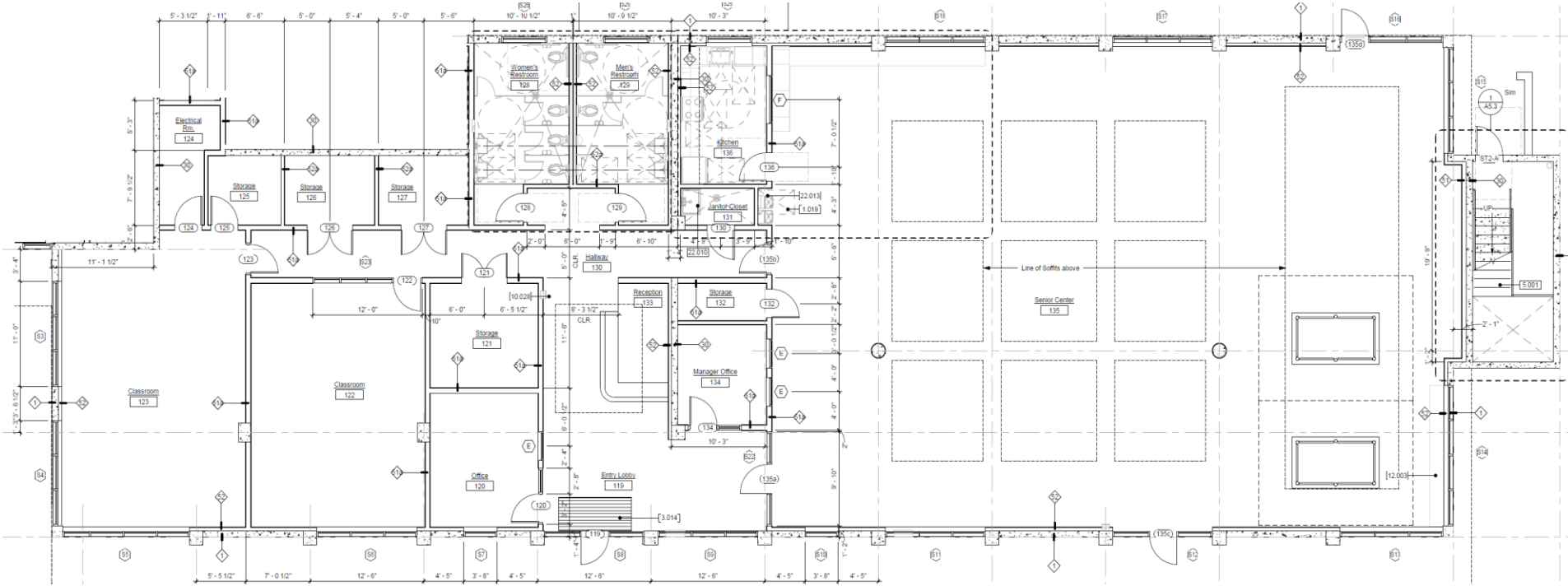


- **Project Description**
 - New medical office building with 3 levels of underground parking and 2 levels of health clinic (PACE Clinic)

Site 2 - Kimball West Site Layout



Kimball Senior Center Layout (Site 2)



Details

- New construction; 7,536 SF; one-story clinic
- Designed per City specifications & population needs
- Built and furnished by Developer (CHW)
- Operated by National City / Kimball Senior Center
- Multiple offices for operational management

Amenities

- Large community room & classrooms for senior programs
- Fully operational kitchen
- Entry lobby and reception counter
- Extra storage rooms

Questions & Feedback?

The following page(s) contain the backup material for Agenda Item: [Appointments: City Boards, Commissions and Committees - Mayoral Appointments. \(City Clerk\)](#)
Please scroll down to view the backup material.

CITY OF NATIONAL CITY, CALIFORNIA COUNCIL AGENDA STATEMENT

MEETING DATE: February 15, 2022

AGENDA ITEM NO. |

ITEM TITLE:

Appointments: City Boards, Commissions and Committees – Mayoral Appointments (City Clerk)

PREPARED BY: Luz Molina, City Clerk
Shelley Chapel, Deputy City Clerk |

DEPARTMENT: City Clerk’s Office

PHONE: (619) 336-4225 |

APPROVED BY: *Shelley Chapel*

EXPLANATION:

Vacancies on multiple Boards/Commissions/Committees (BCCs) were noticed in the Star News, posted on the City Hall Bulletin Boards, City Website, and City Social Media sites to advertise openings and the application acceptance period.

The Vacancy Notices posted Thursday, November 18, 2021, and all applications were due to the City Clerk’s Office by the deadline of Thursday, December 16, 2021, at 5:00 p.m.

The following BCCs currently have Vacancies caused by end of term and/or resignations:

Board of Library Trustees and Traffic Safety Committee

Incumbents were given the option to be considered for reappointment, those consideration applications are included in Attachment B. The City Clerk’s Office also contacted applicants who previously applied for positions in the last twelve (12) months for consideration. Applications are retained for those not appointed for twelve (12) months from application date.

(See Explanation (Attachment A) for more information)

FINANCIAL STATEMENT:

APPROVED: _____ **Finance**

ACCOUNT NO.

APPROVED: _____ **MIS**

| Not Applicable |

ENVIRONMENTAL REVIEW:

This action is not subject to review under the California Environmental Quality Act (CEQA)

ORDINANCE: INTRODUCTION: **FINAL ADOPTION:**

STAFF RECOMMENDATION:

Mayoral appointment with City Councilmembers confirmation.

BOARD / COMMISSION RECOMMENDATION:

| n/a |

ATTACHMENTS:

- | Attachment A – Explanation
- | Attachment B – Applications (redacted)
- | Attachment C – City Council Policy #107
- | Attachment D – Boards/Commission/Committees Reference Chart |

The City Clerk's Office began advertising and accepting applications for Vacancies on multiple Boards/Commissions/Committees: Board of Library Trustees, and Traffic Safety Committee on November 16, 2021.

Background

In order to obtain qualified candidates, a Notice of Vacancies was advertised on the following: The City website, posted on the City Hall Bulletin Boards, the Star News (twice) and City Social Media sites to advertise openings and the application acceptance period.

Deadline to submit applications to the City Clerk's Office to be considered for vacancy was Thursday, December 16, 2021, at 5:00 p.m. All applications were received before the deadline.

Vacancies are listed below:

BCC	Number of Open Seats and Term expiration for that seat	Appointing Member(s)	Residency Requirement	Applications Received
Board of Library Trustees	(1) One Seat September 30, 2023 (This is an Alternate Seat)	Mayoral	Yes	None.
Traffic Safety Committee	(1) One Seat September 30, 2022	Mayoral	Yes	Jennelyn Luna David Pasquini

Residency requirements are listed if required in the chart above. If filling a resident requirement, applicant must reside within the City of National City at the time the application is submitted to be considered for the resident position.

Applicants to interview and consider:

1. Jennelyn Luna Resident (Traffic Safety Committee)
2. David Pasquini (Traffic Safety Committee)

There were no applications received for the Board of Library Trustees vacancy. Please direct staff to advertise the vacancies again.

Appointment:

Per City Council Policy #107 (D)(7):

The Mayor will make the motion to appoint (naming the appointee) and Councilmembers may second the motion. The City Clerk will then take a roll call vote of the City Council. A majority vote of the City Council will be required for the appointment. If the majority of the City Council choose to deny the proposed appointment, at which point the Mayor would propose an alternative candidate from the current application pool, or could choose to reopen the application period and return to City Councils with a different applicant for consideration. If Mayor Appointment is not approved by the majority of the City Council by confirmation, that applicant is removed from the pool for that seat. The Mayor will return to a future meeting with a substitute Mayoral appointment.

Per City Council Policy #107 (D)(14)(3): Attendance

A Commissioner or Member of a Board, Committee, or Commission must be present at least one hour, or 50% of the entire meeting, whichever is less, to be counted as present for purposes of attendance.

Per City Council Policy #107 (D)(14)(3): Mandatory Training and Filing Requirements: Commissioners and Members of Board, Committee, or Commission, as appointed by the legislative body, are entrusted with certain responsibilities and concomitant training and reporting. The following are requirements of Commissioners and Members of Boards, Commissions, and Committees. This training is required to be completed within 30 days of appointment or notification.

1. Oath of Office (Article XX of the California Constitution, and California Government Code Section 36507)
2. Fair Political Practices Commission (FPPC) Statement of Economic Interest Form 700 Filing (California Government Code Section 87100 et seq.)
3. AB1234 Ethics Training (California Government Code Section 53235.1(b))
4. Anti-Sexual Harassment Training
5. Brown Act Training
6. Social Media Training
7. Any training required by State Law, Federal Law, or City Policies.

All training is offered in a variety of formats including in person, via Zoom, training website/software, and pre-recorded video. Currently, these are all requirements of the Mayor and City Council, and City staff.

**CITY OF NATIONAL CITY
APPLICATION FOR APPOINTMENT
TO CITY BOARDS, COMMISSIONS, AND COMMITTEES**

- | | |
|--|--|
| <input type="checkbox"/> Community & Police Relations Commission* (CPRC) | <input type="checkbox"/> Civil Service Committee |
| <input type="checkbox"/> Library Board of Trustees | <input type="checkbox"/> Planning Commission |
| <input checked="" type="checkbox"/> Parks, Recreation & Senior Citizens Advisory Board | <input type="checkbox"/> Public Art Committee* |
| <input type="checkbox"/> Veterans & Military Families Advisory Committee* | <input checked="" type="checkbox"/> Traffic Safety Committee |
| <input type="checkbox"/> Port Commission | <input type="checkbox"/> Advisory Housing Committee* |

➤ Applicants must be residents of the City of National City except for those marked by an asterisk (*). All applicants must be U.S. Citizens.

➤ Applicants for the Community and Police Relations Commission must pass a criminal background check prior to appointment.

➤ Applicants for the Advisory Housing Committee must have subject matter expertise in housing-related issues.

Name: JENNELYN LUNA E-Mail: jendemesaluna@yahoo.com

Home Address: [REDACTED] Tel No: [REDACTED]
(Include City/Zip) NATIONAL CITY CA 91950

Business Affiliation: PARADISE VALLEY HOSPITAL Title: PHYSICAL THERAPIST

Business Address: 2400 EUCLID AVE NATIONAL CITY Tel. No.: 619-470-4300
CA 91950

Length of Residence in National City: 6 mos. San Diego County: 1yr California: 1yr 3 mos.
3 mos.

Educational Background: CALIFORNIA STATE UNIV. FRESNO - M.A.T. - 2004;
UNIV OF CALIFORNIA SANTA BARBARA - B.S. BIOPSYCHOLOGY - 1999; SWEETWATER H.S. - 1995

Occupational Experience: ~17 yrs as a physical therapist; worked in a variety
of settings in multiple states: CALIFORNIA, WASHINGTON, FLORIDA, MISSOURI, VIRGINIA

Professional or Technical Organization Memberships: AMERICAN PHYSICAL THERAPY ASSOCIATION

Civic or Community Experience, Membership, or Previous Public Service Appointments:
NASSAU COUNTY COUNCIL OF AGING VOLUNTEER (FLORIDA); CCD/RELIGIOUS STUDIES VOLUNTEER TEACHER
(JAPAN & VIRGINIA)

Experience or Special Knowledge Pertaining to Area of Interest:
EXTENSIVE EXPERIENCE WORKING WITH BOTH ACTIVE SENIORS AND OLDER PATIENT
POPULATION/CLIENTS.

Have you ever been convicted of a felony crime? No: Yes: misdemeanor crime? No: Yes:
If any convictions were expunged disclosure is not required. Convictions are not necessarily disqualifying. Please feel free to provide an explanation or information if "Yes" was marked for the above two questions.

Date: 10-22-2021 Signature: [REDACTED]

Please feel free to provide additional information or letters of endorsement.
Return completed form to: Office of the City Clerk, 1243 National City Blvd., National City, CA 91950
Thank you for your interest in serving the City of National City.

CITY OF NATIONAL CITY
APPLICATION FOR APPOINTMENT
TO CITY BOARDS, COMMISSIONS, AND COMMITTEES

- Community & Police Relations Commission* (CPRC)
- Library Board of Trustees
- Parks, Recreation & Senior Citizens Advisory Board
- Veterans & Military Families Advisory Committee*
- Port Commission
- Civil Service Committee
- Planning Commission
- Public Art Committee*
- Traffic Safety Committee
- Advisory Housing Committee*

- Applicants must be residents of the City of National City except for those marked by an asterisk (*). All applicants must be U.S. Citizens.
- Applicants for the Community and Police Relations Commission must pass a criminal background check prior to appointment.
- Applicants for the Advisory Housing Committee must have subject matter expertise in housing-related issues.

Name: David Pasquini E-Mail: davidpasquini@gmail.com

Home Address: [REDACTED] National City, CA 91950 Tel No: [REDACTED]
(Include City/Zip)

Business Affiliation: N/A Title: N/A

Business Address: N/A Tel. No.: N/A

Length of Residence in National City: 1 Yr San Diego County: 30 Yr California: 30 Yr

Educational Background: BA International Relations, Minor Immigration Studies from UCSD

Occupational Experience: International government affairs. Currently head of the UK

Government Office, in San Diego. International Sales & Marketing exp. Fluent in ENG, IT, SPA

Professional or Technical Organization Memberships: Regional Chamber of Commerce Young Leaders, TMABlueTech board of directors

Civic or Community Experience, Membership, or Previous Public Service Appointments: Work closely with City of SD, SANDAG, Chula Vista, and a number of other community orgs.

Experience or Special Knowledge Pertaining to Area of Interest: Avid motorcycle and bicycle rider

Recently purchased a home in NC, interested in greater safety for motor vehicle operators.

Have you ever been convicted of a felony crime? No: Yes: misdemeanor crime? No: Yes:
If any convictions were expunged disclosure is not required. Convictions are not necessarily disqualifying. Please feel free to provide an explanation or information if "Yes" was marked for the above two questions.

Date: 01/13/2022 Signature: David Pasquini

Please feel free to provide additional information or letters of endorsement.

Return completed form to: Office of the City Clerk, 1243 National City Blvd., National City, CA 91950

Thank you for your interest in serving the City of National City.

CITY COUNCIL POLICY CITY OF NATIONAL CITY

TITLE: Appointments to Boards, Commission and Committees	POLICY # 107
ADOPTED: June 17, 1986	AMENDED: November 16, 2021

PURPOSE

To establish a procedure to serve as a guide in making appointments to various City Boards, Commissions, and Committees. The City currently has the following Boards, Commissions, and Committees to which this Policy applies:

Mayor's Appointments:

1. Board of Library Trustees
2. Community and Police Relations Commission
3. Park, Recreation, and Senior Citizens Advisory Committee
4. Public Art Committee
5. Sweetwater Authority
6. Traffic Safety Committee
7. Veterans and Military Families Advisory Committee

City Council Appointments:

1. Civil Service Commission
2. Planning Commission
3. Housing Advisory Committee including Ex-Officio Members
4. Port Commission

POLICY

Appointment Process

- A. Opportunity to apply. All interested individuals shall be given an opportunity to submit applications for vacancies on City Boards, Commissions, and Committees. Incumbent Appointees are not automatically re-appointed but are required to fill out an abbreviated application provided by the City Clerk, indicating their interest in continuing to serve.
- B. Unexpired terms. If an incumbent Appointee was appointed to fill an unexpired term and the Appointee serves for less than one year in that position, the Council may re-appoint the incumbent without considering other applicants.
- C. Vacancies. When vacancies occur, the following procedure shall be followed:
 1. Schedule vacancy. When a term is expiring or expires, public notice of the vacancy shall be made, inviting interested individuals to submit applications for the vacancy on a form provided by the City Clerk on the City website.

Unscheduled vacancy. An unscheduled vacancy shall be filled according to

CITY COUNCIL POLICY CITY OF NATIONAL CITY

TITLE: Appointments to Boards, Commission and Committees	POLICY # 107
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Government Code Section 54974, which generally provides as follows: Whenever an unscheduled vacancy occurs, whether due to resignation, death, termination, or other causes, a special vacancy notice shall be posted in the Office of the City Clerk, the City website, outside City Hall on the Bulletin Board, and on City social media platforms not earlier than twenty (20) days before or not later than twenty (20) days after the vacancy occurs. The City Council shall not make a final appointment for at least ten (10) working days after posting the notice in designated locations. The notice's posting and application period shall be thirty (30) calendar days. However, if it finds that an emergency exists, the City Council may, fill the unscheduled vacancy immediately. According to this section, a person appointed to fill the vacancy shall serve only on an interim basis until the final appointment.

The end of term for the members of Boards, Commissions, and Committees generally occurs in an annual rotation during the months of March and September. Appointments will be considered at those times unless a vacancy resulting from a resignation results in the lack of a Quorum on the Board, Commission, or Committee, in which case the appointment could occur at the time of the unscheduled vacancy in accordance with the procedure set out above.

3. Government Code Section 40605, and National City Municipal Code Title 16, grants the Mayor, with the City Council's approvals, the authority to make all appointments unless otherwise explicitly provided by statute. The exceptions are:
 1. Civil Service Commission
 2. Planning Commission
 3. Housing Advisory Committee including Ex-Officio Members
 4. Planning Commission

The City Council fills vacancies on these bodies.

- D. Implementation. Implementation of Council policy for appointment to Boards, Commissions, and Committees requires the following:
 1. Per Government Code Section 54972, on or before December 31 of each year, the City Council shall prepare a list of appointments of all regular and ongoing Boards, Commissions, and Committees appointed by the City Council. The City Clerk will prepare the list of all regular and ongoing Boards, Commissions, and Committees appointed by the Mayor or the City Council. The list shall contain a list of all terms that will expire during the next calendar year, the incumbent appointee's name, the appointment date, the term's expiration date, and the position's necessary qualifications. It shall also include a list of all

CITY COUNCIL POLICY CITY OF NATIONAL CITY

TITLE: Appointments to Boards, Commission and Committees	POLICY # 107
ADOPTED: June 17, 1986	AMENDED: November 16, 2021

Boards, Commissions, and Committees whose members serve at the City Council's pleasure and the qualifications required for each position. This Local Appointments List shall be made available to the public on the City website.

2. Notice. A public notice for vacancies must be placed in the newspaper of general circulation within the City, on the City's website, City Hall Bulletin Boards, and City social media platforms.
3. Expiration of term. All appointees will receive a letter as their terms expire asking if they would like to re-apply for the position.
4. Applications. Applications shall be available on the City website and in the City Clerk's Office. Submissions must be received before the advertised deadline for consideration for the appointment. All applications will be retained in the City Clerk's Office for one year from the date the application was submitted. During the one-year retention period of the application, an applicant shall be considered for other vacancies on Boards, Commissions, and Committees. The City Clerk's Office will notify the applicant being considered for an appointment to confirm that they are still interested in volunteering.
5. A member may only serve on one (1) Board, Commission, or Committee at a time. If an applicant applies for another position on a different Board, Commission, or Committee, that applicant will forfeit the prior seat and a vacancy will occur per policy.
6. Interviews:
 - a. Mayor Appointments: Interviews for Mayoral appointments will be conducted by the Mayor outside of the public meeting and scheduled by the Mayor's Office.
 - b. City Council Appointments: Interviews for the four (4) Civil Service Commission, Planning Commission, Housing Advisory Committee, and Port Commission who serve at the City Council's pleasure and are appointed by the City Council as a body will be interviewed in the public forum at a City Council Meeting as described below.
7. Mayoral Appointments:

The Mayor will make the motion to appoint (naming the appointee) and Councilmembers may second the motion. The City Clerk will then take a roll call

CITY COUNCIL POLICY CITY OF NATIONAL CITY

TITLE: Appointments to Boards, Commission and Committees	POLICY # 107
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vote of the City Council. A majority vote of the City Council will be required for the appointment. If the majority of the City Council choose to deny the proposed appointment, the Mayor shall either propose an alternative candidate from the current application pool or choose to reopen the application period and return to the City Council at a future City Council Meeting with a different applicant for consideration. If a Mayoral Appointment is not approved by the majority of the City Council by confirmation, that applicant is removed from the pool for that seat. The Mayor will return to a future meeting with a substitute Mayoral appointment.

8. For City Council Appointments, the Interview Process is as follows:
 - a. The City Clerk will provide an overview of the Board, Commission, or Committee(s) with current vacancy (ies). The Mayor will introduce the applicant and two (2) questions will be asked of each applicant on behalf of the City Council.
 - b. Each applicant is given two (2) minutes to make a brief introduction of themselves and their qualifications to the City Council.
 - c. Mayor and City Councilmembers will ask questions of each applicant. All applicants must be asked the same questions.
 - d. Total time per applicant is five (5) timed minutes with time allowed for clarification at the discretion of the City Council, not to exceed ten (10) minutes total per applicant.
 - e. All appointments and interviews before the City Council will be scheduled as needed to fill unexpected vacancies, with every effort to be made before an individual's term expires. Interviews may take place at one meeting, with appointments made at a subsequent meeting.
9. Vacancies for City Council Appointed Positions. If the vacancy is for a City Council appointed position, and there is more than one (1) applicant for a given position, the voting process will proceed as follows: Once the interviews are complete, each Councilmember votes for their choice via a written ballot provided by the City Clerk. Each Councilmember shall print and sign their name on the ballot. All ballots shall be considered a public record and be open to inspection by the public. The ballots are passed to the City Clerk who announces the number of votes for each candidate.

CITY COUNCIL POLICY CITY OF NATIONAL CITY

TITLE: Appointments to Boards, Commission and Committees	POLICY # 107
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If the appointment process is conducted via a virtual meeting the process is the same except the ballot/vote process. The City Clerk's Office will provide a Vote Sheet (a piece of paper electronically) with the name of each applicant to be considered. The Mayor will count to three (3) and the Council will hold their vote sheet up in front of their face to make sure it is captured on the camera during the live virtual meeting. The City Clerk will tally the votes and will then confirm the votes with a verbal roll call. The applicant with the most votes is appointed.

In the event of a tie, each Councilmember votes again until one (1) candidate has the majority vote and is declared to be the newly-appointed member of the Board, Commission, or Committee.

10. Re-appointment beyond two terms. Anyone wishing to be re-appointed to any Board, Commission, or Committee and has served two or more full terms already must be approved by a four-fifths vote of the City Council. If all five members of the City Council are not present, or if one member abstains or recuses their vote, the four-fifths requirement shall be changed to require only a simple majority.

11. Report to Council:

All applications received for vacancies, whether Mayoral Appointment or City Council Appointment, will be attached to the staff report to Council. All applications will have private personal information redacted (name, street numbers and name of street address, and phone number). This redacted information is in alignment with Government Code Section 6255(a) because the public interest served by not disclosing the applicant's personal, private information and protection of the applicant's right to privacy outweighs the public interest served by disclosing that information.

12. An automatic vacancy upon becoming a Non-Resident. An unscheduled vacancy automatically occurs when a resident holding an appointment position on a City Board, Committee, or Commission becomes a non-resident by moving out of National City limits. When an unscheduled vacancy occurs due to a resident becoming a non-resident, the unscheduled vacancy may be filled as follows:

- a. A special vacancy notice shall be posted in the Office of the City Clerk, and in other places as directed by the City Council, not earlier than 20 days before or not later than 20 days after the vacancy occurs. Final Appointment at a City Council Meeting shall not be made by the Appointing Authority for at least 10 working days after the posting of the notice in the City Clerk's Office.

CITY COUNCIL POLICY CITY OF NATIONAL CITY

TITLE: Appointments to Boards, Commission and Committees	POLICY # 107
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- b. The Appointing Authority may appoint the former resident to a Non-Residential position if a Non-Residential position is vacant.

However, the Appointing Authority may, if it finds that an emergency exists, fill the unscheduled vacancy immediately. A person appointed to fill the vacancy shall serve only on an acting basis until the final appointment is made pursuant to this section.

- 13. Only City Residents may be elected to Chair and Vice-Chair positions. To be eligible to be elected as the Chairperson of a City Board, Committee, or Commission, the member must be a resident of the City.
- 14. Resignations, Attendance, Training, and Removals

Resignation:

If a Commissioner or Member of a Board, Committee, or Commission is unable to continue serving because of health, business requirements, or personal reasons, a letter of resignation shall be submitted to the City Clerk, who will present to the City Council.

Attendance:

Regular attendance at meetings is critical to be effective operation of City Boards, Commissions, and Committees. The City Council relies on the advice of the City's Boards, Commissions, and Committees, which is the result of discussions among appointed members. The City Council anticipates that members of Boards, Committees, and Commissions shall make every reasonable effort to attend all regular and special meetings of their respective Boards, Commissions, and Committees, and to be prepared to discuss matters on their respective agendas.

A Commissioner or Member of a Board, Committee, or Commission shall be considered removed from any advisory board under the following conditions:

- 1. A Commissioner or Member of a Board, Committee, or Commission with unexcused absences from three consecutive regularly scheduled meetings.
- 2. A Commissioner or Member of a Board, Committee, or Commission misses more than 25% of the advisory body's meetings in a calendar year.

CITY COUNCIL POLICY CITY OF NATIONAL CITY

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3. A Commissioner or Member of a Board, Committee, or Commission must be present at least one hour, or 50% of the entire meeting, whichever is less, to be counted as present for purposes of attendance.

Excused Absences:

An “excused absence” is only granted when absolutely necessary and pre-approved if at all possible. The City Council encourages Boards, Commissions, and Committees to refrain from scheduling meetings on cultural and religious holidays in order to encourage full participation by all Commissioners, Board Members, and the public. The pre-approval of excused absences will be by the body as a whole and documented in the meeting minutes.

Excused absences are listed as follows:

1. Illness of the Commissioner or Member of the Board, Committee, or Commission, their family member, or their personal friend;
2. Business commitment of the Commissioner or Member of the Board, Committee, or Commission that interferes with the attendance at a meeting;
3. Attendance of the Commissioner or Member of the Board, Committee, or Commission at a funeral, religious service or ceremony, wedding, or other similarly-significant event; or
4. Other reason for which the Commissioner or Member of the Board, Committee, or Commission has given notice to the Chairperson or Secretary of their unavailability fifteen (15) days in advance, as long as the unavailability is not expected to last longer than 30 days.

Removal:

The Secretary or Lead of each Board, Commission, or Committee will report the attendance to the Office of the City Clerk on a monthly basis. If the attendance or absences fall within these guidelines, the Office of the City Clerk will prepare a report to City Council for review and possible removal of the Commissioner, Member, or Alternate sitting on the Board, Committee, or Commission. Any Commissioner, Member, or Alternate sitting on a Board, Committee, or Commission may be removed from office at any time by a simple majority vote of the City Council at a regularly scheduled Council meeting with or without cause.

Mandatory Training and Filing Requirements:

Commissioners and Members of Board, Committee, or Commission, as appointed by the legislative body, are entrusted with certain responsibilities and

CITY COUNCIL POLICY CITY OF NATIONAL CITY

TITLE: Appointments to Boards, Commission and Committees	POLICY # 107
ADOPTED: June 17, 1986	AMENDED: November 16, 2021

concomitant training and reporting. The following are requirements of Commissioners and Members of Boards, Commissions, and Committees. This training is required to be completed within 30 days of appointment or notification.

1. Oath of Office (Article XX of the California Constitution, and California Government Code Section 36507)
2. Fair Political Practices Commission (FPPC) Statement of Economic Interest Form 700 Filing (California Government Code Section 87100 et seq)
3. AB1234 Ethics Training (California Government Code Section 53235.1(b))
4. Sexual Harassment Training
5. Brown Act Training
6. Social Media Training
7. Any training required by State Law, Federal Law, or City Policies.

All training is offered in a variety of formats including in person, via Zoom, training website/software, and pre-recorded video. Currently, these are all requirements of the Mayor and City Council, and City staff.

Removal:

Failure to complete any of these requirements within 30 days of the appointment date or date of notification is cause for automatic removal.

Related Policy References

Government Code Section 40605

Government Code Section 54970, et seq.

Article XX of the California Constitution, and California Government Code Section 36507

California Government Code Section 53235(b)

California Government Code Section 87100 et seq

National City Municipal Code Title 16 (pending)

Prior Policy Amendments:

February 2, 2021 (Resolution No. 2021-08)

May 19, 2020 (Resolution No. 2020-95)

November 9, 1993 (Resolution No. 93-173)

June 11, 2013 (Revised – No Resolution – Refer to Meeting Minutes)

October 8, 2013 (Resolution No. 2013-147)

May 19, 2020 (Resolution No. 2020-20)

BOARDS/COMMISSION/COMMITTEES

BOARDS, COMMISSION AND COMMITTEES (11)	BOARD OF LIBRARY TRUSTEE	CIVIL SERVICE COMMISSION	COMMUNITY AND POLICE RELATIONS COMMISSION	PARK, RECREATION AND SENIOR CITIZENS' ADVISORY COMMITTEE	PLANNING COMMISSION and HOUSING ADVISORY COMMITTEE	PORT COMMISSION	PUBLIC ART COMMITTEE	SWEETWATER AUTHORITY	TRAFFIC SAFETY COMMITTEE	VETERAN'S AND MILITARY FAMILIES ADVISORY COMMITTEE
TOTAL MEMBERS (51+)	(5 Members)	(5 Members)	(8 Members)	(7 Members)	(7 Members) 2 Ex Officio	(1 Member)	(5 Members)	(1 Member)	(5 Members)	(7 Members)
TERM	3 Years	5 Years	3 Years	3 Years	4 Years	4 Years	3 Years	4 Years	3 Years	4 Years
RESIDENCY REQUIREMENT	Yes	Yes	5 Resident up to 2 Non-Resident (1) Non-Voting Member	Yes	Yes	Yes	No	n/a	Yes	5 Resident up to 2 Non-Resident
VOTER REQUIREMENT	No	No	No	No	No	No	No	No	No	No
MAYORAL APPOINTMENT SUBJECT TO CONFIRMATION BY THE CITY COUNCIL	X		X	X			X	X	X	X
CITY COUNCIL AS A BODY APPOINTMENT		X			X	X				
COMPENSATION	No	No	No	No	Compensation set by Council Resolution	No	No	No	No	No
FORM 700 FILING REQUIREMENT	Yes	Yes	Yes	No	Yes	n/a	No	n/a	No	No
MEETINGS	1 X per month	1X every other month	1X every 3 months	1X every 2 months	2X per month	n/a	1X per quarter	n/a	1X per month	1X per quarter
REQUIRED TO REPORT TO COUNCIL ANNUALLY	Yes, on or before August 31st and to the State Librarian	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
OTHER		Can not be salaried employee or holds office of the City								

CITY COUNCIL POLICY #107 and NCMC TITLE 16

**Effective February 2, 2020 all Chair and Vice-Chairs are required to be NC Residents

The following page(s) contain the backup material for Agenda Item: [Motion of the City Council of the City of National City, California approving the waiving of the reading of the text of the Ordinances or Resolutions that are having a Public Hearing considered at this meeting and providing that such Ordinances or Resolutions shall be introduced and/or adopted after a reading of the title only. \(City Clerk\)](#)

Please scroll down to view the backup material.

Item # ____
02/15/22

MOTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY APPROVING THE WAIVING OF THE READING OF THE TEXT OF THE ORDINANCES OR RESOLUTIONS THAT ARE HAVING A PUBLIC HEARING CONSIDERED AT THIS MEETING AND PROVIDING THAT SUCH ORDINANCES OR RESOLUTIONS SHALL BE INTRODUCED AND/OR ADOPTED AFTER A READING OF THE TITLE ONLY.

(City Clerk)

The following page(s) contain the backup material for Agenda Item: [Resolution of the City Council of the City of National City, California, approving a Fifth Amendment to the 2017 Agreement with Liebert Cassidy Whitmore, a Professional Law Corporation, by increasing the annual not-to-exceed amount of Article 3.C by \\$100,000.00, for a not-to-exceed amount of \\$150,000.00. \(City Attorney\)](#)

Please scroll down to view the backup material.

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: 2/15/2022

AGENDA ITEM NO. |

ITEM TITLE:

Resolution of the City Council of the City of National City, California, approving a Fifth Amendment to the 2017 Agreement with Liebert Cassidy Whitmore, a Professional Law Corporation, by increasing the annual not-to-exceed amount of Article 3.C by \$100,000.00, for a not-to-exceed amount of \$150,000.00.

PREPARED BY: Charles E. Bell, Jr., City Attorney

DEPARTMENT: City Attorney

PHONE: (619) 336-4220

APPROVED BY: *Charles Bell Jr.*

EXPLANATION:

The City of National City engages in outside legal support for specialized areas, including employment law. Since 2017, Liebert Cassidy Whitmore, a Professional Law Corporation has served as the City's subject matter expert in areas such as employee investigations and COVID-19 policies and has been instrumental in providing support to the Human Resources Department.

Due to new and pending Federal and State regulations in response to COVID-19 and an unforeseeable increase in disciplinary matters, the City's Human Resources Department requests an increase in the agreement to cover current and future assistance with the City's employment law matters.

FINANCIAL STATEMENT:

APPROVED: *Molly Brown* Finance

ACCOUNT NO.

APPROVED: _____ MIS

HR Professional Services Expenditures:
001-407-083-200 |

ENVIRONMENTAL REVIEW:

This action does not constitute a project under California Environmental Quality Act (CEQA) Guidelines Section 15378(b)(2).

ORDINANCE: INTRODUCTION: FINAL ADOPTION:

STAFF RECOMMENDATION:

Adopt Resolution approving a Fifth Amendment to the 2017 Agreement with Liebert Cassidy Whitmore, a Professional Law Corporation, by increasing the annual not-to-exceed amount of Article 3.C by \$100,000.00, for a not-to-exceed amount of \$150,000.00.

BOARD / COMMISSION RECOMMENDATION:

ATTACHMENTS:

- Resolution
- Fifth Amendment to Agreement

**AMENDMENT TO THE AGREEMENT
BY AND BETWEEN
THE CITY OF NATIONAL CITY
AND
LIEBERT CASSIDY WHITMORE**

THIS FIFTH AMENDMENT TO THE AGREEMENT is entered into this 15th day of February 2022, by and between the CITY OF NATIONAL CITY, a municipal corporation ("CITY"), and LIEBERT CASSIDY WHITMORE, a professional law corporation (the "CONTRACTOR").

RECITALS

WHEREAS, the CITY and the CONTRACTOR entered into an Agreement on December 1, 2017 ("the Agreement"), wherein the CONTRACTOR agreed to provide the following services:

1. Advise the City on all aspects of labor and employment law, including disciplinary matters, the impacts of current and proposed legislation, and the impacts of recent or pending court rulings.
2. Review and provide advice on labor and employment policies, reports and documents and reports.
3. Draft labor and employment policies reports and documents on behalf of the City.
4. Prepare training materials for City personnel, including the City Council.
5. Provide trainings to City personnel, including the City Council.
6. Represent the City in meetings with internal employee bargaining groups and outside agencies such as the State of California Public Employee Relations Board (PERB).

WHEREAS, the parties entered into a First Amendment on August 2, 2018 that increased the hourly rates at which CONTRACTOR would bill CITY for legal services; and

WHEREAS, the parties entered into a Second Amendment on July 17, 2019 that increased the not-to-exceed amount of Article 3.C by \$25,000, for a not-to-exceed amount of \$50,000.

WHEREAS, the parties entered into a Third Amendment on July 17, 2020 that amended the not-to-exceed amount of Article 3.C to be an annual total not-to-exceed amount of \$50,000.

WHEREAS, the parties entered into a Fourth Amendment that amended the Agreement by increasing the hourly rate and modifying Article 3 "Compensation" of the Agreement.

WHEREAS, the parties desire to further amend the agreement by increasing the annual not-to-exceed amount of Article 3.C by \$100,000.00, for a not-to-exceed amount of \$150,000.00.

AGREEMENT

NOW, THEREFORE, the parties hereto agree that:

1. The not-to-exceed amount referenced in Article 3, shall be increased by \$100,000.00, for a total not-to-exceed amount of \$150,000.00.
2. The parties further agree that, with the foregoing exceptions, each and every other term and provision of the December 1, 2017 Agreement, the shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Fourth Amendment to the Agreement on the date and year first above written.

CITY OF NATIONAL CITY

By:

Alejandra Sotelo-Solis, Mayor

APPROVED AS TO FORM:

By:

Charles E. Bell Jr., City Attorney

**LIEBERT CASSIDY WHITMORE, A
PROFESSIONAL LAW
CORPORATION**

*(Corporation – signatures of two
corporate officers required)*

By: J. Scott Tiedeman
(Name)

[Signature]
(Print)

Managing Partner/President
(Title)

By: Steven M. Berliner
(Name)

Steven M. Berliner
(Print)

Treasurer
(Title)

RESOLUTION NO. 2022 -

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A FIFTH AMENDMENT TO THE 2017 AGREEMENT WITH LIEBERT CASSIDY WHITMORE, A PROFESSIONAL LAW CORPORATION, BY INCREASING THE ANNUAL NOT-TO-EXCEED AMOUNT OF ARTICLE 3.C BY \$100,000.00, FOR A NOT-TO-EXCEED AMOUNT OF \$150,000.00

WHEREAS, the City of National City (“City”) engages outside legal support for specialized areas, including employment law; and

WHEREAS, since 2017, Liebert Cassidy Whitmore, a Professional Law Corporation, has served as the City’s subject matter expert in areas such as employee investigations and COVID-19 policies and has been instrumental in providing support to the Human Resources Department; and

WHEREAS, the Fiscal Year 2022 (“FY22”) budget allocated \$50,000 for services provided by Liebert Cassidy Whitmore, however, the estimated costs of services for the remainder of FY 22 will exceed \$50,000; and

WHEREAS, City staff requests City Council approve and authorize the Mayor to execute a Fifth Amendment to the 2017 Agreement with Liebert Cassidy Whitmore, a Professional Law Corporation, by increasing the annual not-to-exceed amount of Article 3.C by \$100,000.00 for a not-to-exceed amount of \$150,000.00.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

Section 1: Approves and authorizes the Mayor to execute a Fifth Amendment to the 2017 Agreement with Liebert Cassidy Whitmore, a Professional Law Corporation, by increasing the annual not-to-exceed amount of Article 3.C by \$100,000.00 for a not-to-exceed amount of \$150,000.00.

Section 2: The City Clerk shall certify the passage and adoption of this Resolution and enter it into the book of original Resolutions.

///

PASSED and ADOPTED this 15th day of February, 2022.

Alejandra Sotelo-Solis, Mayor

ATTEST:

Luz Molina, City Clerk

APPROVED AS TO FORM:

Charles E. Bell Jr., City Attorney

The following page(s) contain the backup material for Agenda Item: [Resolution of the City Council of the City of National City, California approving the settlement in the litigation titled, Sheena Sanders v. the City of National City, et al. \(City Attorney\)](#)

Please scroll down to view the backup material.

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: 2/15/2022

AGENDA ITEM NO. |

ITEM TITLE:

Resolution of the City Council of the City of National City, California approving the settlement in the litigation titled, Sheena Sanders v. the City of National City, et al.

PREPARED BY: Charles E. Bell, Jr., City Attorney

DEPARTMENT: City Attorney

PHONE: Ext. 4222

APPROVED BY: *Charles E. Bell, Jr.*

EXPLANATION:

Plaintiff Shenna Sanders filed a lawsuit against the City of National City, alleging Fourth Amendment violations. U.S. District Court Case No.: 20cv0085 AJB BLM ("Litigation").

In Closed Session on February 1, 2022, City Council authorized a \$35,000 settlement.

FINANCIAL STATEMENT:

APPROVED: *Molly Brown* Finance

ACCOUNT NO.

Liability Cost Fund No. 627-405-081-432-0000

APPROVED: _____ MIS

ENVIRONMENTAL REVIEW:

This action does not constitute a project under California Environmental Quality Act (CEQA) Guidelines Section 15378(b)(2).

ORDINANCE: INTRODUCTION:

FINAL ADOPTION:

STAFF RECOMMENDATION:

Adopt Resolution approving the settlement in the litigation titled, Sheena Sanders v. the City of National City, et al.

BOARD / COMMISSION RECOMMENDATION:

ATTACHMENTS:

- Resolution

RESOLUTION NO. 2022 -

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, AUTHORIZING THE MAYOR TO EXECUTE THE SETTLEMENT AGREEMENT AND AUTHORIZING THE ADMINISTRATIVE SERVICES DIRECTOR TO PAY THE SETTLEMENT AMOUNT IN THE LITIGATION TITLED SHEENA SANDERS AND THE CITY OF NATIONAL CITY

WHEREAS, on Plaintiff Sheena Sanders (“Plaintiff”) filed a lawsuit against the City of National City (“City”) regarding an alleged Fourth Amendment; and

WHEREAS, Plaintiff brought the suit in the United States District Court, Southern District of California; and

WHEREAS, the suit is titled Sheena Sanders v. City of National City, et al., U.S. District Court Case No.: 20cv0085 AJB BLM (“Litigation”); and

WHEREAS, in Closed Session on February 1, 2022, the City Council, by the following votes: Yeas, 5; Nays, 0; Absent, 0; authorized settlement on the Litigation for \$35,000.00 and according to such other terms more fully outlined in the Settlement Agreement.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

Section 1: Authorizes the Mayor to execute the Settlement Agreement and authorizes the Administrative Services Director to pay the sum of thirty-five thousand (\$35,000.00) from the Liability Cost Fund No. 627-405-081-432-0000 in settlement of each and every claim for damages, interest, costs, and fees of any type against the City of National City, its agents, and employees, arising from the Litigation filed by Plaintiff.

Section 2: The City Clerk shall certify the passage and adoption of this Resolution and enter it into the book of original Resolution.

PASSED and ADOPTED this 15th day of February, 2022.

Alejandra Sotelo-Solis, Mayor

ATTEST:

Luz Molina, City Clerk

APPROVED AS TO FORM:

Charles E. Bell Jr., City Attorney

The following page(s) contain the backup material for Agenda Item: [Resolution of the City Council of the City of National City, California approving the settlement in the litigation titled, Ali Mendoza v. the City of National City, et al. \(City Attorney\)](#)
Please scroll down to view the backup material.

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: 2/15/2022

AGENDA ITEM NO. |

ITEM TITLE:

Resolution of the City Council of the City of National City, California approving the settlement in the litigation titled, Ali Mendoza v. the City of National City, et al.

PREPARED BY: Charles E. Bell, Jr., City Attorney

DEPARTMENT: City Attorney

PHONE: Ext. 4222

APPROVED BY: *Charles E. Bell, Jr.*

EXPLANATION:

Plaintiff Ali Mendoza filed a lawsuit against the City of National City, alleging Fourth Amendment and Bane Act violations. United States District Court: 18-cv-0775-L-BGS ("Litigation").

In Closed Session on January 18, 2022, City Council authorized a \$300,000 settlement.

FINANCIAL STATEMENT:

APPROVED: *Mollyton* Finance

ACCOUNT NO.

Liability Cost Fund No. 627-405-081-432-0000

APPROVED: _____ MIS

ENVIRONMENTAL REVIEW:

This action does not constitute a project under California Environmental Quality Act (CEQA) Guidelines Section 15378(b)(2).

ORDINANCE: INTRODUCTION:

FINAL ADOPTION:

STAFF RECOMMENDATION:

Adopt Resolution approving the settlement in the litigation titled, Ali Mendoza v. the City of National City, et al.

BOARD / COMMISSION RECOMMENDATION:

ATTACHMENTS:

- Resolution

RESOLUTION NO. 2022 -

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, AUTHORIZING THE MAYOR TO EXECUTE THE SETTLEMENT AGREEMENT AND AUTHORIZING THE ADMINISTRATIVE SERVICES DIRECTOR PAY THE SETTLEMENT AMOUNT IN THE LITIGATION TITLED ALI MENDOZA AND THE CITY OF NATIONAL CITY

WHEREAS, Plaintiff Ali Mendoza (“Plaintiff”) filed a lawsuit against the City of National City (“City”) regarding an alleged Fourth Amendment and Bane Act violation; and

WHEREAS, Plaintiff brought the suit in the United States District Court, Southern District of California; and

WHEREAS, the suit is titled Ali Mendoza v. City of National City, et al., United States District Court: 18-cv-0775-L-BGS (“Litigation”); and

WHEREAS, in Closed Session on January 18, 2022, the City Council, by the following votes: Yeas, 5; Nays, 0; Absent, 0; authorized settlement on the Litigation for \$300,000.00 and according to such other terms more fully outlined in the Settlement Agreement.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

Section 1: Authorizes the Mayor to execute the Settlement Agreement and authorizes the Administrative Services Director to pay the sum of three hundred thousand (\$300,000.00) from the Liability Cost Fund No. 627-405-081-432-0000 in settlement of each and every claim for damages, interest, costs, and fees of any type against the City of National City, its agents, and employees, arising from the Litigation filed by Plaintiff.

Section 2: The City Clerk shall certify the passage and adoption of this Resolution and enter it into the book of original Resolution.

PASSED and ADOPTED this 15th day of February, 2022.

Alejandra Sotelo-Solis, Mayor

ATTEST:

Luz Molina, City Clerk

APPROVED AS TO FORM:

Charles E. Bell Jr., City Attorney

The following page(s) contain the backup material for Agenda Item: [Resolution of the City Council of the City of National City, California: 1\) authorizing the Mayor to execute an Agreement with Omni Enclosures, Inc. dba Omni Pacific to purchase and install office furniture for the Police Department Records Division in a not-to-exceed amount of \\$70,493.98; and 2\) authorizing the establishment of an Asset Forfeiture Fund appropriation of \\$20,493.98 and use of Asset Forfeiture fund balance for said expenditure. \(Engineering/Public Works\)](#)

Please scroll down to view the backup material.

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: February 15, 2022

AGENDA ITEM NO.:

ITEM TITLE:

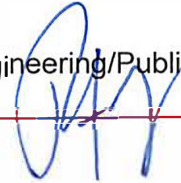
Resolution of the City Council of the City of National City, 1) authorizing the Mayor to execute an Agreement with Omni Enclosures, Inc. dba Omni Pacific to purchase and install office furniture for the Police Department Records Division in a not-to-exceed amount of \$70,493.98; and 2) authorizing the establishment of an Asset Forfeiture Fund appropriation of \$20,493.98 and use of Asset Forfeiture fund balance for said expenditure.

PREPARED BY: Jose Lopez, Deputy City Engineer

PHONE: 619-336-4312

DEPARTMENT: Engineering/Public Works

APPROVED BY: _____



EXPLANATION:

See Staff Report.

FINANCIAL STATEMENT:

ACCOUNT NO.

001-409-500-598-1500 (Facilities Maintenance) - \$50,000

131-411-000-503-0000 (Asset Forfeiture) - \$20,493.98

APPROVED: _____

FINANCE

APPROVED: _____

MIS

ENVIRONMENTAL REVIEW:

A CEQA notice of exemption will be filed with the County Recorder.

ORDINANCE: **INTRODUCTION** **FINAL ADOPTION**

STAFF RECOMMENDATION:

Adopt Resolution authorizing the City to execute an Agreement with Omni Enclosures, Inc. dba Omni Pacific to purchase and install office furniture for the Police Department Records Division in a not-to-exceed amount of \$70,493.98.

BOARD / COMMISSION RECOMMENDATION:

ATTACHMENTS:

1. Explanation w/Exhibit
2. Quote
3. Agreement
4. Resolution

Explanation

The current National City Police Records Division Workstations and office furniture have exceeded their useful life and are scheduled to be replaced. As a part of the FY 22 CIP Budget, City Council approved \$50,000 for the office furniture purchase.

The National City Police Department obtained three quotes to replace the furniture:

1. Parron Hall - \$54,086.76
2. Omni Pacific - \$61,303.03
3. G/M Business Interiors - \$68,461.15

Based on the level of service received from Omni Enclosures, dba Omni Pacific, NCPD selected Omni Pacific to perform the services. Omni Pacific was not the lowest quote, however, they were the 2nd lowest. The lowest quote, Parron Hall elected not to come on site as previous quotes provided had not been executed, and NCPD staff did not receive updated revisions as requested. As a result, while Parron Hall may be the lowest quote, based on the substandard customer service and the concern that the quote would change once staff came onsite and verified all site conditions and constraints, staff did not select the lowest quote.

Therefore, based on customer service, competitive pricing, site visit to Omni Pacific's warehouse, as well as City of El Cajon's Police Department, which has Omni Pacific products, NCPD selected Omni Pacific, the second lowest quote, to further refine the scope and complete the work to satisfy NCPD's needs.

Based on NCPD's needs and refined improvement scope, the final accepted quote is for \$66,285.52 to purchase and install the office furniture, with \$4,208.63 to demolish and remove existing furniture. Total cost is \$70,493.98. Please note, none of the other quotes include demolition costs.

National City Municipal Code (NCMC) Section 2.60.035 establishes bid limits and contracting and award authority and states that the city council shall, by resolution, approve all purchases and contracts exceeding fifty thousand dollars.

Staff recommends that the City Council authorize the Mayor to execute an agreement with Omni Enclosures to purchase and install office furniture, as outlined in Exhibit A, for the Police Department Records Division in a not-to-exceed amount of \$70,493.98.

The funding for this award is available through prior City Council CIP appropriations and Asset Forfeiture Funds.

EXHIBIT A



OMNI Pacific
 505 Raleigh Avenue
 El Cajon, CA 92020
 (619) 579-6664
 www.omnipacific.com

Quotation

ADDRESS
 OMNI Pacific

QUOTATION # 25176-REV2
DATE 12/03/2021

SHIP DATE	QUOTED BY	SIDEMARK	CUSTOMERDISCOUNT	
06/02/2021	MH	National City PD Records Dept 50/10		
QTY	ITEM	DESCRIPTION	NET PRICE	TOTAL
1	Finishes - Linea	-- OMNIwalls - Wilsonart Randolph Forest 8225K-79 (Vertical Woodgrain) -- OMNIwall Top Partition - Frosted Acrylic -- Top - Wilsonart Randolph Forest 8225K-79 -- Top Edge - Randolph Forest 3mm PVC Edge -- Case - Slate -- Base Door/Drawer Fronts - Slate -- Base Door/Drawer Front Edge - Slate 3mm PVC Edge -- Powder Coat - Silver Powder Coat -- Pulls - Brushed Nickel D-Pulss -- Fabric - Stinson Fleck Linen 65413	0.00	0.00
1	Area	- OPEN AREA -	0.00	0.00T
1	-		0.00	0.00T
1	Area	4-PACK STATIONS AGAINST THE WALL	0.00	0.00T
1	SPECIAL (LIN)	4" OMNIwall, No Channel - 36W x 54H with Slot for Plexi	780.75	780.75T
1	L2HPL-G2	Grade 2 Premium Laminate Upgrade on Item Above	78.075	78.08T
2	SPECIAL (LIN)	4" OMNIwall, No Channel - 72W x 54H with Slot for Plexi	797.85	1,595.70T
2	L2HPL-G2	Grade 2 Premium Laminate Upgrade on Item Above	79.785	159.57T
1	SPECIAL (LIN)	4" OMNIwall, No Channel - 41W x 54H with Slot for Plexi	518.85	518.85T
1	L2HPL-G2	Grade 2 Premium Laminate Upgrade on Item Above	51.885	51.89T
4	SPECIAL (LIN)	4" OMNIwall, No Channel - 31W x 54H with Slot for Plexi	501.30	2,005.20T
4	L2HPL-G2	Grade 2 Premium Laminate Upgrade on Item Above	50.13	200.52T
2	SPECIAL (LIN)	4" 'L' Connecting Post for 54H OMNIwalls	176.85	353.70T

Note: Quote Valid 30 Days. FOB El Cajon. Approved Quote Must Accompany Purchase Order. Please e-mail purchase orders to orders@omnipacific.com

QTY	ITEM	DESCRIPTION	NET PRICE	TOTAL
1	SPECIAL (LIN)	4" 'T' Connecting Post for 54H OMNIwalls	184.50	184.50T
4	SPECIAL (LIN)	Wall Starter for 54H OMNIwalls	45.00	180.00T
1	SPECIAL (LIN)	Frosted Acrylic Panel for 36W OMNIwall, 34W x 15-7/8H (12" Exposed / 3-7/8" Inset)	139.50	139.50T
2	SPECIAL (LIN)	Frosted Acrylic Panel for 72W OMNIwall, 70W x 15-7/8H (12" Exposed / 3-7/8" Inset)	335.70	671.40T
1	SPECIAL (LIN)	Frosted Acrylic Panel for 41W OMNIwall, 39W x 15-7/8H (12" Exposed / 3-7/8" Inset)	152.10	152.10T
1	SPECIAL (LIN)	Frosted Acrylic Panel for 31W OMNIwall, 29W x 15-7/8H (12" Exposed / 3-7/8" Inset)	106.20	106.20T
2	SPECIAL (LIN)	Linea DogLeg Work Surface 72WL x 36WR x 30DL x 24DR	295.65	591.30T
2	L2HPL-G2	Grade 2 Premium Laminate Upgrade on Item Above	29.565	59.13T
2	L2GR-L	Add Grommet to Above Worksurface, Left	13.50	27.00T
2	L2GR-R	Add Grommet to Above Worksurface, Right	13.50	27.00T
2	SPECIAL (LIN)	Linea DogLeg Work Surface 36WL x 72WR x 24DL x 30DR	295.65	591.30T
2	L2HPL-G2	Grade 2 Premium Laminate Upgrade on Item Above	29.565	59.13T
2	L2GR-L	Add Grommet to Above Worksurface, Left	13.50	27.00T
2	L2GR-R	Add Grommet to Above Worksurface, Right	13.50	27.00T
4	L2T2436	Linea Straight Work Surface 36W x 24D	128.25	513.00T
4	L2HPL-G2	Grade 2 Premium Laminate Upgrade on Item Above	12.825	51.30T
4	THAB-A	Electronic Height Adjustable Base (Silver) for 24D - 30D Tops from 48W - 84W with 24- 3/4H - 50H AFF Height Range (200lb Weight Capacity) Includes Programmable 4-Position LED Controller (with 8ft Power Cord) - ASSEMBLED	477.00	1,908.00T
4	L2BF1628	Linea 16" Alumina Intermediate Frame Support for 30D Work Surface	142.20	568.80T
4	L2BBF	Linea Box/Box/ File Drawer Pedestal with Lock, Underdesk 16W x 28H	323.10	1,292.40T
4	L2CASEUP-G3	Grade 3 Case Upgrade on Item Above (Slate)	32.31	129.24T
4	L2TB2372	Linea Tackboard 72W x 23H	177.75	711.00T
4	L2CMK	Linea Knuckle Cable Manager (Set of Two)	9.00	36.00T
4	SPECIAL (ELEC)	6-Outlet Power Strip	26.00	104.00T
				Subtotal: 13,900.56
		5-PACK STATIONS		0.00
5	SPECIAL (LIN)	4" OMNIwall, Single Channel - 72W x 54H with Slot for Plexi	886.95	4,434.75T
5	L2HPL-G2	Grade 2 Premium Laminate Upgrade on Item Above	88.695	443.48T
5	SPECIAL (LIN)	4" OMNIwall, No Channel - 55W x 54H with Slot for Plexi	780.75	3,903.75T

Note: Quote Valid 30 Days. FOB El Cajon. Approved Quote Must Accompany Purchase Order. Please e-mail purchase orders to
orders@omnipacific.com

QTY	ITEM	DESCRIPTION	NET PRICE	TOTAL
5	L2HPL-G2	Grade 2 Premium Laminate Upgrade on Item Above	78.075	390.38T
2	SPECIAL (LIN)	4" 'L' Connecting Post for 54H OMNIwalls	176.85	353.70T
3	SPECIAL (LIN)	4" 'T' Connecting Post for 54H OMNIwalls	184.50	553.50T
2	SPECIAL (LIN)	Wall Starter for 54H OMNIwalls	45.00	90.00T
5	SPECIAL (LIN)	Frosted Acrylic Panel for 72W OMNIwall, 70W x 15-7/8H (12" Exposed / 3-7/8" Inset)	335.70	1,678.50T
5	SPECIAL (LIN)	Frosted Acrylic Panel for 55W OMNIwall, 53W x 15-7/8H (12" Exposed / 3-7/8" Inset)	269.10	1,345.50T
2	PIF72ST	Power In-Feed 72" w/SealTite Connection	106.722	213.44T
5	PB4	9" Power Block w/Four Simplex Outlets	144.00	720.00T
5	SPECIAL (ELEC)	6-Outlet Power Strip	26.00	130.00T
3	CC72	Cable Connector 72"	83.25	249.75T
10	SPECIAL (LIN)	30" Channel Cover for OMNIwalls	24.30	243.00T
3	SPECIAL (LIN)	Linea DogLeg Work Surface 72WL x 36WR x 30DL x 24DR	295.65	886.95T
3	L2HPL-G2	Grade 2 Premium Laminate Upgrade on Item Above	29.565	88.70T
3	L2GR-L	Add Grommet to Above Worksurface, Left	13.50	40.50T
3	L2GR-R	Add Grommet to Above Worksurface, Right	13.50	40.50T
2	SPECIAL (LIN)	Linea DogLeg Work Surface 36WL x 72WR x 24DL x 30DR	295.65	591.30T
2	L2HPL-G2	Grade 2 Premium Laminate Upgrade on Item Above	29.565	59.13T
2	L2GR-L	Add Grommet to Above Worksurface, Left	13.50	27.00T
2	L2GR-R	Add Grommet to Above Worksurface, Right	13.50	27.00T
5	SPECIAL (LIN)	Linea Straight Work Surface 18W x 24D	95.85	479.25T
5	L2HPL-G2	Grade 2 Premium Laminate Upgrade on Item Above	9.585	47.93T
1	L2T2448	Linea Straight Work Surface 48W x 24D	132.30	132.30T
1	L2HPL-G2	Grade 2 Premium Laminate Upgrade on Item Above	13.23	13.23T
1	SPECIAL (LIN)	Linea Straight Work Surface 58W x 24D	175.50	175.50T
1	L2HPL-G2	Grade 2 Premium Laminate Upgrade on Item Above	17.55	17.55T
5	THAB-A	Electronic Height Adjustable Base (Silver, White or Black) for 24D - 30D Tops from 48W - 84W with 24-3/4H - 50H AFF Height Range (200lb Weight Capacity) Includes Programmable 4-Position LED Controller (with 8ft Power Cord) - ASSEMBLED	477.00	2,385.00T
5	L2BBF	Linea Box/Box/ File Drawer Pedestal with Lock, Underdesk 16W x 28H	323.10	1,615.50T
5	L2CASEUP-G3	Grade 3 Case Upgrade on Item Above (Slate)	32.31	161.55T
2	SPECIAL (LIN)	Linea Two Drawer Lateral File with Lock, Underdesk 24W x 28H	443.25	886.50T
2	L2CASEUP-G3	Grade 3 Case Upgrade on Item Above	44.325	88.65T

Note: Quote Valid 30 Days. FOB El Cajon. Approved Quote Must Accompany Purchase Order. Please e-mail purchase orders to orders@omnipacific.com

QTY	ITEM	DESCRIPTION	NET PRICE	TOTAL
		(Slate)		
2	SPECIAL (LIN)	Linea Three Drawer Lateral File with Lock, 29W x 40-7/8H	825.30	1,650.60T
2	L2CASEUP-G3	Grade 3 Case Upgrade on Item Above (Slate)	82.53	165.06T
5	L2TB2372	Linea Tackboard 72W x 23H	177.75	888.75T
5	L2CMK	Linea Knuckle Cable Manager (Set of Two)	9.00	45.00T
				Subtotal: 25,263.20
		SINGLE STATION		0.00
1	SPECIAL (LIN)	4" OMNIwall, No Channel - 25W x 54H with Slot for Plexi	412.20	412.20T
1	L2HPL-G2	Grade 2 Premium Laminate Upgrade on Item Above	41.22	41.22T
1	SPECIAL (LIN)	4" OMNIwall, No Channel - 72W x 54H with Slot for Plexi	886.95	886.95T
1	L2HPL-G2	Grade 2 Premium Laminate Upgrade on Item Above	88.695	88.70T
1	SPECIAL (LIN)	4" 'L' Connecting Post for 54H OMNIwalls	176.85	176.85T
1	SPECIAL (LIN)	Wall Starter for 54H OMNIwalls	45.00	45.00T
1	SPECIAL (LIN)	Frosted Acrylic Panel for 25W OMNIwall, 23W x 15-7/8H (12" Exposed / 3-7/8" Inset)	106.20	106.20T
1	SPECIAL (LIN)	Frosted Acrylic Panel for 72W OMNIwall, 70W x 15-7/8H (12" Exposed / 3-7/8" Inset)	335.70	335.70T
1	SPECIAL (LIN)	Linea DogLeg Work Surface 72WL x 36WR x 24DL x 24DR	295.65	295.65T
1	L2HPL-G2	Grade 2 Premium Laminate Upgrade on Item Above	29.565	29.57T
1	L2GR-L	Add Grommet to Above Worksurface, Left	13.50	13.50T
1	L2GR-R	Add Grommet to Above Worksurface, Right	13.50	13.50T
1	L2T2436	Linea Straight Work Surface 36W x 24D	128.25	128.25T
1	L2HPL-G2	Grade 2 Premium Laminate Upgrade on Item Above	12.825	12.83T
1	L2T2430	Linea Straight Work Surface 30W x 24D	107.10	107.10T
1	L2HPL-G2	Grade 2 Premium Laminate Upgrade on Item Above	10.71	10.71T
1	THAB-A	Electronic Height Adjustable Base (Silver) for 24D - 30D Tops from 48W - 84W with 24-3/4H - 50H AFF Height Range (200lb Weight Capacity) Includes Programmable 4-Position LED Controller (with 8ft Power Cord) - ASSEMBLED	477.00	477.00T
1	L2BF1628	Linea 16" Alumina Intermediate Frame Support for 30D Work Surface	142.20	142.20T
1	L2BBF	Linea Box/Box/ File Drawer Pedestal with Lock, Underdesk 16W x 28H	323.10	323.10T
1	L2CASEUP-G3	Grade 3 Case Upgrade on Item Above (Slate)	32.31	32.31T
1	L2LF30	Linea Two Drawer Lateral File with Lock,	443.25	443.25T

Note: Quote Valid 30 Days. FOB El Cajon. Approved Quote Must Accompany Purchase Order. Please e-mail purchase orders to orders@omnipacific.com

QTY	ITEM	DESCRIPTION	NET PRICE	TOTAL
		Underdesk 30W x 28H		
1	L2CASEUP-G3	Grade 3 Case Upgrade on Item Above (Slate)	44.325	44.33T
1	L2TB2372	Linea Tackboard 72W x 23H	177.75	177.75T
1	L2CMK	Linea Knuckle Cable Manager (Set of Two)	9.00	9.00T
1	SPECIAL (ELEC)	6-Outlet Power Strip	26.00	26.00T
				Subtotal: 4,378.87
		COPY AREA CABINetry		0.00
1	SPECIAL (CABT)	Straight Top, 78-1/4W x 24D	237.60	237.60T
1	L2HPL-G2	Grade 2 Premium Laminate Upgrade on Item Above	23.76	23.76T
1	SPECIAL (CABT)	Straight Top, 74-1/8W x 24D	211.20	211.20T
1	L2HPL-G2	Grade 2 Premium Laminate Upgrade on Item Above	21.12	21.12T
2	CB5DB1631-24-3M	Base 5 Drawer Bank 16W x 30-7/8H x 23D Plus 3/4" Drawers w/ 3mm Drawer Fronts and Pulls	654.30	1,308.60T
2	L2CASEUP-G3	Grade 3 Case Upgrade on Item Above (Slate)	65.43	130.86T
2	CB3031-24-3M	Base Cab't Dbl Door-30W x 30-7/8H x 23D Plus 3/4" Thick Doors w/ 3mm Edge & Pulls, 1 Adj Shelf	407.25	814.50T
2	L2CASEUP-G3	Grade 3 Case Upgrade on Item Above (Slate)	40.725	81.45T
3	CBFILL-31	Base Cabinet Filler 3W x 30-7/8H	45.90	137.70T
2	LB	Loose Base for Cabinetry (above)	0.00	0.00T
1	CW1630L-14-3M	Wall Cab't Single Door Hinge Left-16W x 30H x 14D Plus 3/4" Thick Door w/3mm Door Fronts & Pulls, 2 Adj Shelves	220.05	220.05T
1	L2CASEUP-G3	Grade 3 Case Upgrade on Item Above (Slate)	22.005	22.01T
2	SPECIAL (CABT)	Wall Cab't Dbl Door - 34-1/2W x 30H x 14D Plus 3/4" Thick Doors w/ 3mm Door Fronts & Pulls, 2 Adj Shelves	341.55	683.10T
2	L2CASEUP-G3	Grade 3 Case Upgrade on Item Above (Slate)	34.155	68.31T
1	CW3930-14-3M	Wall Cab't Dbl Door - 39W x 30H x 14D Plus 3/4" Thick Doors w/ 3mm Door Fronts & Pulls, 2 Adj Shelves	380.25	380.25T
1	L2CASEUP-G3	Grade 3 Case Upgrade on Item Above (Slate)	38.025	38.03T
1	CW1630R-14-3M	Wall Cab't Single Door Hinge Right-16W x 30H x 14D Plus 3/4" Thick Door w/3mm Door Fronts & Pulls, 2 Adj Shelves	220.05	220.05T
1	L2CASEUP-G3	Grade 3 Case Upgrade on Item Above (Slate)	22.005	22.01T
3	CWFILL-30	Wall Cabinet Filler 3W x 30H	33.75	101.25T
				Subtotal: 4,721.85

Note: Quote Valid 30 Days. FOB El Cajon. Approved Quote Must Accompany Purchase Order. Please e-mail purchase orders to orders@omnipacific.com

QTY	ITEM	DESCRIPTION	NET PRICE	TOTAL
		KITCHENETTE		0.00
1	SPECIAL (CABT)	Straight Top, 57-15/16W x 24D with Cutout for Sink	175.50	175.50T
1	L2HPL-G2	Grade 2 Premium Laminate Upgrade on Item Above	17.55	17.55T
1	SPECIAL (CABT)	Add Sink Cutout to Above Item (Includes Programming & Labor)	67.50	67.50T
1	SPECIAL (CABT)	Base Cab't Dbl Door/Drawer-26-1/2W x 30-7/8H x 23D Plus 3/4" Doors w/ 3mm Door/Drawer Fronts & Pulls, 1 Adj Shelf	496.80	496.80T
1	L2CASEUP-G3	Grade 3 Case Upgrade on Item Above (Slate)	49.68	49.68T
1	SPECIAL (CABT)	Base Sink Cab't Dbl Door-26-1/2W x 30-7/8H x 23D Plus 3/4" Thick Doors w/ 3mm Edge & Pulls, No Top/Plumbing Access in Back	387.00	387.00T
1	L2CASEUP-G3	Grade 3 Case Upgrade on Item Above (Slate)	38.70	38.70T
2	CBFILL-31	Base Cabinet Filler 3W x 30-7/8H	45.90	91.80T
1	LB	Loose Base for Cabinetry (above)	0.00	0.00T
				Subtotal: 1,324.53
		BREAK AREA CABINETRY		0.00
1	SPECIAL (LIN)	4" OMNIwall, No Channel - 24W x 54H	412.20	412.20T
1	L2HPL-G2	Grade 2 Premium Laminate Upgrade on Item Above	41.22	41.22T
1	SPECIAL (LIN)	Wall Starter for 54H OMNIwalls	45.00	45.00T
1	SPECIAL (CABT)	Straight Top, 79-1/4W x 18D	237.60	237.60T
1	L2HPL-G2	Grade 2 Premium Laminate Upgrade on Item Above	23.76	23.76T
1	SPECIAL (CABT)	Straight Top, 21-1/4W x 18D	79.20	79.20T
1	L2HPL-G2	Grade 2 Premium Laminate Upgrade on Item Above	7.92	7.92T
2	SPECIAL (CABT)	Base Cab't Dbl Door-30W x 30-7/8H x 17D Plus 3/4" Thick Doors w/ 3mm Door Fronts & Pulls, 1 Adj Shelf	374.40	748.80T
2	L2CASEUP-G3	Grade 3 Case Upgrade on Item Above (Slate)	37.44	74.88T
1	SPECIAL (CABT)	Base 5 Drawer Bank 20W x 30-7/8H x 17D Plus 3/4" Drawers w/ 3mm Drawer Fronts and Pulls	677.25	677.25T
1	L2CASEUP-G3	Grade 3 Case Upgrade on Item Above (Slate)	67.725	67.73T
2	CBFILL-31	Base Cabinet Filler 3W x 30-7/8H	45.90	91.80T
2	LB	Loose Base for Cabinetry (above)	0.00	0.00T
				Subtotal: 2,507.36
		- PRIVATE OFFICE -		0.00
1	SPECIAL (LIN)	Linea DogLeg Work Surface 72WL x 36WR x 30DL x 24DR	295.65	295.65T

Note: Quote Valid 30 Days. FOB El Cajon. Approved Quote Must Accompany Purchase Order. Please e-mail purchase orders to orders@omnipacific.com

QTY	ITEM	DESCRIPTION	NET PRICE	TOTAL
1	L2HPL-G2	Grade 2 Premium Laminate Upgrade on Item Above	29.565	29.57T
1	L2GR-RI	Add Grommet to Above Worksurface, Inset for Modesty, Right	13.50	13.50T
1	L2T2442	Linea Straight Work Surface 42W x 24D	130.50	130.50T
1	L2HPL-G2	Grade 2 Premium Laminate Upgrade on Item Above	13.05	13.05T
1	L2T2460	Linea Straight Work Surface 60W x 24D w/ArcBar Support	175.50	175.50T
1	L2HPL-G2	Grade 2 Premium Laminate Upgrade on Item Above	17.55	17.55T
1	THAB-A	Electronic Height Adjustable Base (Silver) for 24D - 30D Tops from 48W - 84W with 24-3/4H - 50H AFF Height Range (200lb Weight Capacity) Includes Programmable 4-Position LED Controller (with 8ft Power Cord) - ASSEMBLED	477.00	477.00T
1	SPECIAL (LIN)	Linea Floating Half Modesty Panel (Laminate) 62W x 10H	100.80	100.80T
1	L2BF1628	Linea 16" Alumina Intermediate Frame Support for 30D Work Surface	142.20	142.20T
1	L2BBF	Linea Box/Box/ File Drawer Pedestal with Lock, Underdesk 16W x 28H	323.10	323.10T
1	L2CASEUP-G3	Grade 3 Case Upgrade on Item Above (Slate)	32.31	32.31T
2	L2LF30	Linea Two Drawer Lateral File with Lock, Underdesk 30W x 28H	443.25	886.50T
2	L2CASEUP-G3	Grade 3 Case Upgrade on Item Above (Slate)	44.325	88.65T
1	L2ES60-WM	Linea Elevated Storage with Sliding Doors, Standard Wall Mount (Back Inset for Mounting Cleat) 60W x 15H x 15-3/4D	516.00	516.00T
1	L2CASEUP-G3	Grade 3 Case Upgrade on Item Above (Slate)	51.60	51.60T
1	L2TB2360	Linea Tackboard 60W x 23H	142.20	142.20T
1	L2CMK	Linea Knuckle Cable Manager (Set of Two)	9.00	9.00T
1	SPECIAL (ELEC)	6-Outlet Power Strip	26.00	26.00T
				Subtotal: 3,470.68
1	Installation (Direct)	Delivery and Labor, where applicable is to be during normal business hours, Monday through Friday. Area must be free and clear ready to received goods.	5,385.00	5,385.00T

SUBTOTAL	60,952.05
TAX	5,333.30
TOTAL	\$66,285.35

Note: Quote Valid 30 Days. FOB El Cajon. Approved Quote Must Accompany Purchase Order. Please e-mail purchase orders to orders@omnipacific.com

Accepted By

Accepted Date

Note: Quote Valid 30 Days. FOB El Cajon. Approved Quote Must Accompany Purchase Order. Please e-mail purchase orders to orders@omnipacific.com



OMNI Pacific
 505 Raleigh Avenue
 El Cajon, CA 92020
 (619) 579-6664
 www.omnipacific.com

Quotation

ADDRESS
 OMNI Pacific

QUOTATION # 25286
DATE 08/27/2021

QUOTED BY
 MH

SIDEMARK
 NCPD Existing Furniture KD Inst

QTY	ITEM	DESCRIPTION	NET PRICE	TOTAL
1	Installation (Direct)	*Install team to knock down and store existing furniture. Client to confirm storage rm location*	3,870.00	3,870.00T
<p>Delivery and Labor, where applicable is to be during normal business hours, Monday through Friday. Area must be free and clear ready to received goods.</p>				

SUBTOTAL	3,870.00
TAX	338.63
TOTAL	\$4,208.63

Accepted By

Accepted Date



505 RALEIGH AVENUE
EL CAJON, CA 92020
619-579-6664 TEL
619-579-2705 FAX

PROJECT:
NATIONAL CITY PD

SIDE MARK:
OFFICE REDESIGN

DEALER:
OMNI PACIFIC

OMNI DESIGNER:
MH

SCALE:
NOT TO SCALE

ORIGINAL DATE:
06/01/21

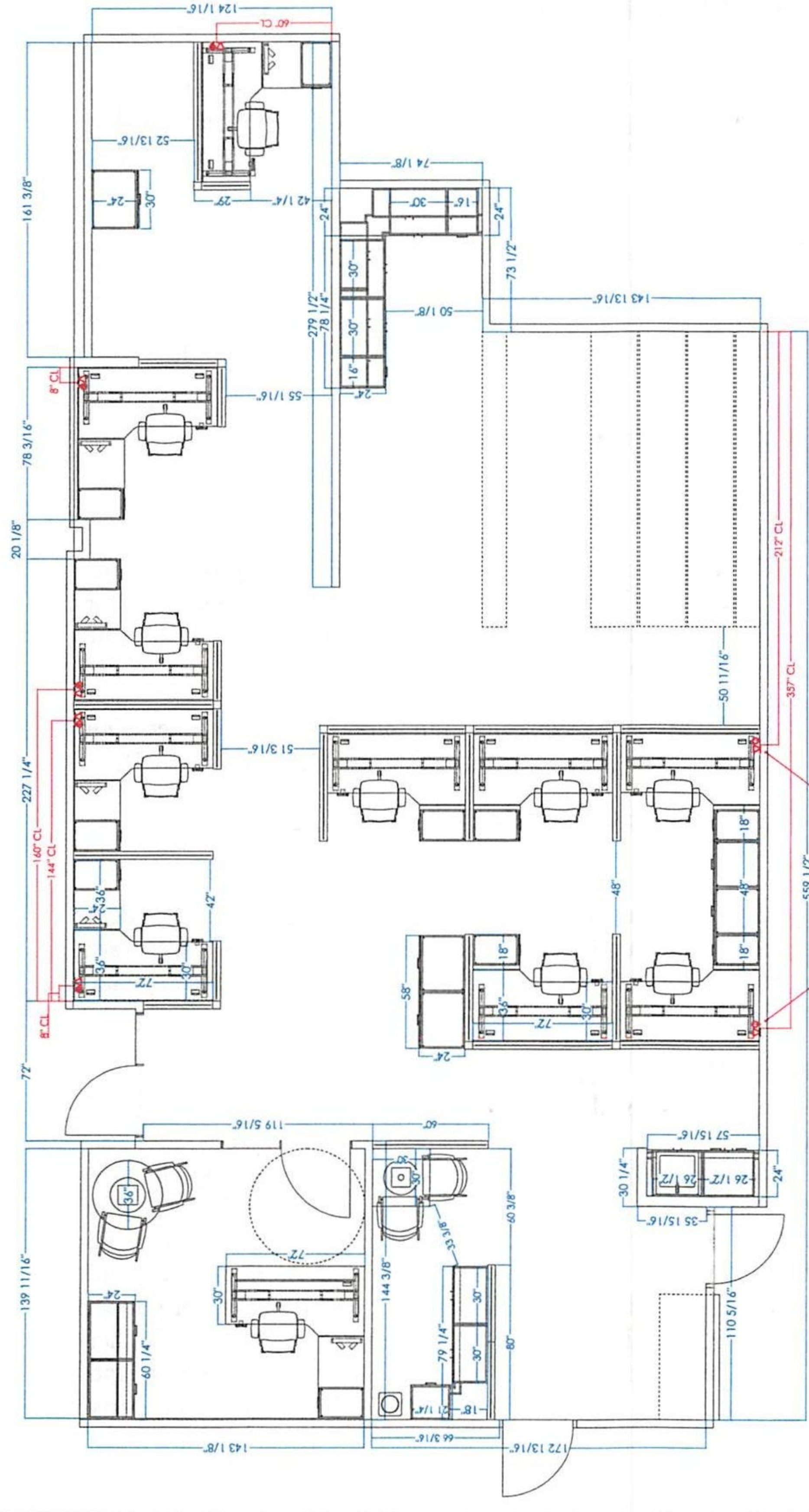
QUOTE NUMBER:
25176-REV 1

DEALER/CLIENT SIGNOFF:

REVISION	DATE
REV1 - MH	06/07/21

A-4

SHEET NUMBER



IDEAL:
(2) JBOXES WITH 2 CIRCUITS MIN. (4 CIRCUITS PREFERRED)

GOOD:
(1) JBOX WITH 2 CIRCUITS MIN. (4 CIRCUITS PREFERRED) ON EITHER LOCATION SHOWN ABOVE

SUGGESTED ELECTRICAL LOCATIONS

© Copyright 2009 OMNI Pacific. All ideas, designs, layouts and plans depicted by this drawing are the property of OMNI Pacific. These drawings were created, evolved and developed for use in connection with the specified project only and shall not be used or disclosed in any manner to any person, firm or corporation for any purpose whatsoever without the express written consent of OMNI Pacific. Written dimensions on these drawings shall have precedence over scaled dimensions. Dealer shall be responsible for the verification of all dimensions and conditions on the job, and OMNI Pacific must be notified of any as-built variations from the dimensions listed on these drawings.

**SHORT FORM SERVICES AGREEMENT
BY AND BETWEEN
THE CITY OF NATIONAL CITY
AND
OMNI ENCLOSURES**

THIS AGREEMENT is entered into this 15th day of February, 2022, by and between the CITY OF NATIONAL CITY, a municipal corporation (the "CITY"), and **OMNI ENCLOSURES, INC, dba OMNI PACIFIC**, a California corporation (the "CONTRACTOR").

NOW, THEREFORE, CITY agrees to engage CONTRACTOR to perform the services set forth herein in accordance with the following terms and conditions:

1. **Description of Services.** CONTRACTOR shall provide services as outlined in attached proposal, Exhibit "A".

2. **Length of Agreement.** The schedule is set forth below:

The duration of this Agreement is from February 15, 2022 through July 28, 2022.

3. **Compensation.** The total compensation to CONTRACTOR for providing the services set forth herein shall not exceed a one-time cost of \$70,493.98. The compensation for CONTRACTOR'S work shall be based upon and not exceed the rates given in Exhibit "A" (the labor rates) without prior written authorization from CITY.

4. **Payment Schedule.** CITY will make payment within thirty (30) days of receiving and approving a billing statement for the satisfactorily completed services of CONTRACTOR.

5. **Termination.** CITY may terminate this Agreement at any time by providing one (1) day's written notice to CONTRACTOR.

6. **Independent Contractor.** It is agreed that CONTRACTOR is an independent Contractor, and all persons working for or under the direction of CONTRACTOR are CONTRACTOR'S agents, servants and employees, and said persons shall not be deemed agents, servants, or employees of CITY.

7. **Insurance.** CONTRACTOR shall obtain:

A. If checked, Professional Liability Insurance (errors and omissions) with minimum limits of \$1,000,000 per occurrence.

B. Automobile insurance covering all bodily injury and property damage incurred during the performance of this Agreement, with a minimum coverage of \$1,000,000 combined single limit per accident. Such automobile insurance shall include owned, non-owned, and hired vehicles. The policy shall name the CITY and its officers, agents, employees, and volunteers as additional insureds, and a separate additional insured endorsement shall be provided.

C. Commercial General Liability Insurance, with minimum limits of either \$2,000,000 per occurrence and \$4,000,000 aggregate, or \$1,000,000 per occurrence and \$2,000,000 aggregate with a \$2,000,000 umbrella policy, covering all bodily injury and property

damage arising out of its operations, work, or performance under this Agreement. The policy shall name the CITY and its officers, agents, employees, and volunteers as additional insureds, and a separate additional insured endorsement shall be provided. The general aggregate limit must apply solely to this "project" or "location". The "project" or "location" should be noted with specificity on an endorsement that shall be incorporated into the policy.

D. Workers' compensation insurance in an amount sufficient to meet statutory requirements covering all of CONTRACTOR'S employees and employers' liability insurance with limits of at least \$1,000,000 per accident. In addition, the policy shall be endorsed with a waiver of subrogation in favor of the CITY. Said endorsement shall be provided prior to commencement of work under this Agreement.

If CONSULTANT has no employees subject to the California Workers' Compensation and Labor laws, CONSULTANT shall execute a Declaration to that effect. Said Declaration shall be provided to CONSULTANT by CITY.

E. The aforesaid policies shall constitute primary insurance as to the CITY, its officers, employees, and volunteers, so that any other policies held by the CITY shall not contribute to any loss under said insurance. Said policies shall provide for thirty (30) days prior written notice to the CITY's Risk Manager, at the address listed in subsection G below, of cancellation or material change.

F. Said policies, except for the professional liability and workers' compensation policies, shall name the CITY and its officers, agents, employees, and volunteers as additional insureds, and separate additional insured endorsements shall be provided.

G. The Certificate Holder for all policies of insurance required by this Section shall be:

City of National City
c/o Risk Manager
1243 National City Boulevard
National City, CA 91950-4397

H. If required insurance coverage is provided on a "claims made" rather than "occurrence" form, the CONTRACTOR shall maintain such insurance coverage for three years after expiration of the term (and any extensions) of this Agreement. In addition, the "retro" date must be on or before the date of this Agreement.

I. Insurance shall be written with only insurers authorized to conduct business in California which hold a current policy holder's alphabetic and financial size category rating of not less than A:VII according to the current Best's Key Rating Guide, or a company of equal financial stability that is approved by the City's Risk Manager. In the event coverage is provided by non-admitted "surplus lines" carriers, they must be included on the most recent List of Approved Surplus Line Insurers ("LASLI") and otherwise meet rating requirements.

J. This Agreement shall not take effect until certificate(s) or other sufficient proof that these insurance provisions have been complied with, are filed with, and approved by the CITY's Risk Manager. If the CONTRACTOR does not keep all insurance policies required by this Section 7 in full force and effect at all times during the term of this Agreement, the CITY may treat the failure to maintain the requisite insurance as a breach of this Agreement and terminate the Agreement as provided herein.

K. All deductibles and self-insured retentions in excess of \$10,000 must be disclosed to and approved by the CITY. CITY reserves the right to modify the insurance

R
TPB

requirements of this Section 7, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances.

L. If the CONTRACTOR maintains broader coverage or higher limits (or both) than the minimum limits shown above, the CITY shall be entitled to the broader coverage or higher limits (or both) maintained by the CONTRACTOR. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the CITY.

8. **Indemnification and Hold Harmless.** To the maximum extent provided by law, the CONTRACTOR agrees to defend, indemnify and hold harmless the City of National City, its officers, officials, agents, employees, and volunteers against and from any and all liability, loss, damages to property, injuries to, or death of any person or persons, and all claims, demands, suits, actions, proceedings, reasonable attorneys' fees, and defense costs, of any kind or nature, including workers' compensation claims, of or by anyone whomsoever, resulting from or arising out of the CONTRACTOR'S performance or other obligations under this Agreement; provided, however, that this indemnification and hold harmless shall not include any claims or liability arising from the established sole negligence or willful misconduct of the CITY, its agents, officers employees, or volunteers. CITY will cooperate reasonably in the defense of any action, and CONTRACTOR shall employ competent counsel, reasonably acceptable to the City Attorney.

The indemnity, defense, and hold harmless obligations contained herein shall survive the termination of this Agreement for any alleged or actual omission, act, or negligence under this Agreement that occurred during the term of this Agreement.

8. **EMPLOYEE PAYMENTS AND INDEMNIFICATION.**

9.1 **PERS Eligibility Indemnification.** If CONTRACTOR's employee(s) providing services under this Agreement claims, or is determined by a court of competent jurisdiction or the California Public Employees Retirement System ("PERS") to be eligible for enrollment in PERS of the CITY, CONTRACTOR shall indemnify, defend, and hold harmless CITY for the payment of any employer and employee contributions for PERS benefits on behalf of the employee as well as for payment of any penalties and interest on such contributions which would otherwise be the responsibility of the CITY.

CONTRACTOR'S employees providing service under this Agreement shall not: (1) qualify for any compensation and benefit under PERS; (2) be entitled to any benefits under PERS; (3) enroll in PERS as an employee of CITY; (4) receive any employer contributions paid by CITY for PERS benefits; or (5) be entitled to any other PERS-related benefit that would accrue to a CITY employee. CONTRACTOR's employees hereby waive any claims to benefits or compensation described in this Section 9. This Section 9 applies to CONTRACTOR notwithstanding any other agency, state or federal policy, rule, regulation, law or ordinance to the contrary.

9.2 **Limitation of CITY Liability.** The payment made to CONTRACTOR under this Agreement shall be the full and complete compensation to which CONTRACTOR and CONTRACTOR's officers, employees, agents, and subcontractors are entitled for performance of any work under this Agreement. Neither CONTRACTOR nor CONTRACTOR's officers, employees, agents, and subcontractors are entitled to any salary or wages, or retirement, health, leave or other fringe benefits applicable to CITY employees. The CITY will not make any federal or state tax withholdings on behalf of CONTRACTOR. The CITY shall not be required to pay any workers' compensation insurance on behalf of CONTRACTOR.

9.3 **Indemnification for Employee Payments.** CONTRACTOR agrees to defend and indemnify the CITY for any obligation, claim, suit, or demand for tax, retirement contribution including any contribution to PERS, social security, salary or wages, overtime payment, or workers' compensation payment which the CITY may be required to make on behalf of (1) CONTRACTOR, (2) any employee of CONTRACTOR, or (3) any employee of CONTRACTOR construed to be an employee of the CITY, for work performed under this Agreement. This is a continuing obligation that survives the termination of this Agreement.

9. **Acceptability of Work.** The CITY shall, with reasonable diligence, determine the quality or acceptability of the work, the manner of performance, and/or the compensation payable to the CONTRACTOR.

10. **Business License.** CONTRACTOR must possess or shall obtain business license from National City Finance Department before beginning work.

11. **Prevailing Wages.** State prevailing wage rates may apply to work performed under this Agreement. State prevailing wages rates apply to all public works contracts as set forth in California Labor Code, including but not limited to, Sections 1720, 1720.2, 1720.3, 1720.4, and 1771. CONTRACTOR is solely responsible to determine if State prevailing wage rates apply and, if applicable, pay such rates in accordance with all laws, ordinances, rules, and regulations.

12. **Administrative Provisions.**

A. ***Computation of Time Periods.*** If any date or time period provided for in this Agreement is or ends on a Saturday, Sunday or federal, state or legal holiday, then such date shall automatically be extended until 5:00 p.m. Pacific Time of the next day which is not a Saturday, Sunday or federal, state, or legal holiday.

B. ***Counterparts.*** This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, but all of which, together, shall constitute but one and the same instrument.

C. ***Captions.*** Any captions to, or headings of, the sections or subsections of this Agreement are solely for the convenience of the parties hereto, are not a part of this Agreement, and shall not be used for the interpretation or determination of the validity of this Agreement or any provision hereof.

D. ***No Obligations to Third Parties.*** Except as otherwise expressly provided herein, the execution and delivery of this Agreement shall not be deemed to confer any rights upon, or obligate any of the parties hereto, to any person or entity other than the parties hereto.

E. ***Exhibits and Schedules.*** The Exhibits and Schedules attached hereto are hereby incorporated herein by this reference for all purposes. To the extent any exhibits, schedules, or provisions thereof conflict or are inconsistent with the terms and conditions contained in this Agreement, the terms and conditions of this Agreement will control.

F. ***Amendment to this Agreement.*** The terms of this Agreement may not be modified or amended except by an instrument in writing executed by each of the parties hereto.

G. ***Assignment & Assumption of Rights.*** CONTRACTOR shall not assign this Agreement, in whole or in part, to any other party without first obtaining the written consent of CITY.

R JPB

H. *Waiver.* The waiver or failure to enforce any provision of this Agreement shall not operate as a waiver of any future breach of any such provision or any other provision hereof.

I. *Applicable Law.* This Agreement shall be governed by and construed in accordance with the laws of the State of California. The venue for any legal action arising under this Agreement shall be in either state or federal court in the County of San Diego, State of California. The CONTRACTOR shall comply with all laws, including federal, state, and local laws, whether now in force or subsequently enacted.

J. *Audit.* If this Agreement exceeds ten-thousand dollars (\$10,000), the parties shall be subject to the examination and audit of the State Auditor for a period of three (3) years after final payment under the Agreement, per Government Code Section 8546.7.

K. *Entire Agreement.* This Agreement supersedes any prior agreements, negotiations and communications, oral or written, and contains the entire agreement between the parties as to the subject matter hereof. No subsequent agreement, representation, or promise made by either party hereto, or by or to an employee, officer, agent, or representative of any party hereto shall be of any effect unless it is in writing and executed by the party to be bound thereby.

L. *Successors and Assigns.* This Agreement shall be binding upon and shall inure to the benefit of the successors and assigns of the parties hereto.

M. *Subcontractors or Subconsultants.* The CITY is engaging the services of the CONTRACTOR identified in this Agreement. The CONTRACTOR shall not subcontract any portion of the work, unless such subcontracting was part of the original proposal or is allowed by the CITY. In the event any portion of the work under this Agreement is subcontracted, the subcontractor(s) shall be required to comply with and agree to, for the benefit of and in favor of the CITY, both the insurance provisions in Section 7 and the indemnification and hold harmless provision of Section 8 of this Agreement.

N. *Construction.* The parties acknowledge and agree that (i) each party is of equal bargaining strength, (ii) each party has actively participated in the drafting, preparation and negotiation of this Agreement, (iii) each such party has consulted with or has had the opportunity to consult with its own, independent counsel and such other professional advisors as such party has deemed appropriate, relative to any and all matters contemplated under this Agreement, (iv) any rule or construction to the effect that ambiguities are to be resolved against the drafting party shall not apply in the interpretation of this Agreement, or any portions hereof, or any amendments hereto.

IN WITNESS WHEREOF, this Agreement is executed by CITY and by CONTRACTOR on the date and year first above written.

CITY OF NATIONAL CITY


By: _____
Alejandra Sotelo-Solis, Mayor

APPROVED AS TO FORM:

By: _____
Charles E. Bell Jr.
City Attorney

OMNI ENCLOSURES, (d.b.a. OMNI PACIFIC)

*(Corporation – signatures of two corporate officers required)
(Partnership or Sole proprietorship – one signature)*

By: 

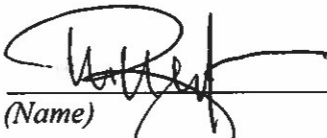
(Name)

Thomas P. Burke

(Print)

Chief Executive Officer

(Title)

By: 

(Name)

Tara K. Burke

(Print)

Chief Financial Officer

(Title)

CONTACT INFORMATION

CITY OF NATIONAL CITY
1243 National City Boulevard
National City, CA 91950-4397

Phone: (619) 336-4519
Fax: (619) 336-4525
Contact: Alejandro Hernandez
Title: Captain
Dep.: National City Police Dept.
Email: AHernandez@nationalcityca.gov

OMNI ENCLOSURES
505 Raleigh Ave
El Cajon, CA 92020

Phone: (619) 579-6664
Fax: (619) 579-2705
Contact: Melisa Holguin
Title: Lead Designer
Email: melisa@omnipacific.com
Taxpayer I.D. No.: 95-3668416

RESOLUTION NO. 2022 -

RESOLUTION OF CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, 1) AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH OMNI ENCLOSURES, INC. DBA OMNI PACIFIC TO PURCHASE AND INSTALL OFFICE FURNITURE FOR THE POLICE DEPARTMENT RECORDS DIVISION IN A NOT-TO-EXCEED AMOUNT OF \$70,493.98; AND 2) AUTHORIZING THE ESTABLISHMENT OF AN ASSET FORFEITURE FUND APPROPRIATION OF \$20,493.98 AND USE OF ASSET FORFEITURE FUND BALANCE FOR SAID EXPENDITURE

WHEREAS, the current City of National City (“City”) National City Police Records Division’s workstations and office furniture have exceeded their useful life and are scheduled to be replaced; and

WHEREAS, as a part of the Fiscal Year 2022 Capital Improvement Project (“CIP”) Budget, City Council approved \$50,000 for the office furniture purchase; and

WHEREAS, City staff received three (3) quotes; and

WHEREAS, Parron Hall provided the lowest quote in the amount of \$54,086.76, however, elected not to visit the City’s Police Records Division to review the site and did not provide City staff updated revisions as requested; and

WHEREAS, City staff reviewed the quotes submitted by Omni Enclosures, Inc. dba Omni Pacific’s (“Omni Pacific”) customer service, competitive pricing, a site visit to Omni Pacific’s warehouse, and invited Omni Pacific to visit the City’s Police Records Division to assess the City’s needs and refine the scope of services if necessary; and

WHEREAS, City staff and Omni Pacific determined that the City’s Police Records Division project would include an additional \$4,208.63 to demolish and remove existing furniture, bringing the total cost amount of \$70,493.98; and

WHEREAS, the National City Municipal Code (“NCMC”) Section 2.60.035 establishes bid limits and contracting and award authority and states that the City Council shall, by Resolution, approve all purchases and contracts exceeding fifty thousand dollars; and

WHEREAS, City Staff recommends that the City Council authorize the Mayor to execute an agreement with Omni Pacific to purchase and install office furniture for the City’s Police Department Records Division in a not-to-exceed amount of \$70,493.98.

///

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

Section 1: Authorizes the Mayor to execute an Agreement with Omni Enclosures, Inc. dba, Omni Pacific, to purchase and install office furniture for the Police Department Records Division in a not-to-exceed amount of \$70,493.98.

Section 2. Authorizes establishing an Asset Forfeiture Fund appropriation of \$20,493.98 and using the Asset Forfeiture fund balance for said expenditure.

Section 3. The City Clerk shall certify the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED and ADOPTED this 15th day of February 2022.

Alejandra Sotelo-Solis, Mayor

ATTEST:

Luz Molina, City Clerk

APPROVED AS TO FORM:

Charles E. Bell Jr., City Attorney

The following page(s) contain the backup material for Agenda Item: [Resolution of the City Council of the City of National City, California, 1\) approving the 341 E. 30th Street Subdivision Map, Case File Number 2016-23-S; 2\) authorizing the Mayor and City Clerk to sign the subdivision map; and 3\) accepting a portion of “D” Avenue dedication thereon. \(Engineering/Public Works\)](#)

Please scroll down to view the backup material.

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: February 15, 2022

AGENDA ITEM NO.:

ITEM TITLE:

Resolution of the City Council of the City of National City, California, 1) approving the 341 E. 30th Street Subdivision Map, Case File Number 2016-23-S; 2) authorizing the Mayor and City Clerk to sign the subdivision map; and 3) accepting a portion of "D" Avenue dedication thereon.

PREPARED BY: Charles Nissley, Sr. Engineering Tech.

DEPARTMENT: Engineering/Public Works

PHONE: (619) 336-4396

APPROVED BY: _____

EXPLANATION:

See staff report.

FINANCIAL STATEMENT:

APPROVED: _____ **FINANCE**

ACCOUNT NO.

APPROVED: _____ **MIS**

N/A

ENVIRONMENTAL REVIEW:

This action is not subject to review under the California Environmental Quality Act (CEQA).

ORDINANCE: INTRODUCTION FINAL ADOPTION

STAFF RECOMMENDATION:

Adopt the Resolution approving the 341 E. 30th Street Subdivision Map, Case File Number 2016-23-S, authorizing the Mayor and City Clerk to sign the map, and accepting a portion of "D" Avenue dedicated thereon.

BOARD / COMMISSION RECOMMENDATION:

N/A

ATTACHMENTS:

1. Explanation
2. Subdivision Map
3. Copy of Map Tax Clearance Certificate
4. Renderings of Completed Project
5. Resolution

Explanation

Raintree Residential, LLC (Owner), A Delaware Limited Liability Company, the owner of the property located at 341 E. 30TH Street, Case File Number 2016-23-S, APN 562 190 32 00, has submitted a final subdivision map to create a 12-unit residential and commercial condominium complex.

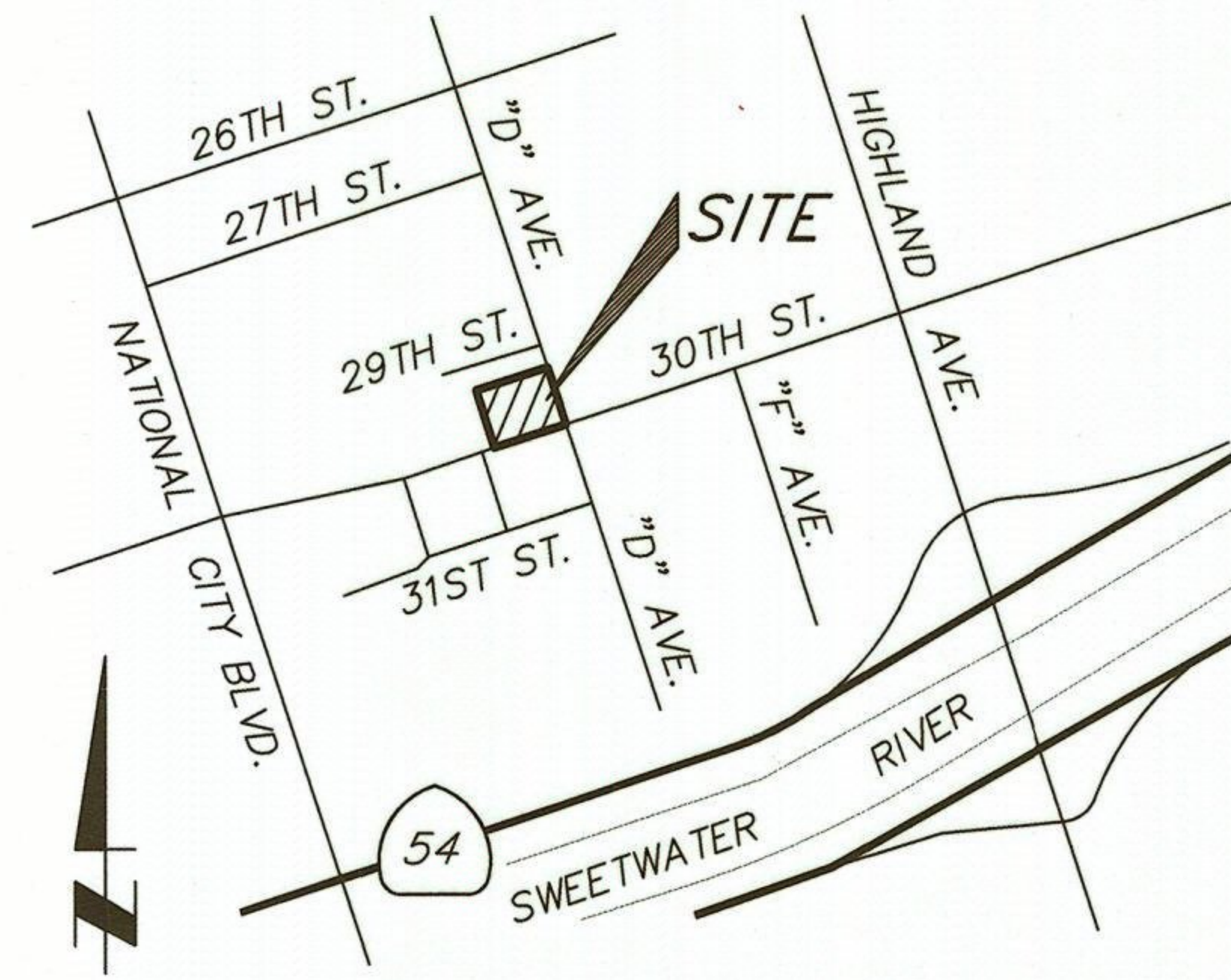
The final map has been submitted and staff has determined that the map conforms to the tentative map, the California Subdivision Map Act (Map Act), and the National City Municipal Code (NCMC), and that it is technically correct.

Staff recommends that the City Council approve the map, authorize the Mayor and City Clerk to sign the map, and accept a portion of "D" Avenue as dedicated hereon.

CASE NO. 2016-23-S, IN THE CITY OF NATIONAL CITY

RAINTREE COURT

FOR CONDOMINIUM PURPOSES



VICINITY MAP
NOT TO SCALE

LINE DATA		
	BEARING	LENGTH
L1	N39°45'29"W	93.07'
	(N41°01'02"W)	(93.06')

FOUND R.R. SPIKE PER ROS 23693 & ROS 11196.
ACCEPTED AS CENTERLINE INTERSECTION OF
27TH STREET AND "D" AVENUE.

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CALIFORNIA COORDINATE SYSTEM, CSRS EPOCH 2017.50 (NAD83), ZONE 6, AS DETERMINED LOCALLY BY A LINE BETWEEN CONTINUOUSLY OPERATING POSITIONING SYSTEM (CGPS) STATIONS "P473" AND "P475" AS DERIVED FROM GEODETIC VALUES PUBLISHED BY THE CALIFORNIA SPATIAL REFERENCE CENTER (CSRC), AND MEETS ALL REQUIREMENTS OF THE CALIFORNIA PUBLIC RESOURCES CODE. (I.E. N75°19'12"E)

QUOTED BEARINGS FROM REFERENCE MAPS OR DEEDS MAY OR MAY NOT BE IN TERMS OF SAID SYSTEM.

THE COMBINED GRID FACTOR AT POINT "A" IS 1.00002607.
GRID DISTANCE = GROUND DISTANCE TIMES COMBINED SCALE FACTOR.
ELEVATION AT POINT "A" IS 54.841' (NAVD 88).

NOTES

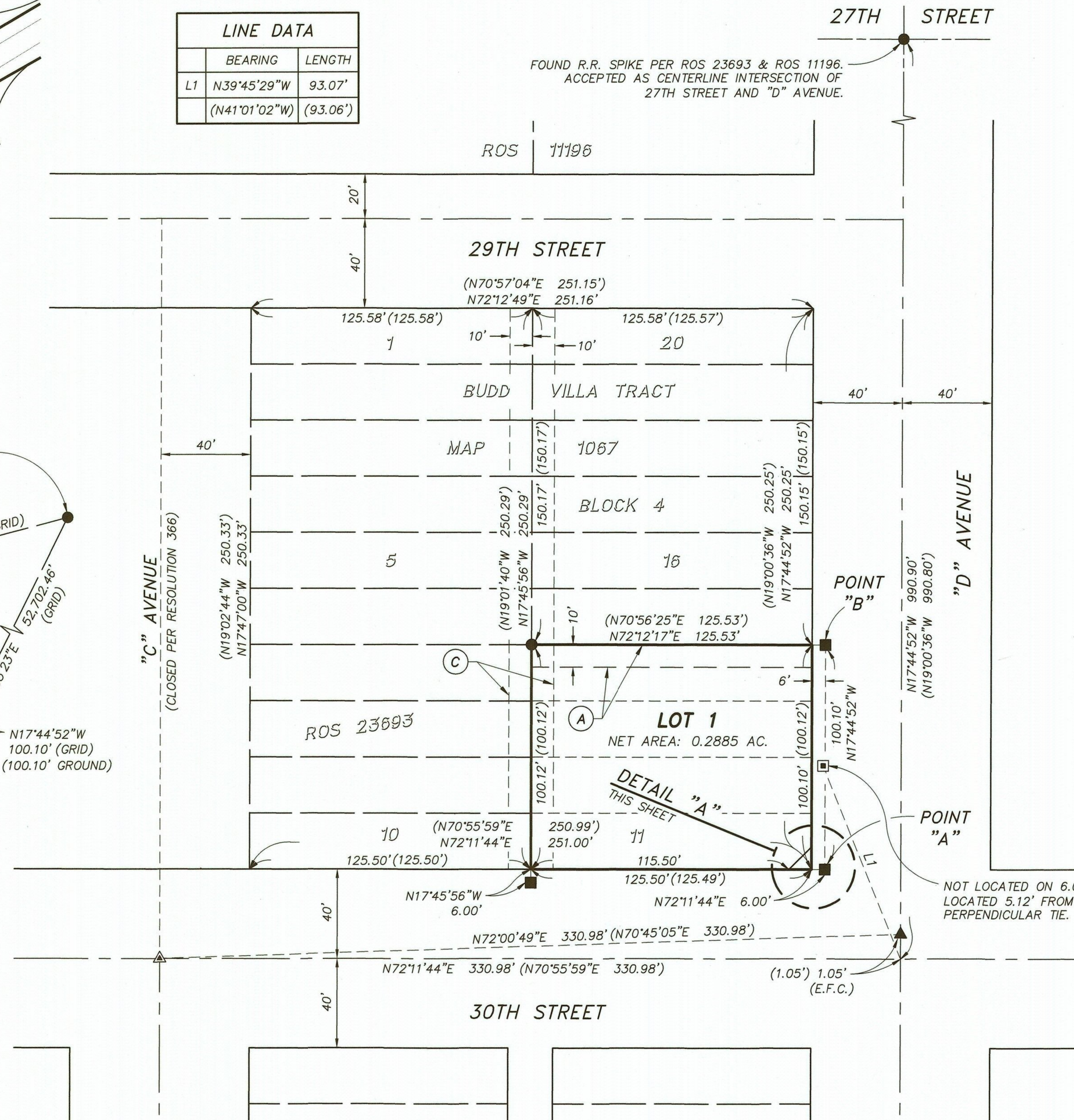
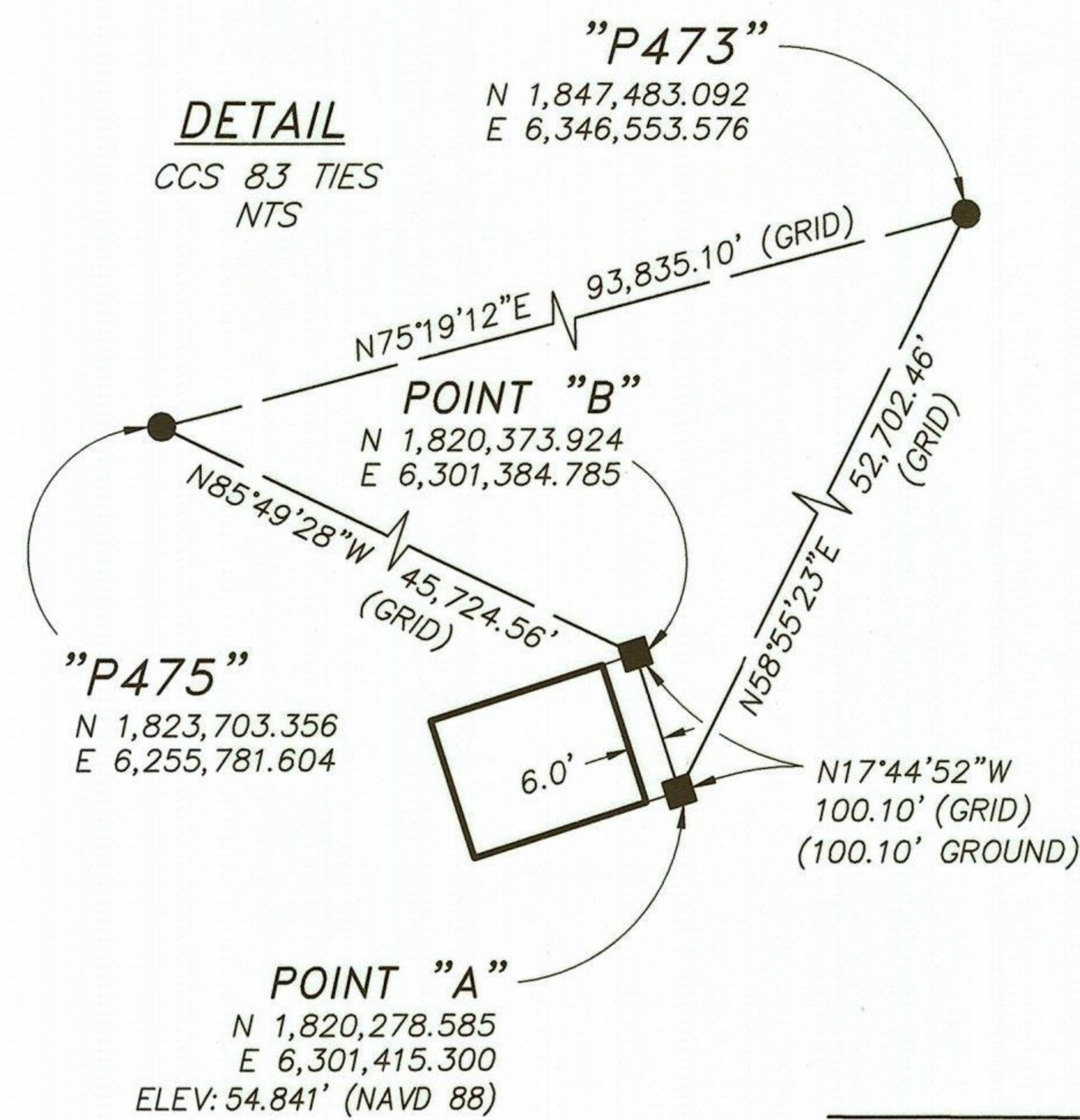
TOTAL AREA WITHIN SUBDIVISION BOUNDARY: 0.2885 ACRES.

TOTAL NUMBER OF LOTS: 1

ALL DISTANCES SHOWN IN THIS MAP HAVE A PRECISION OF .01 FOOT, REGARDLESS OF THE NUMBER OF DECIMAL PLACES SHOWN.

LEGEND

- BOUNDARY (LOT 1)
- - - CENTERLINE
- RIGHT-OF-WAY LINE
- EXISTING LOT LINES
- - - TIE LINES AND OFFSET LINES
- ▲ INDICATES FOUND BRASS DISC STAMPED "SD. CO. ENGR. DEPT SURVEY MON NO. 19" IN STANDARD STREET SURVEY WELL MONUMENT. ACCEPTED AS 1.05' OFFSET TO CENTERLINE OF 30TH STREET PER ROS 23693.
- ▲ INDICATES FOUND BRASS DISC STAMPED "SD. CO. ENGR. DEPT SURVEY MON NO. 18" IN STANDARD STREET SURVEY WELL MONUMENT. ACCEPTED AS CENTERLINE INTERSECTION OF 30TH STREET AND "C" AVENUE (CLOSED) PER ROS 23693.
- INDICATES FOUND 3/4" IRON PIPE WITH DISC STAMPED "LS 5355" PER ROS 23693, UNLESS OTHERWISE NOTED.
- INDICATES FOUND LEAD & TAG STAMPED "LS 5355" PER ROS 23693.
- INDICATES FOUND LEAD & TACK PER NATIONAL CITY TIE POINT SHEET 1508L AND ROS 23693.
- () INDICATES RECORD DATA PER ROS 23693, UNLESS OTHERWISE NOTED.
- E.F.C. INDICATES EXAGGERATED FOR CLARITY
- NTS NOT TO SCALE
- (A) INDICATES EXISTING EASEMENT FOR DRIVEWAY PURPOSES PER DOC. REC. DECEMBER 2, 1999 AS DOC. NO. 1999-0790117, O.R.
- (B) INDICATES PORTION OF "D" AVENUE DEDICATED AND ACCEPTED HEREON.
- (C) INDICATES BLOCK 4 ALLEY CLOSURE PER RESOLUTION 11,057 PER DOC. REC. MAY 18, 1973 AS DOC. NO. 73-135195, O.R.

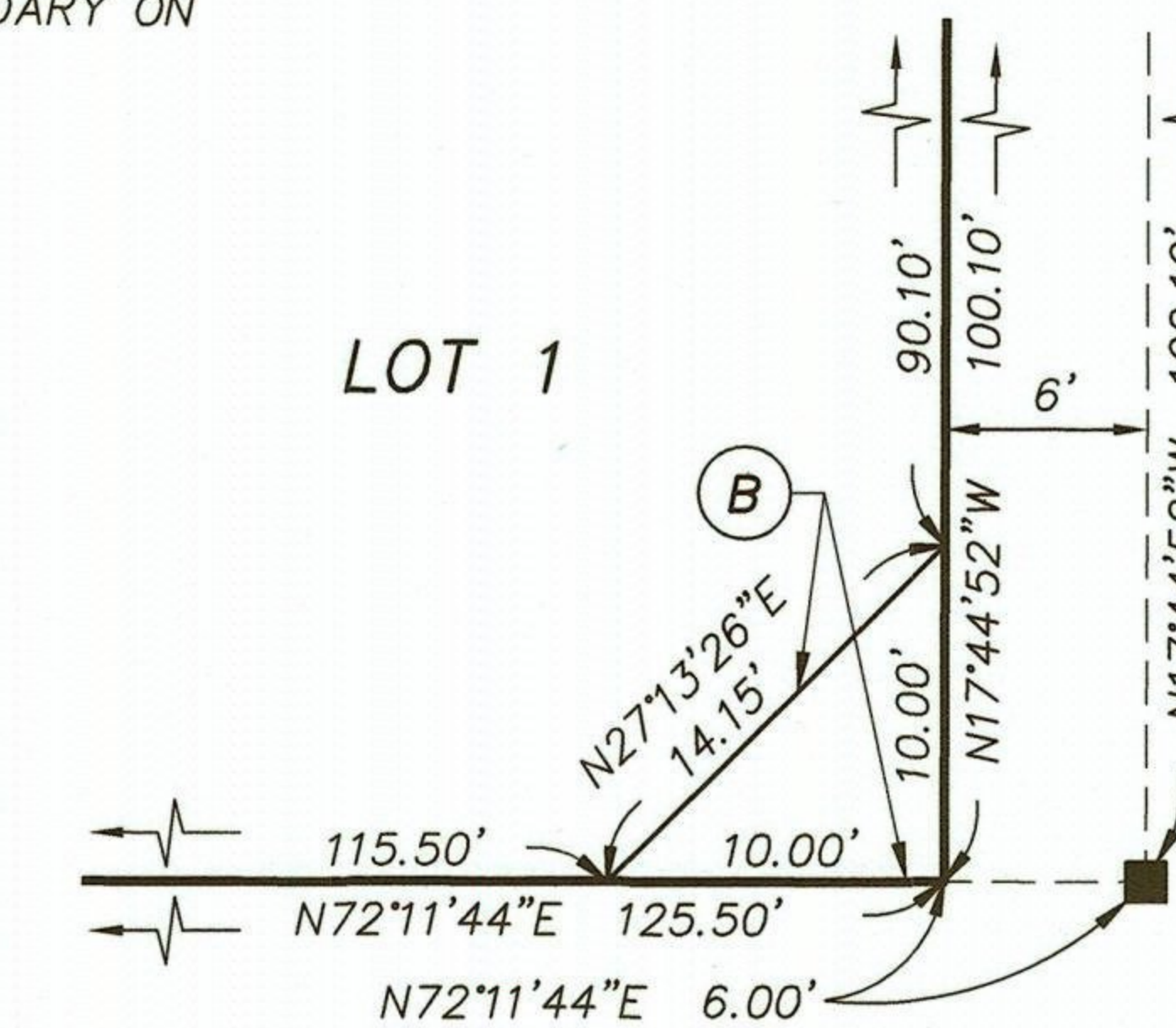
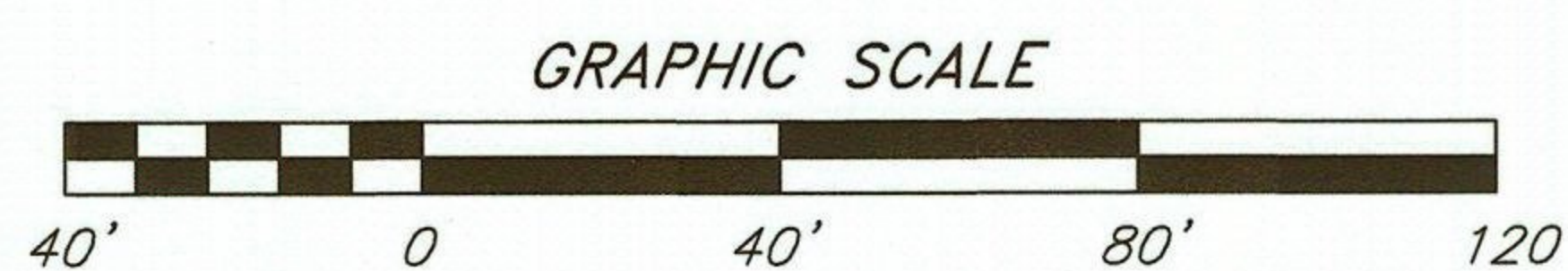


NOT LOCATED ON 6.00' OFFSET LINE.
LOCATED 5.12' FROM BOUNDARY ON
PERPENDICULAR TIE.

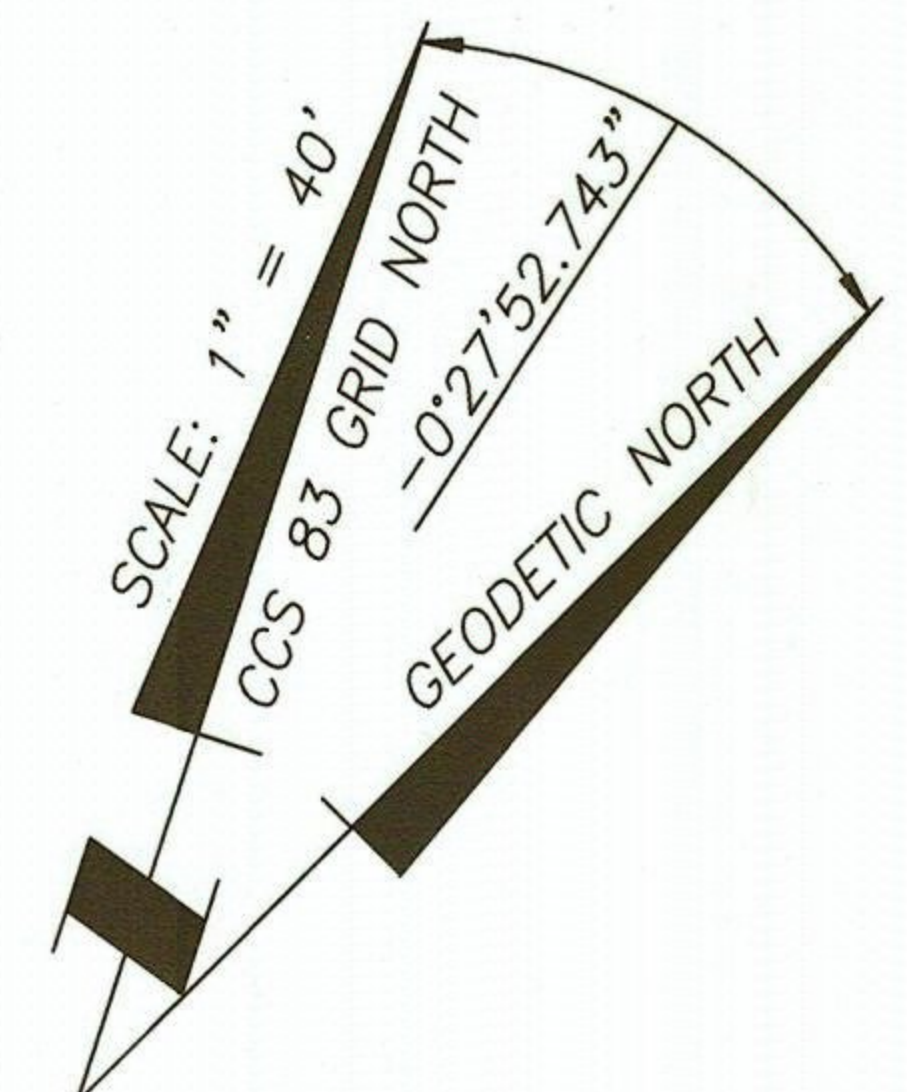
NON-PLOTTABLE EASEMENT STATEMENT

THE FOLLOWING EASEMENT HAS NO SPECIFIC LOCATION SET FORTH IN THE DOCUMENT AND IS NOT PLOTTED HEREON:

CALIFORNIA WATER AND TELEPHONE COMPANY, HOLDER OF AN EASEMENT FOR CONSTRUCTION AND MAINTENANCE OF FLUMES, CANALS OR ACQUEDUCTS PER DOCUMENT RECORDED JUNE 9, 1869 IN BOOK 7, PAGE 124 OF DEEDS.



DETAIL "A"
SCALE: 1" = 10'



SB&O INC.
PLANNING ENGINEERING SURVEYING
3990 Ruffin Road, Suite 120
San Diego, Ca. 92123
858-560-1141
858-560-8157 Fax 72562.01



DAN McALLISTER
San Diego County
Treasurer-Tax Collector
1600 Pacific Highway, Room 162
San Diego, CA 92101



DOC# 2021-6000101



Jul 13, 2021 09:33 AM
Ernest J. Dronenburg, Jr.,
SAN DIEGO COUNTY RECORDER
FEES: \$8.00

PAGES: 1

FILED

Recording Requested By and
When Recorded Mail To:

RAINTREE RESIDENTIAL LLC
c/o MICHAEL KOOTCHICK
P.O. BOX 2071
CARLSBAD CA 92018

THIS SPACE RESERVED FOR THE RECORDER'S OFFICE USE

This certificate must be filed with the San Diego County Recorder, and a conformed copy delivered to the appropriate legislative bodies within the County of San Diego

MAP TAX CLEARANCE CERTIFICATE

No **21-099**

TTC FILE NO.6875

STATE OF CALIFORNIA)
) ss:
COUNTY OF SAN DIEGO)

I, Dan McAllister, certify that I am the duly qualified and elected Treasurer - Tax Collector of the County of San Diego, State of California; that I have examined the records of my office as to delinquent taxes and assessments collected by the County of San Diego for the property within the subdivision or parcel map known as:

RAINTREE COURT

A final map is about to be filed with the appropriate legislative body in the County of San Diego for approval; and I hereby certify that according to the records of this office, there are **NO** liens against said subdivision or parcel map, or any part thereof, for unpaid State, County, Municipal or local taxes or special assessments collected as taxes for the lien date fiscal year **2020-21**, except taxes or special assessments not yet payable.

I further certify that there are against the parcel or parcels of real property within which the subdivision or parcel map is situated a lien for State, County, and local taxes, and special assessments collected as taxes which are not yet payable, and which I estimate as follows:

Tax Surety Bond Required **YES**

Bond Required for State, County, School and Special District Taxes: **\$6,000.00**

Located in **City of National City**

THIS CERTIFICATE VOID AFTER:

September 20, 2021

IN WITNESS WHEREOF,
I have hereunto set my hand this date

June 24, 2021

DAN McALLISTER
SAN DIEGO COUNTY TREASURER-TAX COLLECTOR

There are 1 Parcel Number(s):
562-190-32-00

By: Fortunata Pena
Deputy, Fortunata Pena



YAAG Y...

CALIFORNIA ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of San Diego

On 07/13/2021 before me, Connor Knack, Notary Public

personally appeared Michael A. Kootchick

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal. Signature [Handwritten Signature]

Place Notary Seal and/or Stamp Above

Signature of Notary Public

OPTIONAL

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document Title or Type of Document: Parcel Map

Document Date: 07/13/2021 Number of Pages:

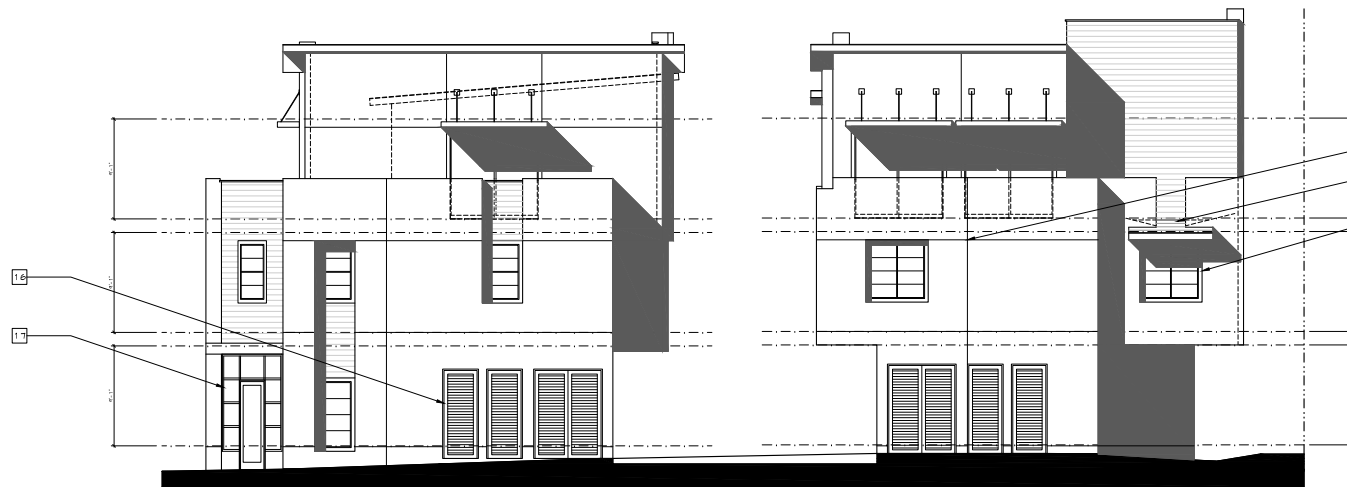
Signer(s) Other Than Named Above:

Capacity(ies) Claimed by Signer(s)

Signer's Name: Signer's Name:
Corporate Officer - Title(s):
Partner - Limited General
Individual Attorney in Fact
Trustee Guardian or Conservator
Other:
Signer is Representing:



SOUTH BUILDING
FRONT ELEVATION



SOUTH BUILDING
RIGHT SIDE ELEVATION

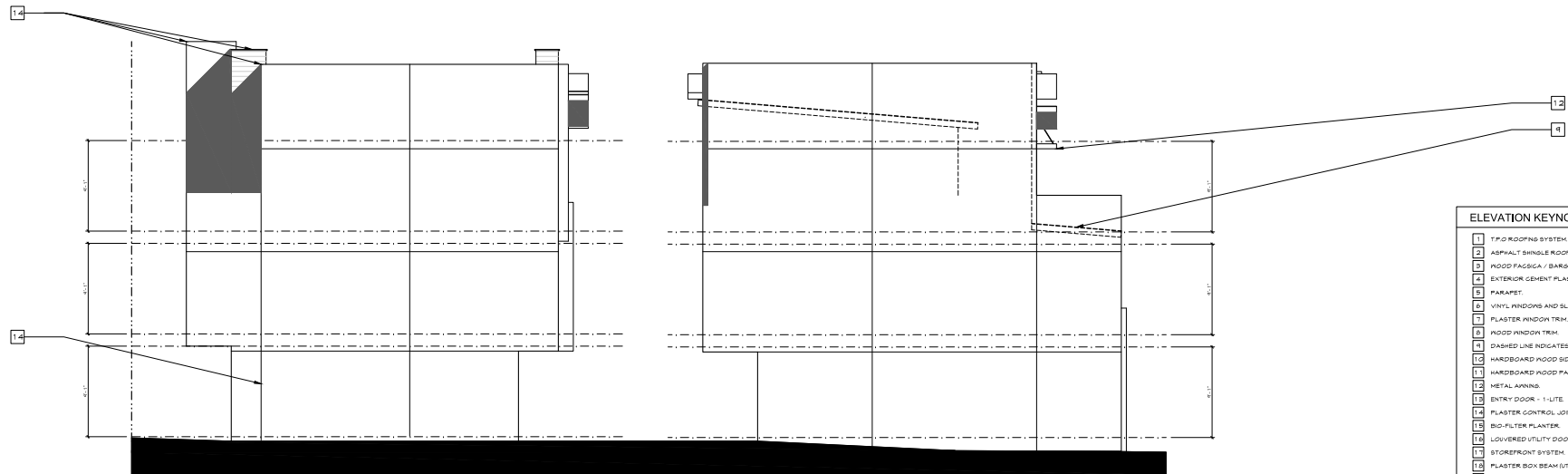
NORTH BUILDING
LEFT SIDE ELEVATION

ELEVATION KEYNOTES	
1	TPO ROOFING SYSTEM
2	ASPHALT SHINGLE ROOF
3	WOOD FASCIA / BARKS BOARD
4	EXTERIOR GEMENT PLASTER (INTEGRAL COLOR)
5	PARAPET
6	VINYL WINDOWS AND SLIDING GLASS DOORS
7	PLASTER WINDOW TRIM
8	WOOD WINDOW TRIM
9	DASHED LINE INDICATES ROOF BEYOND
10	HARDBOARD WOOD SIDING
11	HARDBOARD WOOD PANEL
12	METAL FINISH
13	ENTRY DOOR - 1-LITE
14	PLASTER CONTROL JOINT
15	BIO-FILTER PLANTER
16	COVERED UTILITY DOOR
17	STOREFRONT SYSTEM
18	PLASTER BOX BEAM (UTILITY CONDUIT)
19	ROLL UP SECTIONAL GARAGE DOOR





SOUTH BUILDING
REAR ELEVATION



NORTH BUILDING
LEFT SIDE ELEVATION

SOUTH BUILDING
RIGHT SIDE ELEVATION

ELEVATION KEYNOTES	
1	TPO ROOFING SYSTEM
2	ASPHALT SHINGLE ROOF
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15	BIO-FILTER PLANTER
16	DELIVERED UTILITY DOOR
17	STOREFRONT SYSTEM
18	PLASTER BOX BEAM (UTILITY CONDUIT)
19	ROLL UP SECTIONAL GARAGE DOOR

RAINTREE COURT
RAINTREE RESIDENTIAL, LLC
8/25/16 2016021P21.DWG

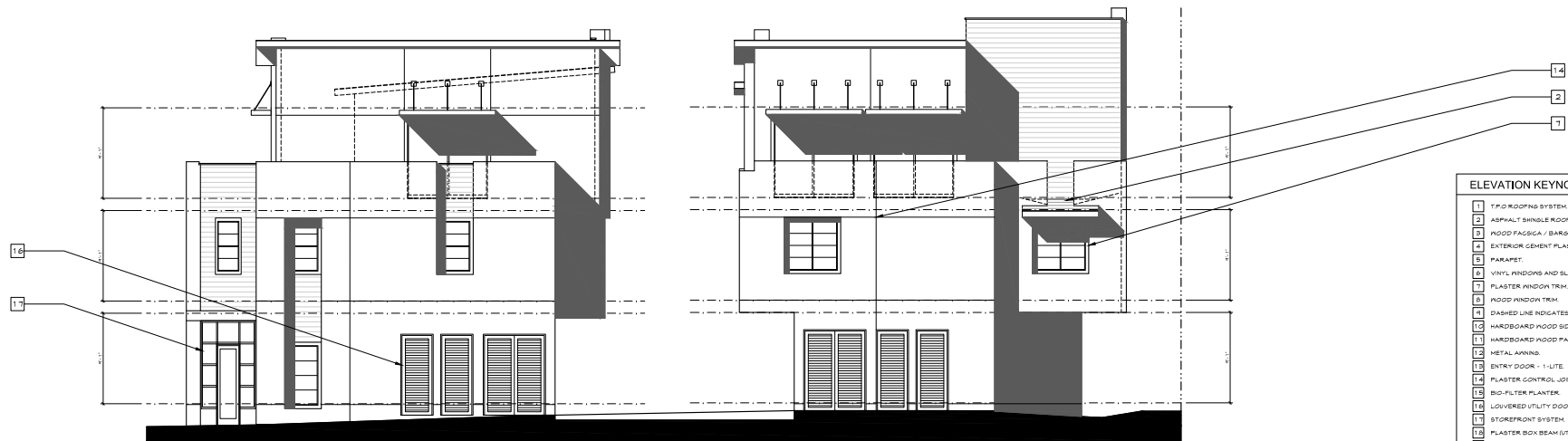
STARCK
ARCHITECTURE + PLANNING
2045 KETTNER BOULEVARD SUITE 100 SAN DIEGO CALIFORNIA 92101
FON: 619 299 7070 FAX: 619 295 8768

CA ARCHITECTURAL LICENSE C 10560

**NORTH BUILDING
EXTERIOR ELEVATIONS**
3/16/17-17-0
ISSUE DATE: 8/25/16



NORTH BUILDING
FRONT ELEVATION



SOUTH BUILDING
RIGHT SIDE ELEVATION

NORTH BUILDING
LEFT SIDE ELEVATION

ELEVATION KEYNOTES	
1	TPO ROOFING SYSTEM.
2	ASPHALT SHINGLE ROOF.
3	WOOD FASCIA / BARKS BOARD.
4	EXTERIOR GYPSUM PLASTER (INTEGRAL COLOR).
5	PARAPET.
6	VINYL WINDOWS AND SLIDING GLASS DOORS.
7	PLASTER WINDOW TRIM.
8	WOOD WINDOW TRIM.
9	DASHED LINE INDICATES ROOF BEYOND.
10	HARDBOARD WOOD SIDING.
11	HARDBOARD WOOD PANEL.
12	METAL FINISH.
13	ENTRY DOOR - 1-LITE.
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16	COVERED UTILITY DOOR.
17	STOREFRONT SYSTEM.
18	PLASTER BOX BEAM (UTILITY CONDUIT).
19	ROLL UP SECTIONAL GARAGE DOOR.

RAINTREE COURT
RAINTREE RESIDENTIAL, LLC
8/25/16 2016021P21.DWG

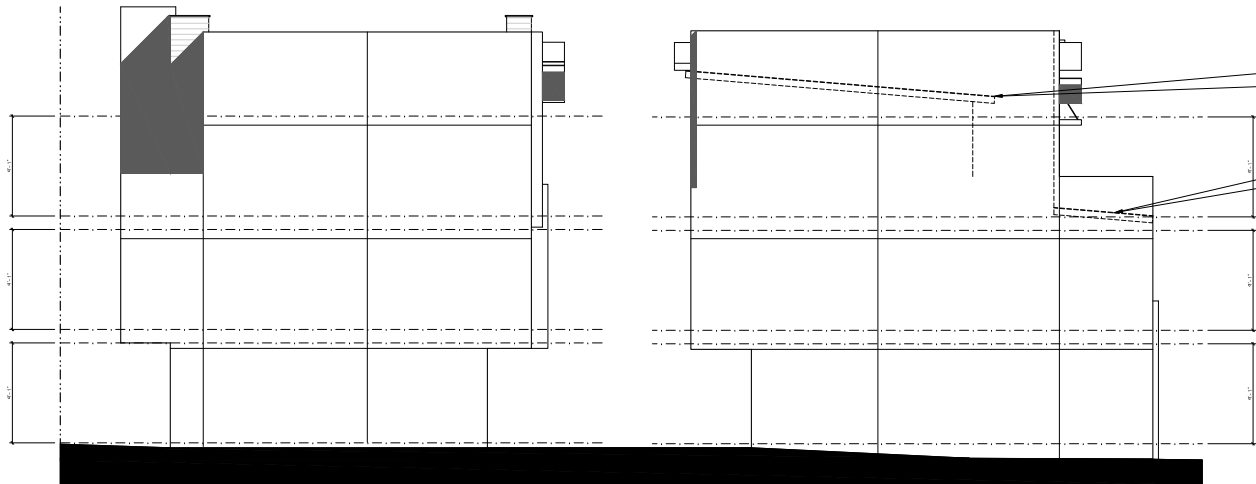
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CA ARCHITECTURAL LICENSE C 10560

**SOUTH BUILDING
EXTERIOR ELEVATIONS**
3/16/17
ISSUE DATE: 8/25/16



NORTH BUILDING
REAR ELEVATION



NORTH BUILDING
LEFT SIDE ELEVATION

SOUTH BUILDING
RIGHT SIDE ELEVATION

ELEVATION KEYNOTES	
1	TPO ROOFING SYSTEM
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RAINTREE COURT
RAINTREE RESIDENTIAL, LLC
8/25/16 2016021P21.DWG

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2045 KETTNER BOULEVARD SUITE 100 SAN DIEGO CALIFORNIA 92101
FON: 619 299 7070 FAX: 619 295 8768

CA ARCHITECTURAL LICENSE C 10560

**SOUTH BUILDING
EXTERIOR ELEVATIONS**
3/16"=1'-0"
ISSUE DATE: 8/25/16

RESOLUTION NO. 2022 -

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, FOR THE FOLLOWING: 1) APPROVING THE 341 EAST 30TH STREET FINAL SUBDIVISION MAP, CASE FILE NUMBER 2016-23-S, 2) ACCEPTING A PORTION OF “D” AVENUE DEDICATION THEREON, AND 3) AUTHORIZING THE MAYOR AND CITY CLERK TO SIGN SAID MAP FOR RECORDING AND FILING WITH THE SAN DIEGO COUNTY RECORDER'S OFFICE

WHEREAS, Raintree Residential, LLC (“Owner”) the owner of the property located at 341 East 30TH Street, APN 562-190-32-00; and

WHEREAS, the owner submitted a final subdivision map to create a twelve (12) unit residential and commercial condominium complex; and

WHEREAS, the parcel is currently vacant and approximately 12,500 square feet in size; and

WHEREAS, on June 6, 2017, following a Public Hearing, City Council adopted Resolution 2017-94 approving the tentative subdivision map; and

WHEREAS, the City Engineer reviewed the map and acknowledged that the subdivision is substantially the same as it appeared on the tentative map and any approved alterations thereof; and

WHEREAS, the City Engineer confirmed that the map complies with the Subdivision Map Act and National City Municipal Chapter 17, Subdivisions; and

WHEREAS, the City Engineer utilized Peter C. Golding, a State of California Licensed Land Surveyor, to review the map for technical correctness and sign the map acknowledging that it is technically correct; and

WHEREAS, City staff recommends City Council to approve the 341 East 30th Street Final Subdivision Map, Case File Number 2016-23-S, and accept a portion of “D” Avenue dedicated thereon and authorize the Mayor and City Clerk to sign said map for recording and filing with the San Diego County Recorder's Office.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

Section 1: Approves the 341 East 30th Street Final Subdivision Map, Case File Number 2016-23-S.

Section 2: Accepts a portion of “D” Avenue dedication thereon.

Section 3: Authorize the Mayor and City Clerk to sign said map for recording and filing with the San Diego County Recorder's Office.

Section 4: The City Clerk shall certify the passage and adoption of this Resolution and enter it into the book of original Resolution.

PASSED and ADOPTED this 15th day of February, 2022.

Alejandra Sotelo-Solis, Mayor

ATTEST:

Luz Molina, City Clerk

APPROVED AS TO FORM:

Charles E. Bell Jr., City Attorney

The following page(s) contain the backup material for Agenda Item: [Resolution of the City Council of the City of National City, California, approving an amendment to the salary schedule for the National City Municipal Employees Association \(NCMEA\) to add the classification of Food Services Worker and approving an amendment to the part-time salary schedule to update the classification of Food Services Worker. \(Administrative Services\)](#)

Please scroll down to view the backup material.

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: February 15, 2022

AGENDA ITEM NO. |

ITEM TITLE:

Resolution of the City Council of the City of National City, California, approving an amendment to the salary schedule for the National City Municipal Employees Association (NCMEA) to add the classification of Food Services Worker and approving an amendment to the part-time salary schedule to update the classification of Food Services Worker.

PREPARED BY: Molly Brennan

DEPARTMENT: Administrative Services

PHONE: 619-336-4265

APPROVED BY: 

EXPLANATION:

The labor agreement and salary schedule approved at the February 1st, 2022 City Council meeting between the City of National City and the National City Municipal Employees' Association (NCMEA) inadvertently left out the classification of Food Services Worker, as that position had previously been reflected only on the part-time salary schedule. NCMEA membership does include one benefited Food Services Worker who will receive the salary and benefits defined in the new MOU. The attached salary schedule update shows the addition of the Food Service Worker for each year of the new labor agreement.

The City employs one part-time Food Services Worker who is not an NCMEA member. It would be not be equitable to pay a lower hourly rate for work under the same classification simply because the employee works fewer hours each day. Therefore, the Food Services Worker position within the Part-Time Salary Schedule will be updated to remove the reference to the salary range pt077 and will instead reference the NCMEA schedule for the position holding the same title. Wages for all employees with the Food Services Worker classification will reference the same salary schedule.

FINANCIAL STATEMENT:

APPROVED:  **Finance**

ACCOUNT NO.

APPROVED: _____ **MIS**

The costs of the salary and benefit increases were included and approved during City Council Item 19 during the February 1st, 2022 regular City Council meeting.

ENVIRONMENTAL REVIEW:

This is not a project, and therefore, is not subject to environmental review.

ORDINANCE: INTRODUCTION: FINAL ADOPTION:

STAFF RECOMMENDATION:

Adopt the resolution approving an amendment to the NCMEA and Part-Time Salary Schedules to update the Food Services Worker classification.

BOARD / COMMISSION RECOMMENDATION:

ATTACHMENTS:

1. Resolution
2. Salary Schedule Update – Food Services Worker

**CITY OF NATIONAL CITY
NCMEA SALARY SCHEDULE UPDATE**

POSITION STEP HOURLY BIWEEKLY MONTHLY ANNUAL

**FOOD SERVICES WORKER
EFFECTIVE 02/08/2022**

A	16.14	1,291.48	2,798.21	33,578.53
B	16.90	1,352.28	2,929.94	35,159.33
C	17.70	1,416.28	3,068.61	36,823.33
D	18.54	1,483.48	3,214.21	38,570.53
E	19.42	1,553.88	3,366.74	40,400.93

**FOOD SERVICES WORKER
EFFECTIVE JANUARY 2023**

A	17.18	1,374.16	2,977.35	35,728.26
B	17.94	1,434.96	3,109.09	37,309.06
C	18.74	1,498.96	3,247.75	38,973.06
D	19.58	1,566.16	3,393.35	40,720.26
E	20.46	1,636.56	3,545.89	42,550.66

**FOOD SERVICES WORKER
EFFECTIVE JANUARY 2024**

A	18.21	1,456.85	3,156.50	37,877.99
B	18.97	1,517.65	3,288.23	39,458.79
C	19.77	1,581.65	3,426.90	41,122.79
D	20.61	1,648.85	3,572.50	42,869.99
E	21.49	1,719.25	3,725.03	44,700.39

RESOLUTION NO. 2022 -

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA APPROVING AN AMENDMENT TO THE SALARY SCHEDULE FOR THE NATIONAL CITY MUNICIPAL EMPLOYEES ASSOCIATION (NCMEA) TO ADD THE CLASSIFICATION OF FOOD SERVICES WORKER AND APPROVING AN AMENDMENT TO THE PART-TIME SALARY SCHEDULE TO UPDATE THE CLASSIFICATION OF FOOD SERVICES WORKER

WHEREAS, the City Council of the City of National City (“City Council” approved Resolution No. 2022–18 during the February 1, 2022 City Council meeting; and

WHEREAS, Resolution No. 2022-18 resolved, declared, and determined that the City Council approved the Memorandum of Understanding (“MOU”) between the City of National City and the National City Municipal Employees' Association (“NCMEA”); and

WHEREAS, the MOU inadvertently left out the classification of Food Services Worker, as that position had previously been reflected only on the part-time salary schedule; and

WHEREAS, the NCMEA membership does include one benefited Food Services Worker who will receive the salary and benefits defined in the new MOU; and

WHEREAS, the City employs one part-time Food Services Worker who is not an NCMEA member; and

WHEREAS, it is not equitable to pay a lower hourly rate for work performed under the same employment classification simply because a part-time employee works fewer hours each day than a full-time employee; and

WHEREAS, the Food Services Worker position within the Part-Time Salary Schedule will be updated to remove the reference to the salary range pt077 and will instead reference the NCMEA schedule for the position holding the same title; and

WHEREAS, City staff recommends City Council to approve the amendment to the NCMEA and Part-Time Salary Schedules to update the Food Services Worker classification.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

Section 1: Approves an amendment to the salary schedule for the National City Municipal Employees Association (“NCMEA”) to add the classification of Food Services Worker and approves an amendment to the part-time salary schedule to update the classification of Food Services Worker.

///

Resolution No. 2022 –
Page Two

Section 2. That the City Clerk shall certify the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED and ADOPTED this 15th day of February, 2022.

Alejandra Sotelo-Solis, Mayor

ATTEST:

Luz Molina, City Clerk

APPROVED AS TO FORM:

Charles E. Bell Jr., City Attorney

The following page(s) contain the backup material for Agenda Item: [Resolution of the City Council of National City, California approving proposed amendments to the Community and Police Relations Commission \(CPRC\) Operating Procedures and Bylaws. \(City Clerk\)](#)
Please scroll down to view the backup material.

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: February 15, 2022

AGENDA ITEM NO.:

ITEM TITLE:

Resolution of the City Council of National City, California approving proposed amendments to the Community and Police Relations Commission (CPRC) Operating Procedures and Bylaws.

PREPARED BY: Shelley Chapel

PHONE: 619-336-4225

DEPARTMENT: Deputy City Clerk

APPROVED BY: Shelley Chapel

EXPLANATION:

On November 16, 2021, the City Council reviewed and approved changes to the proposed amendments from the CPRC. Below is a summary of the changes approved by City Council and before you this evening for final consideration. Please refer to the attached redline versions of the Operating Procedures and Bylaws for the complete recommended Council edits.

See attached staff report.

FINANCIAL STATEMENT:

ACCOUNT NO.

APPROVED: _____ **FINANCE**

APPROVED: _____ **MIS**

No Fiscal Impact – This report is informational only, there is no fiscal impact associated with the report.

ENVIRONMENTAL REVIEW:

This is not a project and, therefore, not subject to environmental review.

ORDINANCE: **INTRODUCTION** **FINAL ADOPTION**

STAFF RECOMMENDATION:

Adopt the attached CPRC Operating Procedures and Bylaws.

BOARD / COMMISSION RECOMMENDATION:

The Community and Police Relations Commission approved the Operating Procedures as provided by a majority vote (5 in favor, 1 abstention) and approved the Bylaws as provided by a majority vote (4 in favor, 2 abstentions) during their October 7, 2021 meeting.

ATTACHMENTS:

1. National City Community and Police Relations Commission Operating Procedures – red line
2. National City Community and Police Relations Commission Operating Procedures – clean version
3. National City Community and Police Relations Commission Bylaws – red line
4. National City Community and Police Relations Commission Bylaws – clean version
5. Resolution

Staff Report - Community and Police Relations Commission Bylaws

Municipal Code Chapter 16.04 establishes the Community and Police Relations Commission (CPRC) and authorizes the CPRC to adopt bylaws and operating procedures from time to time, which shall be approved by the City Council, provided that if any provision of such bylaws or operating procedures conflicts with this Chapter 16.04, this chapter shall prevail. In the event of a conflict between the Bylaws and Operating Procedures, the Bylaws will take precedence. Both are subject to the City Municipal Code, as adopted and amended by the City Council.

Background

The City Council considered the CPRC Operating Procedures and Bylaws on February 7, 2006. The City Council acted to approve the Operating Procedures, but not the Bylaws. The consensus of the City Council was given to the members of the CPRC to adopt and amend its own Bylaws. Over the years the CPRC has made amendments to the Operating Procedures and Bylaws without formal approval of the City Council. The desire this evening is to bring both documents before the City Council for consideration in order to be compliant with Municipal Code Chapter 16.04.

On February 18, 2021, a CPRC subcommittee was established to review and provide recommendations on the Operating Procedures and Bylaws. Commissioners Daniel Orth and Zachary Gomez were selected to serve on the subcommittee.

On May 20, 2021, the subcommittee provided an update to the full Commission on the status of their work with the intent to provide all proposed edits during the next regular meeting.

On October 7, 2021, the subcommittee provided their proposed edits to the full Commission on the Operating Procedures and Bylaws. The Commission approved the Bylaws as provided by a majority vote (4 members in favor, 2 abstentions) during their October 7, 2021 meeting.

On November 16, 2021, the City Council reviewed and approved changes to the proposed amendments from the CPRC. Below is a summary of the changes approved by City Council and before you this evening for final consideration. Please refer to the attached redline versions of the Operating Procedures and Bylaws for the complete recommended Council edits.

Council Recommended Operating Procedure Amendments:

ARTICLE III. Community and Police Relations Commission

Section 3.02:

The appointment process of the CPRC shall follow City Council Policy #107 *Appointments to Boards, Commission and Committees* which was amended by Council on November 16, 2021.

Proposed Bylaws Amendments:

ARTICLE II – OFFICERS

Section 2. Chairperson and Section 3. Vice Chairperson

The Commission shall not have a current or former member of a National City Police Officer serve as Chairperson or Vice Chair.

ARTICLE III – MEETINGS

Section 11. Docketing of Items for Agenda

The docketing of agenda items shall follow City Council Policy #105 *Request by Member of City Council to Place an Item on a City Council Agenda* with slight variations to make the policy applicable to the Commission, which meets quarterly.

**National City Community and Police Relations Commission
Operating Procedures**

Article I. Purpose and Legal Considerations

Section 1.01 In October 2003, the City Council established the Community and Police Relations Commission (hereafter referred to as “Commission”). The Commission is to serve as an independent, unbiased and impartial office that is to be readily available to the public. The Commission shall be a medium for the improvement of police-community relations, and to facilitate mediation of disputes whenever possible. The Commission will provide a forum for Citizens to voice their concerns or comments about police conduct, practices and policies, and ameliorate adversity between Citizens and the National City Police hereafter referred to as “Department”). To carry out these functions, the Commission will function through the Office of the City Manager, to whom the Chief of Police reports.

The Commission is authorized to receive, investigate and review citizen complaints regarding Department personnel for alleged misconduct, and to recommend appropriate changes of Department policies and procedures toward the goals of safeguarding the rights of all persons and promoting higher standards of competency, efficiency and justice in the provision of community policing services. These Operating Procedures are not intended to replace or diminish the procedures already in place in the Department for investigating citizen complaints, but are intended as a method of supplementing those procedures in order to establish an element of transparency to the citizenry for the handling of those complaints.

The Commission shall not be required to conduct independent investigations when it is satisfied that its oversight responsibility can be satisfied by the monitoring and review of a Departmental investigation into a complaint. In this respect, the Commission shall be considered an integral part of the City’s management structure as an adjunct to the internal Department processing of citizen complaints, with an independent overview status to ensure transparency and correctness of process for the public.

The COMMISSION therefore adopts these operating procedures in furtherance of those objectives. These operating procedures shall define the authority and protocols of the COMMISSION and are hereby recommended for adoption by the Council in furtherance of the Council’s objectives.

Section 1.02 In the conduct of its affairs, the Commission will observe all applicable requirements of state and local law, including the following which have been summarized as follows:

(a) The Police Officers Bill of Rights (Government Code sections 3300, et seq.) which generally provides police officers certain protections and rights of representation and participation in

**National City Community and Police Relations Commission
Operating Procedures**

Investigations pertaining to their conduct, and the right of access to and comment upon any findings of that Investigation—whether positive or negative.

(b) Penal Code sections 832.5 and 832.7 which pertain to the procedures for Investigation of Complains involving police officers and safeguards against disclosure of the Findings of those Investigations and other information relating to police personnel files, except such specified disclosure as may be allowed only to the person who actually files the Complain.

(c) The Ralph M. Brown Act (Gov. Code, § 549501 et seq., hereinafter “the Brown Act,” or “the Act”) which shall govern open meetings for local government bodies.

(d) Department rules and procedures, which govern the rights and duties of Department personnel.

Section 1.03 Neither the Commission, Commission staff, nor any retained consultant shall comment upon or recommend the level of discipline for any officer pursuant to any review conducted under the authority of these operating procedures.

(a) Departmental discipline of any officer shall be independent of and not dependent upon any finding by the Commission or its review of any investigation. The Department will conduct discipline in a timely manner in accordance with law and its internal procedures.

(b) The Commission shall not interfere with the administration of the department, but shall make its recommendations for change or improvement to the Council, the City Manager or the Chief of Police, as appropriate, consistent with the operating procedures outlined herein.

Section 1.04 These operating procedures shall not be construed as restricting any individual from contacting the Mayor, the City Council, any individual Councilmember, the City Manager or the Chief of Police on any matter concerning the Department, whether favorable or adverse.

Article II. Definitions

Section 2.01 In these Operating Procedures:

"CHIEF" means the Chief of the Police DEPARTMENT.

"CITIZEN" means any person who is not an employee of the DEPARTMENT or organization.

“CITY” means the administrative offices, administrative staff, officers and officials, the physical location, all jurisdictional areas, and the elected representatives of the City of National City.

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“CITY ATTORNEY” means the City Attorney of the City of National City or their designee.

“CITY MANAGER” means the City Manager of the City of National City or their designee.

“COMMISSION” and “CPRC” refer to the Community and Police Relations Commission, whose members are appointed by City COUNCIL.

“COMMISSIONER” means an appointed member of the Community and Police Relations Commission.

“COMPLAINT” means a COMPLAINT by a CITIZEN of alleged OFFICER misconduct, or a DEPARTMENT employee or OFFICER who feels aggrieved by an INVESTIGATION or REVIEW.

“COMPLAINANT” means any person who files a COMPLAINT against an employee of the National City Police DEPARTMENT, or a DEPARTMENT employee or OFFICER who feels aggrieved by an INVESTIGATION or REVIEW.

“CONDUCT” means any act or omission by an OFFICER, whether commendable or constituting misconduct.

“CONSULTANT” means the professional staffing retained by the City MANAGER to work with the COMMISSION.

“COUNCIL” means the City Council and Mayor of the City of National City.

“DEPARTMENT” means the Police DEPARTMENT of the City of National City.

“FINDING” means a conclusion reached as a result of an INVESTIGATION, regarding whether a COMPLAINT is sustained, not sustained, unfounded, exonerated or frivolous.

“IAD” means the Internal Affairs Division of the DEPARTMENT, whose responsibilities and procedures are described in the DEPARTMENTs Manual of Rules and Regulations, specifically Operating Procedure No.1005, as amended from time to time.

“INCIDENT” means the alleged occurrence of misconduct by an OFFICER of the DEPARTMENT.

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“INVESTIGATE” or “INVESTIGATION” shall refer to a REVIEW of the formal Internal Affairs INVESTIGATION conducted by DEPARTMENT, as well as an informal INVESTIGATION conducted by a police supervisor into allegations of MISCONDUCT.

“MISCONDUCT” means an act or omission by an OFFICER during an encounter with a CITIZEN that allegedly violates DEPARTMENT regulations or orders, or other standards of conduct required of CITY employees.

“POLICY-RELATED ISSUE” means a topic pertaining to the DEPARTMENT’s hiring and training practices, the Manual of Policies and Procedures, equipment, and general supervision and management practices, but not pertaining specifically to the propriety or impropriety of a particular OFFICER’s conduct.

"OFFICER" means a sworn police OFFICER employed by the DEPARTMENT about whom a COMPLAINT has been submitted to the COMMISSION.

“OFFICER INVOLVED" means an incident involving a sworn police OFFICER employed by the DEPARTMENT about whom a COMPLAINT has been submitted to the COMMISSION.

“REQUEST FOR FURTHER REVIEW” or “REVIEW” means a request by an Complainant and the COMMISSION’s examination of an INVESTIGATION of, alleged OFFICER MISCONDUCT, respectively.

“SERVICE COMPLAINT” means a COMPLAINT that is not related to specific OFFICER misconduct but rather is related to services received from an OFFICER or the DEPARTMENT.

“SUPPORTED BY THE EVIDENCE” means the evidence supports a FINDING regarding a COMPLAINT, which a reasonable person could make in light of the evidence, regardless of whether or not the COMMISSION agrees with the FINDING.

“SUBPOENA” means a writ to be issued commanding the person or party designated in it to appear before the COMMISSION as a witness, or to produce documents constituting evidence contained in the INVESTIGATION.

Article III. Community and Police Relations Commission

Section 3.01 The Commission is established by the Council with staff support from the City Manager’s Office.

Section 3.02 The Commission shall be comprised of eight (8) individuals appointed by the Mayor with the approval of the City Council. Of the eight members, seven (7) shall be voting

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members, and one (1) shall be a non-voting member. Of the seven voting members, five (5) shall be residents of the City of National City. The one nonvoting member shall be a member of the National City Police Officers' Association POA. The City Council is authorized to appoint up to two alternate representatives to the primary POA representative, one of whom would attend Commission meetings when the primary representative is unable to attend, and who shall have the same rights and responsibilities as the primary representative.

Vacancies in Commissioner positions shall be nominated and appointed as follows per City Council Policy #107.:

Appointment Process:

- A. Opportunity to apply. All interested individuals shall be given an opportunity to submit applications for vacancies on City Boards, Commissions, and Committees. Incumbent Appointees are not automatically re-appointed but are required to fill out an abbreviated application provided by the City Clerk, indicating their interest in continuing to serve.

- B. Unexpired terms. If an incumbent Appointee was appointed to fill an unexpired term and the Appointee serves for less than one year in that position, the Council may re-appoint the incumbent without considering other applicants.

- C. Vacancies. When vacancies occur, the following procedure shall be followed:

- 1. Schedule vacancy. When a term is expiring or expires, public notice of the vacancy shall be made, inviting interested individuals to submit applications for the vacancy on a form provided by the City Clerk on the City website.

- Unscheduled vacancy. An unscheduled vacancy shall be filled according to Government Code Section 54974, which generally provides as follows: Whenever an unscheduled vacancy occurs, whether due to resignation, death, termination, or other causes, a special vacancy notice shall be posted in the Office of the City Clerk, the City website, outside City Hall on the Bulletin Board, and on City social media platforms not earlier than twenty (20) days before or not later than twenty (20) days after the vacancy occurs. The City Council shall not make a final appointment for at least ten (10) working days after posting the notice in designated locations. The notice's posting and application period shall be thirty (30) calendar days. However, if it finds that an emergency exists, the City Council may, fill the unscheduled vacancy immediately. According to this section, a person appointed to fill the vacancy shall serve only on an interim basis until the final appointment.

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The end of term for the members of Boards, Commissions, and Committees generally occurs in an annual rotation during the months of March and September. Appointments will be considered at those times unless a vacancy resulting from a resignation results in the lack of a Quorum on the Board, Commission, or Committee, in which case the appointment could occur at the time of the unscheduled vacancy in accordance with the procedure set out above.

D. Implementation. Implementation of Council policy for appointment to Boards, Commissions, and Committees requires the following:

1. Per Government Code Section 54972, on or before December 31 of each year, the City Council shall prepare a list of appointments of all regular and ongoing Boards, Commissions, and Committees appointed by the City Council. The City Clerk will prepare the list of all regular and ongoing Boards, Commissions, and Committees appointed by the Mayor or the City Council. The list shall contain a list of all terms that will expire during the next calendar year, the incumbent appointee's name, the appointment date, the term's expiration date, and the position's necessary qualifications. It shall also include a list of all Boards, Commissions, and Committees whose members serve at the City Council's pleasure and the qualifications required for each position. This Local Appointments List shall be made available to the public on the City website.

2. Notice. A public notice for vacancies must be placed in the newspaper of general circulation within the City, on the City's website, City Hall Bulletin Boards, and City social media platforms.

3. Expiration of term. All appointees will receive a letter as their terms expire asking if they would like to re-apply for the position.

4. Applications. Applications shall be available on the City website and in the City Clerk's Office. Submissions must be received before the advertised deadline for consideration for the appointment. All applications will be retained in the City Clerk's Office for one year from the date the application was submitted. During the one-year retention period of the application, an applicant shall be considered for other vacancies on Boards, Commissions, and Committees. The City Clerk's Office will notify the applicant being considered for an appointment to confirm that they are still interested in volunteering.

5. A member may only serve on one (1) Board, Commission, or Committee at a time. If an applicant applies for another position on a different Board, Commission, or Committee, that applicant will forfeit the prior seat and a vacancy will occur per policy.

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6. Interviews:

a. Mayor Appointments: Interviews for Mayoral appointments will be conducted by the Mayor outside of the public meeting and scheduled by the Mayor's Office.

b. City Council Appointments: Interviews for the four (4) Civil Service Commission, Planning Commission, Housing Advisory Committee, and Port Commission who serve at the City Council's pleasure and are appointed by the City Council as a body will be interviewed in the public forum at a City Council Meeting as described below.

7. Mayoral Appointments:

The Community and Police Relations Commission is a Mayoral Appointment.

The Mayor will make the motion to appoint (naming the appointee) and Councilmembers may second the motion. The City Clerk will then take a roll call vote of the City Council. A majority vote of the City Council will be required for the appointment. If the majority of the City Council choose to deny the proposed appointment, the Mayor shall either propose an alternative candidate from the current application pool or choose to reopen the application period and return to the City Council at a future City Council Meeting with a different applicant for consideration. If a Mayoral Appointment is not approved by the majority of the City Council by confirmation, that applicant is removed from the pool for that seat. The Mayor will return to a future meeting with a substitute Mayoral appointment.

10. Re-appointment beyond two terms. Anyone wishing to be re-appointed to any Board, Commission, or Committee and has served two or more full terms already must be approved by a four-fifths vote of the City Council. If all five members of the City Council are not present, or if one member abstains or recuses their vote, the four-fifths requirement shall be changed to require only a simple majority.

11. Report to Council:

All applications received for vacancies, whether Mayoral Appointment or City Council Appointment, will be attached to the staff report to Council. All applications will have private personal information redacted (name, street numbers and name of street address, and phone number). This redacted information is in alignment with Government Code Section 6255(a) because the public interest served by not disclosing the applicant's personal, private information and protection of the applicant's right to privacy outweighs the public interest served by disclosing that information.

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12. An automatic vacancy upon becoming a Non-Resident. An unscheduled vacancy automatically occurs when a resident holding an appointment position on a City Board, Committee, or Commission becomes a non-resident by moving out of National City limits. When an unscheduled vacancy occurs due to a resident becoming a non-resident, the unscheduled vacancy may be filled as follows:

a. A special vacancy notice shall be posted in the Office of the City Clerk, and in other places as directed by the City Council, not earlier than 20 days before or not later than 20 days after the vacancy occurs. Final Appointment at a City Council Meeting shall not be made by the Appointing Authority for at least 10 working days after the posting of the notice in the City Clerk's Office.

b. The Appointing Authority may appoint the former resident to a Non- Residential position if a Non-Residential position is vacant.

However, the Appointing Authority may, if it finds that an emergency exists, fill the unscheduled vacancy immediately. A person appointed to fill the vacancy shall serve only on an acting basis until the final appointment is made pursuant to this section.

13. Only City Residents may be elected to Chair and Vice-Chair positions. To be eligible to be elected as the Chairperson of a City Board, Committee, or Commission, the member must be a resident of the City.

14. Resignations, Attendance, Training, and Removals

Resignation:

If a Commissioner or Member of a Board, Committee, or Commission is unable to continue serving because of health, business requirements, or personal reasons, a letter of resignation shall be submitted to the City Clerk, who will present to the City Council.

Attendance:

Regular attendance at meetings is critical to be effective operation of City Boards, Commissions, and Committees. The City Council relies on the advice of the City's Boards, Commissions, and Committees, which is the result of discussions among appointed members. The City Council anticipates that members of Boards, Committees, and Commissions shall make every reasonable effort to attend all regular and special meetings of their respective Boards, Commissions, and Committees, and to be prepared to discuss matters on their respective agendas.

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A Commissioner or Member of a Board, Committee, or Commission shall be considered removed from any advisory board under the following conditions:

1. A Commissioner or Member of a Board, Committee, or Commission with unexcused absences from three consecutive regularly scheduled meetings.
2. A Commissioner or Member of a Board, Committee, or Commission misses more than 25% of the advisory body's meetings in a calendar year.
3. A Commissioner or Member of a Board, Committee, or Commission must be present at least one hour, or 50% of the entire meeting, whichever is less, to be counted as present for purposes of attendance.

Excused Absences:

An "excused absence" is only granted when absolutely necessary and pre-approved if at all possible. The City Council encourages Boards, Commissions, and Committees to refrain from scheduling meetings on cultural and religious holidays in order to encourage full participation by all Commissioners, Board Members, and the public. The pre-approval of excused absences will be by the body as a whole and documented in the meeting minutes.

Excused absences are listed as follows:

1. Illness of the Commissioner or Member of the Board, Committee, or Commission, their family member, or their personal friend;
2. Business commitment of the Commissioner or Member of the Board, Committee, or Commission that interferes with the attendance at a meeting;
3. Attendance of the Commissioner or Member of the Board, Committee, or Commission at a funeral, religious service or ceremony, wedding, or other similarly-significant event; or
4. Other reason for which the Commissioner or Member of the Board, Committee, or Commission has given notice to the Chairperson or Secretary of their unavailability fifteen (15) days in advance, as long as the unavailability is not expected to last longer than 30 days.

Removal:

The Secretary or Lead of each Board, Commission, or Committee will report the attendance to the Office of the City Clerk on a monthly basis. If the attendance or absences fall within these guidelines, the Office of the City Clerk will prepare a report to City Council for review and possible removal of the Commissioner, Member, or Alternate sitting on the Board, Committee, or Commission. Any Commissioner, Member, or Alternate sitting on a Board, Committee, or Commission may be removed from office at any time by a simple majority vote of the City Council at a regularly scheduled Council meeting with or without cause.

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Mandatory Training and Filing Requirements:

Commissioners and Members of Board, Committee, or Commission, as appointed by the legislative body, are entrusted with certain responsibilities and concomitant training and reporting. The following are requirements of Commissioners and Members of Boards, Commissions, and Committees. This training is required to be completed within 30 days of appointment or notification.

1. Oath of Office (Article XX of the California Constitution, and California Government Code Section 36507)
2. Fair Political Practices Commission (FPPC) Statement of Economic Interest Form 700 Filing (California Government Code Section 87100 et seq)
3. AB1234 Ethics Training (California Government Code Section 53235.1(b))
4. Sexual Harassment Training
5. Brown Act Training
6. Social Media Training
7. Any training required by State Law, Federal Law, or City Policies.

All training is offered in a variety of formats including in person, via Zoom, training website/software, and pre-recorded video. Currently, these are all requirements of the Mayor and City Council, and City staff.

Removal:

Failure to complete any of these requirements within 30 days of the appointment date or date of notification is cause for automatic removal.

~~(a) The Commission shall solicit applications through the City Clerk, the City Office of Community Services, the established Neighborhood Councils, the Council, and the general public.~~

~~(b) The City Manager shall appoint a committee to review applications and recommend an appropriate number of nominees to fill impending vacancies. The committee shall consist of two Commission members not applying for reappointment and one member of the community at-large identified by the City Clerk. This committee shall serve as the interview panel as needed.~~

~~(c) Selection criteria shall include a record of community involvement and the absence of any real or perceived bias or conflict of interest.~~

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~~(d) The application review committee shall recommend nominees to the Council for appointment, together with such nominees as the Council may wish to submit and consider.~~

~~(e) When selecting Commissioners, consideration should be given to appointments that will cause the group to reflect the demographic make-up of the City as best practicable. The final nominees selected by Council for appointment will be required to pass a criminal background check performed by an agency other than the Department prior to their actual appointment.~~

~~(f) In the event the Council fails to appoint a nominee, the City Manager shall initiate the process again within 30 days after the Council action.~~

Section 3.03 The Commission shall adhere to adopted Bylaws which shall be approved by Council and filed with the City Clerk of National City.

Section 3.04 The Commissioners shall be responsible for:

(a) Participating in orientation and training activities at least two times per year, that may include: reviewing of DEPARTMENT and IAD policies and procedures; attending the DEPARTMENT or County of San Diego Citizens' Academy; completing "ride-alongs" with OFFICERS; attending recruiting and academy workshops; the annual National Association for Civilian Oversight of Law Enforcement (NACOLE) Conference; attending training opportunities available to NCPD officers including but not limited to investigative practices, the Psychiatric Emergency Response Team (P.E.R.T.), de-escalation, racial bias, implicit bias, Department practices; and other relevant training opportunities.

(b) Service for a term of ~~two~~ three years, subject to reappointment by Council. Upon expiration of term, a Commissioner shall serve until re-appointed or replaced.

(c) Attending Commission meetings, except when excused for good cause.

(d) Serving staggered terms to better ensure continuity. A lottery shall be held during the next regularly scheduled meeting following the adoption of these procedures to establish the term of each Commissioner currently appointed. No more than four voting COMMISSIONERS shall be appointed to three years terms as a result of the lottery, all others shall be appointed to a term of one-year. All Commissioners will remain eligible for reappointment upon expiration of their term.

(e) Annually, electing a chair and vice-chair from among the Commissioners.

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- (f) Adopting operating policies and procedures as necessary and appropriate to carry out their duties in a fair and unbiased manner.
- (g) Receive and monitor or investigate citizen complaints regarding police conduct, but without interfering with the administration of the police department.
- (h) Request and receive supplemental information from the police department regarding citizen complaints and such other matters as the commission may request.
- (i) Allow parties the opportunity to mediate their disputes.
- (j) Make recommendations to the city council regarding additional duties that the commission may perform.
- (k) Make an annual report of its activities, findings and recommendations to the city council.
- (l) Advise on police department operations, and make recommendations on police policy issues.
- (m) Conduct investigations and hold public hearings. The commission has the power to examine witnesses under oath and compel their attendance or production of evidence by subpoena issued in the name of the city and attested by the city clerk. It shall be the duty of the chief of police to cause all such subpoenas to be served, and refusal of a person to attend or testify in answer to such a subpoena shall subject the person to prosecution in the same manner as set forth by law for failure to appear before the city council in response to a subpoena issued by the city council. Each member of the commission shall have the power to administer oaths to witnesses.
- (n) Keep a record of its resolutions, transactions, findings, and determinations, which record shall be a public record unless the city attorney determines otherwise.
(Ord. No. 2013-2381, § 1, 2-5-2013)

Article IV. Role of the City Council

Section 4.01 The Council shall review applications of nominees to the Commission, approve appointments and receive periodic reports on Commission activities.

Article V. Consultant Selection

Section 5.01 In consultation with the City Manager, the Commission may retain a Consultant to guide the independence of the Commission. The Consultant should be a person of recognized judgment, objectivity and integrity who is capable of analyzing problems of public administration and public policy, and who shall have a working knowledge commensurate with the duties of the Commission.

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Article VI. Staffing and Delegation

Section 6.01 The City Manager may appoint staff to assist the Commission if requested and may appoint other personnel necessary to carry out the provisions of these operating procedures in keeping within the adopted budget for the Commission.

Section 6.02 The City Attorney shall advise and represent the Commission.

Section 6.03 Nothing within Article VI shall influence the autonomy of the Commission and its independence to carry out its mission.

Article VII. Office Facilities and Administration

Section 7.01 The CITY shall provide suitable office facilities for the Commission and/or staff in a location convenient for the public but separate from the Department.

Section 7.02 The Commission staff shall function within the organization and administration of the City Manager to whom the Chief of Police Reports.

Section 7.03 The Consultant shall comply with City purchasing procedures and shall select, with the approval of the Commission and the City Manager, any sub-consultants to assist with the work undertaken on behalf of the Commission.

Article VIII. The Authority of the Commission

Section 8.01 The Commission shall have the authority to do the following:

- (a) Receive Complaints and select the appropriate manner to address the Complain.
- (b) Report on Complaint resolution activities. To track and issue statistical and other appropriate reports on the disposition of Complaints to the public, the City Manager and the Council, and to monitor and report measures of activity and performance of the Department, subject to confidentiality requirements of law.
- (c) Monitor Investigations. To identify Complaints which merit the additional involvement of the Commission, and to Review evidence and Investigation efforts.
- (d) Communicate with Complaints. To serve as a source of contact with Complaints regarding the intake processing, status and results of the Complaint, and to assist the Department in communicating with the Complainant.

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(e) Arrange hearings of appeals. To provide for an appeal for Complainants and schedule Commission hearings.

(f) Recommend policy changes. To evaluate Complaints and other information and Investigation practices and to make recommendations to the Chief to prevent future problems.

(g) Outreach. To widely distribute Complaint forms in languages and formats accessible to Citizens, to inform and educate them on the importance of reporting Complaints, to hold public meetings to hear general concerns about police services, and to serve as a forum for Citizen issues subject to confidentiality requirements of law.

(h) Records and Investigation access. Notwithstanding any other provision of law, to have access to and to examine any Department records, including records which are not confidential by law, including personnel records that are relevant to an Investigation under its purview, subject to any applicable state or federal laws and subject to the Chief's authorization. The Commission shall not have access to legally privileged documents held by the City Attorney or Attorney-Client communications held by the City Attorney's clients. Neither the Commission nor any individual Commissioner or the Consultant shall disclose to any person or source confidential information or personnel records, and they shall be subject to the same penalties and restrictions as the legal custodian of the records for any unlawful or unauthorized public disclosure.

(i) Adopt, promulgate, amend and rescind rules and procedures required for the discharge of the Commission's duties, including policies and procedures for receiving and processing Complaints, conducting reviews of Investigations, and the issuance of reports regarding its Findings, conclusions and recommendations.

(j) Issue reports on an annual basis identifying any policy-related issues or quality of Investigation issues that warrant improvement. The Commission shall address any policy-related or quality of Investigation issues that would warrant further review.

(k) Oversight. The Commission shall report the material obstruction of or interference with an Investigation under its' cognizance, or observed malfeasance or misfeasance in office (other than that which is the subject of inquiry of a Complaint) to the Chief, or to the City Manager, when appropriate.

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Article IX. Powers and Duties of the Commission

Section 9.01 In carrying out its functions in a fair and unbiased manner, the Commission's duties and powers shall include the following:

(a) Conduct meetings. To schedule and conduct at least four (4) meetings per year for the purpose of exercising the authority and responsibility delegated to it in these operating procedures. Meetings and hearings conducted pursuant to these operating procedures shall be subject to the Brown Act. The number of Commissioners required for a quorum shall be a majority of the voting members as defined in Section 3.02 of these operating procedures. The Chair of the Commission, or the Vice-Chair in the absence of the Chair, in consultation with the City Attorney and City Manager's Office, shall be authorized to call special meetings when the Commission is not in session.

(b) Gather community concerns. To participate in various community meetings to hear concerns about police services as well as to gather both commendatory and negative comment, not to include concerns about individual Officers.

(c) Recommend policy changes. To assist the Chief in identifying specific patterns or problems and to participate in the development of policy recommendations.

(d) Advise on operations. To review methods for handling Complaints and advise on criteria for dismissal, mediation, and Investigation.

(e) Receive Complaints. The Commission may receive Complaints from any source concerning alleged Officer Misconduct. In the interest of the greater public good:

i) The Commission shall make reasonable accommodation when Complainants cannot file their Complaint at the Commission office or with the Department.

ii) Accept Complaints for Investigation and Review that are based upon first-hand knowledge, or make reasonable inquiry during initial intake processing regarding whether such knowledge or the identity of one or more percipient witnesses is ascertainable.

iii) The Commission shall not accept Complaints or Investigate matters in civil or criminal litigation, or those matters for which a notice of tort claim, or a grievance, discrimination Complaint or other appeal under collective bargaining agreement or City personnel rules has been filed with appropriate authorities. The Commission shall not accept Complaints that are conjectural or vague. Any previously commenced Investigation shall be discontinued when one of these events or factors is determined to exist.

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iv) The Commission shall protect the confidentiality of Complaints, Officer's or witnesses, except insofar as disclosures may be necessary to enable the Commission to carry out its duties or comply with applicable collective bargaining agreements, or where the disclosure of records is directed by the City Attorney or District Attorney.

Maintenance of confidentiality and any exceptions to confidentiality shall be consistent with the requirements of law.

v) The records of the Commission shall be considered records of the City, and shall be filed in the office of the City Clerk, or the Chief when the documents constitute a personnel record or matter. The records of the Commission are subject to the requirements of law regarding retention, disclosure, and those circumstances when disclosure is not permitted.

(f) Hear or Review appeals. To hold hearings or Review Investigations pertaining to Complaint appeals; to report Findings conclusions and recommendations consistent with public disclosure requirements of law.

(g) Outreach to the public. To disseminate information about the Commission's activities to organizations in the community and to present statistical reports to Council that in such a way that does not involve disclosure of confidential personnel information.

(h) Delegation. The Commission may Review by means of delegation to not more than two Commissioners who shall report back to the full Commission their findings and conclusions with regard to an Investigation under Commission cognizance. Reference elsewhere in these operating procedures to the Commission respecting REVIEW and Investigation shall include activity by such delegates, which activity shall not be construed as constituting a meeting that is subject to the Ralph M. Brown Act regarding notices, agenda and public meeting criteria, unless such delegation constitutes a "Standing Committee" under "the Act". The proceedings, to review Complaints and to reach the ultimate position of the Commission's Review of an Investigation, shall be in Closed-session pursuant to Government Code Section 54957.

Article X. Handling Complaints

Section 10.01 To ensure appropriateness and consistency in handling **Complaints** received, the COMMISSION shall rely on the DEPARTMENT to determine whether a **Complaint** is to be treated as a Service **Complaints**, commendatory comment, or as a **Complaint** requiring further review. The Commission may recommend to the Department that an Investigation be handled by the Internal Affairs Department instead of a supervisor's or commander's Investigation.

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General Protocols

(a) The Commission shall Investigate and review citizen-initiated and Department-initiated Complaints. It is understood that Department-initiated Complaints may require confidentiality in order for the Internal Affairs Department or other authorities to complete their Investigation.

(b) The Commission may gather information from a Complainant and forward it to the Department. The Commission shall monitor timeliness and disposition of the Investigation. Once the Commission receives a Complaint, it shall forward it to the Department for Investigation in accordance with Police Department Operating Procedures.

(c) At the conclusion of an Investigation, the Commission shall have an opportunity to review and comment separately to the Chief on the Investigation and any remedial actions taken by the Department resulting from the Investigation, other than regarding disciplinary actions.

(d) The Commission may dismiss a Complaint or make a Request for further review for the following reasons:

- i) The Complainant could reasonably be expected to use, or is using, another remedy, channel or tort claim for the grievance stated in the Complaint;
- ii) The Complainant delayed too long in filing the Complaint to justify present examination – a limit of one-year from the original date of the Incident is established for these purposes;
- iii) Even if all aspects of the Complaint were true, no act of Misconduct would have occurred;
- iv) The Complaint is trivial, frivolous or not made in good faith;
- v) Other Complaint must take precedence due to limited public resources;
- vi) The Complainant withdraws the Complaint or fails to complete or cooperate with necessary Complaint steps or procedures.

(e) Nothing contained herein shall preclude or supersede the processing and Investigation of Complaints that are initiated by the Department.

The Commission's procedures shall supplement or complement those activities, and shall furnish community members and Complainants an alternative forum for redress and Complaint resolution. Moreover, nothing shall preclude or restrict the authority of the City Manager to supervise the Chief of the Department, consistent with the duties and responsibilities conferred upon that office by law.

Section 10.02 Protocols for Reviewing Complaints

(a) In accordance with Police Department Operating Procedures, resolution by the Department shall include "declining" the Complaint, conducting an "investigation", conducting an "inquiry," or handling the Complaint as a "service complaint."

- i) The Department will send an introductory letter to each Complainant identifying the assigned case investigator, the anticipated time in which the Investigation should be completed, and information regarding the right of the Complainant to seek a Request for

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further review of the Commission once the Investigation is completed should the Complainant believe evidence or allegations were omitted.

ii) In the case of an “inquiry”, the Department will send an introductory letter to the Complainant explaining that they will receive contact from the Department once the Investigation regarding the concern has been completed.

iii) In all cases, Department will send a copy of such letter to the Commission for their tracking purposes.

iv) The Department will keep the Commission apprised of the status of each INVESTIGATION, and no less than quarterly, send status letters to each Complainant. The Officer(s) involved shall be informed pursuant to Department policy and procedures.

v) “Inquiry” Investigations will result in a letter, including any appeal information, sent to the Complainant from the Department outlining the results of the Investigation. The Department will forward a copy of the summary Investigation, and the letter to the Commission for tracking purposes. The Officer(s) involved shall be informed pursuant to Department policy and procedures.

(b) Commission members shall avoid public comment on pending COMPLAINTs.

i) No member of the Commission shall discuss or listen to discussion of the facts or analysis of any matter which is the subject of a Complaint prior to its Review or Closed-session meeting.

ii) No member of the Commission shall pledge or promise to vote in any particular manner in any pending Complaint.

iii) Failure to comply with this regulation shall be grounds for removing a Commissioner from the Review of the Complaint by action of the remaining members of the Commission.

(c) After the Department renders its Findings on the Complaint, the matter is referred to the Commission to Review the case. The file of the Investigation related to the Complaint shall be made available to the Commission consistent with Article VIII, Section 8.01(h). This includes an original of the Complaint, video or audio tape recordings of interviews of witnesses and parties to the Incident, and physical evidence that was considered. The Commission members are required to conduct their Review in the Department to preserve the required confidentiality. Review proceedings shall be in Closed-session pursuant to Government Code Section 54957 to hear Complaints or charges brought against National City Police Department employees by a citizen (unless the employee requests a public session). Notes made by the Commission shall be left with the file in the Department.

i) The Department will provide notice to the Commission whether the disposition was “sustained,” “not sustained,” “exonerated,” “unfounded,” “other findings”, or the “complainant non-cooperative”.

ii) The Commission’s Review of documents shall rely upon the evidence submitted in the Investigative report.

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- iii)** The Commission may request within its scope of the Review the Department to appear and answer questions regarding the Investigation, and may also request the responsible Department Commander or Supervisor to answer questions regarding the basis and the rationale for a particular Finding or decision.
- iv)** Requests to the Department to appear and answer questions at the Review shall be made to the Chief.
- v)** The Commission may request an Officer to appear at a Commission Review, but no Officer who is subject to an Investigation shall be compelled to testify as a witness against themselves. Officers appearing before the Commission may appear with counsel.
- vi)** The Commission may Subpoena the appearance of witnesses who are outside City employ to clarify evidence, and to the extent necessary to insure fairness to all parties. Subpoenas shall be issued in accordance with National City Municipal Code Chapter 2.74 to evaluate evidence pertinent to the Review of the Investigation.
- vii)** The Complainant is not entitled to be present, except when called as a witness by the Commission. The Commission shall Review the Investigation file:
 - a. If the Commission concludes the Finding is supported by the evidence, it shall inform the Chief; or
 - b. If the Commission determines the Finding is inconclusive, it shall inform the Chief that further Investigation is required; or
 - c. If the Commission concludes the Finding is not supported by the evidence, it shall inform the Chief.
- viii)** The Commission will make no comments or recommendations regarding Officer discipline.
- ix)** If the Department declines to accept the Commission's recommendation resulting from the Review, a Closed-session meeting of the Commission pursuant to Government Code Section 54957 to hear complaints or charges brought against National City Police Department employees by a citizen (unless the employee requests a public session) shall be scheduled, at which the Department may appear to represent their position. The purpose of the meeting is for the Commission to reach a final decision on its position regarding the Complaint and to afford the Department an opportunity to explain why the Investigation Finding is appropriate.
 - a. If, after the Closed-session meeting of the Commission with the Department the Commission is persuaded to agree with the Department's Findings, the Commission will send notification of same to the Department. The Officer(s) Involved shall be informed pursuant to Department policy and procedures.
 - b. In those cases where the Commission by a majority vote disagrees with Department's Findings on a Complaint, and cannot resolve its differences with the Department, the Commission will send notification of same to the Department. The Officer(s) Involved shall be informed pursuant to Department policy and Procedures.

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- i. Additionally, the Commission shall advise the City Manager of the Commission's position. The Commission shall also advise the City Manager of any substantive comments that the Commission has made on individual cases, and may suggest policy changes based on trends that have come to the Commission's attention.
 - ii. The Commission will make no comments or recommendations regarding Officer discipline.
 - iii. The City Manager may take whatever action is considered appropriate, consistent with the duties and authority conferred upon that office by law.
 - iv. If any changes in the Department's Findings occur, the Department will notify the Commission.
- c. These operating procedures acknowledge the Officer's right to appeal the position of the Commission consistent with *Caloca v. County of San Diego* (1999), 72 Cal.App.4th 1209 and *Caloca v. County of San Diego* (2002), 102 Cal.App.4th 433, which held that under the Public Safety Officers Procedural Bill of Rights Act (Government Code Section 3300 et seq.), police officers must be afforded an administrative appeal of sustained findings of misconduct even though no disciplinary matters are considered. Such administrative appeal proceeding will be conducted by a neutral, unbiased adjudicator(s) who will examine the finding de novo. All further terms of the re-examine will be consistent with the guidelines set forth in the *Caloca v. County of San Diego* (2002), 102 Cal.App.4th 433.
- x) The Commission will not provide any confidential information made known to it or its members by its Investigation to anyone other than the City Manager, City Attorney or the Department. Under no circumstances will the City Manager or City Attorney provide any confidential information made known to the City Manager by Commission to anyone other than the Department.
- xi) The decision of the Chief regarding the Department's final disposition of the matter shall be communicated to the Complainant in the format prescribed by Penal Code sections 832.5 and 832.7.
 - a. The Commission shall notify the Complainant of its' position in regard to the Investigation. Should public comment by the Commission be appropriate, the Commission shall comply with the requirements imposed by law regarding non-disclosure of personnel information regarding Officer(s) Involved and the Police Officers.
Bill of Rights.
 - b. The Chief shall notify the Complainants of the protocols for Request for further review by the Commission.
 - c. The Officer(s) Involved shall be informed pursuant to Department policy and procedures.

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xii) If the Department finds that any portion of the Complaint is “sustained,” then procedures outlined in the National City Police Department Operating Procedures will be followed.

Section 10.03 Mediation Procedures (Alternative Complaint Resolution Process)

A Complainant may request mediation of the Complaint. The Department will undertake mediation upon the mutual consent of the Officer Involved. The Department shall utilize the services of a recognized mediation service or professional to serve as mediator. The parties to the mediation shall consist only of the mediator, the Complainant and the Officer(s) Involved. The mediation shall be informal, and oriented towards resolving the problem or mitigating any misunderstandings. The parties will agree in writing as a condition of mediation that neither the fact of mediation, nor any statements or admissions made during the mediation sessions shall be admissible in any later administrative or judicial proceedings involving the Complaint, including any later initiated Investigation or Department proceedings. Upon satisfactory conclusion of the mediation, the Complaint shall be dismissed and withdrawn, and shall not be filed in any personnel record pertaining to the Officer Involved. The Department shall inform the Commission of the outcome of the mediation (alternative complaint resolution process). The Department or the Commission regarding the Complaint shall thereafter entertain no further proceedings regarding the Complaint.

Section 10.04 Protocols for Reviewing Service Complaints

A Service Complaint is a Complaint received from a Citizen regarding quality of service or minor acts or omissions that would not normally rise to the level of Misconduct.

(a) The Department shall resolve all Service Complaints and report them to the Commission on a Service Complaint Log form. The documentation will include the action taken to resolve the Complaint.

(b) No appeal of a Service Complaint shall be permitted before the Commission. The Commission, however, may audit Complaints categorized as Service Complaints on a quarterly, semi-annual or annual basis, and provide appropriate comment to the City Manager and Chief on the handling of Service Complaints on a continuing basis.

(c) No public comment by the Commission regarding Service Complaints shall be permitted without the approval of a majority of the Commissioners. Public comment shall not include any discussion of personnel or confidential information.

(d) The Department shall respond by letter to Complainants the Findings of their Investigation of the Service Complaint.

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Article XI. Protocols for Filing of REQUEST FOR FURTHER REVIEW

Any Complainant who is dissatisfied with the Department's Findings reported following an Investigation of alleged Officer may file a Request for further review by the Commission which shall be based on either evidence or allegations the Complainant believes was omitted in the Investigation. The Department shall inform the Complainant at the time of notification of the opportunity to file a Request for further review.

(a) The Request for further review must be filed within thirty (30) days of the Complainant receiving Department notification regarding disposition of the case. The Commission may adopt rules for permitting late Filings

i) A Request for further review may be filed only by the Complainant in writing, either personally, by mail, fax or email with the Commission Office, or through other arrangements approved by the Commission. No Complaint or Request for further review will be deemed filed with the Commission until it has been reduced to writing and signed by the Complainant.

ii) The Request for further review shall include:

- a. The name, address, and telephone number of the Complainant;
- b. The approximate date the Complaint was filed (if known);
- c. The substance of the initial Complaint;
- d. The evidence, or allegation the Complainant believes was omitted in the Investigation.

iii) The Complainant may withdraw the Request for further review at any time.

(b) The Commission may decline the Request for further review if it appears that the Department's Investigation and Findings were satisfactory and/or no information is provided to justify additional or further REVIEW by the Commission.

(c) Should the Commission accept the Request for further review, the matter shall be forwarded for resolution in accordance with Police Department Operating Procedure 015 et seq. The Commission shall conduct its Review as defined in Section 10.02 Protocols for Reviewing Complaints of these Procedures.

i) The Officer(s) Involved shall be informed pursuant to Department policy and procedures.

(d) The Commission's determination resulting from the Request for further review shall be final. The Commission shall thereafter entertain no further proceedings regarding the Complaint.

Article XII. Communications

In the case of Commission communications:

(a) The Commission shall not identify individuals involved in cases that come before the Commission to any person other than among themselves, the Commission, and the Department;

(b) No Commission member shall release any hearing documents to any person outside of the committee;

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(c) No Commission member may publicly represent the Commission without prior authorization from the Commission or the Chairperson;

(d) Any Commissioner regarding any particular Incident or Officer under Commission review shall not send email, nor shall e-mail identify any Department personnel by name. Any e-mail communication sent by a Commission member to any other member or members of the Commission that relates to Commission business shall be furnished to and retained by Commission staff pursuant to the City records retention schedule. Copies of communications shall be sent to the Commission staff at the time the communication is made. The sender or recipient shall not retain individual copies, other than by Commission staff in accordance with the City records retention schedule.

(e) The Commission should address the questions arising out of public comment during Commission public meetings.

 i) The questions should be addressed to the Commission and not to Commission staff.

 ii) The Chair is the spokesperson for the Commission and may restrict discussion of any question to allow for necessary research.

 iii) The Commission acknowledges that not all questions rise to the level of concern requiring a response.

 iv) The Chair will advise the questioner when the Commission will respond to a question.

Article XIII. Monitoring and Reporting

Section 13.01 The Commission shall develop a data system to track all Complaints received, develop quarterly reports to inform the City Manager regarding Commission workload and performance, and review the status of Complaints and appeals with the Chief.

Section 13.02 The Commission may utilize the Consultant to develop recommendations for modification of Department policies and procedures in order to prevent problems, and improve the quality of Investigations and police community relations.

Section 13.03 The Commission shall develop annual summary reports for the City Manager, Council and public on Commission activities, policy recommendations, and Department follow-through on recommendations. The report may include analysis of closed files that were not appealed, but not for the purpose that the files are to be reopened or that any confidential information or personnel records disclosed.

Article XIV. Increasing Public Access

Section 14.01 The City Manager shall work with the Commission to make Complaint forms available in formats and locations to reach as many community members as possible.

Section 14.02 The Consultant shall work with the Commission to develop programs to educate the public about the Commission and the importance of reporting problems.

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Section 14.03 The Commission shall develop programs to educate Department personnel on Commission activities. Department personnel shall be informed that the Commission is another means for Citizens to file Complaints. The Commission shall work with the Department to develop guidelines for situations when a Complainant with a Complaint directly contacts a commander or supervisor within the Department.

Article XV. Limitation on Power

Neither the Commission nor any retained Consultant may comment upon or recommend the level of discipline for any Officer pursuant to any Review made under this procedure.

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Operating Procedures of the National City Community and Police Relations Commission

Adopted by City Council 02-7-~~2006~~

CPRC Amended 10-7-2021

Adopted by City Council 02-15-2022

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Article I. Purpose and Legal Considerations

Section 1.01 In October 2003, the City Council established the Community and Police Relations Commission (hereafter referred to as “Commission”). The Commission is to serve as an independent, unbiased and impartial office that is to be readily available to the public. The Commission shall be a medium for the improvement of police-community relations, and to facilitate mediation of disputes whenever possible. The Commission will provide a forum for Citizens to voice their concerns or comments about police conduct, practices and policies, and ameliorate adversity between Citizens and the National City Police hereafter referred to as “Department”). To carry out these functions, the Commission will function through the Office of the City Manager, to whom the Chief of Police reports.

The Commission is authorized to receive, investigate and review citizen complaints regarding Department personnel for alleged misconduct, and to recommend appropriate changes of Department policies and procedures toward the goals of safeguarding the rights of all persons and promoting higher standards of competency, efficiency and justice in the provision of community policing services. These Operating Procedures are not intended to replace or diminish the procedures already in place in the Department for investigating citizen complaints, but are intended as a method of supplementing those procedures in order to establish an element of transparency to the citizenry for the handling of those complaints.

The Commission shall not be required to conduct independent investigations when it is satisfied that its oversight responsibility can be satisfied by the monitoring and review of a Departmental investigation into a complaint. In this respect, the Commission shall be considered an integral part of the City’s management structure as an adjunct to the internal Department processing of citizen complaints, with an independent overview status to ensure transparency and correctness of process for the public.

The COMMISSION therefore adopts these operating procedures in furtherance of those objectives. These operating procedures shall define the authority and protocols of the COMMISSION and are hereby recommended for adoption by the Council in furtherance of the Council’s objectives.

Section 1.02 In the conduct of its affairs, the Commission will observe all applicable requirements of state and local law, including the following which have been summarized as follows:

(a) The Police Officers Bill of Rights (Government Code sections 3300, et seq.) which generally provides police officers certain protections and rights of representation and participation in

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Investigations pertaining to their conduct, and the right of access to and comment upon any findings of that Investigation—whether positive or negative.

(b) Penal Code sections 832.5 and 832.7 which pertain to the procedures for Investigation of Complains involving police officers and safeguards against disclosure of the Findings of those Investigations and other information relating to police personnel files, except such specified disclosure as may be allowed only to the person who actually files the Complain.

(c) The Ralph M. Brown Act (Gov. Code, § 549501 et seq., hereinafter “the Brown Act,” or “the Act”) which shall govern open meetings for local government bodies.

(d) Department rules and procedures, which govern the rights and duties of Department personnel.

Section 1.03 Neither the Commission, Commission staff, nor any retained consultant shall comment upon or recommend the level of discipline for any officer pursuant to any review conducted under the authority of these operating procedures.

(a) Departmental discipline of any officer shall be independent of and not dependent upon any finding by the Commission or its review of any investigation. The Department will conduct discipline in a timely manner in accordance with law and its internal procedures.

(b) The Commission shall not interfere with the administration of the department, but shall make its recommendations for change or improvement to the Council, the City Manager or the Chief of Police, as appropriate, consistent with the operating procedures outlined herein.

Section 1.04 These operating procedures shall not be construed as restricting any individual from contacting the Mayor, the City Council, any individual Councilmember, the City Manager or the Chief of Police on any matter concerning the Department, whether favorable or adverse.

Article II. Definitions

Section 2.01 In these Operating Procedures:

"CHIEF" means the Chief of the Police DEPARTMENT.

"CITIZEN" means any person who is not an employee of the DEPARTMENT or organization.

“CITY” means the administrative offices, administrative staff, officers and officials, the physical location, all jurisdictional areas, and the elected representatives of the City of National City.

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“CITY ATTORNEY” means the City Attorney of the City of National City or their designee.

“CITY MANAGER” means the City Manager of the City of National City or their designee.

“COMMISSION” and “CPRC” refer to the Community and Police Relations Commission, whose members are appointed by City COUNCIL.

“COMMISSIONER” means an appointed member of the Community and Police Relations Commission.

“COMPLAINT” means a COMPLAINT by a CITIZEN of alleged OFFICER misconduct, or a DEPARTMENT employee or OFFICER who feels aggrieved by an INVESTIGATION or REVIEW.

“COMPLAINANT” means any person who files a COMPLAINT against an employee of the National City Police DEPARTMENT, or a DEPARTMENT employee or OFFICER who feels aggrieved by an INVESTIGATION or REVIEW.

“CONDUCT” means any act or omission by an OFFICER, whether commendable or constituting misconduct.

“CONSULTANT” means the professional staffing retained by the City MANAGER to work with the COMMISSION.

“COUNCIL” means the City Council and Mayor of the City of National City.

“DEPARTMENT” means the Police DEPARTMENT of the City of National City.

“FINDING” means a conclusion reached as a result of an INVESTIGATION, regarding whether a COMPLAINT is sustained, not sustained, unfounded, exonerated or frivolous.

“IAD” means the Internal Affairs Division of the DEPARTMENT, whose responsibilities and procedures are described in the DEPARTMENTs Manual of Rules and Regulations, specifically Operating Procedure No.1005, as amended from time to time.

“INCIDENT” means the alleged occurrence of misconduct by an OFFICER of the DEPARTMENT.

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“INVESTIGATE” or “INVESTIGATION” shall refer to a REVIEW of the formal Internal Affairs INVESTIGATION conducted by DEPARTMENT, as well as an informal INVESTIGATION conducted by a police supervisor into allegations of MISCONDUCT.

“MISCONDUCT” means an act or omission by an OFFICER during an encounter with a CITIZEN that allegedly violates DEPARTMENT regulations or orders, or other standards of conduct required of CITY employees.

“POLICY-RELATED ISSUE” means a topic pertaining to the DEPARTMENT’s hiring and training practices, the Manual of Policies and Procedures, equipment, and general supervision and management practices, but not pertaining specifically to the propriety or impropriety of a particular OFFICER’s conduct.

“OFFICER” means a sworn police OFFICER employed by the DEPARTMENT about whom a COMPLAINT has been submitted to the COMMISSION.

“OFFICER INVOLVED” means an incident involving a sworn police OFFICER employed by the DEPARTMENT about whom a COMPLAINT has been submitted to the COMMISSION.

“REQUEST FOR FURTHER REVIEW” or “REVIEW” means a request by an Complainant and the COMMISSION’s examination of an INVESTIGATION of, alleged OFFICER MISCONDUCT, respectively.

“SERVICE COMPLAINT” means a COMPLAINT that is not related to specific OFFICER misconduct but rather is related to services received from an OFFICER or the DEPARTMENT.

“SUPPORTED BY THE EVIDENCE” means the evidence supports a FINDING regarding a COMPLAINT, which a reasonable person could make in light of the evidence, regardless of whether or not the COMMISSION agrees with the FINDING.

“SUBPOENA” means a writ to be issued commanding the person or party designated in it to appear before the COMMISSION as a witness, or to produce documents constituting evidence contained in the INVESTIGATION.

Article III. Community and Police Relations Commission

Section 3.01 The Commission is established by the Council with staff support from the City Manager’s Office.

Section 3.02 The Commission shall be comprised of eight (8) individuals appointed by the Mayor with the approval of the City Council. Of the eight members, seven (7) shall be voting

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members, and one (1) shall be a non-voting member. Of the seven voting members, five (5) shall be residents of the City of National City. The one nonvoting member shall be a member of the National City Police Officers' Association POA. The City Council is authorized to appoint up to two alternate representatives to the primary POA representative, one of whom would attend Commission meetings when the primary representative is unable to attend, and who shall have the same rights and responsibilities as the primary representative.

Vacancies in Commissioner positions shall be nominated and appointed as follows per City Council Policy #107.

Appointment Process:

- A. Opportunity to apply. All interested individuals shall be given an opportunity to submit applications for vacancies on City Boards, Commissions, and Committees. Incumbent Appointees are not automatically re-appointed but are required to fill out an abbreviated application provided by the City Clerk, indicating their interest in continuing to serve.
- B. Unexpired terms. If an incumbent Appointee was appointed to fill an unexpired term and the Appointee serves for less than one year in that position, the Council may re-appoint the incumbent without considering other applicants.
- C. Vacancies. When vacancies occur, the following procedure shall be followed:
 - 1. Schedule vacancy. When a term is expiring or expires, public notice of the vacancy shall be made, inviting interested individuals to submit applications for the vacancy on a form provided by the City Clerk on the City website.

Unscheduled vacancy. An unscheduled vacancy shall be filled according to Government Code Section 54974, which generally provides as follows: Whenever an unscheduled vacancy occurs, whether due to resignation, death, termination, or other causes, a special vacancy notice shall be posted in the Office of the City Clerk, the City website, outside City Hall on the Bulletin Board, and on City social media platforms not earlier than twenty (20) days before or not later than twenty (20) days after the vacancy occurs. The City Council shall not make a final appointment for at least ten (10) working days after posting the notice in designated locations. The notice's posting and application period shall be thirty (30) calendar days. However, if it finds that an emergency exists, the City Council may, fill the unscheduled vacancy immediately. According to this section, a person appointed to fill the vacancy shall serve only on an interim basis until the final appointment.

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The end of term for the members of Boards, Commissions, and Committees generally occurs in an annual rotation during the months of March and September. Appointments will be considered at those times unless a vacancy resulting from a resignation results in the lack of a Quorum on the Board, Commission, or Committee, in which case the appointment could occur at the time of the unscheduled vacancy in accordance with the procedure set out above.

D. Implementation. Implementation of Council policy for appointment to Boards, Commissions, and Committees requires the following:

1. Per Government Code Section 54972, on or before December 31 of each year, the City Council shall prepare a list of appointments of all regular and ongoing Boards, Commissions, and Committees appointed by the City Council. The City Clerk will prepare the list of all regular and ongoing Boards, Commissions, and Committees appointed by the Mayor or the City Council. The list shall contain a list of all terms that will expire during the next calendar year, the incumbent appointee's name, the appointment date, the term's expiration date, and the position's necessary qualifications. It shall also include a list of all Boards, Commissions, and Committees whose members serve at the City Council's pleasure and the qualifications required for each position. This Local Appointments List shall be made available to the public on the City website.
2. Notice. A public notice for vacancies must be placed in the newspaper of general circulation within the City, on the City's website, City Hall Bulletin Boards, and City social media platforms.
3. Expiration of term. All appointees will receive a letter as their terms expire asking if they would like to re-apply for the position.
4. Applications. Applications shall be available on the City website and in the City Clerk's Office. Submissions must be received before the advertised deadline for consideration for the appointment. All applications will be retained in the City Clerk's Office for one year from the date the application was submitted. During the one-year retention period of the application, an applicant shall be considered for other vacancies on Boards, Commissions, and Committees. The City Clerk's Office will notify the applicant being considered for an appointment to confirm that they are still interested in volunteering.
5. A member may only serve on one (1) Board, Commission, or Committee at a time. If an applicant applies for another position on a different Board, Commission, or Committee, that applicant will forfeit the prior seat and a vacancy will occur per policy.

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6. Interviews:

a. Mayor Appointments: Interviews for Mayoral appointments will be conducted by the Mayor outside of the public meeting and scheduled by the Mayor's Office.

b. City Council Appointments: Interviews for the four (4) Civil Service Commission, Planning Commission, Housing Advisory Committee, and Port Commission who serve at the City Council's pleasure and are appointed by the City Council as a body will be interviewed in the public forum at a City Council Meeting as described below.

7. Mayoral Appointments:

The Community and Police Relations Commission is a Mayoral Appointment.

The Mayor will make the motion to appoint (naming the appointee) and Councilmembers may second the motion. The City Clerk will then take a roll call vote of the City Council. A majority vote of the City Council will be required for the appointment. If the majority of the City Council choose to deny the proposed appointment, the Mayor shall either propose an alternative candidate from the current application pool or choose to reopen the application period and return to the City Council at a future City Council Meeting with a different applicant for consideration. If a Mayoral Appointment is not approved by the majority of the City Council by confirmation, that applicant is removed from the pool for that seat. The Mayor will return to a future meeting with a substitute Mayoral appointment.

10. Re-appointment beyond two terms. Anyone wishing to be re-appointed to any Board, Commission, or Committee and has served two or more full terms already must be approved by a four-fifths vote of the City Council. If all five members of the City Council are not present, or if one member abstains or recuses their vote, the four-fifths requirement shall be changed to require only a simple majority.

11. Report to Council:

All applications received for vacancies, whether Mayoral Appointment or City Council Appointment, will be attached to the staff report to Council. All applications will have private personal information redacted (name, street numbers and name of street address, and phone number). This redacted information is in alignment with Government Code Section 6255(a) because the public interest served by not disclosing the applicant's personal, private information and protection of the applicant's right to privacy outweighs the public interest served by disclosing that information.

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12. An automatic vacancy upon becoming a Non-Resident. An unscheduled vacancy automatically occurs when a resident holding an appointment position on a City Board, Committee, or Commission becomes a non-resident by moving out of National City limits. When an unscheduled vacancy occurs due to a resident becoming a non-resident, the unscheduled vacancy may be filled as follows:

a. A special vacancy notice shall be posted in the Office of the City Clerk, and in other places as directed by the City Council, not earlier than 20 days before or not later than 20 days after the vacancy occurs. Final Appointment at a City Council Meeting shall not be made by the Appointing Authority for at least 10 working days after the posting of the notice in the City Clerk's Office.

b. The Appointing Authority may appoint the former resident to a Non- Residential position if a Non-Residential position is vacant.

However, the Appointing Authority may, if it finds that an emergency exists, fill the unscheduled vacancy immediately. A person appointed to fill the vacancy shall serve only on an acting basis until the final appointment is made pursuant to this section.

13. Only City Residents may be elected to Chair and Vice-Chair positions. To be eligible to be elected as the Chairperson of a City Board, Committee, or Commission, the member must be a resident of the City.

14. Resignations, Attendance, Training, and Removals

Resignation:

If a Commissioner or Member of a Board, Committee, or Commission is unable to continue serving because of health, business requirements, or personal reasons, a letter of resignation shall be submitted to the City Clerk, who will present to the City Council.

Attendance:

Regular attendance at meetings is critical to be effective operation of City Boards, Commissions, and Committees. The City Council relies on the advice of the City's Boards, Commissions, and Committees, which is the result of discussions among appointed members. The City Council anticipates that members of Boards, Committees, and Commissions shall make every reasonable effort to attend all regular and special meetings of their respective Boards, Commissions, and Committees, and to be prepared to discuss matters on their respective agendas.

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A Commissioner or Member of a Board, Committee, or Commission shall be considered removed from any advisory board under the following conditions:

1. A Commissioner or Member of a Board, Committee, or Commission with unexcused absences from three consecutive regularly scheduled meetings.
2. A Commissioner or Member of a Board, Committee, or Commission misses more than 25% of the advisory body's meetings in a calendar year.
3. A Commissioner or Member of a Board, Committee, or Commission must be present at least one hour, or 50% of the entire meeting, whichever is less, to be counted as present for purposes of attendance.

Excused Absences:

An "excused absence" is only granted when absolutely necessary and pre-approved if at all possible. The City Council encourages Boards, Commissions, and Committees to refrain from scheduling meetings on cultural and religious holidays in order to encourage full participation by all Commissioners, Board Members, and the public. The pre-approval of excused absences will be by the body as a whole and documented in the meeting minutes.

Excused absences are listed as follows:

1. Illness of the Commissioner or Member of the Board, Committee, or Commission, their family member, or their personal friend;
2. Business commitment of the Commissioner or Member of the Board, Committee, or Commission that interferes with the attendance at a meeting;
3. Attendance of the Commissioner or Member of the Board, Committee, or Commission at a funeral, religious service or ceremony, wedding, or other similarly-significant event; or
4. Other reason for which the Commissioner or Member of the Board, Committee, or Commission has given notice to the Chairperson or Secretary of their unavailability fifteen (15) days in advance, as long as the unavailability is not expected to last longer than 30 days.

Removal:

The Secretary or Lead of each Board, Commission, or Committee will report the attendance to the Office of the City Clerk on a monthly basis. If the attendance or absences fall within these guidelines, the Office of the City Clerk will prepare a report to City Council for review and possible removal of the Commissioner, Member, or Alternate sitting on the Board, Committee, or Commission. Any Commissioner, Member, or Alternate sitting on a Board, Committee, or Commission may be removed from office at any time by a simple majority vote of the City Council at a regularly scheduled Council meeting with or without cause.

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Mandatory Training and Filing Requirements:

Commissioners and Members of Board, Committee, or Commission, as appointed by the legislative body, are entrusted with certain responsibilities and concomitant training and reporting. The following are requirements of Commissioners and Members of Boards, Commissions, and Committees. This training is required to be completed within 30 days of appointment or notification.

1. Oath of Office (Article XX of the California Constitution, and California Government Code Section 36507)
2. Fair Political Practices Commission (FPPC) Statement of Economic Interest Form 700 Filing (California Government Code Section 87100 et seq)
3. AB1234 Ethics Training (California Government Code Section 53235.1(b))
4. Sexual Harassment Training
5. Brown Act Training
6. Social Media Training
7. Any training required by State Law, Federal Law, or City Policies.

All training is offered in a variety of formats including in person, via Zoom, training website/software, and pre-recorded video. Currently, these are all requirements of the Mayor and City Council, and City staff.

Removal:

Failure to complete any of these requirements within 30 days of the appointment date or date of notification is cause for automatic removal.

Section 3.03 The Commission shall adhere to adopted Bylaws which shall be approved by Council and filed with the City Clerk of National City.

Section 3.04 The Commissioners shall be responsible for:

(a) Participating in orientation and training activities at least two times per year, that may include: reviewing of DEPARTMENT and IAD policies and procedures; attending the DEPARTMENT or County of San Diego Citizens' Academy; completing “ride-alongs” with OFFICERS; attending recruiting and academy workshops; the annual National Association for Civilian Oversight of Law Enforcement (NACOLE) Conference; attending training opportunities available to NCPD officers including but not limited to investigative practices, the Psychiatric

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Emergency Response Team (P.E.R.T.), de-escalation, racial bias, implicit bias, Department practices; and other relevant training opportunities.

(b) Service for a term of ~~two~~ three years, subject to reappointment by Council. Upon expiration of term, a Commissioner shall serve until re-appointed or replaced.

(c) Attending Commission meetings, except when excused for good cause.

(d) Serving staggered terms to better ensure continuity. A lottery shall be held during the next regularly scheduled meeting following the adoption of these procedures to establish the term of each Commissioner currently appointed. No more than four voting COMMISSIONERS shall be appointed to three years terms as a result of the lottery, all others shall be appointed to a term of one-year. All Commissioners will remain eligible for reappointment upon expiration of their term.

(e) Annually, electing a chair and vice-chair from among the Commissioners.

(f) Adopting operating policies and procedures as necessary and appropriate to carry out their duties in a fair and unbiased manner.

(g) Receive and monitor or investigate citizen complaints regarding police conduct, but without interfering with the administration of the police department.

(h) Request and receive supplemental information from the police department regarding citizen complaints and such other matters as the commission may request.

(i) Allow parties the opportunity to mediate their disputes.

(j) Make recommendations to the city council regarding additional duties that the commission may perform.

(k) Make an annual report of its activities, findings and recommendations to the city council.

(l) Advise on police department operations, and make recommendations on police policy issues.

(m) Conduct investigations and hold public hearings. The commission has the power to examine witnesses under oath and compel their attendance or production of evidence by subpoena issued in the name of the city and attested by the city clerk. It shall be the duty of the chief of police to cause all such subpoenas to be served, and refusal of a person to attend or testify in answer to

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such a subpoena shall subject the person to prosecution in the same manner as set forth by law for failure to appear before the city council in response to a subpoena issued by the city council. Each member of the commission shall have the power to administer oaths to witnesses.

(n) Keep a record of its resolutions, transactions, findings, and determinations, which record shall be a public record unless the city attorney determines otherwise.
(Ord. No. 2013-2381, § 1, 2-5-2013)

Article IV. Role of the City Council

Section 4.01 The Council shall review applications of nominees to the Commission, approve appointments and receive periodic reports on Commission activities.

Article V. Consultant Selection

Section 5.01 In consultation with the City Manager, the Commission may retain a Consultant to guide the independence of the Commission. The Consultant should be a person of recognized judgment, objectivity and integrity who is capable of analyzing problems of public administration and public policy, and who shall have a working knowledge commensurate with the duties of the Commission.

Article VI. Staffing and Delegation

Section 6.01 The City Manager may appoint staff to assist the Commission if requested and may appoint other personnel necessary to carry out the provisions of these operating procedures in keeping within the adopted budget for the Commission.

Section 6.02 The City Attorney shall advise and represent the Commission.

Section 6.03 Nothing within Article VI shall influence the autonomy of the Commission and its independence to carry out its mission.

Article VII. Office Facilities and Administration

Section 7.01 The CITY shall provide suitable office facilities for the Commission and/or staff in a location convenient for the public but separate from the Department.

Section 7.02 The Commission staff shall function within the organization and administration of the City Manager to whom the Chief of Police Reports.

Section 7.03 The Consultant shall comply with City purchasing procedures and shall select, with the approval of the Commission and the City Manager, any sub-consultants to assist with the work undertaken on behalf of the Commission.

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Article VIII. The Authority of the Commission

Section 8.01 The Commission shall have the authority to do the following:

- (a) Receive Complaints and select the appropriate manner to address the Complain.
- (b) Report on Complaint resolution activities. To track and issue statistical and other appropriate reports on the disposition of Complaints to the public, the City Manager and the Council, and to monitor and report measures of activity and performance of the Department, subject to confidentially requirements of law.
- (c) Monitor Investigations. To identify Complaints which merit the additional involvement of the Commission, and to Review evidence and Investigation efforts.
- (d) Communicate with Complaints. To serve as a source of contact with Complaints regarding the intake processing, status and results of the Complaint, and to assist the Department in communicating with the Complainant.
- (e) Arrange hearings of appeals. To provide for an appeal for Complainants and schedule Commission hearings.
- (f) Recommend policy changes. To evaluate Complaints and other information and Investigation practices and to make recommendations to the Chief to prevent future problems.
- (g) Outreach. To widely distribute Complaint forms in languages and formats accessible to Citizens, to inform and educate them on the importance of reporting Complaints, to hold public meetings to hear general concerns about police services, and to serve as a forum for Citizen issues subject to confidentially requirements of law.
- (h) Records and Investigation access. Notwithstanding any other provision of law, to have access to and to examine any Department records, including records which are not confidential by law, including personnel records that are relevant to an Investigation under its purview, subject to any applicable state or federal laws and subject to the Chief's authorization. The Commission shall not have access to legally privileged documents held by the City Attorney or Attorney-Client communications held by the City Attorney's clients. Neither the Commission nor any individual Commissioner or the Consultant shall disclose to any person or source confidential information or personnel records, and they shall be subject to the same penalties and restrictions as the legal custodian of the records for any unlawful or unauthorized public disclosure.
- (i) Adopt, promulgate, amend and rescind rules and procedures required for the discharge of the Commission's duties, including policies and procedures for receiving and processing

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Complaints, conducting reviews of Investigations, and the issuance of reports regarding its Findings, conclusions and recommendations.

(j) Issue reports on an annual basis identifying any policy-related issues or quality of Investigation issues that warrant improvement. The Commission shall address any policy-related or quality of Investigation issues that would warrant further review.

(k) Oversight. The Commission shall report the material obstruction of or interference with an Investigation under its' cognizance, or observed malfeasance or misfeasance in office (other than that which is the subject of inquiry of a Complaint) to the Chief, or to the City Manager, when appropriate.

Article IX. Powers and Duties of the Commission

Section 9.01 In carrying out its functions in a fair and unbiased manner, the Commission's duties and powers shall include the following:

(a) Conduct meetings. To schedule and conduct at least four (4) meetings per year for the purpose of exercising the authority and responsibility delegated to it in these operating procedures. Meetings and hearings conducted pursuant to these operating procedures shall be subject to the Brown Act. The number of Commissioners required for a quorum shall be a majority of the voting members as defined in Section 3.02 of these operating procedures. The Chair of the Commission, or the Vice-Chair in the absence of the Chair, in consultation with the City Attorney and City Manager's Office, shall be authorized to call special meetings when the Commission is not in session.

(b) Gather community concerns. To participate in various community meetings to hear concerns about police services as well as to gather both commendatory and negative comment, not to include concerns about individual Officers.

(c) Recommend policy changes. To assist the Chief in identifying specific patterns or problems and to participate in the development of policy recommendations.

(d) Advise on operations. To review methods for handling Complaints and advise on criteria for dismissal, mediation, and Investigation.

(e) Receive Complaints. The Commission may receive Complaints from any source concerning alleged Officer Misconduct. In the interest of the greater public good:

i) The Commission shall make reasonable accommodation when Complainants cannot file their Complaint at the Commission office or with the Department.

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ii) Accept Complaints for Investigation and Review that are based upon first-hand knowledge, or make reasonable inquiry during initial intake processing regarding whether such knowledge or the identity of one or more percipient witnesses is ascertainable.

iii) The Commission shall not accept Complaints or Investigate matters in civil or criminal litigation, or those matters for which a notice of tort claim, or a grievance, discrimination Complaint or other appeal under collective bargaining agreement or City personnel rules has been filed with appropriate authorities. The Commission shall not accept Complaints that are conjectural or vague. Any previously commenced Investigation shall be discontinued when one of these events or factors is determined to exist.

iv) The Commission shall protect the confidentiality of Complaints, Officer's or witnesses, except insofar as disclosures may be necessary to enable the Commission to carry out its duties or comply with applicable collective bargaining agreements, or where the disclosure of records is directed by the City Attorney or District Attorney. Maintenance of confidentiality and any exceptions to confidentiality shall be consistent with the requirements of law.

v) The records of the Commission shall be considered records of the City, and shall be filed in the office of the City Clerk, or the Chief when the documents constitute a personnel record or matter. The records of the Commission are subject to the requirements of law regarding retention, disclosure, and those circumstances when disclosure is not permitted.

(f) Hear or Review appeals. To hold hearings or Review Investigations pertaining to Complaint appeals; to report Findings conclusions and recommendations consistent with public disclosure requirements of law.

(g) Outreach to the public. To disseminate information about the Commission's activities to organizations in the community and to present statistical reports to Council that in such a way that does not involve disclosure of confidential personnel information.

(h) Delegation. The Commission may Review by means of delegation to not more than two Commissioners who shall report back to the full Commission their findings and conclusions with regard to an Investigation under Commission cognizance. Reference elsewhere in these operating procedures to the Commission respecting REVIEW and Investigation shall include activity by such delegates, which activity shall not be construed as constituting a meeting that is subject to the Ralph M. Brown Act regarding notices, agenda and public meeting criteria, unless such delegation constitutes a "Standing Committee" under "the Act". The proceedings, to review Complaints and to reach the ultimate position of the Commission's Review of an Investigation, shall be in Closed-session pursuant to Government Code Section 54957.

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Article X. Handling Complaints

Section 10.01 To ensure appropriateness and consistency in handling **Complaints** received, the COMMISSION shall rely on the DEPARTMENT to determine whether a **Complaint** is to be treated as a Service **Complaints**, commendatory comment, or as a **Complaint** requiring further review. The Commission may recommend to the Department that an Investigation be handled by the Internal Affairs Department instead of a supervisor's or commander's Investigation.

General Protocols

(a) The Commission shall Investigate and review citizen-initiated and Department-initiated Complaints. It is understood that Department-initiated Complaints may require confidentiality in order for the Internal Affairs Department or other authorities to complete their Investigation.

(b) The Commission may gather information from a Complainant and forward it to the Department. The Commission shall monitor timeliness and disposition of the Investigation. Once the Commission receives a Complaint, it shall forward it to the Department for Investigation in accordance with Police Department Operating Procedures.

(c) At the conclusion of an Investigation, the Commission shall have an opportunity to review and comment separately to the Chief on the Investigation and any remedial actions taken by the Department resulting from the Investigation, other than regarding disciplinary actions.

(d) The Commission may dismiss a Complaint or make a Request for further review for the following reasons:

- i)** The Complainant could reasonably be expected to use, or is using, another remedy, channel or tort claim for the grievance stated in the Complaint;
- ii)** The Complainant delayed too long in filing the Complaint to justify present examination – a limit of one-year from the original date of the Incident is established for these purposes;
- iii)** Even if all aspects of the Complaint were true, no act of Misconduct would have occurred;
- iv)** The Complaint is trivial, frivolous or not made in good faith;
- v)** Other Complaint must take precedence due to limited public resources;
- vi)** The Complainant withdraws the Complaint or fails to complete or cooperate with necessary Complaint steps or procedures.

(e) Nothing contained herein shall preclude or supersede the processing and Investigation of Complaints that are initiated by the Department.

The Commission's procedures shall supplement or complement those activities, and shall furnish community members and Complainants an alternative forum for redress and Complaint resolution. Moreover, nothing shall preclude or restrict the authority of the City Manager to supervise the Chief of the Department, consistent with the duties and responsibilities conferred upon that office by law.

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Section 10.02 Protocols for Reviewing Complaints

(a) In accordance with Police Department Operating Procedures, resolution by the Department shall include “declining” the Complaint, conducting an

“investigation”, conducting an "inquiry," or handling the Complaint as a "service complaint."

i) The Department will send an introductory letter to each Complainant identifying the assigned case investigator, the anticipated time in which the Investigation should be completed, and information regarding the right of the Complainant to seek a Request for further review of the Commission once the Investigation is completed should the Complainant believe evidence or allegations were omitted.

ii) In the case of an “inquiry”, the Department will send an introductory letter to the Complainant explaining that they will receive contact from the Department once the Investigation regarding the concern has been completed.

iii) In all cases, Department will send a copy of such letter to the Commission for their tracking purposes.

iv) The Department will keep the Commission apprised of the status of each INVESTIGATION, and no less than quarterly, send status letters to each Complainant. The Officer(s) involved shall be informed pursuant to Department policy and procedures.

v) “Inquiry” Investigations will result in a letter, including any appeal information, sent to the Complainant from the Department outlining the results of the Investigation. The Department will forward a copy of the summary Investigation, and the letter to the Commission for tracking purposes. The Officer(s) involved shall be informed pursuant to Department policy and procedures.

(b) Commission members shall avoid public comment on pending COMPLAINTs.

i) No member of the Commission shall discuss or listen to discussion of the facts or analysis of any matter which is the subject of a Complaint prior to its Review or Closed-session meeting.

ii) No member of the Commission shall pledge or promise to vote in any particular manner in any pending Complaint.

iii) Failure to comply with this regulation shall be grounds for removing a Commissioner from the Review of the Complaint by action of the remaining members of the Commission.

(c) After the Department renders its Findings on the Complaint, the matter is referred to the Commission to Review the case. The file of the Investigation related to the Complaint shall be made available to the Commission consistent with Article VIII, Section 8.01(h). This includes an original of the Complaint, video or audio tape recordings of interviews of witnesses and parties to the Incident, and physical evidence that was considered. The Commission members are required to conduct their Review in the Department to preserve the required confidentiality. Review proceedings shall be in Closed-session pursuant to Government Code Section 54957 to hear Complaints or charges brought against National City Police Department employees by a

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citizen (unless the employee requests a public session). Notes made by the Commission shall be left with the file in the Department.

- i)** The Department will provide notice to the Commission whether the disposition was “sustained,” “not sustained,” “exonerated,” “unfounded,” “other findings”, or the “complainant non-cooperative”.
- ii)** The Commission’s Review of documents shall rely upon the evidence submitted in the Investigative report.
- iii)** The Commission may request within its scope of the Review the Department to appear and answer questions regarding the Investigation, and may also request the responsible Department Commander or Supervisor to answer questions regarding the basis and the rationale for a particular Finding or decision.
- iv)** Requests to the Department to appear and answer questions at the Review shall be made to the Chief.
- v)** The Commission may request an Officer to appear at a Commission Review, but no Officer who is subject to an Investigation shall be compelled to testify as a witness against themselves. Officers appearing before the Commission may appear with counsel.
- vi)** The Commission may Subpoena the appearance of witnesses who are outside City employ to clarify evidence, and to the extent necessary to insure fairness to all parties. Subpoenas shall be issued in accordance with National City Municipal Code Chapter 2.74 to evaluate evidence pertinent to the Review of the Investigation.
- vii)** The Complainant is not entitled to be present, except when called as a witness by the Commission. The Commission shall Review the Investigation file:
 - a. If the Commission concludes the Finding is supported by the evidence, it shall inform the Chief; or
 - b. If the Commission determines the Finding is inconclusive, it shall inform the Chief that further Investigation is required; or
 - c. If the Commission concludes the Finding is not supported by the evidence, it shall inform the Chief.
- viii)** The Commission will make no comments or recommendations regarding Officer discipline.
- ix)** If the Department declines to accept the Commission’s recommendation resulting from the Review, a Closed-session meeting of the Commission pursuant to Government Code Section 54957 to hear complaints or charges brought against National City Police Department employees by a citizen (unless the employee requests a public session) shall be scheduled, at which the Department may appear to represent their position. The purpose of the meeting is for the Commission to reach a final decision on its position regarding the Complaint and to afford the Department an opportunity to explain why the Investigation Finding is appropriate.
 - a. If, after the Closed-session meeting of the Commission with the Department the Commission is persuaded to agree with the Department’s Findings, the

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Commission will send notification of same to the Department. The Officer(s) Involved shall be informed pursuant to Department policy and procedures.

b. In those cases where the Commission by a majority vote disagrees with Department's Findings on a Complaint, and cannot resolve its differences with the Department, the Commission will send notification of same to the Department. The Officer(s) Involved shall be informed pursuant to Department policy and Procedures.

i. Additionally, the Commission shall advise the City Manager of the Commission's position. The Commission shall also advise the City Manager of any substantive comments that the Commission has made on individual cases, and may suggest policy changes based on trends that have come to the Commission's attention.

ii. The Commission will make no comments or recommendations regarding Officer discipline.

iii. The City Manager may take whatever action is considered appropriate, consistent with the duties and authority conferred upon that office by law.

iv. If any changes in the Department's Findings occur, the Department will notify the Commission.

c. These operating procedures acknowledge the Officer's right to appeal the position of the Commission consistent with *Caloca v. County of San Diego* (1999), 72 Cal.App.4th 1209 and *Caloca v. County of San Diego* (2002), 102 Cal.App.4th 433, which held that under the Public Safety Officers Procedural Bill of Rights Act (Government Code Section 3300 et seq.), police officers must be afforded an administrative appeal of sustained findings of misconduct even though no disciplinary matters are considered. Such administrative appeal proceeding will be conducted by a neutral, unbiased adjudicator(s) who will examine the finding de novo.

All further terms of the re-examine will be consistent with the guidelines set forth in the *Caloca v. County of San Diego* (2002), 102 Cal.App.4th 433.

x) The Commission will not provide any confidential information made known to it or its members by its Investigation to anyone other than the City Manager, City Attorney or the Department. Under no circumstances will the City Manager or City Attorney provide any confidential information made known to the City Manager by Commission to anyone other than the Department.

xi) The decision of the Chief regarding the Department's final disposition of the matter shall be communicated to the Complainant in the format prescribed by Penal Code sections 832.5 and 832.7.

a. The Commission shall notify the Complainant of its' position in regard to the Investigation. Should public comment by the Commission be appropriate, the Commission shall comply with the requirements imposed by law regarding non-

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disclosure of personnel information regarding Officer(s) Involved and the Police Officers.

Bill of Rights.

b. The Chief shall notify the Complainants of the protocols for Request for further review by the Commission.

c. The Officer(s) Involved shall be informed pursuant to Department policy and procedures.

xii) If the Department finds that any portion of the Complaint is “sustained,” then procedures outlined in the National City Police Department Operating Procedures will be followed.

Section 10.03 Mediation Procedures (Alternative Complaint Resolution Process)

A Complainant may request mediation of the Complaint. The Department will undertake mediation upon the mutual consent of the Officer Involved. The Department shall utilize the services of a recognized mediation service or professional to serve as mediator. The parties to the mediation shall consist only of the mediator, the Complainant and the Officer(s) Involved. The mediation shall be informal, and oriented towards resolving the problem or mitigating any misunderstandings. The parties will agree in writing as a condition of mediation that neither the fact of mediation, nor any statements or admissions made during the mediation sessions shall be admissible in any later administrative or judicial proceedings involving the Complaint, including any later initiated Investigation or Department proceedings. Upon satisfactory conclusion of the mediation, the Complaint shall be dismissed and withdrawn, and shall not be filed in any personnel record pertaining to the Officer Involved. The Department shall inform the Commission of the outcome of the mediation (alternative complaint resolution process). The Department or the Commission regarding the Complaint shall thereafter entertain no further proceedings regarding the Complaint.

Section 10.04 Protocols for Reviewing Service Complaints

A Service Complaint is a Complaint received from a Citizen regarding quality of service or minor acts or omissions that would not normally rise to the level of Misconduct.

(a) The Department shall resolve all Service Complaints and report them to the Commission on a Service Complaint Log form. The documentation will include the action taken to resolve the Complaint.

(b) No appeal of a Service Complaint shall be permitted before the Commission. The Commission, however, may audit Complaints categorized as Service Complaints on a quarterly, semi-annual or annual basis, and provide appropriate comment to the City Manager and Chief on the handling of Service Complaints on a continuing basis.

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(c) No public comment by the Commission regarding Service Complaints shall be permitted without the approval of a majority of the Commissioners. Public comment shall not include any discussion of personnel or confidential information.

(d) The Department shall respond by letter to Complainants the Findings of their Investigation of the Service Complaint.

Article XI. Protocols for Filing of REQUEST FOR FURTHER REVIEW

Any Complainant who is dissatisfied with the Department's Findings reported following an Investigation of alleged Officer may file a Request for further review by the Commission which shall be based on either evidence or allegations the Complainant believes was omitted in the Investigation. The Department shall inform the Complainant at the time of notification of the opportunity to file a Request for further review.

(a) The Request for further review must be filed within thirty (30) days of the Complainant receiving Department notification regarding disposition of the case. The Commission may adopt rules for permitting late Filings

i) A Request for further review may be filed only by the Complaint in writing, either personally, by mail, fax or email with the Commission Office, or through other arrangements approved by the Commission. No Complaint or Request for further review will be deemed filed with the Commission until it has been reduced to writing and signed by the Complainant.

ii) The Request for further review shall include:

- a. The name, address, and telephone number of the Complainant;
- b. The approximate date the Complaint was filed (if known);
- c. The substance of the initial Complaint;
- d. The evidence, or allegation the Complainant believes was omitted in the Investigation.

iii) The Complainant may withdraw the Request for further review at any time.

(b) The Commission may decline the Request for further review if it appears that the Department's Investigation and Findings were satisfactory and/or no information is provided to justify additional or further REVIEW by the Commission.

(c) Should the Commission accept the Request for further review, the matter shall be forwarded for resolution in accordance with Police Department Operating Procedure 015 et seq. The Commission shall conduct its Review as defined in Section 10.02 Protocols for Reviewing Complaints of these Procedures.

i) The Officer(s) Involved shall be informed pursuant to Department policy and procedures.

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(d) The Commission's determination resulting from the Request for further review shall be final. The Commission shall thereafter entertain no further proceedings regarding the Complaint.

Article XII. Communications

In the case of Commission communications:

(a) The Commission shall not identify individuals involved in cases that come before the Commission to any person other than among themselves, the Commission, and the Department;

(b) No Commission member shall release any hearing documents to any person outside of the committee;

(c) No Commission member may publicly represent the Commission without prior authorization from the Commission or the Chairperson;

(d) Any Commissioner regarding any particular Incident or Officer under Commission review shall not send email, nor shall e-mail identify any Department personnel by name. Any e-mail communication sent by a Commission member to any other member or members of the Commission that relates to Commission business shall be furnished to and retained by Commission staff pursuant to the City records retention schedule. Copies of communications shall be sent to the Commission staff at the time the communication is made. The sender or recipient shall not retain individual copies, other than by Commission staff in accordance with the City records retention schedule.

(e) The Commission should address the questions arising out of public comment during Commission public meetings.

i) The questions should be addressed to the Commission and not to Commission staff.

ii) The Chair is the spokesperson for the Commission and may restrict discussion of any question to allow for necessary research.

iii) The Commission acknowledges that not all questions rise to the level of concern requiring a response.

iv) The Chair will advise the questioner when the Commission will respond to a question.

Article XIII. Monitoring and Reporting

Section 13.01 The Commission shall develop a data system to track all Complaints received, develop quarterly reports to inform the City Manager regarding Commission workload and performance, and review the status of Complaints and appeals with the Chief.

Section 13.02 The Commission may utilize the Consultant to develop recommendations for modification of Department policies and procedures in order to prevent problems, and improve the quality of Investigations and police community relations.

Section 13.03 The Commission shall develop annual summary reports for the City Manager, Council and public on Commission activities, policy recommendations, and Department follow-through on recommendations. The report may include analysis of closed files that were not appealed, but not for the purpose that the files are to be reopened or that any confidential information or personnel records disclosed.

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Article XIV. Increasing Public Access

Section 14.01 The City Manager shall work with the Commission to make Complaint forms available in formats and locations to reach as many community members as possible.

Section 14.02 The Consultant shall work with the Commission to develop programs to educate the public about the Commission and the importance of reporting problems.

Section 14.03 The Commission shall develop programs to educate Department personnel on Commission activities. Department personnel shall be informed that the Commission is another means for Citizens to file Complaints. The Commission shall work with the Department to develop guidelines for situations when a Complainant with a Complaint directly contacts a commander or supervisor within the Department.

Article XV. Limitation on Power

Neither the Commission nor any retained Consultant may comment upon or recommend the level of discipline for any Officer pursuant to any Review made under this procedure.

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Operating Procedures of the National City Community and Police Relations Commission
Adopted by City Council 02-7-2006
CPRC Amended 10-7-2021
Adopted by City Council 02-15-2022

NATIONAL CITY COMMUNITY AND POLICE RELATIONS BYLAWS

ARTICLE I – THE COMMISSION

Section 1. Name of Commission

The name of the Commission shall be the “National City Community and Police Relations Commission” (hereinafter referred to as the “Commission”).

Section 2. Mission Statement

It is the intent of the Mayor and City Council that because of our actions, the relations between the citizens of the City of National City (“hereinafter referred to as the “City”) and the National City Police Department will improve, and positive communications and cooperation between the National City Police Department and community will be facilitated.

Based on this intent, the Commission’s mission will be to:

- (1) provide a forum for citizens to voice their concerns about police conduct, practices and policies;
- (2) examine police practices and policies as they pertain to conduct issues; and
- (3) identify opportunities to ameliorate adversity between the National City Police Department and citizen complaints.

Section 3. Duties

The duties and responsibilities of the Commissioners shall be:

- a) Participating in orientation and training activities at least two times per year, that may include: reviewing of Department and IAD policies and procedures; attending the Department or County of San Diego Citizens' Academy; completing “ride-alongs” with Officers; attending recruiting and academy workshops; the annual National Association for Civilian Oversight of Law Enforcement (NACOLE) Conference; attending training opportunities available to NCPD officers including but not limited to investigative practices, the Psychiatric Emergency Response Team (P.E.R.T.), de-escalation, racial bias, implicit bias, Department practices; and other relevant training opportunities.
- b) Serving for a term of ~~two~~ three years, subject to reappointment by Council. Upon expiration of term, a Commissioner shall serve until re-appointed or replaced.
- c) Attending Commission meetings, except when excused for good cause.
- d) Serving staggered terms to better ensure continuity. A lottery shall be held during the next regularly scheduled meeting following the adoption of these procedures to establish the term of each Commissioner currently appointed. No more than four voting Commissioners shall be appointed to three years terms as a result of the lottery, all others shall be appointed to a term of one-year. All Commissioners will remain eligible for reappointment upon expiration of their term.
- e) Annually electing a chair and vice-chair from among the Commissioners.

- f) Adopting operating policies and procedures as necessary and appropriate to carry out their duties in a fair and unbiased manner.
- g) Receive and monitor or investigate citizen complaints regarding police conduct, but without interfering with the administration of the police department.
- h) Request and receive supplemental information from the police department regarding citizen complaints and such other matters as the commission may request.
- i) Allow parties the opportunity to mediate their disputes.
- j) Make recommendations to the city council regarding additional duties that the commission may perform.
- k) Make an annual report of its activities, findings and recommendations to the city council.
- l) Advise on police department operations, and make recommendations on police policy issues.
- m) Conduct investigations and hold public hearings. The commission has the power to examine witnesses under oath and compel their attendance or production of evidence by subpoena issued in the name of the city and attested by the city clerk. It shall be the duty of the chief of police to cause all such subpoenas to be served, and refusal of a person to attend or testify in answer to such a subpoena shall subject the person to prosecution in the same manner as set forth by law for failure to appear before the city council in response to a subpoena issued by the city council.
- n) Each member of the commission shall have the power to administer oaths to witnesses.
- o) Keep a record of its resolutions, transactions, findings, and determinations, which record shall be a public record unless the city attorney determines otherwise.

Section 4. Membership

A. Composition

The Commission shall be comprised of eight (8) individuals selected according to the process outlined in Section 3.02 of the CPRC Operating Procedures. Of the eight members, seven (7) shall be voting members, and one (1) shall be a non-voting member. Of the seven voting members, five (5) shall be residents of the City of National City. The non-voting member shall be a member of the National City Police Officers' Association.

B. Terms of Membership

The terms of the members shall be for three (3) years, subject to reappointment by the City Council. The term of the member from the National City Police Officers' Association shall be for three (3) years with the option of reappointment by their organization (POA). Upon expiration of term, a member shall serve until re-appointed or replaced.

C. Termination of Membership

Membership in the Commission shall automatically terminate in the event that:

- 1) The member's term has expired. If a term expires, the member can either continue until reappointment or replacement; or
- 2) The member shall have been absent from the number of Commission meetings specified in these Bylaws.

D. Removal of Members

A member may be removed by a majority vote of the Commission and subsequently the City Council.

E. Resignation

Any Commission member may resign at any time by giving written notice to the Chairperson. Any such resignation will take effect upon receipt or upon any date specified therein. The acceptance of such resignation shall not be necessary to make it effective.

F. Filling of Vacancies

In the event a vacancy occurs on the Commission by reason of death, resignation, removal or termination, such vacancy shall be filled according to the process outlined in Section 3.02 of the CPRC Operating Procedures, with new members so appointed having to meet the qualifications set forth in Article I, Section 4(a). Persons appointed to fill vacancies shall fill the unexpired terms of their predecessors.

ARTICLE II – OFFICERS

Section 1. Officers

The officers of the Commission shall consist of a Chairperson and a Vice Chairperson, and shall be elected in the manner set forth in this Article II. In addition, the Commission may create and fill, in the manner set forth in this Article II, such other offices as it deems necessary.

Section 2. Chairperson

The Chairperson shall preside at all meetings of the Commission, working with the Vice Chairperson and in consultation with the City staff, shall submit such agenda recommendations and information that are reasonable and proper for the conduct of the business affairs and policies of the Commission. The Chairperson shall sign all resolutions, approved minutes, and other legal documents of the Commission (if any). The Chairperson shall be a resident of National City. The Commission shall not have a current, ~~or former or immediate family~~ member of a National City Police Officer serve as Chairperson. ~~Immediate family member is defined as a parent, spouse, domestic partner, offspring or sibling of a National City Police Officer.~~

Section 3. Vice Chairperson

The Vice Chairperson shall perform the duties of the Chairperson in the Chairperson's absence. The Vice Chairperson shall be a resident of the National City. The Vice Chairperson shall be a

resident of National City. The Commission shall not have a current, ~~or former or immediate family member of a National City Police Officer~~ serve as Vice Chairperson. ~~Immediate family member is defined as a parent, spouse, domestic partner, offspring or sibling of a National City Police Officer.~~

Section 4. Additional Duties

The officers of the Commission shall perform such other duties and functions as may from time to time be required by the Commission, the Operating Procedures, the Bylaws or other rules and regulations, or which duties and functions are incidental to the office held by such officers.

Section 5. Election

The Chairperson and Vice Chairperson shall be elected by a majority of the members of the Commission at its last regularly scheduled meeting each calendar year. The terms of the Chairperson and Vice Chairperson shall be one year.

Section 6. Vacancies

Should the offices of the Chairperson or Vice Chairperson become vacant, the Commission shall elect a successor from among the Commission members at the next regular or special meeting, and such office shall be held for the unexpired term of said office.

ARTICLE III – MEETINGS

Section 1. Regular Meetings

The Commission shall schedule and conduct at least four meetings per year for the purpose of exercising the authority and responsibility delegated to it in the Operating Procedures. The Commission shall meet on the third Thursday of the month for which a meeting has been called by the Chairperson at 6:00 p.m. in the Council Chambers of the National City Civic Center, 1243 National City Boulevard, 2nd Floor, National City, unless otherwise designated. The agenda for each regular meeting shall be posted by City staff at least 72 hours in advance consistent with the requirements of the Ralph M. Brown Act and the City's customary procedures.

Section 2. Special Meetings

Special meetings and/or hearings may be held upon call of the Chairperson, Vice Chairperson or of the majority of the membership of the Commission, for the purpose of transacting any business designated in the call, after notification of all members of the Commission by written notice personally delivered or by mail at least 24 hours before the time specified in the notice for a special meeting. Such written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the Chairperson a written waiver of notice, and as to any member who is actually present at the time the meeting convenes. Additionally, City staff shall be

responsible for the posting of the agenda of the special meeting in the four (4) locations designated in Section 1 at least 24 hours prior to the time specified in the notice for the meeting, and for providing copies of the notice of meeting to the news media. At such special meeting, no business other than that designated in the call shall be considered.

Section 3. Adjourned Meetings

Any meeting of the Commission may be adjourned to an adjourned meeting without the need for additional notice or agenda, provided that the adjournment indicates the date, time and place of the adjourned meeting, and provided that the adjourned meeting occurs not more than five (5) calendar days after the meeting for which notice and agenda requirements were met. Commission members absent from the meeting at which the adjournment decision is made shall be notified by the Chairperson of the adjourned meeting.

Section 4. All Meetings to be Open and Public

All meeting of the Commission shall be open and public to the extent required by law. All persons shall be permitted to attend any such meetings except as otherwise provided by law. Nothing contained in these Bylaws shall be construed to prevent the Commission from holding closed sessions during a meeting concerning any matter permitted by law to be considered in closed session provided the Commission complies with the conditions and procedures provided by law for closed sessions. All meetings shall be limited to no more than three (3) hours unless a majority of the membership, by vote, agrees to request additional time.

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The powers of the Commission shall be vested in the members thereof in office from time to time. A majority of the members of the Commission qualified and eligible to vote shall constitute a quorum for the purpose of conducting the Commission's business, exercising its powers and for all other purposes, but less than a majority of the members of the Commission may adjourn the meeting from time to time until a quorum is obtained. An affirmative vote by a majority of the members of the Commission qualified and eligible to vote shall be required for approval of any question brought before the Commission.

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Membership in the Commission shall terminate if a member has two (2) consecutive unexcused absences from meetings, whether regular or special, or four (4) absences from regular or special meetings, in a three (3) year term. A member's absence may be excused if prior to the meeting from which said member will be absent, said member notifies the Chairperson or Designee of intent to be absent and the reason therefore. At each meeting, after the roll has been called, the Chairperson shall report to the Commission the name of any member who has so notified of their intent to be absent and the reason for such absence. (Illness being an example of an excused absence from a regularly scheduled meeting and prior plans being an example of an excused

absence from a special meeting or a meeting where the date or time is changed). The Commission shall approve or disapprove requests for excused absences.

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- 2) Approval of Minutes of previous meeting
- 3) Public Comment
- 4) Action Items
- 5) Adjournment

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Oral and written reports of the Commission, including resolutions adopted by the Commission, shall include a report of the position of the minority of the Commission as well as the majority. When applicable, an indication of the relative size of the majority and the minority for each such report shall be included within the report.

Section 11. Docketing of Items for Agenda

During any regularly scheduled or special meeting, a Commissioner may propose an item for inclusion on the agenda of a future Commission meeting for discussion and possible action. ~~During public comment, members of the public may also request items to be included on future Commission agendas. Determination as to whether an item shall be included on a future agenda shall be made by a majority vote of the Commission. Final determination regarding placement of Commission approved agenda items will be made by the Chairperson and Vice Chairperson working in consultation with City staff.~~

For an item to be placed on the Community and Police Relations Commission Meeting Agenda, by Commissioners, the following will assist City staff in the agenda planning process:

- a) A single page Commission Item Request Form to agendize the request to be discussed, and the Commissioner recommended action to address the matter. No additional material other than the single page request may be submitted to be agendized at the initial Commission meeting in which the matter will be heard.
- b) The request must be submitted no later than three weeks prior to regularly scheduled Commission meeting to allow City staff and the City Attorney time to review the item and determine, if the matter as written, in the single page request, should be placed on the open or closed session of the Meeting Agenda.
- c) If the City staff, in consultation with the City Attorney, determines the matter is appropriate to be included in the open session agenda it will be added to the agenda as written. If the City Attorney, determines the mater should be discussed in Closed Session, the City staff will draft the required agenda wording for listing the matter under Closed Session on the Meeting Agenda. The single page request, written by the Commissioner, will be provided to the entire Commission in Closed Session.
- d) Discussion would be limited to whether an item should be added to an agenda and a date, not the merit of the item.
- e) If a majority of the Commission votes to include the item as an action item at a subsequent Commission meeting it will be determined who will provide the report:
 - i. The Commission prepares a report including supporting information and documentation, and a presentation of the item to be discussed at the meeting, with City staff and City Attorney review; or
 - ii. The City staff will be directed to provide a report analysis including fiscal review, legal review and policy review of the action by the Commissioner, requesting and recommendation (if any) among alternatives (if any) as soon as the research and staff report can be reasonable completed at a subsequent Commission meeting.
- f) If the request required further study of the item from staff, a full analysis shall be prepared at the direction of the City Manager with at least thirty (30) calendar days to prepare, unless otherwise directed by Commission. Status updates will be provided to the Commission every ~~sixty~~ninety (90) days as an informational memo.
- g) This would provide City staff the authority to determine placement and timing, unless Commission direction is time-sensitive, and requires immediate placement on the next regularly scheduled Commission Meeting.
- h) Related Policy References:
 - i. City Council Policy 105
 - ii. National City Municipal Code, Chapter 2.04
 - iii. Ralph M. Brown Act
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ARTICLE IV – REPRESENTATION BEFORE PUBLIC BODIES

Any official representations on behalf of the Commission before the City Council or any other public body shall be made by the Chairperson, the Vice Chairperson in the Chairperson’s absence, or a member of the Commission specifically so designated by the Commission pursuant to the Ralph M. Brown Act.

ARTICLE V – SUBCOMMITTEES

Section 1. Establishment

The Commission shall have the authority to, and may, establish subcommittees as necessary to accomplish the purposes set forth in Section 3 of Article I of these Bylaws.

Section 2. Membership

Each subcommittee shall be composed of a minimum of two (2) but not more than three (3) members of the Commission.

Section 3. Appointment of Members

Members on a subcommittee shall be appointed by the Chairperson of the Commission by a majority vote of the Commission.

Section 4. Officers and Meetings

Subcommittee chairpersons shall be designated by the Chairperson of the Commission from among the Commission members appointed to the subcommittee. Each subcommittee shall elect a vice chairperson, and shall establish the date, time and place for meetings to conduct the subcommittee’s business.

Section 5. Subcommittee Reports

From time to time, subcommittees shall submit reports to the Commission, which reports summarize the subcommittee’s activities, findings and/or recommendations on matters for which the subcommittee was established.

ARTICLE VI – AMENDMENTS

Section 1. Amendment of Bylaws and Operating Procedures

The Bylaws and Operating Procedures of the Commission may be amended upon the affirmative vote of a majority of the voting seated members but no such amendment shall be adopted unless at least seven (7) days’ written notice thereof has previously been given to all members of the Commission. Notice of amendment shall identify the section or sections of the Bylaws proposed to be amended.

ARTICLE VII- ORDER OF PRECEDENCE

Section 1. Conduct of Affairs

The COMMISSION will observe all applicable requirements of state and local law, including the following, which have been summarized as follows, listed in hierarchical order:

- a. United States Constitution
- b. California Constitution
- c. California Statutes and Codes, including but not limited to the Government Code (Ralph M. Brown Act, Section 54950 et seq.: and Public Safety Officers Procedural Bill of Rights, Sections 3300-3311, Chapter 9.7”), Division 4, Title 1), Penal Code (PC), Health and Safety Code, and Vehicle Code (VC)
 - i. Penal Code Sections 832.5 and 832.7
- d. National City Municipal Code Title 16 City Boards, Commissions and Committees Chapter 16.04 Community and Police Relations Commission.
- e. National City – City Council Administrative and Operating Policies
- f. Memorandum of Understanding (MOU) between City of National City and National City Police Officers Association
- g. National City Police Department rules and procedures, which govern the rights and duties of DEPARTMENT personnel.
- h. The Bylaws of the National City Community and Police Relations Commission as authorized by the City Council
- i. The Operating Procedures of the National City Community and Police Relations Commission as authorized by the City Council
- j. Rosenberg’s Rules of Order

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Community & Police Relations Commission Bylaws
CPRC Amended October 7, 2021
Adopted by City Council February 15, 2022



COMMISSION ITEM REQUEST

The Commission Item Request Form is for members of a National City Board, Commission or Committee (BCC) to submit written requests to City staff for inclusion of an item on a future Meeting Agenda. At the meeting where the initial written request is heard, discussion should be limited to whether the item should be added to an agenda and a date, not the merit of the item. A majority of the BCC is required for the item to be added to a future Meeting Agenda for action.

Requesting Member of Board, Commission or Committee: _____

Today's Date: _____

Is this matter considered Time-Sensitive by another entity deadline? _____

WRITTEN REQUEST

I, _____, hereby request that the following item be placed on the City of National City – Board, Commission or Committee meeting agenda for consideration.

**NATIONAL CITY COMMUNITY AND POLICE RELATIONS
BYLAWS**

ARTICLE I – THE COMMISSION

Section 1. Name of Commission

The name of the Commission shall be the “National City Community and Police Relations Commission” (hereinafter referred to as the “Commission”).

Section 2. Mission Statement

It is the intent of the Mayor and City Council that because of our actions, the relations between the citizens of the City of National City (“hereinafter referred to as the “City”) and the National City Police Department will improve, and positive communications and cooperation between the National City Police Department and community will be facilitated.

Based on this intent, the Commission’s mission will be to:

- (1) provide a forum for citizens to voice their concerns about police conduct, practices and policies;
- (2) examine police practices and policies as they pertain to conduct issues; and
- (3) identify opportunities to ameliorate adversity between the National City Police Department and citizen complaints.

Section 3. Duties

The duties and responsibilities of the Commissioners shall be:

- a) Participating in orientation and training activities at least two times per year, that may include: reviewing of Department and IAD policies and procedures; attending the Department or County of San Diego Citizens' Academy; completing “ride-alongs” with Officers; attending recruiting and academy workshops; the annual National Association for Civilian Oversight of Law Enforcement (NACOLE) Conference; attending training opportunities available to NCPD officers including but not limited to investigative practices, the Psychiatric Emergency Response Team (P.E.R.T.), de-escalation, racial bias, implicit bias, Department practices; and other relevant training opportunities.
- b) Serving for a term of ~~two~~ three years, subject to reappointment by Council. Upon expiration of term, a Commissioner shall serve until re-appointed or replaced.
- c) Attending Commission meetings, except when excused for good cause.
- d) Serving staggered terms to better ensure continuity. A lottery shall be held during the next regularly scheduled meeting following the adoption of these procedures to establish the term of each Commissioner currently appointed. No more than four voting Commissioners shall be appointed to three years terms as a result of the lottery, all others shall be appointed to a term of one-year. All Commissioners will remain eligible for reappointment upon expiration of their term.
- e) Annually electing a chair and vice-chair from among the Commissioners.

- f) Adopting operating policies and procedures as necessary and appropriate to carry out their duties in a fair and unbiased manner.
- g) Receive and monitor or investigate citizen complaints regarding police conduct, but without interfering with the administration of the police department.
- h) Request and receive supplemental information from the police department regarding citizen complaints and such other matters as the commission may request.
- i) Allow parties the opportunity to mediate their disputes.
- j) Make recommendations to the city council regarding additional duties that the commission may perform.
- k) Make an annual report of its activities, findings and recommendations to the city council.
- l) Advise on police department operations, and make recommendations on police policy issues.
- m) Conduct investigations and hold public hearings. The commission has the power to examine witnesses under oath and compel their attendance or production of evidence by subpoena issued in the name of the city and attested by the city clerk. It shall be the duty of the chief of police to cause all such subpoenas to be served, and refusal of a person to attend or testify in answer to such a subpoena shall subject the person to prosecution in the same manner as set forth by law for failure to appear before the city council in response to a subpoena issued by the city council.
- n) Each member of the commission shall have the power to administer oaths to witnesses.
- o) Keep a record of its resolutions, transactions, findings, and determinations, which record shall be a public record unless the city attorney determines otherwise.

Section 4. Membership

A. Composition

The Commission shall be comprised of eight (8) individuals selected according to the process outlined in Section 3.02 of the CPRC Operating Procedures. Of the eight members, seven (7) shall be voting members, and one (1) shall be a non-voting member. Of the seven voting members, five (5) shall be residents of the City of National City. The non-voting member shall be a member of the National City Police Officers' Association.

B. Terms of Membership

The terms of the members shall be for three (3) years, subject to reappointment by the City Council. The term of the member from the National City Police Officers' Association shall be for three (3) years with the option of reappointment by their organization (POA). Upon expiration of term, a member shall serve until re-appointed or replaced.

C. Termination of Membership

Membership in the Commission shall automatically terminate in the event that:

- 1) The member's term has expired. If a term expires, the member can either continue until reappointment or replacement; or
- 2) The member shall have been absent from the number of Commission meetings specified in these Bylaws.

D. Removal of Members

A member may be removed by a majority vote of the Commission and subsequently the City Council.

E. Resignation

Any Commission member may resign at any time by giving written notice to the Chairperson. Any such resignation will take effect upon receipt or upon any date specified therein. The acceptance of such resignation shall not be necessary to make it effective.

F. Filling of Vacancies

In the event a vacancy occurs on the Commission by reason of death, resignation, removal or termination, such vacancy shall be filled according to the process outlined in Section 3.02 of the CPRC Operating Procedures, with new members so appointed having to meet the qualifications set forth in Article I, Section 4(a). Persons appointed to fill vacancies shall fill the unexpired terms of their predecessors.

ARTICLE II – OFFICERS

Section 1. Officers

The officers of the Commission shall consist of a Chairperson and a Vice Chairperson, and shall be elected in the manner set forth in this Article II. In addition, the Commission may create and fill, in the manner set forth in this Article II, such other offices as it deems necessary.

Section 2. Chairperson

The Chairperson shall preside at all meetings of the Commission, working with the Vice Chairperson and in consultation with the City staff, shall submit such agenda recommendations and information that are reasonable and proper for the conduct of the business affairs and policies of the Commission. The Chairperson shall sign all resolutions, approved minutes, and other legal documents of the Commission (if any). The Chairperson shall be a resident of National City. The Commission shall not have a current or former member of a National City Police Officer serve as Chairperson.

Section 3. Vice Chairperson

The Vice Chairperson shall perform the duties of the Chairperson in the Chairperson's absence. The Vice Chairperson shall be a resident of the National City. The Vice Chairperson shall be a resident of National City. The Commission shall not have a current or former member of a National City Police Officer serve as Vice Chairperson.

Section 4. Additional Duties

The officers of the Commission shall perform such other duties and functions as may from time to time be required by the Commission, the Operating Procedures, the Bylaws or other rules and regulations, or which duties and functions are incidental to the office held by such officers.

Section 5. Election

The Chairperson and Vice Chairperson shall be elected by a majority of the members of the Commission at its last regularly scheduled meeting each calendar year. The terms of the Chairperson and Vice Chairperson shall be one year.

Section 6. Vacancies

Should the offices of the Chairperson or Vice Chairperson become vacant, the Commission shall elect a successor from among the Commission members at the next regular or special meeting, and such office shall be held for the unexpired term of said office.

ARTICLE III – MEETINGS

Section 1. Regular Meetings

The Commission shall schedule and conduct at least four meetings per year for the purpose of exercising the authority and responsibility delegated to it in the Operating Procedures. The Commission shall meet on the third Thursday of the month for which a meeting has been called by the Chairperson at 6:00 p.m. in the Council Chambers of the National City Civic Center, 1243 National City Boulevard, 2nd Floor, National City, unless otherwise designated. The agenda for each regular meeting shall be posted by City staff at least 72 hours in advance consistent with the requirements of the Ralph M. Brown Act and the City's customary procedures.

Section 2. Special Meetings

Special meetings and/or hearings may be held upon call of the Chairperson, Vice Chairperson or of the majority of the membership of the Commission, for the purpose of transacting any business designated in the call, after notification of all members of the Commission by written notice personally delivered or by mail at least 24 hours before the time specified in the notice for a special meeting. Such written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the Chairperson a written waiver of notice, and as to any member who is actually present at the time the meeting convenes.

Additionally, City staff shall be responsible for the posting of the agenda of the special meeting in the four (4) locations designated in Section 1 at least 24 hours prior to the time specified in the notice for the meeting, and for providing copies of the notice of meeting to the news media. At such special meeting, no business other than that designated in the call shall be considered.

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Section 6. Excused and Unexcused Absences

Membership in the Commission shall terminate if a member has two (2) consecutive unexcused absences from meetings, whether regular or special, or four (4) absences from regular or special meetings, in a three (3) year term. A member's absence may be excused if prior to the meeting from which said member will be absent, said member notifies the Chairperson or Designee of intent to be absent and the reason therefore. At each meeting, after the roll has been called, the Chairperson shall report to the Commission the name of any member who has so notified of their intent to be absent and the reason for such absence.

(Illness being an example of an excused absence from a regularly scheduled meeting and prior plans being an example of an excused absence from a special meeting or a meeting where the date or time is changed). The Commission shall approve or disapprove requests for excused absences.

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Section 1. Conduct of Affairs

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- e. National City – City Council Administrative and Operating Policies
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- g. National City Police Department rules and procedures, which govern the rights and duties of DEPARTMENT personnel.
- h. The Bylaws of the National City Community and Police Relations Commission as authorized by the City Council
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- j. Rosenberg’s Rules of Order

#####

Community & Police Relations Commission Bylaws
CPRC Amended October 7, 2021
Adopted by City Council February 15, 2022

RESOLUTION NO. 2022 –

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA APPROVING PROPOSED AMENDMENTS TO THE COMMUNITY AND POLICE RELATIONS COMMISSION (“CPRC”) OPERATING PROCEDURES AND BYLAWS

WHEREAS, the City Council considered the Community and Police Relations Commission (“CPRC”) Operating Procedures and Bylaws on February 7, 2006; and

WHEREAS, the consensus of the City Council was to have CPRC adopt and amend its Bylaws; and

WHEREAS, on February 18, 2021, the CPRC established a subcommittee to review and provide recommendations on the Operating Procures and Bylaws; and

WHEREAS, on October 7, 2021, the CPRC sub-committee provided its proposed edits to the full CPRC on the Operating Procedures and Bylaws; and

WHEREAS, on October 7, 2021, the CPRC approved Operating Procedures and Bylaws by a majority vote (4 members in favor, 2 abstentions); and

WHEREAS, the CPRC requests the City Council approve its Operating Procedures and Bylaws as amended.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

Section 1. Approves the proposed amendments to the Community and Police Relations Commission (“CPRC”) Operating Procedures and Bylaws attached hereto as Exhibit A.

Section 2. The City Clerk shall certify the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED and ADOPTED this 15th day of February, 2022.

Alejandra Sotelo-Solis, Mayor

ATTEST:

Luz Molina, City Clerk

APPROVED AS TO FORM:

Charles E. Bell Jr., City Attorney

**National City Community and Police Relations Commission
Operating Procedures**

ARTICLE III. Community and Police Relations Commission

Section 3.02:

The “human rights organization” position has been removed in order to have consistency across all CPRC documents (Municipal Code, Bylaws, and the Operating Procedures).

The Commission shall be comprised of eight (8) individuals appointed by the Mayor with the approval of the City Council. Of the eight members, seven (7) shall be voting members, and one (1) shall be a non-voting member. Of the seven voting members, five (5) shall be residents of the City of National City. The one nonvoting member shall be a member of the National City Police Officers’ Association POA. The City Council is authorized to appoint up to two alternate representatives to the primary POA representative, one of whom would attend Commission meetings when the primary representative is unable to attend, and who shall have the same rights and responsibilities as the primary representative.

Language revised to mirror City Council Policy #107.

The Appointment Process, Unexpired Terms, Vacancies, Appointments, Implementation of Council policy for appointment to Boards, Commissions, Attendance, Excused Absences, Removal, and Mandatory Training and Filing Requirements mirror the language in City Council Policy #107.

Section 3.04:

(a): Language added in include additional options by which one could fulfill the requirement for two annual training or orientation activities.

(b) and (d): Throughout the operating procedures and bylaws it was noted that the term of a commission appointment is three years, not two, so those changes were included.

(g), (h), (i), (j), (k), (l), (m), (n): The language here mirrors that of the bylaws which itself is taken from the municipal code. Therefore consistent across all three documents (Municipal Code, Bylaws, and the Operating Procedures).

Proposed Bylaws Amendments:

ARTICLE I – THE COMMISSION:

Section 3. Duties

The language here mirrors that of the operating procedures which itself is taken from the municipal code. Therefore the duties/responsibilities of the CPRC are consistent across all three documents (Municipal Code, Bylaws, and the Operating Procedures).

ARTICLE II – OFFICERS

Section 2. Chairperson

Language added to align with City Council Police #107 Appointments to Board and Commissions that only National City residents may be elected to the Chair and Vice Chair positions. Additional language was added that *the Commission shall not have a current or former member of a National City Police Officer serve as Chairperson.*

Section 3. Vice Chairperson

Language added to align with City Council Policy #107 Appointments to Board and Commissions that only National City residents may be elected to the Chair and Vice Chair positions. Additional language was added that *the Commission shall not have a current or former member of a National City Police Officer serve as Vice Chairperson.*

Section 5. Election

Language added to formalize the annual election schedule for the last regular meeting of each calendar year for the Chair and Vice Chair positions.

ARTICLE III – MEETINGS

Section 11. Docketing of Items for Agenda

This section was added to formalize the docketing of agenda items and aligns with City Council Policy #105.

The following page(s) contain the backup material for Agenda Item: [Investment transactions for the month ended October 31, 2021. \(Finance\)](#)
Please scroll down to view the backup material.

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: February 15, 2022

AGENDA ITEM NO.:

ITEM TITLE:

Investment transactions for the month ended October 31, 2021.

PREPARED BY: *Ron Gutlay*

PHONE: 619-336-4346

DEPARTMENT: Finance

APPROVED BY: *Molly Brown*

EXPLANATION:

In accordance with California Government Code Section 53646 and Section XI A of the City of National City's investment policy, a monthly report shall be submitted to the legislative body accounting for transactions made during the reporting period.

The attached listing reflects investment transactions of the City of National City's investment portfolio for the month ending October 31, 2021.

FINANCIAL STATEMENT:

ACCOUNT NO.
NA

APPROVED: *Pamela S. Pommeroy* **FINANCE**

APPROVED: _____ **MIS**

ENVIRONMENTAL REVIEW:

This is not a project and, therefore, not subject to environmental review.

ORDINANCE: INTRODUCTION FINAL ADOPTION

STAFF RECOMMENDATION:

Accept and file the Investment Transaction Ledger for the month ended October 31, 2021.

BOARD / COMMISSION RECOMMENDATION:

NA

ATTACHMENTS:

Investment Transaction Ledger



Transaction Type	Settlement Date	CUSIP	Quantity	Security Description	Price	Acq/Disp Yield	Amount	Interest Pur/Sold	Total Amount	Gain/Loss
ACQUISITIONS										
Purchase	10/04/2021	60934N807	4.79	Federated Investors Govt Oblig Fund Inst.	1.000	0.03%	4.79	0.00	4.79	0.00
Purchase	10/05/2021	60934N807	5,000.00	Federated Investors Govt Oblig Fund Inst.	1.000	0.03%	5,000.00	0.00	5,000.00	0.00
Purchase	10/08/2021	60934N807	1,059.38	Federated Investors Govt Oblig Fund Inst.	1.000	0.03%	1,059.38	0.00	1,059.38	0.00
Purchase	10/15/2021	60934N807	1,218.75	Federated Investors Govt Oblig Fund Inst.	1.000	0.03%	1,218.75	0.00	1,218.75	0.00
Purchase	10/15/2021	60934N807	62.83	Federated Investors Govt Oblig Fund Inst.	1.000	0.03%	62.83	0.00	62.83	0.00
Purchase	10/15/2021	60934N807	56.83	Federated Investors Govt Oblig Fund Inst.	1.000	0.03%	56.83	0.00	56.83	0.00
Purchase	10/15/2021	60934N807	29.17	Federated Investors Govt Oblig Fund Inst.	1.000	0.03%	29.17	0.00	29.17	0.00
Purchase	10/15/2021	60934N807	51.67	Federated Investors Govt Oblig Fund Inst.	1.000	0.03%	51.67	0.00	51.67	0.00
Purchase	10/15/2021	60934N807	58.50	Federated Investors Govt Oblig Fund Inst.	1.000	0.03%	58.50	0.00	58.50	0.00
Purchase	10/15/2021	60934N807	155.83	Federated Investors Govt Oblig Fund Inst.	1.000	0.03%	155.83	0.00	155.83	0.00
Purchase	10/15/2021	60934N807	34.50	Federated Investors Govt Oblig Fund Inst.	1.000	0.03%	34.50	0.00	34.50	0.00
Purchase	10/15/2021	60934N807	31.88	Federated Investors Govt Oblig Fund Inst.	1.000	0.03%	31.88	0.00	31.88	0.00
Purchase	10/15/2021	60934N807	6,646.88	Federated Investors Govt Oblig Fund Inst.	1.000	0.03%	6,646.88	0.00	6,646.88	0.00
Purchase	10/15/2021	60934N807	4,775.61	Federated Investors Govt Oblig Fund Inst.	1.000	0.03%	4,775.61	0.00	4,775.61	0.00
Purchase	10/15/2021	60934N807	23,058.01	Federated Investors Govt Oblig Fund Inst.	1.000	0.03%	23,058.01	0.00	23,058.01	0.00
Purchase	10/15/2021	60934N807	633.79	Federated Investors Govt Oblig Fund Inst.	1.000	0.03%	633.79	0.00	633.79	0.00



Transaction Type	Settlement Date	CUSIP	Quantity	Security Description	Price	Acq/Disp Yield	Amount	Interest Pur/Sold	Total Amount	Gain/Loss
ACQUISITIONS										
Purchase	10/15/2021	90LAIF\$00	12,787.28	Local Agency Investment Fund State Pool	1.000	0.21%	12,787.28	0.00	12,787.28	0.00
Purchase	10/16/2021	60934N807	2,457.75	Federated Investors Govt Oblig Fund Inst.	1.000	0.03%	2,457.75	0.00	2,457.75	0.00
Purchase	10/18/2021	60934N807	77.08	Federated Investors Govt Oblig Fund Inst.	1.000	0.03%	77.08	0.00	77.08	0.00
Purchase	10/21/2021	60934N807	93.92	Federated Investors Govt Oblig Fund Inst.	1.000	0.03%	93.92	0.00	93.92	0.00
Purchase	10/21/2021	60934N807	18.00	Federated Investors Govt Oblig Fund Inst.	1.000	0.03%	18.00	0.00	18.00	0.00
Purchase	10/21/2021	60934N807	8,886.57	Federated Investors Govt Oblig Fund Inst.	1.000	0.03%	8,886.57	0.00	8,886.57	0.00
Purchase	10/25/2021	60934N807	36.67	Federated Investors Govt Oblig Fund Inst.	1.000	0.03%	36.67	0.00	36.67	0.00
Purchase	10/26/2021	9128286L9	1,000,000.00	US Treasury Note 2.25% Due 3/31/2026	105.023	1.09%	1,050,234.38	1,607.14	1,051,841.52	0.00
Purchase	10/26/2021	912828R36	1,000,000.00	US Treasury Note 1.625% Due 5/15/2026	102.250	1.12%	1,022,500.00	7,241.85	1,029,741.85	0.00
Purchase	10/26/2021	91282CAM3	500,000.00	US Treasury Note 0.25% Due 9/30/2025	97.203	0.98%	486,015.63	89.29	486,104.92	0.00
Subtotal			2,567,235.69				2,625,985.70	8,938.28	2,634,923.98	0.00
Security Contribution	10/08/2021	60934N807	39,984.91	Federated Investors Govt Oblig Fund Inst.	1.000		39,984.91	0.00	39,984.91	0.00
Security Contribution	10/21/2021	60934N807	2,500,000.00	Federated Investors Govt Oblig Fund Inst.	1.000		2,500,000.00	0.00	2,500,000.00	0.00
Security Contribution	10/31/2021	90SDCP\$00	74,000.00	County of San Diego Pooled Investment Pool	1.000		74,000.00	0.00	74,000.00	0.00
Subtotal			2,613,984.91				2,613,984.91	0.00	2,613,984.91	0.00
TOTAL ACQUISITIONS			5,181,220.60				5,239,970.61	8,938.28	5,248,908.89	0.00



Transaction Type	Settlement Date	CUSIP	Quantity	Security Description	Price	Acq/Disp Yield	Amount	Interest Pur/Sold	Total Amount	Gain/Loss
DISPOSITIONS										
Sale	10/26/2021	60934N807	2,567,688.29	Federated Investors Govt Oblig Fund Inst.	1.000	0.03%	2,567,688.29	0.00	2,567,688.29	0.00
Subtotal			2,567,688.29				2,567,688.29	0.00	2,567,688.29	0.00
Paydown	10/15/2021	43815NAC8	6,541.13	Honda Auto Receivables Trust 2019-3 A3 1.78% Due 8/15/2023	100.000		6,541.13	105.75	6,646.88	0.05
Paydown	10/15/2021	477870AC3	4,654.70	John Deere Owner Trust 2019-B A3 2.21% Due 12/15/2023	100.000		4,654.70	120.91	4,775.61	0.99
Paydown	10/15/2021	47787NAC3	0.00	John Deere Owner Trust 2020-B A3 0.51% Due 11/15/2024	100.000		0.00	31.88	31.88	0.00
Paydown	10/15/2021	47788UAC6	0.00	John Deere Owner Trust 2021-A A3 0.36% Due 9/15/2025	100.000		0.00	34.50	34.50	0.00
Paydown	10/15/2021	47789KAC7	0.00	John Deere Owner Trust 2020-A A3 1.1% Due 8/15/2024	100.000		0.00	155.83	155.83	0.00
Paydown	10/15/2021	47789QAC4	0.00	John Deere Owner Trust 2021-B A3 0.52% Due 3/16/2026	100.000		0.00	58.50	58.50	0.00
Paydown	10/15/2021	58769KAD6	0.00	Mercedes-Benz Auto Lease Trust 2021-B A3 0.4% Due 11/15/2024	100.000		0.00	51.67	51.67	0.00
Paydown	10/15/2021	65479JAD5	22,577.25	Nissan Auto Receivables Owner 2019-C A3 1.93% Due 7/15/2024	100.000		22,577.25	480.76	23,058.01	1.19
Paydown	10/15/2021	89232HAC9	301.79	Toyota Auto Receivable Own 2020-A A3 1.66% Due 5/15/2024	100.000		301.79	332.00	633.79	-6.96
Paydown	10/15/2021	89236XAC0	0.00	Toyota Auto Receivables 2020-D A3 0.35% Due 1/15/2025	100.000		0.00	29.17	29.17	0.00
Paydown	10/15/2021	89237VAB5	0.00	Toyota Auto Receivables Trust 2020-C A3 0.44% Due 10/15/2024	100.000		0.00	56.83	56.83	0.00
Paydown	10/15/2021	89240BAC2	0.00	Toyota Auto Receivables Owners 2021-A A3 0.26% Due 5/15/2025	100.000		0.00	62.83	62.83	0.00



Transaction Type	Settlement Date	CUSIP	Quantity	Security Description	Price	Acq/Disp Yield	Amount	Interest Pur/Sold	Total Amount	Gain/Loss
DISPOSITIONS										
Paydown	10/18/2021	43813KAC6	0.00	Honda Auto Receivables Trust 2020-3 A3 0.37% Due 10/18/2024	100.000		0.00	77.08	77.08	0.00
Paydown	10/21/2021	43813GAC5	0.00	Honda Auto Receivables Trust 2021-1 A3 0.27% Due 4/21/2025	100.000		0.00	18.00	18.00	0.00
Paydown	10/21/2021	43813RAC1	0.00	Honda Auto Receivables Trust 2020-1 A3 1.61% Due 4/22/2024	100.000		0.00	93.92	93.92	0.00
Paydown	10/21/2021	43815HAC1	8,855.21	Honda Auto Receivables Trust 2018-3 A3 2.95% Due 8/22/2022	100.000		8,855.21	31.36	8,886.57	1.21
Paydown	10/25/2021	09690AAC7	0.00	BMW Vehicle Lease Trust 2021-2 A3 0.33% Due 12/26/2024	100.000		0.00	36.67	36.67	0.00
Subtotal			42,930.08				42,930.08	1,777.66	44,707.74	-3.52
Security Withdrawal	10/08/2021	60934N807	39,984.91	Federated Investors Govt Oblig Fund Inst.	1.000		39,984.91	0.00	39,984.91	0.00
Security Withdrawal	10/08/2021	60934N807	2,325.66	Federated Investors Govt Oblig Fund Inst.	1.000		2,325.66	0.00	2,325.66	0.00
Security Withdrawal	10/21/2021	90LAIF\$00	2,500,000.00	Local Agency Investment Fund State Pool	1.000		2,500,000.00	0.00	2,500,000.00	0.00
Subtotal			2,542,310.57				2,542,310.57	0.00	2,542,310.57	0.00
TOTAL DISPOSITIONS			5,152,928.94				5,152,928.94	1,777.66	5,154,706.60	-3.52
OTHER TRANSACTIONS										
Interest	10/05/2021	3135G0T78	500,000.00	FNMA Note 2% Due 10/5/2022	0.000		5,000.00	0.00	5,000.00	0.00
Interest	10/08/2021	3133ELWD2	565,000.00	FFCB Note 0.375% Due 4/8/2022	0.000		1,059.38	0.00	1,059.38	0.00
Interest	10/15/2021	91282CBV2	650,000.00	US Treasury Note 0.375% Due 4/15/2024	0.000		1,218.75	0.00	1,218.75	0.00



Transaction Type	Settlement Date	CUSIP	Quantity	Security Description	Price	Acq/Disp Yield	Amount	Interest Pur/Sold	Total Amount	Gain/Loss
OTHER TRANSACTIONS										
Interest	10/16/2021	3137EAEY1	630,000.00	FHLMC Note 0.125% Due 10/16/2023	0.000		393.75	0.00	393.75	0.00
Interest	10/16/2021	45950KCR9	300,000.00	International Finance Corp Note 1.375% Due 10/16/2024	0.000		2,064.00	0.00	2,064.00	0.00
Subtotal			2,645,000.00				9,735.88	0.00	9,735.88	0.00
Dividend	10/04/2021	60934N807	33,920.74	Federated Investors Govt Oblig Fund Inst.	0.000		4.79	0.00	4.79	0.00
Dividend	10/15/2021	90LAIF\$00	1,950,732,765.56	Local Agency Investment Fund State Pool	0.000		12,551.52	0.00	12,551.52	0.00
Subtotal			1,950,766,686.30				12,556.31	0.00	12,556.31	0.00
TOTAL OTHER TRANSACTIONS			1,953,411,686.30				22,292.19	0.00	22,292.19	0.00

The following page(s) contain the backup material for Agenda Item: [Warrant Register #28 for the period of 1/08/22 through 1/13/22 in the amount of \\$1,240,282.22. \(Finance\)](#)
Please scroll down to view the backup material.

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: February 15, 2022

AGENDA ITEM NO.:

ITEM TITLE:

Warrant Register #28 for the period of 1/08/22 through 1/13/22 in the amount of \$1,240,282.22.
(Finance)

PREPARED BY: Karla Apalategui, Senior Accounting Assistant

DEPARTMENT: Finance

PHONE: 619-336-4572


APPROVED BY: 

EXPLANATION:

Per Government Section Code 37208, below are the payments issued for period 1/08/22 - 1/13/22. Consistent with Department of Finance's practice, listed below are all payments above \$50,000.

<u>Vendor</u>	<u>Check/Wire</u>	<u>Amount</u>	<u>Explanation</u>
San Diego Sports Medicine	356222	71,563.69	Firefighter Physicals

FINANCIAL STATEMENT:

APPROVED:  **FINANCE**

ACCOUNT NO.

APPROVED: _____ **MIS**

Warrant total \$1,240,282.22.

ENVIRONMENTAL REVIEW:

This is not a project and, therefore, not subject to environmental review.

ORDINANCE: INTRODUCTION FINAL ADOPTION

STAFF RECOMMENDATION:

Ratify Warrants Totaling \$1,240,282.22

BOARD / COMMISSION RECOMMENDATION:

ATTACHMENTS:

Warrant Register # 28



**WARRANT REGISTER # 28
1/13/2022**

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
AT&T	AT&T SBC ANNUAL PHONE SERVICE FOR FY22	356198	1/13/22	12,652.05
AT&T	AT&T SBC ANNUAL PHONE SERVICE FOR FY22	356199	1/13/22	868.32
CASTANEDA	A KIMBALL HOLIDAY EXPENSE REIMBURSEMENT	356200	1/13/22	112.97
CDWG	ADOBE ACROBAT PRO DC F/ENT L9 12M / MIS	356201	1/13/22	3,410.50
CLF WAREHOUSE INC	MOP 80331 GENERAL AUTO SUPPLIES - PW	356202	1/13/22	618.53
COUNTY OF SAN DIEGO	NEXTGEN REGIONAL COMMUNICATIONS SYSTEM	356203	1/13/22	7,722.50
CURVATURE LLC	CISCO STACKABLE ETHERNET PORTS	356204	1/13/22	9,352.50
DE LAGE LANDEN	LEASE 20 SHARP COPIERS / MIS	356205	1/13/22	2,939.63
DEAN GAZZO ROISTACHER LLP	LIABILITY CLAIM COST	356206	1/13/22	740.00
ESGIL LLC	PLAN CHECKS FOR FIRE DEPARTMENT FOR FY22	356207	1/13/22	310.50
KRONOS INC	KRONOS ANNUAL MAINTENANCE AND LICENSING	356208	1/13/22	130.04
L N CURTIS & SONS	CFC0122-L CREWBOSS LARGE YELLOW CAL FIRE	356209	1/13/22	979.82
NAPA AUTO PARTS	MOP 45735 AUTO SUPPLIES - PW	356210	1/13/22	194.56
NATIONAL TRAINING CONCEPTS	TRAINING TUITION LESS LETHAL	356211	1/13/22	945.00
O'REILLY AUTO PARTS	MOP 75877 GENERAL SUPPLIES - PW	356212	1/13/22	4.67
PENSKE FORD	R&M CITY VEHICLES FY 2022	356213	1/13/22	207.16
POWERSTRIDE BATTERY CO INC	AUTO BATTERIES TO REPLENISH / PW	356214	1/13/22	289.19
PRO BUILD COMPANY	MOP 45707 GENERAL SUPPLIES - PW	356215	1/13/22	203.95
PRUDENTIAL OVERALL SUPPLY	MOP 45742 LAUNDRY SERVICES - PW	356216	1/13/22	395.32
PVP COMMUNICATIONS	PD HELMET COMMUN KIT LOZANO	356217	1/13/22	1,218.00
SAN DIEGO MIRAMAR COLLEGE	TRAINING TUITION ROT / PD	356218	1/13/22	46.00
SAN DIEGO MIRAMAR COLLEGE	TRAINING TUITION ROT / PD	356219	1/13/22	46.00
SAN DIEGO MIRAMAR COLLEGE	TRAINING TUITION DRUG INFLUENCE / PD	356220	1/13/22	27.60
SAN DIEGO MIRAMAR COLLEGE	TRAINING TUITION ROT / PD	356221	1/13/22	23.00
SAN DIEGO SPORTS MEDICINE	FIREFIGHTER PHYSICALS	356222	1/13/22	71,563.69
SDG&E	GAS AND ELECTRIC UTILITIES / PW	356223	1/13/22	34,674.32
SMART & FINAL	MOP 45756 - JANITORIAL SUPPLIES / FIRE	356224	1/13/22	57.40
SMART SOURCE OF CALIFORNIA LLC	MOP 63845 OFFICE SUPPLIES - ENG	356225	1/13/22	36.98
SOUTHERN CALIF TRUCK STOP	MOP 45758 GENERAL AUTO SUPPLIES - PW	356226	1/13/22	208.11
SOUTHWEST SIGNAL SERVICE	STREET LIGHTNING MAINTENANCE / PW	356227	1/13/22	19,813.77
THE BUMPER GUY INC	BODY REPAIR FOR NBS VEH #406	356228	1/13/22	1,993.42
UNDERGROUND SERVICE ALERT	UNDERGROUND SERVICE ALERT FY 2022	356229	1/13/22	374.98
VELOCITY TRUCK CENTERS	ENGINE AND TRANSMISSION PARTS AS NEEDED / PW	356230	1/13/22	426.14
VERIZON WIRELESS	VERIZON CELLULAR SERVICES FOR FY22	356231	1/13/22	3,192.22
WESTFLEX INDUSTRIAL	MOP 63850 GENERAL SUPPLIES - PW	356232	1/13/22	139.76

A/P Total 175,918.60

PAYROLL

Pay period	Start Date	End Date	Check Date	
26	12/14/2021	12/27/2021	1/5/2022	1,064,363.62

GRAND TOTAL

\$ 1,240,282.22

The following page(s) contain the backup material for Agenda Item: [Warrant Register #29 for the period of 1/14/22 through 1/20/22 in the amount of \\$1,053,704.34. \(Finance\)](#)
Please scroll down to view the backup material.

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: February 15, 2022

AGENDA ITEM NO.:

ITEM TITLE:

Warrant Register #29 for the period of 1/14/22 through 1/20/22 in the amount of \$1,053,704.34.
(Finance)

PREPARED BY: Karla Apalategui, Senior Accounting Assistant

DEPARTMENT: Finance

PHONE: 619-336-4572

APPROVED BY: 

EXPLANATION:

Per Government Section Code 37208, below are the payments issued for period 1/14/22 - 1/20/22. Consistent with Department of Finance's practice, listed below are all payments above \$50,000.

<u>Vendor</u>	<u>Check/Wire</u>	<u>Amount</u>	<u>Explanation</u>
Health Net Inc	356279	80,350.38	January 2022 – Grp# R1192A
Kaiser Foundation	356289	219,792.43	Grp# 104220 – January 2022
Public Emp Ret Sys 220120		263,839.86	Service Period 12/18/21 – 01/10/22
CalPers – Fin Rep 833724		64,851.60	2022 Replacement Benefit Contribution

FINANCIAL STATEMENT:

APPROVED:  **FINANCE**

ACCOUNT NO.

APPROVED: _____ **MIS**

Warrant total \$1,053,704.34.

ENVIRONMENTAL REVIEW:

This is not a project and, therefore, not subject to environmental review.

ORDINANCE: INTRODUCTION FINAL ADOPTION

STAFF RECOMMENDATION:

Ratify Warrants Totaling \$1,053,704.34

BOARD / COMMISSION RECOMMENDATION:

ATTACHMENTS:

Warrant Register # 29



WARRANT REGISTER # 29
1/20/2022

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
ACME SAFETY & SUPPLY CORP	LIME PULLOVER	356233	1/20/22	110.76
ADDICTION MEDICINE	DOT DRUG & ALCOHOL TESTING PROGRAM	356234	1/20/22	1,279.50
ADMINSURE INC	WORKERS' COMP CLAIMS	356235	1/20/22	8,109.00
AEP CALIFORNIA LLC	HKN6189B, MOTOROLA DIRECT ENTRY KEYPAD	356236	1/20/22	466.97
AETNA BEHAVIORAL HEALTH	EMPLOYEE ASSISTANCE PROGRAM - JANUARY	356237	1/20/22	970.18
ALDEMCO	FOOD AS NEEDED FOR NUTRITION CENTER FY	356238	1/20/22	4,575.02
ALL FRESH PRODUCTS	FOR FOOD AS NEEDED FOR NUTRITION CENTER	356239	1/20/22	2,367.42
ALL THE KINGS FLAGS	CITYWIDE FLAGS, ACCESSORIES & POLES	356240	1/20/22	501.34
ALLSTATE SECURITY SERVICES INC	SECURITY GUARD SERVICES FY22/LIBRARY	356241	1/20/22	2,719.60
ALTA LANGUAGE SERVICES INC	EMPLOYEE BILINGUAL TESTING	356242	1/20/22	66.00
AMAZON	OFFICE SUPPLIES FY22/LIBRARY	356243	1/20/22	54.32
APTUS COURT REPORTING, LLC	LIABILITY CLAIM COST	356244	1/20/22	3,552.90
ASCAP	ASCAP LICENSE FEE	356245	1/20/22	780.00
ASSI SECURITY INC	PROVIDE SECURITY SERVICES AND REPAIRS	356246	1/20/22	1,635.00
BEVERIDGE	RETIREE HEALTH BENEFITS - JANUARY	356247	1/20/22	640.00
BICKMORE ACTUARIAL	GEN LIABILITY INS & WORKERS COMP COST	356248	1/20/22	4,500.00
BRINK'S INCORPORATED	CIT SERVICE - 2X WEEKLY	356249	1/20/22	331.29
BURKE WILLIAMS & SORENSEN LLP	LEGAL SERVICES RENDERED / CAO	356250	1/20/22	12,402.00
C A P F	JANUARY 2022 - FIRE LTD	356251	1/20/22	1,091.50
CALIFORNIA LAW ENFORCEMENT	JANUARY 2022 - PD LTD	356252	1/20/22	2,107.00
CANON SOLUTIONS AMERICA INC.	MAINTENANCE SERVICE PERIOD 1/1/2022-1/31/2022	356253	1/20/22	73.20
CAPPO SAN DIEGO	CAPPO 2022 ANNUAL MBRSHIP / PURCHASING	356254	1/20/22	130.00
CHRISTENSEN & SPATH LLP	LEGAL SERVICES / CAO	356255	1/20/22	4,500.00
CIRCULATE SAN DIEGO	SENIOR SATURDAYS EVENT	356256	1/20/22	2,820.00
CITY OF SAN DIEGO	METROPOLITAN INDUSTRIAL WASTEWATER	356257	1/20/22	24,004.51
CLEAN HARBORS ENVIRONMENTAL	HOUSEHOLD HAZARDOUS WASTE	356258	1/20/22	951.90
CLEAR WATER TECHNOLOGIES LLC	CITY WIDE ON-SITE ENERGY EFFICIENT	356259	1/20/22	475.00
COLANTUONO HIGHSMITH	PROFESSIONAL SERVICES / CAO	356260	1/20/22	8,692.50
COMMERCIAL AQUATIC SERVICE INC	MUNICIPAL POOL SUPPLIES	356261	1/20/22	2,239.47
CONCENTRA MEDICAL CENTERS	PRE-EMPLOYMENT PHYSICALS	356262	1/20/22	2,639.00
DELTA DENTAL	JANUARY 2022 - GRP #05-0908600000	356263	1/20/22	14,032.80
DELTA DENTAL	JANUARY 2022 - GRP #05-0908601002	356264	1/20/22	134.71
DELTA DENTAL INSURANCE CO	JANUARY 2022 - GRP #05-7029600000	356265	1/20/22	2,348.28
DELTA DENTAL INSURANCE CO	JANUARY 2022 - GRP #05-7029600002	356266	1/20/22	38.94
DEPARTMENT OF JUSTICE	NEW EMPLOYEE FINGERPRINT TEST RESULTS	356267	1/20/22	128.00
DEPARTMENT OF TOXIC SUBSTANCES	TOXIC SUBSTANCES CONTROL FEES	356268	1/20/22	248.22
ENTERPRISE FLEET MANAGEMENT	ENTERPRISE FLEET LEASE - ENG/PW	356269	1/20/22	10,774.30
EXOS COMMUNITY SERVICES LLC	EXOS DECEMBER EXPENSES	356270	1/20/22	27,783.51
FERGUSON ENTERPRISES 1350	MOP 45723 GENERAL SUPPLIES - PW	356271	1/20/22	422.83
GOVINVEST INC	PENSION MODULE - ANNUAL LICENSING FEE	356272	1/20/22	9,275.00
HAAKER EQUIPMENT COMPANY	PARTS AND SERVICE TO STREET SWEEPER	356273	1/20/22	10,890.87
HANSON	REIMBURSEMENT OF OVERPAYMENT	356274	1/20/22	130.00
HEALTH NET	JANUARY 2022 - GRP #N7176A	356275	1/20/22	1,829.36
HEALTH NET	JANUARY 2022 - GRP #N7176F	356276	1/20/22	1,598.46
HEALTH NET	JANUARY 2022 - GRP #N7177A	356277	1/20/22	1,240.24
HEALTH NET	JANUARY 2022 - GRP #R1192R	356278	1/20/22	832.36
HEALTH NET INC	JANUARY 2022 - GRP #R1192A	356279	1/20/22	80,350.38



**WARRANT REGISTER # 29
1/20/2022**

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
HEALTH NET INC	JANUARY 2022 - GRP #57135A	356280	1/20/22	5,008.61
HEALTH NET INC	JANUARY 2022 GRP #LB439A	356281	1/20/22	2,469.88
HEALTH NET INC	JANUARY 2022 - GRP #LB439F	356282	1/20/22	714.18
HERNANDEZ	TRAINING ADV SUB SUCCEED CHIEF	356283	1/20/22	670.76
HUERTA JR	LICENSE REIMBURSEMENT	356285	1/20/22	60.00
IDEMIA IDENTITY & SECURITY USA	NEW EMPLOYEE FINGERPRINT TEST SUBMISSION	356286	1/20/22	8.00
JJJ ENTERPRISES	FIRE AND SECURITY ALARM MONITORING	356287	1/20/22	1,515.00
JUDICATE WEST	LIABILITY CLAIM COST	356288	1/20/22	3,700.00
KAISER FOUNDATION HEALTH PLAN	GRP #104220 - JANUARY 2022	356289	1/20/22	219,792.43
KEYSER MARSTON ASSOCIATES INC	CONSULTING SERVICES FOR AFFORDABLE HOUSING	356290	1/20/22	5,200.00
KREISBERG LAW FIRM	DECEMBER 2021 BILL FOR LEGAL SERVICES	356291	1/20/22	8,000.00
L C ACTION	VORTEX SPARC AR RED DOT SIGHT 2MOA	356292	1/20/22	2,928.09
LADCO	LIABILITY CLAIM COST	356293	1/20/22	50.00
LAFRENIERE	EDUCATION REIMBURSEMENT	356294	1/20/22	300.00
MAINTEX INC	CITYWIDE JANITORIAL SUPPLIES, PARTS	356295	1/20/22	835.61
MASON'S SAW	KMA 135R, CORDLESS KOMBI/MOTOR	356296	1/20/22	1,580.41
MAZZARELLA & MAZZARELLA LLP	LEGAL SERVICES / CAO	356297	1/20/22	756.50
MES CALIFORNIA	SILV-EX PLUS FOAM CONCNRATE 5 GAL/FIRE	356298	1/20/22	1,631.25
MEYERS, NAVE, RIBACK, SILVER	PROFESSIONAL SERVICES RENDERED BY MEYERS	356299	1/20/22	3,262.50
MIDWEST TAPE	AUDIOBOOKS FY22/LIBRARY	356300	1/20/22	720.14
NAPA AUTO PARTS	MOP 45735 EQM SUPPLIES - PW	356301	1/20/22	48.01
NATIONAL CITY ELECTRIC	CITYWIDE ON-SITE ELECTRICAL	356302	1/20/22	495.00
OCEAN BLUE ENVIRONMENTAL	ABANDONED WASTE PICKUP & TRANSPORTATION	356303	1/20/22	4,072.34
OFFICE SOLUTIONS BUSINESS	MOP 83778 OFFICE SUPPLIES - FINANCE	356304	1/20/22	99.16
OPTUM	MONTHLY WAIVER SVC FEES FOR JULY - SEPT	356305	1/20/22	113.75
O'REILLY AUTO PARTS	MOP 75877 AUTO SUPPLIES - PW	356306	1/20/22	349.98
PACIFIC PRODUCTS & SERVICES	2" SQ 14GA X 10' PERFORATED TELES PAR	356307	1/20/22	1,484.44
PADRE JANITORIAL SUPPLIES	CONSUMABLES / NUTRITION	356308	1/20/22	727.67
PARTS AUTHORITY METRO LLC	MOP 75943 AUTO SUPPLIES - PW	356309	1/20/22	372.03
PENSKE FORD	R&M CITY VEHICLES FY 2022	356310	1/20/22	1,156.74
PRO BUILD COMPANY	MOP 45707 GENERAL SUPPLIES - PW	356311	1/20/22	1,461.86
PROFESSIONAL SEARCH GROUP LLC	TEMP SERVICES	356312	1/20/22	6,207.25
PRUDENTIAL OVERALL SUPPLY	MOP NUTRITION CENTER UNIFORM CLEANING	356313	1/20/22	1,256.90
RELIANCE STANDARD	JANUARY 2022 - GRP #VAI826233 VCI801146	356314	1/20/22	2,989.80
SAN DIEGO GAS & ELECTRIC	SAN DIEGO GAS & ELECTRIC UTILITIES / NUTRITION	356315	1/20/22	2,325.33
SAN DIEGO MECHANICAL ENERGY	REPAIRS TO HVAC SYSTEMS	356316	1/20/22	6,189.00
SASI	REF 119545 1/13/2022	356317	1/20/22	141.50
SASI	REF 119455 1/13/2022	356318	1/20/22	41.50
SAVAGE TRAINING GROUP LLC	TRAINING TUITION FR PECK AND MARIOTA / PD	356319	1/20/22	1,460.00
SEAPORT MEAT COMPANY	FOOD / NUTRITION CENTER	356320	1/20/22	2,630.77
SHARP REES STEALY MED GROUP	PRE-EMPLOYMENT PHYSICALS	356321	1/20/22	933.00
SIRCHIE FINGER PRINT	GCD CALIBRATION 8800X / FIRE	356322	1/20/22	201.50
SMART & FINAL	MOP NUTRITION CENTER FOOD	356323	1/20/22	163.36
STAPLES BUSINESS ADVANTAGE	KIMBALL HOLIDAY WRISTBANDS	356324	1/20/22	697.18
SWEETWATER AUTHORITY	WATER BILL FOR PARKS DIVISION FY 2022~	356325	1/20/22	27.96
SWRCB	ANNUAL PERMIT FEE FOR CITY	356326	1/20/22	26,498.00
SYSCO SAN DIEGO INC	FOR FOOD AS NEEDED FOR NUTRITION CENTER	356327	1/20/22	7,063.60



**WARRANT REGISTER # 29
1/20/2022**

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
TERMINIX INTERNATIONAL	NUTRITION CENTER TERMINIX SERVICE	356328	1/20/22	309.00
THE LINCOLN NATIONAL LIFE INS	GRP#415491 - JANUARY 2022	356329	1/20/22	9,248.60
TOPECO PRODUCTS	MOP 63849 GENERAL SUPPLIES - PW	356330	1/20/22	21.74
TRANS-LANG	INTERPRETATION SERVICES - CC MEETING	356331	1/20/22	7,934.50
T'S & SIGNS	CDBG CASA DE SALUD MARKETING ITEMS	356332	1/20/22	257.74
U S BANK	CC EXPENSES- BRIAN KREPPS / FIRE	356333	1/20/22	3,410.67
VECTOR SOLUTIONS	TARGET SOLUTIONS MEMBERSHIP/ FIRE	356334	1/20/22	3,515.00
VISION SERVICE PLAN	JANUARY 2022 - VISION SERVICE PLAN (CA)	356335	1/20/22	1,791.11
VORTEX INDUSTRIES INC	CITYWIDE ON-SITE SERVICE & REPAIRS	356336	1/20/22	869.82
WALTERS	TRAINING REIMBURSEMENT SLI3	356337	1/20/22	252.74
WAXIE SANITARY SUPPLY	MISCELLANEOUS JANITORIAL SUPPLIES	356338	1/20/22	1,719.99
WESTFLEX INDUSTRIAL	MOP 63850 GENERAL SUPPLIES - PW	356339	1/20/22	260.87
WSP USA INC	FOCUSED GENERAL PLAN UPDATE	356340	1/20/22	48,932.82
			A/P Total	663,779.23
WIRED PAYMENTS				
PAYCHEX BENEFIT TECH INC	BENETRAC ESR SERVICES BASE FEE - JANUARY	34626	1/14/22	569.55
CITY NATIONAL BANK	LEASE PYMNT #47 W/OPTION TO PURCHASE#10-	213450	1/20/22	43,101.10
PUBLIC EMP RETIREMENT SYSTEM	SERVICE PERIOD 12/28/2021 TO 01/10/2022	220120	1/20/22	263,839.86
CALPERS - FINANCIAL REPORTING	2022 REPLACEMENT BENEFIT CONTRIBUTION	833724	1/14/22	64,851.60
SECTION 8 HAPS	Start Date	End Date		
	1/14/2022	1/20/2022		17,563.00
		GRAND TOTAL		\$ 1,053,704.34

The following page(s) contain the backup material for Agenda Item: [Public Hearing and Adoption of an Ordinance of the City Council of the City of National City Repealing and Replacing National City Municipal Code Chapter 2.75, entitled, Election Campaign Regulations. \(City Clerk\)](#)

Please scroll down to view the backup material.

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: February 15, 2022

AGENDA ITEM NO. |

ITEM TITLE:

Public Hearing and Adoption of an Ordinance of the City Council of the City of National City Repealing and Replacing National City Municipal Code Chapter 2.75, entitled, Election Campaign Regulations |

PREPARED BY: Shelley Chapel, Deputy City Clerk |

DEPARTMENT: City Clerk's Office

PHONE: 619-336-4228 |

APPROVED BY: [Shelley Chapel](#)

EXPLANATION:

On February 1, 2022, the City Council approved the first reading of the draft Ordinance Repealing and Replacing National City Municipal Code Chapter 2.75, entitled, Election Campaign Regulations. |

FINANCIAL STATEMENT:

APPROVED: _____ **Finance**

ACCOUNT NO. |

APPROVED: _____ **MIS**

This report does not reflect financial any changes to the budget at this time. |

ENVIRONMENTAL REVIEW:

This action does not constitute a project under California Environmental Quality Act (CEQA) Guidelines Section 15378(b)(2)

ORDINANCE: INTRODUCTION: FINAL ADOPTION:

STAFF RECOMMENDATION:

Adoption of an Ordinance Repealing and Replacing National City Municipal Code Chapter 2.75, entitled, Election Campaign Regulations |

BOARD / COMMISSION RECOMMENDATION:

None. |

ATTACHMENTS:

Ordinance |

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY REPEALING AND REPLACING CHAPTER 2.75, TITLED, "ELECTION CAMPAIGN REGULATIONS," TO THE NATIONAL CITY MUNICIPAL CODE

WHEREAS, in order to protect the integrity of the electoral process, and to serve the best interests of the people of National City, it is the desire of the City Council to adopt realistic and enforceable regulations applicable to political campaign contributions; and

WHEREAS, such regulations may be enacted pursuant to the authority granted to the City by Article XI, Section 7 of the California Constitution, and are specifically authorized by Sections 81013 and 85703(a) of the Government Code, found in the Political Reform Act of 1974; and

WHEREAS, the regulations hereby enacted are intended to supplement the provisions of state law with regard to the making, acceptance, expenditure, and reporting of campaign contributions.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NATIONAL CITY HEREBY ORDAINS AS FOLLOWS:

Section 1. That Chapter 2.75 includes amendments to the National City Municipal Code, to read as follows:

CHAPTER 2.75

ELECTION CAMPAIGN REGULATIONS

Sections

2.75.010 Purpose and Intent

2.75.020 Definitions

2.75.025 – Campaign Statements and Filing Fees

2.75.030 Campaign Contributions – Limitations and Exclusions

2.75.040 Campaign Expenditures – Uncontrolled by Candidate or Committee

2.75.050 Retention of Records

2.75.060 Electioneering

2.75.070 City Measures – Exemption

2.75.080 Duties of City Clerk

2.75.090 Effect of Receipt of Funds on Voting

2.75.100 Enforcement Authority

2.75.110 Enforcement – Criminal or Civil Liability

2.75.120 Enforcement – Administrative

2.75.130 Civil Actions by Residents

2.75.140 Time for Commencement of Actions

2.75.010 Purpose and Intent. It is the purpose and intent of the City Council in enacting this Chapter:

- A. To place realistic and enforceable limits on the amounts of money that may be contributed to political campaigns in City elections.
- B. To preserve an orderly political forum in which individuals may express themselves effectively.
- C. To prevent the exercise by campaign contributors of potential undue or improper influence over elected officials.
- D. To promote participation in government and foster trust that the democratic process is not subverted by affluent special interest groups.
- E. To provide for the full and fair enforcement of the provisions of this chapter.

2.75.020 Definitions. For the purposes of this chapter, the words and phrases used herein shall have the meanings ascribed to them by the Political Reform Act of 1974, Government Code Section 82000 et seq., except as follows:

- A. "Candidate" applies to persons seeking an elective City office.
- B. "City Clerk" also applies to Deputy City Clerk as the person in the City Clerk's Office responsible for the daily operations and City Clerk in the absence of the elected City Clerk.
- C. "City Election" means any primary, general, or special election, including recall election, held within the City of National City, for elective City office.
- D. "Committee" means a candidate's controlled committee or a committee formed primarily to support or oppose a candidate, or a city general purpose committee active only in the City.
- E. "Contribution" shall have the same meaning as set forth in Government Code Section 82015, but with respect to an election for City office, except that the exclusion set forth therein for costs of a meeting or fund-raising event in the home or office of the occupant shall be limited to costs of \$1,000.00 or less.
- F. "Controlled Committee" means a committee which is controlled directly or indirectly by a candidate or which acts jointly with a candidate or controlled committee in connection with the making of expenditures. A candidate controls a committee if he or she, his or her agent, or any other committee he or she controls, has a

significant influence on the actions or decisions of the committee.

- G. "Electioneering" means the visible display or audible dissemination of information that advocates for or against any candidate.
- H. "Elective City Office" means member of the City Council, including the Mayor.
- I. "Enforcement Authority" means the special counsel, officer, agent, or entity designated by action of the City Attorney to enforce the provisions of this chapter. Nothing in this chapter shall be construed as limiting the authority of any law enforcement agency or prosecuting attorney from enforcing the provisions of this chapter where such law enforcement agency or prosecuting attorney otherwise has lawful authority to do so.
- J. "Expenditure" means a payment, a forgiveness of a loan, a payment of a loan by a third party, or an enforceable promise to make a payment, unless it is clear from the surrounding circumstances that it is not made for political purposes. An expenditure is made on the date the payment is made or on the date consideration, if any, is received, whichever is earlier.
- K. "General Purpose Committee" shall have the same meaning as set forth in Government Code Section 82027.5.
- L. "Independent Committee" means a committee that receives contributions or makes expenditures for the purpose of influencing or attempting to influence a City election, which is not made with the cooperation, consultation, or in concert with, or at the request or suggestion of, any candidate or his or her committee, or any of their agents.
- M. "Individual" means a natural person, proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, limited liability company, association, labor union, committee, and any other organization or group of persons acting in concert, who meets the definition set forth in Government Code Section 82047. "Individual" does not include a Political Party Committee, a Political Action Committee, or an Independent Committee.
- N. "Political Action Committee" means an organization that pools campaign contributions from members and donates those contributions to campaigns for or against candidates or ballot measures.
- O. "Party Committee" means the state central committee or county central committee of an organization that meets the requirements for recognition as a political party pursuant to Section 5100 or 5151 of the Elections Code.

2.75.025 – Campaign Statements and Filing Fees

A. Campaign Statements.

Each Candidate and each Committee shall be required to file those campaign statements required by the Political Reform Act of 1974 in the manner required by the Act. Campaign statements filed with the City Clerk shall be a matter of public record. The City Clerk shall, within three (3) City business days of the date of filing, post copies of campaign statements online at the City's website if filed in paper. Campaign Statements filed through the City's Electronic Filing software are posted immediately after filing.

- B. **Late Filing of Campaign Statements.**
If any Person files a campaign statement after any deadline imposed, they shall, in addition to any other penalties or remedies established by this chapter, be liable to the City Clerk in the amounts as set forth by State guidelines per calendar day until the statement is filed. The City Clerk shall deposit any funds received under this section into the General Fund of the City to defray the cost of City Elections.
- C. **Filing Fees.**
A filing fee of twenty-five (\$25) dollars is established for a Candidate's Nomination Papers for City Elective Office. The filing fee shall be paid to the City Clerk by each Candidate for a City Elective Office at the time the Candidate's Nomination Paper is filed with the City Clerk, in addition to the Candidate statement fees determined in February of each odd numbered year. The City Clerk shall deposit all fees received into the General Fund. All filing fees and Candidate Statement Fees are non-refundable. (Government Code Section 10228).

2.75.030 Campaign Contributions – Limitations and Exclusions.

- A. Contributions by individuals to candidates or controlled committees. No individual shall make any contribution to a candidate and/or the candidate's controlled committee, with respect to any single City election, which will cause the total amount contributed by such individual to the candidate and the candidate's controlled committee, when combined, to exceed one-thousand (\$1000.00) dollars in a calendar year.
- B. Acceptance or solicitation by candidates or controlled committees from individuals. No candidate or controlled committee, including the candidate's campaign treasurer, shall solicit or accept any contribution from any individual with respect to any single City election, which will cause the total amount contributed by such individual to the candidate and the candidate's controlled committee, when combined, to exceed one-thousand (\$1,000.00) dollars in a calendar year.
- C. Contributions by candidates. The provisions of subsections A and B of this section shall not apply to contributions from a candidate to his or her controlled committee, nor to the expenditure by the candidate of his or her personal funds on behalf of his or her own candidacy.
- D. Contributions by political party committees, political action committees and independent committees to candidates or controlled committees. No political party committee, political action committee or independent committee, shall make any contribution to a candidate and/or the candidate's controlled committee, with respect to any single City election, which will cause the total amount contributed to the candidate and the candidate's controlled committee, when combined, to exceed two-thousand (\$2,000) dollars in a calendar year.
- E. Acceptance or solicitation by candidates or controlled committees from political party committees, political action committees and independent committees. No candidate or controlled committee, including the candidate's campaign treasurer, shall solicit or accept any contribution from any political party committee, political action committee, or independent committee, with respect to any single City election, which will cause the total amount accepted by such political party committee, political action committee, or independent committee to the candidate

and the candidate's controlled committee, when combined, to exceed two-thousand (\$2,000) dollars in a calendar year.

- F. Family contributions. Contributions by spouses shall be treated as separate contributions and shall not be aggregated. Contributions by children under eighteen (18) years of age shall be treated as contributions attributed equally to each parent or guardian.
- G. Anonymous Contributions. No Candidate or Controlled Committee, including the Candidate's Treasurer, shall accept anonymous Contributions of one-hundred (\$100) dollars or more. No person shall make a Contribution or loan for any other Person under an assumed name or under the name of any other Person.
- H. Extensions of Credit. Extensions of credit for a period of more than thirty days are prohibited. Extensions of credit of more than one thousand dollars annually are prohibited. Provided, however, a Candidate may personally borrow an unlimited amount and such funds shall be considered a Contribution by the Candidate to himself or herself; provided, further, that such transaction is fully disclosed and documented in accordance with applicable law.
- I. Candidate Loan to Campaign. If a Candidate is loaning the campaign money, such loan is required to be reported on Fair Political Practices Commission (FPPC) campaign filing forms in accordance with the applicable state law.
- J. Cash Contributions. No Candidate or Controlled Committee, including the Candidate's campaign treasurer, shall solicit or accept any cash Contribution from any Person totaling one hundred dollars or more. A cash Contribution shall not be deemed received if it is not negotiated or deposited, and is returned to the contributor before the closing date of the campaign statement on which the Contribution would otherwise be reported. If a cash Contribution, other than a late Contribution, as defined by Section 82036 of the Political Reform Act, is negotiated or deposited, it shall not be deemed received if it is refunded within seventy-two hours of receipt. In the case of a late Contribution, as defined by Section 82036 of the Political Reform Act, it shall not be deemed received if it is returned to the Contributor within forty-eight hours of receipt.
- K. Contributions of One Hundred Dollars or More. All Contributions totaling one hundred (\$100) dollars or more must be made by check, web portal, or electronic application which accepts Payments that are recordable. Contributions totaling one hundred dollars or more made by money order, cashier's check, or traveler's cheque are prohibited and must be returned to the contributor.
- L. Identification of Contributors. No Contribution shall be deposited into a Candidate or Committee's City Election campaign account totaling twenty-five dollars or more unless the full name, street address including zip code, are on file with the Candidate or Committee receiving the Contribution. For Contributions totaling one hundred dollars or more, the contributor's occupation and employer's name, or if self-employed, the name of the business of the Person making the Contribution, must also be recorded.
- M. Applicability of section to candidate and committees. The provisions of this section are applicable to any contributions made to a candidate or controlled committee whether used by such candidate or controlled committee to finance a current campaign, to pay debts incurred in prior campaigns, or otherwise.

- N. Contributions by city contractors. No individual who contracts with the City of National City, either for the rendition of personal services or for the furnishing of any materials, supplies, or equipment to the City, or for the sale or lease of any land or building, to or from the City, shall make any contribution to a City candidate or controlled committee at any time between the commencement of negotiations for and (i) the completion of performance of such contract or (ii) the termination of negotiations for such contract, whichever occurs later.
- O. Contributions from City employees.
1. It is unlawful for a candidate or a candidate's controlled committee, to solicit, directly or indirectly, a contribution from a City employee with knowledge that the person from whom the contribution is solicited is a City employee.
 2. This subsection shall not prohibit a candidate or a candidate's controlled committee from soliciting contributions from City employees if the solicitation is part of a solicitation made to a significant segment of the public that may include City employees, and the solicitation does not otherwise violate the provisions of this chapter.
 3. Nothing in this subsection prohibits a City employee from making a contribution to a candidate, and nothing in this subsection prohibits a candidate from accepting a contribution from a City employee.
 4. As used in this subsection, the term "City employee" means any employee of the City of National City (City) or any of its organizational subdivisions, agencies, offices, boards, commissions, or committees.
- P. Aggregation of contributions from different individuals financed, maintained, or controlled by same individual. Contributions from different individuals, but which are financed, maintained, or controlled by the same individual, shall be aggregated for purposes of the contribution limits of subsections A and B of this section. All contributions made by an individual whose contribution activity is financed, maintained, or controlled by an individual, shall be deemed to be made by the same individual.
- Q. A contribution drawn from a checking account or credit card account held by an individual doing business as a sole proprietorship is considered a contribution from that individual for purposes of this subsection, and may lawfully be received by a candidate for elected City office. A non-monetary contribution in the form of goods and services donated by an individual doing business as a sole proprietorship is considered a contribution from that individual for purposes of this subsection, and may lawfully be received by a candidate for elective City office and reported on Campaign Statement as In-Kind Contribution.
- R. Adjustments for cost of living. The campaign contribution limits and contribution acceptance and solicitation limits specified in subsections A, B, C and D of this section shall be adjusted in February of each odd-numbered year commencing in 2023, for changes in the Consumer Price Index (CPI) over the previous two-year period. The City Clerk shall apply the annual percent change in the CPI for All Urban Consumers (CPI-U) for the San Diego Metropolitan Area to determine the appropriate rate of increase or decrease. Adjustments made pursuant to this subsection shall be rounded to the nearest five (\$5.00) dollars.

2.75.040 Campaign Expenditures - Uncontrolled by Candidate or Committee.

Persons or organizations not subject to the control of a candidate or committee, but who make independent expenditures for or against a candidate or committee, shall indicate clearly on any material published, displayed, or broadcast the names of the persons or organizations who made the expenditures, the true names of any persons on whose behalf the expenditures were made, and that the expenditures were not authorized by a candidate or committee.

2.75.050 Retention of Records.

The candidate, committee, or authorized agent thereof shall retain all campaign records for a period of five (5) years, if unsuccessful, and indefinitely, if successful, after the election. This includes all receipts, and bank records in compliance with FPPC Regulation 18401(11)(B)(b)(2).

2.75.060 Electioneering.

It is unlawful for any person to participate in electioneering as a candidate, for a candidate, committee, or any other election campaign on City-owned property or at a City-hosted or City-sponsored event. This includes, but is not limited to, any of the following:

- A. A display of a candidate's name, likeness, or logo.
- B. A display of a ballot measure number, title, subject, or logo.
- C. Buttons, hats, pencils, pens, shirts, signs, or stickers containing electioneering information.
- D. Dissemination of audible electioneering information.
- E. At Vote-by-Mail Ballot Drop boxes, loitering near or disseminating visible or audible electioneering information.

2.75.070 City Measures - Exemptions.

This chapter shall not apply to contributions or expenditures by a person or committee on behalf of a committee supporting or opposing a City measure.

2.75.080 Duties of City Clerk.

In addition to other duties of the City Clerk under the terms of this chapter, the City Clerk must:

- A. Supply appropriate forms and manuals prescribed by the California Fair Political Practices Commission (FPPC). These forms and manuals must be furnished to all candidates and committees, and to all other persons required to report;
- B. Determine whether required documents have been filed, and if so, whether they conform with the requirements of state law;

- C. Notify promptly all persons and known committees who have failed to file a document in the form and at the time required by state law;
- D. Report apparent violations of this chapter and applicable state law to the Enforcement Authority;
- E. Compile and maintain a current list of all statements or parts of statements filed with the City Clerk's office pertaining to each candidate and each measure;
- F. Cooperate with the City Attorney and Enforcement Authority in the performance of the duties of the Enforcement Authority as prescribed in this chapter and applicable state laws.

2.75.090 Effect of Receipt of Funds on Voting.

Within twelve (12) months after receiving income totaling one-thousand (\$1,000.00) dollars or more from any source, no holder of elective City Office shall make, participate in making, or attempt to influence, any government decision or action that will have a reasonably foreseeable material financial effect on any source of income that is distinguishable from its effect on the public generally, or on a significant segment of the public, as defined in the Political Reform Act of 1974.

2.75.100 Enforcement Authority.

- A. **Role of City Attorney.**
The City Attorney shall not investigate or prosecute any alleged violations of this chapter, but shall defend the constitutionality and legality of this chapter in any civil proceedings in which the City or City Council is a party.
- B. **Role of Special Counsel.**
Review of complaints of violation of this chapter and criminal prosecution, shall be conducted only by Special Counsel who shall be the District Attorney, the Attorney General, or such other qualified and independent special counsel, or combination of the foregoing, as may be appointed by the City Attorney. All special counsel shall have the authority to prosecute any and all Municipal Code violations of this chapter. However, special counsel other than the Attorney General or District Attorney, shall not have authority to prosecute matters exclusively within the powers of the Attorney General or District Attorney under Government Code Section 91001. Special Counsel shall also conduct civil litigation to compel compliance with this chapter or to enjoin conduct in violation of this chapter, and shall conduct administrative enforcement under Section 2.75.120 of this chapter.
- C. **Appointment of Special Counsel.**
At least ninety (90) days prior to a City Election, Special Counsel shall be appointed by the City Attorney. Should the appointment of additional Special Counsel become necessary or appropriate, the City Attorney may appoint such additional Special Counsel as may be required. The appointment of Special Counsel shall be in writing, and copies of the written appointment shall be provided to the City Council, City Manager, and City Clerk. The cost of Special Counsel shall be paid from the City General Fund. Any activity by the Special Counsel in accordance with this chapter, shall not be subject to review or control by the City Attorney or City Council.

- D. **Initiation of Investigations.**
Any person residing in the City who believes that a violation of this chapter has occurred, may file a written complaint requesting investigation of such violation by the Special Counsel. If the Special Counsel determines that there is reason to believe a violation of this chapter has occurred, the Special Counsel shall conduct an investigation and may commence such civil criminal, or administrative legal action as he or she deems necessary for the enforcement of this chapter.
- E. **Investigative Powers of Special Counsel.**
The Special Counsel shall have such investigative powers as are necessary for the performance of duties described in this article, and may be furnished records of campaign contributions and expenditures of any person or committee. In the event that production of such records is refused, the special counsel may commence civil litigation to compel such production.
- F. **Immunity of Special Counsel.**
The Special Counsel shall be immune from liability for enforcement of this chapter.

2.75.110 Enforcement – Criminal or Civil Liability.

- A. **Criminal and Civil Liability.**
Any knowing or willful violation of any provision of this chapter may be prosecuted either as an infraction or misdemeanor, at the discretion of the prosecutor. In addition to any other penalty provided by law, any willful or knowing failure to report truthfully any contribution or expenditure, shall be punishable by a fine of not less than one-thousand (\$1,000.00) dollars. The campaign treasurer of any committee shall be both criminally and civilly liable for any violation of this article by the committee. In addition, the candidate shall be both criminally and civilly liable for any violation by a committee controlled by the candidate.
- B. **Forfeiture of Contributions.**
In any legal action brought under this chapter for injunctive relief or civil liability, where it is determined that a candidate or committee has accepted a contribution or contributions in excess of the applicable limits set forth in this chapter, the full amount of said contribution(s) shall be forfeited to the City's General Fund. If funds are not available in the election campaign account for this purpose, the candidate or campaign treasurer shall be personally liable to pay said amount to the City's General Fund.

2.75.120 Enforcement – Administrative

- A. **Additional to Other Remedies.**
The remedies provided for by this section are in addition to all other legal remedies, civil or criminal, which may be pursued by the City to address any violation of this chapter.
- B. **Notice and Order.**
Whenever the Special Counsel appointed pursuant to Section 2.75.100, determines that there is probable cause that a violation of one or more provisions of this chapter has occurred or exists, a written notice and order may be issued to the alleged violator.

- C. Contents of Notice and Order.
The Notice and Order shall refer to the code section violated and describe how the sections are or have been violated, and the dates of all violations. The notice and order shall also state a date, time and place for a hearing which shall be held no fewer than ten (10) days following service of the notice.
- D. Service of Notice and Order.
The Notice and Order shall be served upon the alleged violator by personal service, or by certified mail, with postage prepaid and return receipt requested.
- E. Designation of Hearing Officer.
The City Attorney shall designate a hearing officer, who shall not be a City employee. The compensation of the hearing officer, if any, shall be paid by the City. The retention and compensation of the hearing officer shall not be directly or indirectly conditioned upon the outcome of the hearing.
- F. Violation Established by Preponderance of Evidence.
At the hearing, the hearing officer shall consider whether a preponderance of evidence demonstrates the existence of a violation.
- G. Conduct of Hearing.
Hearings shall be conducted in an expeditious manner to enable all interested parties to present relevant evidence. Formal rules of evidence shall not be applied. Time limits for presenting evidence, order of testimony, handling of exhibits, and similar matters, shall be determined at the discretion of the hearing officer. The alleged violator or any other interested persons may present testimony or documentary evidence concerning the existence of the violations, and the alleged violator may cross-examine witnesses. The hearing officer may continue the hearing to obtain additional evidence, or for other good cause.
- H. Failure to Attend Hearing.
Failure of the alleged violator to attend the hearing shall constitute an admission of the violation by the alleged violator and a failure to exhaust administrative remedies that may bar judicial review.
- I. Decision by Hearing Officer.
After considering all the testimony and the evidence submitted at the hearing, the hearing officer shall issue a written decision, including findings regarding the existence of each violation, the reasons for the decision, and providing notice of the right to judicial review. The written decision shall be issued within thirty (30) days of the conclusion of the hearing, and served on the alleged violator within ten (10) days of its issuance. The decision shall be final upon service upon the alleged violator, subject only to judicial review as permitted by law.
- J. Imposition of Penalty.
If the hearing officer finds by a preponderance of the evidence that the alleged violator committed the violation, the hearing officer shall impose a penalty and a date the penalty and any costs of the hearing shall be due and payable by the violator.
- K. Amount of Penalty.
The administrative penalty for a violation of this chapter shall be a maximum one-thousand (\$1,000.00) dollars per violation, and the maximum total penalty shall not exceed ten-thousand (\$10,000.00) dollars. In determining the amount of penalty

to be imposed, the hearing officer shall consider the following factors: duration of the violation, frequency of recurrence of the violation, seriousness of the violation, history of violations, good faith effort of the violator to correct the violation, economic effect of the violation on the violator, impact of the violation on the community and the City, and any other relevant factors that justice may require.

- L. Failure to Pay Penalty.
Upon the failure of any person to pay the assessed administrative penalty by the date specified in the hearing officer's decision, the unpaid amount shall constitute a personal obligation of the violator. The City Attorney shall collect the obligation by use of any appropriate legal means.
- M. Judicial Review.
Any person subject to the decision of the hearing officer, may obtain judicial review of the decision pursuant to the provisions of Government Code Section 53069.4.

2.75.130 Civil Actions by Residents.

- A. Any resident of the City may bring a civil action regarding the provisions of this chapter, as follows:
 - 1. To enjoin an actual or threatened violation;
 - 2. To compel compliance by a private person;
 - 3. To obtain declaratory relief.
- B. Any action brought under this Section 2.75.130, shall be commenced within six (6) months of the time the alleged violation occurred.

2.75.140 Time for Commencement of Actions.

Except as provided in Section 2.75.130, any action brought alleging violation of this chapter must be commenced within two (2) years of the date of the alleged violation.

Section 2. That this Ordinance shall become effective on February 18, 2022.

PASSED and ADOPTED this 15th day of February, 2022.

Alejandra Sotelo-Solis, Mayor

ATTEST:

Luz Molina, City Clerk

APPROVED AS TO FORM:

Charles E. Bell Jr.
City Attorney

The following page(s) contain the backup material for Agenda Item: [Resolution of the City Council of the City of National City, California, allocating and appropriating \\$4.5M from the American Rescue Plan Act funds for the Las Palmas Wellness Center/Pool Building and Restrooms at Las Palmas Park, and \\$1M from the State Budget Allocation Grant for the Las Palmas Wellness Center/Pool Building, and authorizing corresponding revenue budgets for the projects. \(Engineering/Public Works\)](#)

Please scroll down to view the backup material.

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING

February 15, 2022

AGENDA ITEM

ITEM TITLE:

Resolution of the City Council of the City of National City, California, allocating and appropriating \$4.5M from the American Rescue Plan Act funds for the Las Palmas Wellness Center/Pool Building and Restrooms at Las Palmas Park, and \$1M from the State Budget Allocation Grant for the Las Palmas Wellness Center/Pool Building, and authorizing corresponding revenue budgets for the projects.

Roberto Yano, Director of Public Works /
City Engineer

PREPARED BY:

DEPARTMENT: Engineering and Public Works

PHONE: 619-336-4383

EXPLANATION:

APPROVED BY:



See attached explanation.

FINANCIAL STATEMENT:

APPROVED: _____



FINANCE

ACCOUNT NO.

APPROVED: _____

MIS

Expenditures:

General Fund 001-409-500-598X (Las Palmas Wellness Center/Pool Building project)- \$1,000,000
ARPA Fund 117-XXX-XXX-XXXX (Las Palmas Wellness Center/Pool Building project)- \$3,500,000
ARPA Fund 117*XXX-XXX-XXXX (Las Palmas Park Restroom Replacement)- \$1,000,000

ENVIRONMENTAL

CEQA Notice of Exemption will be filed with the County Recorder's Office prior to construction.

ORDINANCE: INTRODUCTION

FINAL ADOPTION

STAFF

Adopt Resolution authorizing the establishment of a \$4,500,000 ARPA fund appropriation and \$1M State Budget Allocation Grant appropriation for the Las Palmas Wellness Center/Pool Building project and Las Palmas Park Restroom Replacement.

BOARD / COMMISSION

N/A

ATTACHMENTS

1. Explanation
2. Resolution

In previous City Council meetings related to ARPA, City Council adopted a spending plan for approximately \$9.85M of the total \$18 million ARPA allocation. The table below lists the adopted spending plan to date.

American Rescue Plan Act Adopted Spending Plan

Description	Amount
FY22 General Fund Expenditure Offsets	\$2,060,000
Premium Pay to City Employees	\$ 1,340,000
Replaster Las Palmas Pool	\$ 1,000,000
Las Palmas Pool Deck Rehab	\$ 1,250,000
Las Palmas & Kimball Park CIP Design & Community Outreach	\$ 200,000
FY22 General fund expenditures offsets	\$4,000,000
Total	\$ 9,850,000
<i>Remaining Balance for Future Spending Plan</i>	\$ 8,150,000

Staff is requesting an additional allocation and appropriation of \$5.5 million for a new Las Palmas Wellness Center/Pool building and new restrooms building at Las Palmas park.

National City Municipal Pool Building at Las Palmas Pool

The National City Municipal Swimming Pool building has served the community well for over 60 years. Constructed in 1958 and having served countless residents and visitors it is now in need of significant rehabilitation. Staff has been able to patch and repair some of the needs as the present themselves; however, continual repairs to the existing building have resulted in significant cost outlays by the City. Many facility users have expressed deep concerns about various issues as expressed to staff and through council public comment. Staff and consultants have inspected and outlined the deficiencies below.

- The doors, drinking fountains, signs, and paths of travel are in need updates to meet current codes and accessibility requirements. The Department of Justice (DOJ), Division of the State Architect (DSA) requires the building comply with the Americans with Disabilities Act of 1990 (ADA) and Title 24 (T24).
- The Men’s and Women’s changing areas lack privacy.
- The furniture is starkly utilitarian, rusted and deteriorated.
- The existing family restroom is antiquated and only serves one family at a time. Current thinking is for at least five different locker/changing rooms, one each for adult women, adult men, young men, young girls, and one for families with young children.
- The main lobby has no ceiling due to old leaks in the roof.
- The restrooms have stains on the walls and floors.
- There is inadequate water pressure to operate the toilets, resulting in stagnant water.
- The drainage for the changing areas has deteriorated and when it rains 2/3 of the men’s changing floor is impacted by water.

Staff explored the rehabilitation of this building but believe that a new pool building is a better solution in order to create a more welcoming environment that meets current standards and access requirements for all users.

The City's consultant has provided a concept for the proposed new building that would dramatically improve our resident's user experience and create a healthier environment for facility users similar to other pool facilities in the County. The proposed 6,900 square foot Las Palmas Pool Building would provide a state-of-the-art facility with a visually dynamic structure that creates a campus environment focused on promoting health and wellbeing.

The new design is a modern facility that is a focal point for the community that is low maintenance, durable and cost effective (see Exhibit 1). Locating the building adjacent to Camacho Gym and on the east side of the swimming pool allows for a direct connection between the existing gym and pool, transforming the site into a Wellness Center. The area between the buildings has an outdoor grass area for fitness activities and the roof of the new building can be used for a variety of sports like volleyball, basketball and futsal. The location of the new Pool Building on the east side allows for the current pool activities to continue with minimal interruptions during construction.

To improve wayfinding and access, the entry is prominently located on the south side with clear glazing and welcoming signage to support the existing Camacho Gym entry and create a campus environment. With direct lines of vision, a direct connection to the children's pool from main pool building and new decorative metal fencing, this project will utilize elements of Crime Prevention Through Environmental Design (CPTED) to create a safe facility for all. Clear lines of sights from the Lifeguard Office and the Managers Office will be provided for additional safety and security. Keeping sustainability in mind, the new facility will reduce energy and water usage resulting in lower operational costs as well as a healthier environment for staff and the public. The aesthetics will complement the existing buildings and reflect the aesthetic characteristics of the pool itself with authentic materials such as smooth white stucco, blue tile accents, translucent blue panels, clear glazing, concrete masonry units and will feature non-slip flooring.

The proposed new facility will feature more welcoming and efficient check-in flow. It will offer families more convenience with family lockers and bathrooms that are fully ADA compliant to ensure the project is accessible and usable by all members of the community. The women's and men's locker rooms, toilets and showers will be redesigned to offer clean, safe and modern amenities. Overall, the proposed new facility will offer the community a more welcoming indoor space and will encourage more frequent use of the pool and its amenities.

The Restrooms at Las Palmas Park

The restrooms at Las Palmas Park are vulnerable to vandalism and conducive to unlawful acts. The security features such as the door, lock, and gates as well as the orientation of the access points make surveillance by the Police Department extremely difficult. Minimal

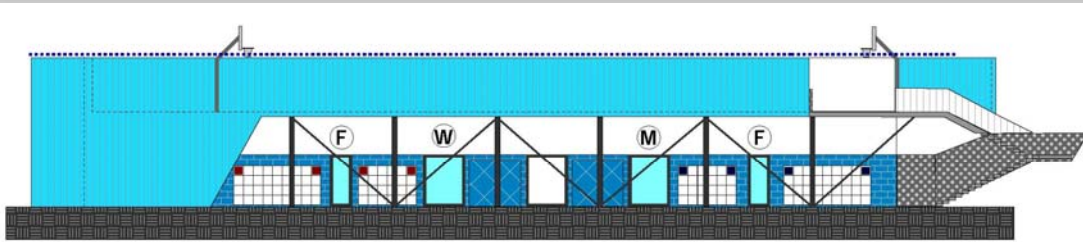
and outdated lighting exacerbates these issues. Maintenance and operations equipment are inadequate for current functions due to size and utility feeds. As the oldest restroom building in our City parks, all fixtures are out of compliance with modern requirements and barely functional. Staff recommends the removal and replacement of the restroom building with a more efficient model (see Exhibit 2). This new restroom building will incorporate all the new elements of Crime Prevention Through Environmental Design (CPTED) to minimize overnight lodging and illicit activities. Elements such as gaps at the bottom of the doors, one gate access control to all the stalls and additional lighting will help with enforcement of regulations. The maintenance and storage rooms would also be more appropriately sized. The new building will be orientated towards the parking lot for more efficient surveillance. This building serves all youth leagues that use adjacent ball fields, so it is important to modernize this facility for families that regularly utilize the park.

The preliminary estimate for these improvements are as follows:

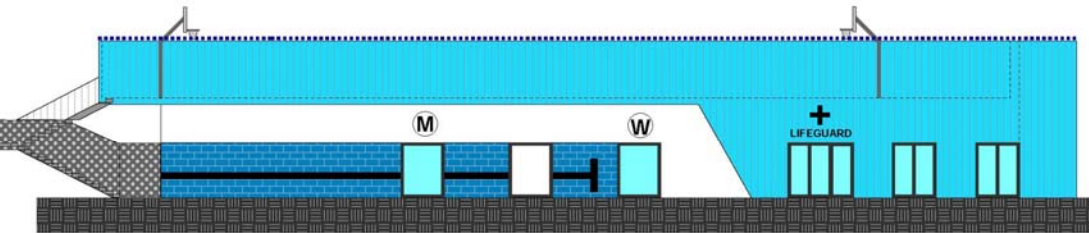
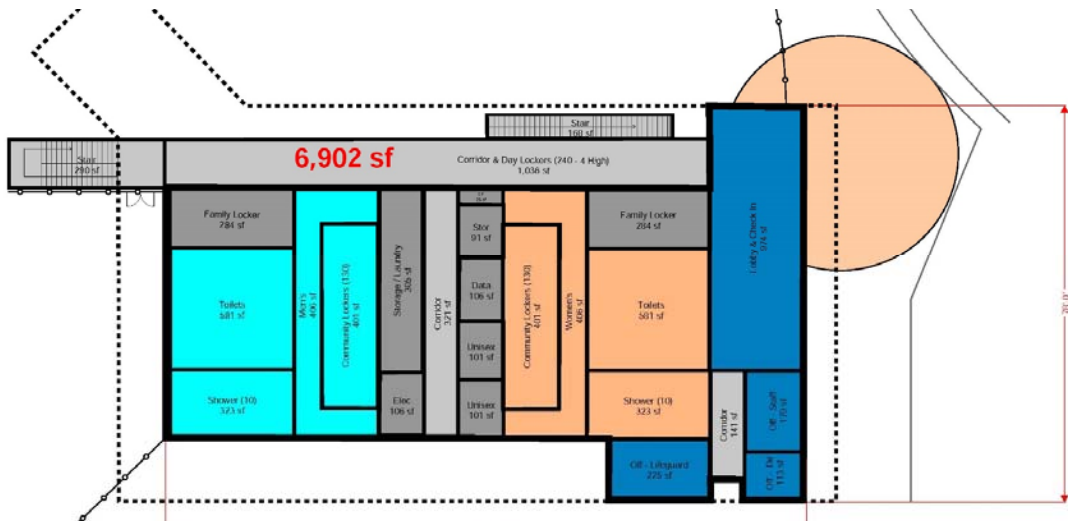
- National City Municipal Pool Building at Las Palmas Pool \$4,500,000
- The Restrooms at Las Palmas Park \$1,000,000

Staff recommendation.

Adopt Resolution authorizing the establishment of a \$4,500,000 ARPA fund appropriation and \$1M State Budget Allocation Grant appropriation for the Las Palmas Wellness Center/Pool Building project and Las Palmas Park Restroom Replacement.

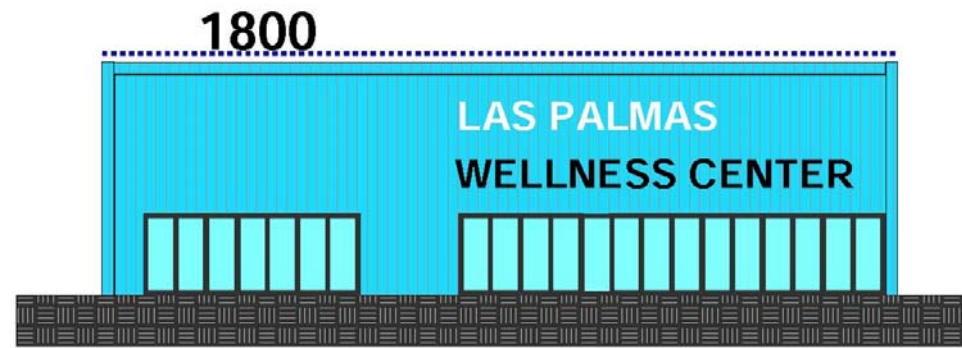


EAST ELEVATION



WEST ELEVATION

Exhibit 1



SOUTH ELEVATION





Exhibit 2

CPTED-PREFERRED RESTROOM DESIGN

RESOLUTION NO. 2022 -

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, ALLOCATING AND APPROPRIATING \$4,500,000.00 FROM THE AMERICAN RESCUE PLAN ACT FUNDS FOR THE LAS PALMAS WELLNESS CENTER/POOL BUILDING AND RESTROOMS AT LAS PALMAS PARK AND \$1,000,000.00 FROM THE STATE BUDGET ALLOCATION GRANT FOR THE LAS PALMAS WELLNESS CENTER/POOL BUILDING, AND AUTHORIZING CORRESPONDING REVENUE BUDGETS FOR THE PROJECTS

WHEREAS, in March 2021, the federal government enacted a \$1.9 trillion economic stimulus bill titled the American Rescue Plan Act of 2021 (“ARPA”); and

WHEREAS, of the \$1.9 trillion, \$350 billion was allocated for state, local, territorial, and Tribal governments to respond to the COVID-19 emergency and promote economic growth; and

WHEREAS, of the \$350 billion, the City of National City (“City”) is receiving \$18,010,907.00; and

WHEREAS, the City has received half of the funding, \$9,005,453.50, and will receive the other half around June 2022; and

WHEREAS, the Las Palmas Pool was constructed in 1958 and has served countless residents and visitors, but it is now in need of significant rehabilitation; and

WHEREAS, City staff explored rehabilitating this building but believe that a new pool building is a better solution to create a more welcoming environment that meets current standards and access requirements for all users; and

WHEREAS, the City’s consultant has provided a concept for the proposed 6,900 square foot Las Palmas Pool Building that would dramatically improve our resident’s user experience and create a healthier environment for facility users similar to other pool facilities in the County; and

WHEREAS, City staff recommends the removal and replacement of the Las Palmas Park restroom building with a more efficient model that will incorporate all the new elements of Crime Prevention Through Environmental Design (“CPTED”) to minimize overnight lodging and illicit activities; and

WHEREAS, City staff also recommends City Council authorize establishing a \$4,500,000 ARPA fund appropriation and \$1,000,000.00 State Budget Allocation Grant appropriation for the Las Palmas Wellness Center/Pool Building Project and Las Palmas Park Restroom Replacement and authorizing corresponding revenue budgets for the Projects.

///

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

Section 1: Authorizes establishing a \$4,500,000 ARPA fund appropriation and \$1,000,000.00 State Budget Allocation Grant appropriation for the Las Palmas Wellness Center/Pool Building Project and Las Palmas Park Restroom Replacement.

Section 2: Authorizes corresponding revenue budgets for the Projects.

Section 3: The City Clerk shall certify the passage and adoption of this Resolution and enter it into the book of original Resolution.

PASSED and ADOPTED this 15th day of February, 2022.

Alejandra Sotelo Solis, Mayor

ATTEST:

Luz Molina, City Clerk

APPROVED AS TO FORM:

Charles E. Bell Jr., City Attorney

The following page(s) contain the backup material for Agenda Item: [Overview of the Public Outreach Process and Participatory Budget Survey for uncommitted American Rescue Plan Act \(ARPA\) funds. \(Engineering/Public Works\)](#)

Please scroll down to view the backup material.

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING

February 15, 2022

AGENDA ITEM

ITEM TITLE:

Overview of the Public Outreach Process and Participatory Budget Survey for uncommitted American Rescue Plan Act (ARPA) funds.

Roberto Yano, Director of Public Works /
City Engineer

PREPARED BY:

PHONE: 619-336-4383

EXPLANATION:

DEPARTMENT: Engineering and Public Works

APPROVED BY:



See attached explanation.

FINANCIAL STATEMENT:

ACCOUNT NO.

N/A

APPROVED: _____ **FINANCE**

APPROVED: _____ **MIS**

ENVIRONMENTAL

N/A

ORDINANCE: INTRODUCTION FINAL ADOPTION

STAFF

Accept and file report

BOARD / COMMISSION

N/A

ATTACHMENTS

1. Explanation

Explanation

Staff has been working on an expenditure plan through the City Council based on eligibility and existing needs for utilization of these one-time funds. City Council previously committed American Rescue Plan Act (ARPA) funds by formal action based on the table below. Additionally, the City has received State grant funds to do overall improvements to El Toyon Park, the municipal pool, and the playground in Kimball Park. This table summarizes the use of ARPA funds and the commitment date where City Council voted on these items. The Las Palmas Pool Building and restrooms is an action item on tonight's agenda and question marks next to the dates below identify that these are proposed improvements until the City Council formally votes to commit these funds.

Description	Date	Amount
FY22 General Fund Expenditure Offsets	October 19, 2021	\$2,060,000
Premium Pay to City Employees	October 19, 2021,	\$900,000
Premium Pay to City Employees	December 7, 2021	\$440,000
Replaster Las Palmas Pool	October 19, 2021	\$ 1,000,000
Las Palmas Pool Deck Rehab	October 19, 2021	\$ 1,250,000
Las Palmas & Kimball Park CIP Design & Community Outreach	October 19, 2021	\$ 200,000
FY22 General fund expenditures offsets	February 1, 2022	\$4,000,000
Las Palmas Pool Building	February 15, 2022 ?	\$ 3,500,000*
Las Palmas Restroom	February 15, 2022 ?	\$1,000,000
Contingency		\$660,907
Total		\$ 15,010,907
Remaining Balance for Future Spending Plan		\$ 3,000,000

* The New Pool Building is estimated at \$4.5M (\$3.5M from ARPA plus \$1M from State budget appropriation)

Staff is now seeking input from the community on the uncommitted American Rescue Plan Act (ARPA) funds in a variety of ways. Assuming council approved the Pool Building at Las Palmas item tonight (see table above), \$3 million has been set aside for members of the community to suggest additional improvements for the parks and other citywide efforts such as: Improvements to Cultural Assets, Homeless Services, Broadband Upgrades, Small Business / Non-Profit Grants, Pavement Improvements, and Street Light LED Conversion, among others.

There will be several ways for the public to participate and provide feedback on funding priorities:

- Attend the Open House from 5:00 p.m. to 7:00 p.m. on Thursday, March 17 at Las Palmas Park (1810 E 22nd St., National City, 91950).
- Complete a short online participatory budgeting survey where residents allocate the budget to their favorite projects. The survey is accessible on the City's website and smart phones and available through March 21, 2022.

- Submit survey responses in writing at project kiosks located at the National City Library (1401 National City Blvd, National City, CA 91950) and City Hall (1243 National City Blvd, National City, CA 91950).

Summary results of the participatory budgeting survey will be presented to the City Council in April 2022 as part of a Budget Workshop where a feasibility study for the selected improvements will be presented alongside community input. The City Council will decide which projects will be included in the City budget by June 2022.

The following page(s) contain the backup material for Agenda Item: [City Manager Report.](#)
[\(City Manager\)](#)

Please scroll down to view the backup material.

Item # ____
02/15/22

City Manager Report

(City Manager)