



AGENDA

Consolidated Regular Meeting

City Council Chamber - 1243 National City
Boulevard, National City, CA

Ron Morrison, Mayor
Luz Molina, Vice-Mayor
Marcus Bush, Councilmember
Jose Rodriguez, Councilmember
Ditas Yamane, Councilmember

Ben Martinez, Interim City Manager
Barry J. Schultz, City Attorney
Shelley Chapel, MMC, City Clerk
R. Mitchel Beauchamp, City Treasurer

The City Council also sits as the City of National City Community Development Commission, Housing Authority, Joint Powers Financing Authority, and Successor Agency to the Community Development Commission as the National City Redevelopment Agency

Thank you for participating in local government and the City of National City Council Meetings.

Meetings: Regular City Council Meetings are held on the first and third Tuesday of the month at 6:00 p.m. Special Closed Session Meeting and Workshops may be same day, the start time is based on needs. Check Special Agendas for times.

Location: Regular City Council Meetings are held in the Council Chamber located at City Hall, 1243 National City Boulevard, National City, CA 91950, the meetings are open to the public.

Agendas and Material: [Agendas and Agenda Packet](#) for items listed are available on the City website, and distributed to the City Council no less than 72 hours prior to the City Council Meeting. Sign up for [E-Notifications](#) to receive alerts when items are posted.

Public Participation: Encouraged in a number of ways as described below. Members of the public may attend the City Council Meeting in person, watch the City Council Meeting via [live](#) web stream, or participate remotely via Zoom. [Recording of Meetings](#) are archived and available for viewing on the City's website.

Public Comment: Persons wishing to address the City Council on matters not on the agenda may do so under Public Comments. Those wishing to speak on items on the agenda may do so when the item is being considered. Please submit a Speaker's Slip to the City Clerk prior to the meeting or immediately following the announcement of the item. All comments will be limited up to three (3) minutes. The Presiding Officer shall have the authority to reduce the time allotted to accommodate for a large number of speakers. *(City Council Policy 104)*

If you wish to submit written comment [email](#) to the City Clerk's Office at least 2 hours prior to the City Council Meeting to allow time for distribution to the City Council.

Spanish Interpretation Services: Spanish Interpretation Services are available, please contact the City Clerk prior to the start of the meeting for assistance.

American Disabilities Act Title II: In compliance with the American Disabilities Act of 1990, persons with a disability may request an agenda in appropriate alternative formats as required by Title II. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to the City Clerk's Office (619) 336-4228 at least 24 hours in advance of the meeting.



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Gracias por participar en las reuniones del gobierno local y del Consejo de la Ciudad de National City.

Reuniones: Las reuniones regulares del Consejo Municipal se llevan a cabo el primer y tercer martes del mes a las 6:00 p.m. La reunión especial de sesión privada y los talleres pueden ser el mismo día, la hora de inicio se basa en las necesidades. Consulte las agendas especiales para conocer los horarios.

Ubicación: Las reuniones regulares del Concejo Municipal se llevan a cabo en la Cámara del Consejo ubicada en el Ayuntamiento, 1243 National City Boulevard, National City, CA 91950, las reuniones están abiertas al público.

Agendas y Material: Las Agendas y el Paquete de Agenda para los temas enumerados están disponibles en el sitio web de la Ciudad y se distribuyen al Concejo Municipal no menos de 72 horas antes de la Reunión del Concejo Municipal. Regístrese para recibir notificaciones electrónicas cuando se publiquen artículos.

Participación pública: Se fomenta de varias maneras como se describe a continuación. Los miembros del público pueden asistir a la Reunión del Concejo Municipal en persona, ver la Reunión del Concejo Municipal a través de la transmisión web en vivo o participar de forma remota a través de Zoom. Las grabaciones de las reuniones están archivadas y disponibles para su visualización en el sitio web de la Ciudad.

Comentario Público: Las personas que deseen dirigirse al Concejo Municipal sobre asuntos que no están en la agenda pueden hacerlo bajo Comentarios públicos. Quienes deseen hacer uso de la palabra sobre los temas del programa podrán hacerlo cuando se esté examinando el tema. Por favor, envíe una solicitud del orador al Secretario de la Ciudad antes de la reunión o inmediatamente después del anuncio del artículo. Todos los comentarios estarán limitados a tres (3) minutos. El Presidente tendrá la autoridad para reducir el tiempo asignado para dar cabida a un gran número de oradores. (Política del Concejo Municipal 104)

Si desea enviar comentarios por escrito, envíe un correo electrónico a la Oficina del Secretario de la Ciudad al menos 2 horas antes de la Reunión del Concejo Municipal para dar tiempo a la distribución al Consejo Municipal.

Servicios de interpretación en español: Los servicios de interpretación en español están disponibles, comuníquese con el Secretario de la Ciudad antes del inicio de la reunión para obtener ayuda.

Título II de la Ley de Discapacidades Americanas: En cumplimiento con la Ley de Discapacidades Americanas de 1990, las personas con discapacidad pueden solicitar una agenda en formatos alternativos apropiados según lo requerido por el Título II. Cualquier persona con una discapacidad que requiera un modificación o adaptación para participar en una reunión debe dirigir dicha solicitud a la Oficina del Secretario de la Ciudad (619) 336-4228 al menos 24 horas antes de la reunión.



AGENDA

Consolidated Regular Meeting

Tuesday, August 15, 2023, 6:00 p.m.
City Council Chamber - 1243 National City Boulevard
National City, CA

Pages

1. CALL TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE TO THE FLAG
4. INVOCATION
5. PUBLIC COMMENT

In accordance with State law, an item not scheduled on the agenda may be brought forward by the general public for comment; however, the City Council will not be able to discuss or take action on any issue not included on the agenda. Speakers will have up to three (3) minutes.

6. PRESENTATION (Limited to Five (5) Minutes each)

- 6.1 Presentation of Miss National City and Court

- 6.2 Investment Update

7

7. REGIONAL BOARDS AND COMMITTEE REPORTS (Limited to Five (5) Minutes each)

8. CONSENT CALENDAR

The Consent Calendar may be enacted in one motion by the City Council with a Roll Call Vote without discussion unless a Councilmember, a member of the Public, or the City Manager requests an item be removed for discussion. Items removed from the Consent Calendar will be considered immediately following the adoption of the Calendar.

- 8.1 Approval of Reading by Title Only and Waiver of Reading in Full of Ordinance on this Agenda
- 8.2 American Medical Response (AMR) contract extension 19
- Recommendation:
Adopt the Resolution Entitled, "Resolution of the City Council of the City of National City, California, Approving and Authorizing the Mayor to Execute the Seventh Amendment to the Agreement by and between the City of National City and American Medical Response Ambulance Service, Inc. to Continue to Provide Basic and Advanced Life Support Ambulance Transportation Services Effective July 1, 2023 through June 30, 2024"
- 8.3 Authorize the purchase of a Street Sweeper for Public Works Streets and Wastewater Division 31
- Recommendation:
Adopt a Resolution Entitled, "Resolution of the City Council of the City of National City, California, authorizing waiving the formal bid process pursuant to National City Municipal Code Section 2.60.260 regarding cooperative purchasing and authorizing the City to piggyback onto Sourcewell Contract # 093021-ELG with Haaker Equipment Company for the purchase of one (1) Elgin Broom Bear Street Sweeper in a not-to-exceed amount of \$425,000 for the Public Works Streets and Wastewater Division and authorizing the City Manager to approve adjustments of up to \$42,500 to the not-to-exceed amount for the purchase as a 10% contingency for unforeseen fluctuations in pricing and appropriation adjustments of up to \$17,500 above the original amount of \$450,000 budgeted for this item."
- 8.4 FY22 UASI Grant Subaward Amendment 68
- Recommendation:
Adopt the Resolution Entitled, "Resolution of the City Council of the City of National City, California, Authorizing the Mayor to Execute the City of San Diego Office of Emergency Services Grant Subaward Amendment for an Additional Appropriation of \$16,758 for a new total of \$46,831 to the Reimbursable Grant Citywide Account for the FY22 Urban Area Security Initiative (UASI) Grant for the Reimbursable Grant Purchase of Equipment for the Police Department"
- 8.5 Ratifying the SANDAG HAP 2.0 grant application and accepting the terms of the grant agreement to fund "Own National City." 73
- Recommendation:
Adopt the Resolution entitled "Resolution of the City Council of the City of National City, California, ratifying the grant application and accepting the terms of the grant agreement with the San Diego Association of Governments (SANDAG) for the Housing Acceleration Program (HAP) Cycle 2 Call for

Projects to fund “Own National City,” a plan to study innovative homeownership models on City-owned property zoned for residential use”

- 8.6 Acceptance of the 2020 Justice Assistance Grant (JAG) and Appropriation of Funds to Purchase Portable Radios for the Radio Communication System. 114

Recommendation:

Adopt a Resolution entitled, “Resolution of the City Council of the City of National City, California, Authorizing the Acceptance of the National City Police Department’s Grant award in the Amount of \$18,650.00 from the 2020 Edward Byrne Memorial Justice Assistance Grant (JAG) Program to Purchase Portable Radios for the Radio Communication System, and Authorizing the Establishment of an Appropriation and Corresponding Revenue Budget.”

- 8.7 Three new MEA classifications, one revised classification, proposed salary schedules, and budget appropriations to fund stated salaries. 191

Recommendation:

Adopt a Resolution Entitled, "Resolution of the City Council of the City of National City, California, Creating three (3) new job classifications, revising one existing job classification, amending the National City Municipal Employees Association (NCMEA) Salary Schedule, and authorizing budget appropriations to fund stated salaries."

- 8.8 Civil Service Rule II, Section 206A Amendment – Career Advancement 206

Recommendation:

Adopt the resolution entitled “Resolution of the City Council of the City of National City, California, amending the addendum to Rule II, Section 206A of the Civil Service Rules to allow for a career advanceable progression from Fire Inspector I to Fire Inspector II and Part-Time Call Taker to Part-Time Police Dispatcher.”

- 8.9 Amending City Council Policy Nos. 101, 102, 103, 106, 113, 114, 116, 118, 119, and 120, with Minor Clean-Up. 211

Recommendation:

Adopt a Resolution Entitled, “Resolution of the City Council of the City of National City, California, Amending City Council Policy Nos. 101, 102, 103, 106, 113, 114, 116, 118, 119, and 120.

- 8.10 Annual Update of Investment Policy, City Council Policy #203 244

Recommendation:

Adopt a Resolution entitled, “Resolution of the City Council of the City of National City, California, Adopting City Council Policy #203, “Investments,” as amended.

- 8.11 Amendment of City Council Policy Numbers 704 “Limitation on City Approved 283

Special Events within the City” and 802 “City Support for Special Events, Activities, Programs and Services”.

Recommendation:

Consider adoption of the Resolution Entitled, “Resolution of the City Council of the City of National City, California, Authorizing the Amendment of City Council Policy Numbers 704 “Limitation on City Approved Special Events within the City” and 802 “City Support for Special Events, Activities, Programs and Services”.

- 8.12 Temporary Use Permit – Rosarito Beach Motorcycle Run hosted by Coronado Beach Harley Davidson on September 8, 2023 from 8 a.m. to 12 p.m. at 3201 Hoover Avenue with No Waiver of Fees. 310

Recommendation:

Approve the Application for a Temporary Use Permit Subject to Compliance with all Conditions of Approval with No Waiver of Fees and in Accordance with City Council Policy 802.

- 8.13 Semi-Annual Report – Boards, Commissions, and Committee Attendance Report – Includes First and Second Quarter of 2023. 334

Recommendation:

Receive and file.

- 8.14 Warrant Register #49 for the period of 6/2/23 through 6/8/23 in the amount of \$828,042.32 346

Recommendation:

Ratify Warrants Totaling \$828,042.32

- 8.15 Warrant Register #50 for the period of 6/9/23 through 6/15/23 in the amount of \$2,065,505.97 351

Recommendation:

Ratify Warrants Totaling \$2,065,505.97

9. PUBLIC HEARING

The following item(s) have been advertised as public hearing(s) as required by law.

- 9.1 Public Hearing – Approval of Tentative Subdivision Map of an Existing Parcel into Nine (9) Separate Lots on Property Located at 2121 Grove Street. 357

Recommendation:

Adopt a Resolution Entitled, “Resolution of the City Council of the City of National City, California, Determining that the Project is Categorically Exempt from the California Environmental Quality Act (CEQA) Under Class 32 of the CEQA Guidelines Section 15332 (In-Fill Development Projects) and Approving the Tentative Subdivision Map for the Division of One (1) Lot into Nine (9) on

10. STAFF REPORTS

- 10.1 Amendment to City Council Policy No. 104: Rules of Procedure and Order for City Council Meetings - Proclamations

411

Recommendation:

Options:

#1 Leave policy as is; or

#2 Modify as presented in the 105 request by Councilmember Rodriguez, Exhibit B (Redline) to read:

(a) Requests for proclamations can be made by any Council Members' Office

(b) The Mayor and Councilmember filing the request will determine the language used in the proclamation, the Mayor will then direct his or her staff member to prepare the proclamation and the proclamation will be issued with all of the Council Member signatures.

(c) Upon receipt of the draft proclamation language, the Mayor and Councilmember filing the request will direct the City Manager to place the item on a meeting agenda depending on the nature and time-sensitive nature of the request; or

#3 Accept changes to policy in Exhibit C (Redline) to add line Item d to current policy:

(d) Mayor and City Councilmembers will sign all Proclamations. The Mayor's Office will have an electronic signature file of each Councilmember on record to be used in the event that a City Councilmember is unable or unavailable to sign the Proclamation

If options 2 or 3 are chosen, adopt the resolution that reflects changes (Exhibit D) or (Exhibit E) Adopt a Resolution Entitled, "Resolution of the City Council of the City of National City, California, Approving an Amendment to City Council Policy Manual Policy 104: Rules of Procedure and Order for City Council Meetings – XIV Procedural Matters, E(2). (Proclamations)"

- 10.2 Amendment to City Council Policy No. 901, to Require that the City Conduct a Feasibility Analysis for Homeownership on City-Owned Property Zoned for Residential Use.

477

Recommendation:

Adopt the Resolution Entitled "Resolution of the City Council of the City of National City, California, Amending City Council Policy No. 901, Entitled

‘Management of Real Property’, to Require that the City Conduct a Feasibility Analysis to Evaluate Building Residential Units for Homeownership, Identify Supportable Land Values, Determine the Need for Gap Financing, and Assess the Use of Various Development Models, Such as Community Land Trusts, to Create Sustainable and Affordable Homeownership on Any City-Owned Property Zoned for Residential Use.”

- 10.3 Property Tax Rate for Library General Obligation Bond Property Tax Rate 2024 524

Recommendation:

Adopt a Resolution Entitled, "Resolution of the City Council of the City of National City, California, setting the Property Tax Rate for the Library General Obligation Bond for fiscal year 2024 at .518 cent per \$100 of assessed valuation."

- 10.4 Responses from the City of National City to the findings and recommendations of a 2022/2023 County of San Diego Grand Jury Report filed on June 7, 2023 and titled "Governance of San Diego Bay and Its Tidal Lands and Regions." 527

Recommendation:

Review and approve the proposed responses to the County Grand Jury Report and authorize the Mayor to transmit the responses to the Grand Jury via the Superior Court Presiding Judge.

11. CITY MANAGER'S REPORT

12. ELECTED OFFICIALS REPORT

13. CITY ATTORNEY REPORT

14. ADJOURNMENT

Regular Meeting of the City Council of the City of National City - Tuesday, September 5, 2023 - 6:00 p.m. - Council Chambers - National City, California.

City of National City

Period Ending June 30, 2023

CHANDLER ASSET MANAGEMENT, INC. | 800.317.4747 | www.chandlerasset.com

SECTION 1

Economic Update

SECTION 2

Account Profile

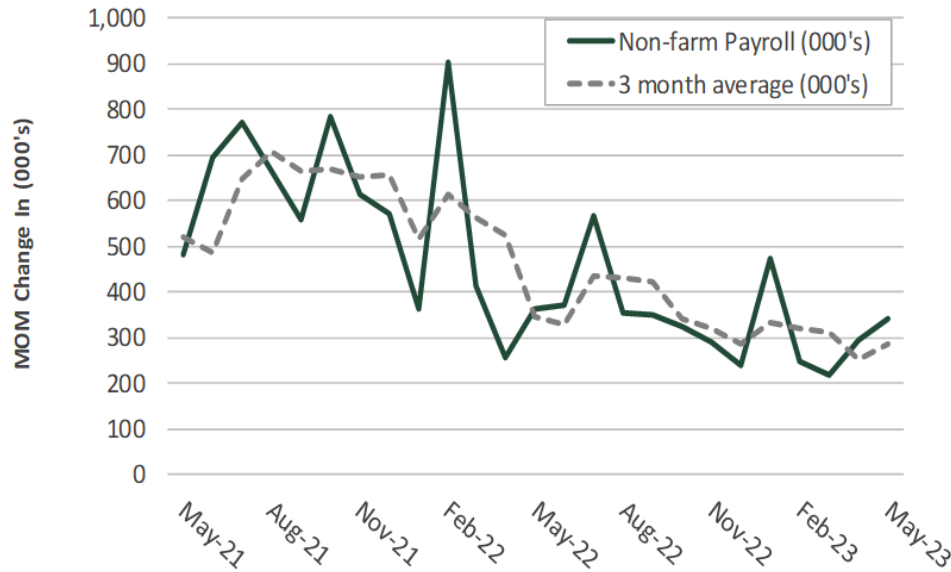
Section 1 | Economic Update

Economic Update

- Recent economic data continues to suggest positive but below trend growth this year. Although the pace of job growth is moderating, labor markets remain solid, and the U.S. consumer has demonstrated resiliency. Inflationary trends are subsiding, but core levels remain well above the Fed's target. Given the cumulative effects of restrictive monetary policy and tighter financial conditions, we believe the economy will gradually soften and the Fed will remain data dependent as they tread cautiously going forward.
- At the June meeting, the Federal Open Market Committee paused in their rate hiking campaign after ten straight rate increases and left the target Federal Funds rate in the current range of 5.00 - 5.25%. Market participants viewed the FOMC's decision as a 'hawkish' pause, expecting further tightening in the future, primarily based on the updated release of the FOMC's Summary of Economic Projections (SEP) forecast which reflected a stronger economic outlook and higher rates compared to the March forecast. We believe the resiliency of future economic data will determine if the Federal Reserve can stay on hold for a period of time or will be forced to tighten policy further to bring inflation back down towards their 2% policy objective.
- The yield curve remained inverted in June. The 2-year Treasury yield surged 50 basis points to 4.90%, the 5-year Treasury yield rose 40 basis points to 4.16%, and the 10-year Treasury yield increased 19 basis points to 3.84%. The inversion between the 2-year Treasury yield and 10-year Treasury yield widened to -106 basis points at June month-end versus -76 basis points at May month-end. The spread between the 2-year Treasury and 10-year Treasury yield one year ago was +6 basis points. The inversion between 3-month and 10-year Treasuries narrowed to -146 basis points in June from -176 basis points in May. The shape of the yield curve indicates that the probability of recession is increasing.

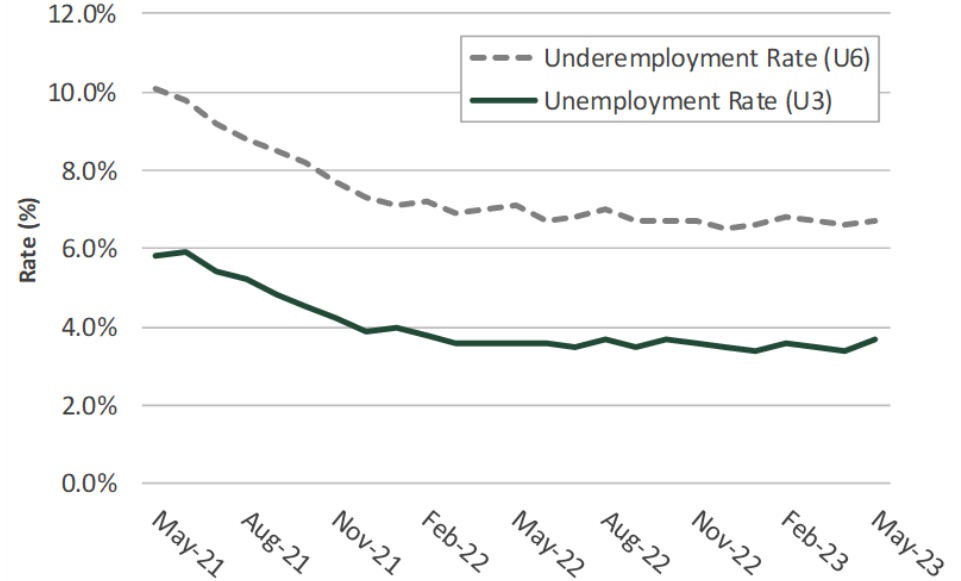
Economic Update

Nonfarm Payroll (000's)



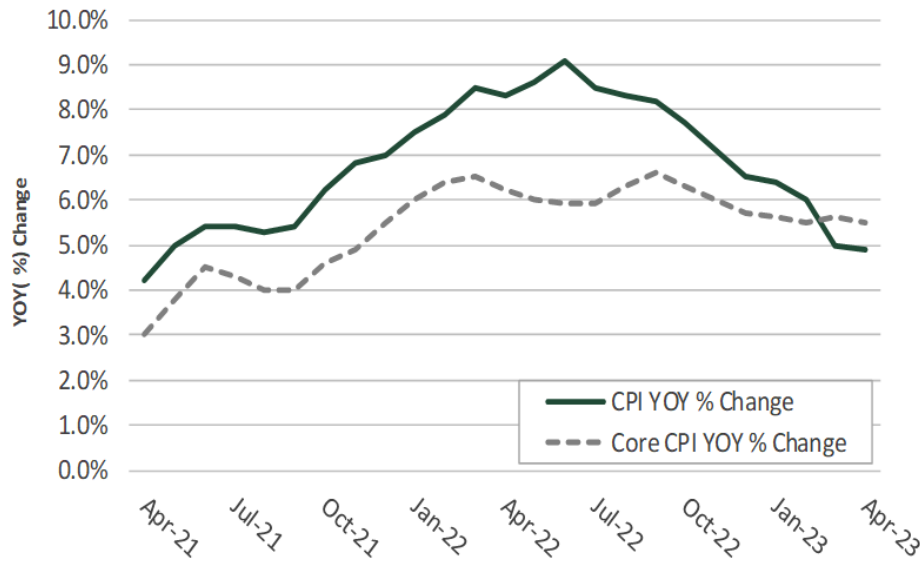
Source: US Department of Labor

Unemployment Rate



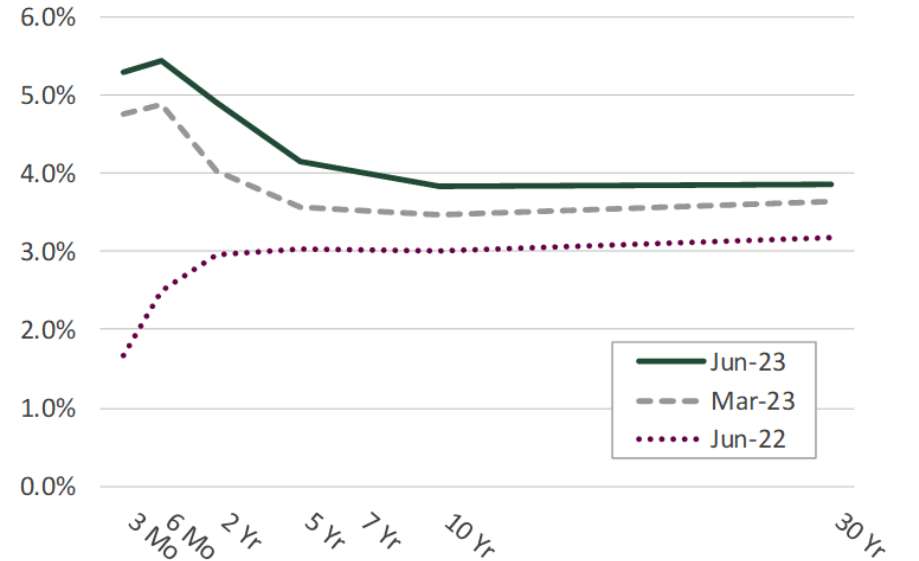
Source: US Department of Labor

Consumer Price Index (CPI)



Source: US Department of Labor

US Treasury Yield Curve



Source: Bloomberg

Section 2 | Account Profile

City of National City

Assets managed by Chandler Asset Management are in full compliance with state law and with the City's investment policy.

Category	Standard	Comment
U.S. Treasuries	No limitation; Full faith and credit of the U.S. are pledged for the payment of principal and interest	<i>Complies</i>
Federal Agencies	No Limitation; Federal agencies or U.S. government-sponsored enterprise obligations, participations, or other instruments, including those issued or fully guaranteed as to principal and interest by federal agencies or U.S. government sponsored enterprises.	<i>Complies</i>
Supranational Obligations	"AA" rating category or higher by a NRSRO; 30% max; 10% max per issuer; U.S. dollar denominated senior unsecured unsubordinated obligations issued or unconditionally guaranteed by IBRD, IFC, IADB	<i>Complies</i>
Municipal Securities	"A" rating category or better by two NRSROs; 30% max; 5% max per issuer; Include bonds of the City, the State of California, any other state, and any local agency within the State of California; Bonds will be registered in the name of the City or held under a custodial agreement at a bank.	<i>Complies</i>
Corporate Medium Term Notes	"A" rating category or better by at least two NRSROs; 30% max; 5% max per issuer; Issued by corporations organized and operating within the U.S. or by depository institutions licensed by U.S. or any state and operating within the U.S.	<i>Complies</i>
Mortgage Pass-throughs, Asset Backed Securities, and Collateralized Mortgage Obligations	"AA" rating category or better by a NRSRO; 20% max	<i>Complies</i>
Negotiable Certificates of Deposit	"A" long-term debt rated or higher by at least two NRSROs; and/or "A1" short-term debt rated or higher by at least two NRSROs; 30% max (including CDARS); 5% max per issuer	<i>Complies</i>
Certificate of Deposit Placement Service (CDARS)	30% max (combination of Certificates of Deposit, including CDARS)	<i>Complies</i>
FDIC insured Time Deposits/ Certificates of Deposit	Non-Negotiable Certificates of Deposit in state or federally chartered banks, savings and loans, or credit unions; The amount per institution is limited to maximum covered under FDIC; 30% max combined certificates of deposit including CDARS	<i>Complies</i>
Banker's Acceptances	"A-1" short-term debt rated or higher by at least two NRSROs; and "A" long-term debt rated by two NRSROs; 40% max; 5% max per issuer; 180 days max maturity	<i>Complies</i>
Commercial Paper	"A-1" short-term rated or higher by at least two NRSROs; and "A" long-term debt rated by two NRSROs; 25% max; 5% max per issuer; 270 days max maturity; Issuer is a corporation organized and operating in the U.S. with assets > \$500 million	<i>Complies</i>
Money Market Mutual Funds	20% max in Money Market Mutual Funds; Registered with SEC under Investment Company Act of 1940 and funds meet either of the following criteria: (i) Highest rating by two NRSROs; or (ii) Retained an investment adviser registered or exempt from SEC registration with > 5 years experience managing money market mutual funds with AUM >\$500 million	<i>Complies</i>

City of National City

Assets managed by Chandler Asset Management are in full compliance with state law and with the City's investment policy.

Category	Standard	Comment
Local Agency Investment Fund (LAIF)	Maximum permitted amount in LAIF; Not used by investment adviser	Complies
Local Government Investment Pool (LGIP)	San Diego County Investment Pool	Complies
Prohibited Securities	Any investment not specifically described in the policy; Inverse floaters; Ranges notes, Mortgage-derived interest-only strips; Zero interest accrual securities if held to maturity; Trading securities for the sole purpose of speculating on the future direction of interest rates; Purchasing or selling securities on margin; Reverse repurchase agreements; Securities lending or any other form of borrowing or leverage; Foreign currency denominated securities	Complies
Callable Securities	20% maximum (does not include "make whole call" securities)	Complies
Maximum Issuer	5% max per issuer, except as noted in Section VIII of the investment policy	Complies
Duration	Approximately equal to duration of the benchmark	Complies
Maximum maturity	5 years	Complies

Portfolio Summary – Account 10162

As of June 30, 2023

PORTFOLIO CHARACTERISTICS

Average Modified Duration	2.33
Average Coupon	1.93%
Average Purchase YTM	1.89%
Average Market YTM	4.90%
Average S&P/Moody Rating	AA/Aa1
Average Final Maturity	2.59 yrs
Average Life	2.50 yrs

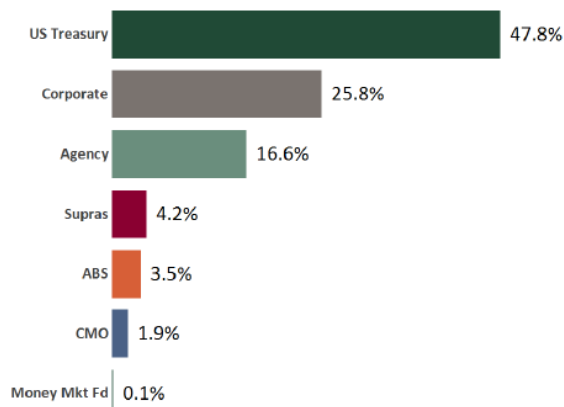
ACCOUNT SUMMARY

	Beg. Values as of 6/30/22	End Values as of 6/30/23
Market Value	35,634,930	35,703,294
Accrued Interest	116,892	168,634
Total Market Value	35,751,822	35,871,929
Income Earned	39,731	566,903
Cont/WD		-27,937
Par	37,226,024	37,647,347
Book Value	37,397,650	37,732,557
Cost Value	37,397,650	37,732,557

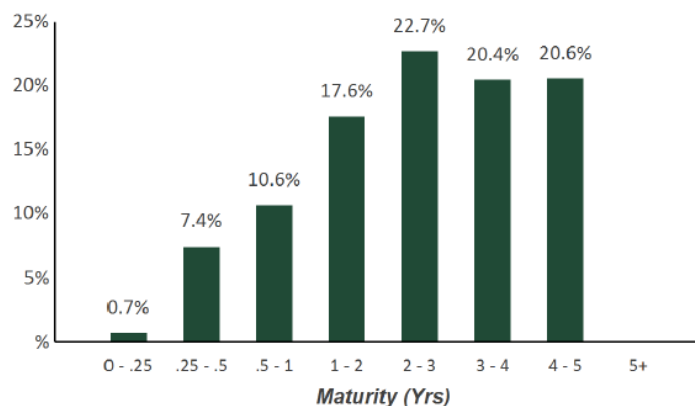
TOP ISSUERS

Government of United States	47.8%
Federal Home Loan Mortgage Corp	8.3%
Federal Home Loan Bank	6.4%
Federal National Mortgage Assoc	3.8%
Intl Bank Recon and Development	2.1%
Deere & Company	1.9%
Apple Inc	1.8%
Charles Schwab Corp/The	1.5%
Total	73.5%

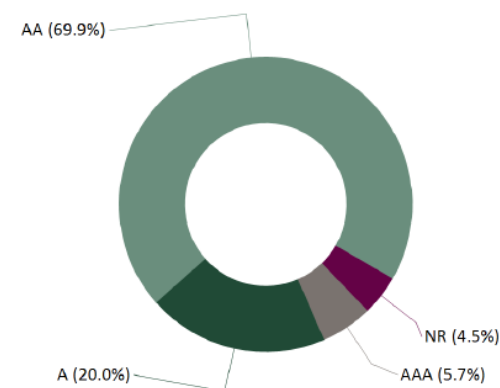
SECTOR ALLOCATION



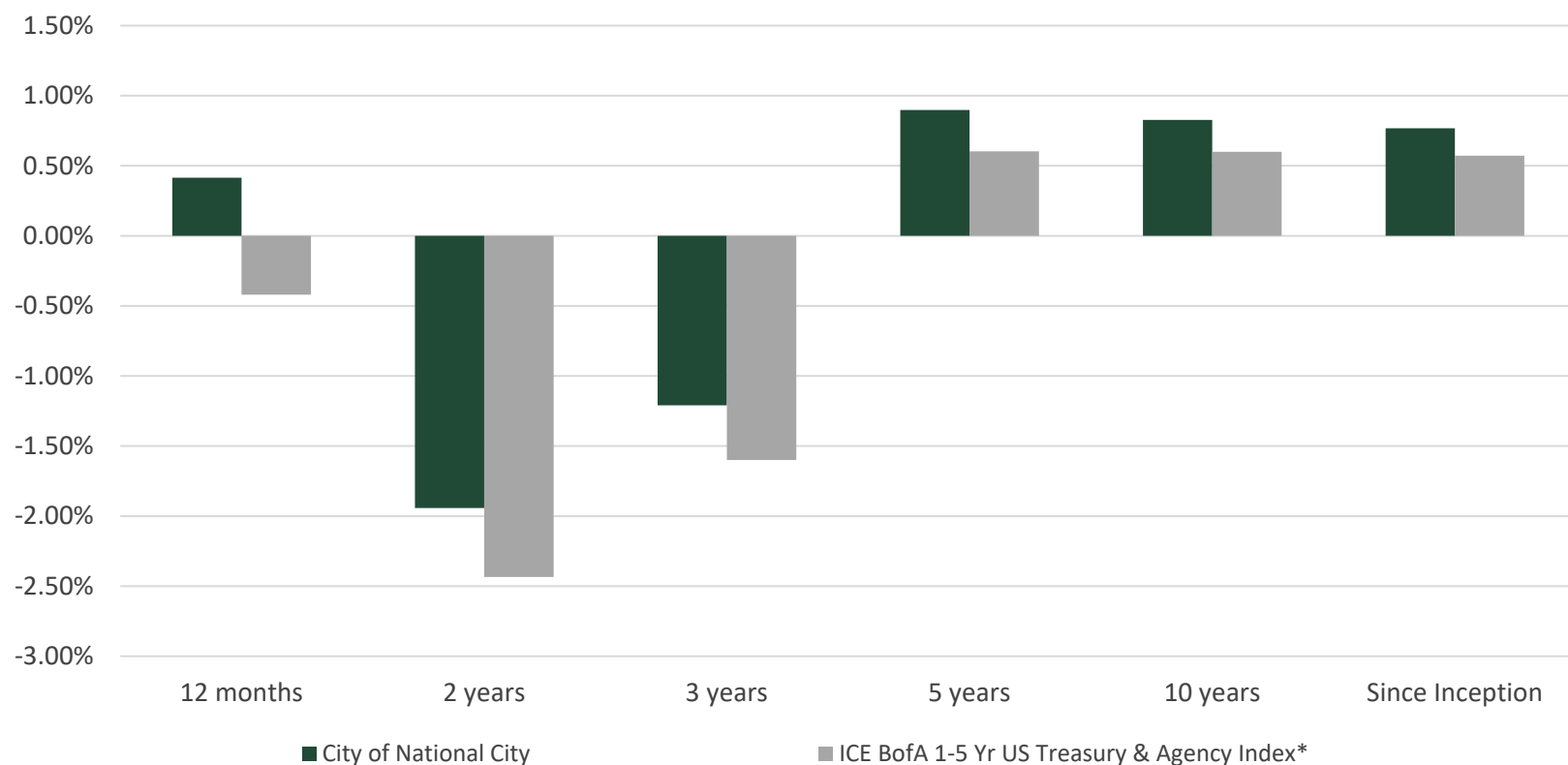
MATURITY DISTRIBUTION



CREDIT QUALITY (S&P)



City of National City Total Rate of Return Annualized Since Inception February 29, 2012



TOTAL RATE OF RETURN	Annualized						
	3 months	12 months	2 years	3 years	5 years	10 years	Since Inception
City of National City	-0.36%	0.41%	-1.94%	-1.21%	0.90%	0.83%	0.77%
ICE BofA 1-5 Yr US Treasury & Agency Index*	-0.85%	-0.42%	-2.43%	-1.60%	0.60%	0.60%	0.57%

*ICE BofA 1-3 Yr US Treasury & Agency Index to 12/31/2021

Total rate of return: A measure of a portfolio's performance over time. It is the internal rate of return, which equates the beginning value of the portfolio with the ending value; it includes interest earnings, realized and unrealized gains and losses in the portfolio.

ICE BofA 1-5 Yr US Treasury & Agency Index*

The ICE BofA 1-5 Year US Treasury & Agency Index tracks the performance of US dollar denominated US Treasury and nonsubordinated US agency debt issued in the US domestic market. Qualifying securities must have an investment grade rating (based on an average of Moody's, S&P and Fitch). Qualifying securities must have at least one year remaining term to final maturity and less than five years remaining term to final maturity, at least 18 months to maturity at time of issuance, a fixed coupon schedule, and a minimum amount outstanding of \$1 billion for sovereigns and \$250 million for agencies.

Important Disclosures

As of June 30, 2023

2023 Chandler Asset Management, Inc, An Independent Registered Investment Adviser.

Information contained herein is confidential. Prices are provided by ICE Data Services Inc ("IDS"), an independent pricing source. In the event IDS does not provide a price or if the price provided is not reflective of fair market value, Chandler will obtain pricing from an alternative approved third party pricing source in accordance with our written valuation policy and procedures. Our valuation procedures are also disclosed in Item 5 of our Form ADV Part 2A.

Performance results are presented gross-of-advisory fees and represent the client's Total Return. The deduction of advisory fees lowers performance results. These results include the reinvestment of dividends and other earnings. Past performance may not be indicative of future results. Therefore, clients should not assume that future performance of any specific investment or investment strategy will be profitable or equal to past performance levels. All investment strategies have the potential for profit or loss. Economic factors, market conditions or changes in investment strategies, contributions or withdrawals may materially alter the performance and results of your portfolio.

Index returns assume reinvestment of all distributions. Historical performance results for investment indexes generally do not reflect the deduction of transaction and/or custodial charges or the deduction of an investment management fee, the incurrence of which would have the effect of decreasing historical performance results. It is not possible to invest directly in an index.

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This report is provided for informational purposes only and should not be construed as a specific investment or legal advice. The information contained herein was obtained from sources believed to be reliable as of the date of publication, but may become outdated or superseded at any time without notice. Any opinions or views expressed are based on current market conditions and are subject to change. This report may contain forecasts and forward-looking statements which are inherently limited and should not be relied upon as indicator of future results. Past performance is not indicative of future results. This report is not intended to constitute an offer, solicitation, recommendation or advice regarding any securities or investment strategy and should not be regarded by recipients as a substitute for the exercise of their own judgment.

Fixed income investments are subject to interest, credit and market risk. Interest rate risk: the value of fixed income investments will decline as interest rates rise. Credit risk: the possibility that the borrower may not be able to repay interest and principal. Low rated bonds generally have to pay higher interest rates to attract investors willing to take on greater risk. Market risk: the bond market in general could decline due to economic conditions, especially during periods of rising interest rates.

Ratings information have been provided by Moody's, S&P and Fitch through data feeds we believe to be reliable as of the date of this statement, however we cannot guarantee its accuracy.

Security level ratings for U.S. Agency issued mortgage-backed securities ("MBS") reflect the issuer rating because the securities themselves are not rated. The issuing U.S. Agency guarantees the full and timely payment of both principal and interest and carries a AA+/Aaa/AAA by S&P, Moody's and Fitch respectively.

Your qualified custodian bank maintains control of all assets reflected in this statement and we urge you to compare this statement to the one you receive from your qualified custodian. Chandler does not have any authority to withdraw or deposit funds from/to the custodian account.



AGENDA REPORT

Department: Fire Department
Prepared by: Walter Amedee, Management Analyst III
Meeting Date: Tuesday, August 15, 2023
Approved by: Ben Martinez, Interim City Manager

SUBJECT:

American Medical Response (AMR) contract extension

RECOMMENDATION:

Adopt the Resolution Entitled, "Resolution of the City Council of the City of National City, California, Approving and Authorizing the Mayor to Execute the Seventh Amendment to the Agreement by and between the City of National City and American Medical Response Ambulance Service, Inc. to Continue to Provide Basic and Advanced Life Support Ambulance Transportation Services Effective July 1, 2023 through June 30, 2024"

BOARD/COMMISSION/COMMITTEE PRIOR ACTION:

Not Applicable.

EXPLANATION:

The City's Ambulance Services Agreement with American Medical Response Ambulance Services, Inc. (AMR) was approved by the City Council on June 20, 2006. The Agreement has been amended six times over the years. In the Seventh Amendment, certain changes were agreed upon by both parties.

AMR pays the City a Franchise Fee on a monthly basis. The amount of such fee is determined solely and at the absolute discretion of the City. The purpose of the fee is to offset the City's costs for activities associated with providing and maintaining programs associated with emergency medical services care at an ALS-level (Advanced Life Support) and oversight of the Agreement.

AMR has met all of the eligibility requirements for an extension of the Agreement. The National City Fire Department is seeking a one-year extension of the Agreement starting July 1, 2023 through June 30, 2024. The extension will maintain the Franchise Fee Revenue in Fiscal Year 2023-24 at \$318,023.

FINANCIAL STATEMENT:

130-00000-3034 - The Franchise Fee Revenue in FY2023-24 will be maintained at \$318,023. Under the agreement, AMR charges fees to the recipients of its services with no cost to the City.

RELATED CITY COUNCIL 2020-2025 STRATEGIC PLAN GOAL:

Public Safety

ENVIRONMENTAL REVIEW:

This is not a project under CEQA and is therefore not subject to environmental review. CCR15378; PRC 21065.

PUBLIC NOTIFICATION:

Agenda Report posted within 72 hours of meeting date and time in accordance with Brown Act.

ORDINANCE:

Not Applicable

EXHIBITS:

Exhibit A - Agreement

Exhibit B - Resolution

**SEVENTH AMENDMENT TO THE AGREEMENT
BY AND BETWEEN
THE CITY OF NATIONAL CITY
AND
AMERICAN MEDICAL RESPONSE AMBULANCE SERVICE, INC.**

This Seventh Amendment to the Agreement By and Between the City of National City and American Medical Response Ambulance Service, Inc. ("Seventh Amendment") is entered into this August 15, 2023, by and between the City of National City ("CITY") and American Medical Response Ambulance Service, Inc., ("AMR").

RECITALS

- A. WHEREAS, on June 20, 2006, CITY and AMR entered into an agreement entitled "Agreement by and between the City of National City and American Medical Response Ambulance Service, Inc." as has been amended from time-to-time by those First, Second, Third, Fourth, Fifth and Sixth amendments (collectively, the "Agreement"); and
- B. WHEREAS, AMR has met all of the eligibility requirements for an extension of the Agreement as set forth in Section VI, Subsection E.1; and
- C. WHEREAS, the Parties wish to make certain changes to the Agreement as set forth below; and

NOW, THEREFORE, in consideration of the mutual benefit to be derived therefrom, CITY and AMR agree as follows:

- 1. Section II, Subsection A.10, A.11(e), A.11(f), A.11(g), A.11(h), A.11(j), A.11(k), A.11(l), A.11(m), A.11(n), A.11(o), B.4., are hereby deleted in their entirety and *void ab initio*.
- 2. Section II, Subsection A.1 is amended by replacing Subsection A.1 with the following:

Provide and maintain, at no cost to CITY, two (2) fully equipped, supplied, and staffed advanced life support (ALS) type III ambulances available for providing paramedic services seven (7) days per week, twenty-four (24) hours per day on a year-round basis. These units shall have as their principal station a location within the City of National City. AMR shall notify CITY of the locations where each ALS unit is principally posted and shall notify the CITY if a change of location is determined necessary. Each ALS ambulance shall be staffed at a level consistent with County of San Diego protocols and/or requirements. For purposes of this agreement, Paramedics shall be individuals licensed by the State of California according to Title 22, CCR Division 9, Chapter 4 and accredited to practice as a paramedic by the County of San Diego.
- 3. Section II, Subsection A.11(d) is amended by modifying the Franchise Fee Payments as follows:

Actual	Estimate
FY 2022-23	FY 2023-24
\$318,023	\$318,023

No funds shall be used by the City in a manner that may violate 42 U.S.C. Section 1320a-7b, the federal 315 Anti-Kickback Statute. The City represents that the reimbursement it receives from AMR is less than and shall be less than the City's costs for services throughout the term of this Agreement.

4. Section IV, Subsection B.1 is amended by replacing Subsection B.1 with the following:

B.1. Effective July 1, 2023, the Ambulance Service Base Rate for Advanced Life Support will be \$3,845.22. The ancillary changes are attached as Schedule B.1.

5. Section V, Subsection C.2 is amended by replacing Subsection C.2 with the following:

Effective July 1, 2023, Emergency responses with lights and sirens are defined as requests that are received in the Contractor's communications center using the MPDS triage system and determined to be either "Bravo", "Charlie", "Delta", or "Echo" level responses. Emergency responses no lights and sirens are defined as requests that are received in the Contractor's communications center using the MPDS triage system and determined to be either "Alpha" or "Omega" level responses.

6. Section V, Subsection C.4(b) is amended by replacing Subsection C.4.(b) with the following:

If a response is downgraded from an Emergency (lights and sirens) response to an Emergency (no lights and sirens) response by a PSAP dispatcher or if a response is downgraded by a first responder unit prior to the arrival on scene of a transport capable ALS ambulance, the Contractor's compliance will be determined by the following:

If the time of downgrade occurs after the higher priority standard response time has been exceeded, the more stringent higher priority response time standard of 11:59 will apply, or if the time of the downgrade occurs before the unit has exceeded the higher priority response time standard, the less stringent lower priority response time standard of 19:59 will apply.

7. Section V, Subsection C.4 is amended by adding Section V, Subsection C.4.e as follows:

Calls initially dispatched as Emergencies (lights and sirens) that result in a transport of Code 40 or Code 50, shall be exempted from the Emergency response time standard (lights and sirens) and shall have the Emergency (no lights and sirens) response time standard of 19:59 applied retrospectively.

8. Section V, Subsection C.4 is amended by adding Section V, Subsection C.4.f as follows:

Any time the Contractor utilizes Contractor resources from outside the service area on a Mutual Aid basis, or requests for assistance from other agencies on a Mutual

Aid basis, the response time of the mutual aid responding unit shall be exempted from inclusion in the monthly response time performance calculations.


9. Section VI, Subsection E.1 is amended with the term of the Agreement being extended for an additional one year from the time the current Agreement expires on June 30, 2023.
10. The parties further agree that with the foregoing exceptions, each and every term and provision of the Agreement by and between the CITY and AMR, dated June 20, 2006, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this Seventh Amendment to be executed the day and year first herein set forth.

CITY OF NATIONAL CITY

**AMERICAN MEDICAL RESPONSE
AMBULANCE SERVICE, INC.**

By: _____
Ron Morrison, Mayor

By: _____

Sean Russell
Regional President

APPROVED AS TO FORM:

City Attorney

By: _____

Schedule B.1

Procedure code	Current	New
1151 - ALS EMERGENCY BASE RATE	2,812.60	3,845.22
1152 - ALS LEVEL 2	3,265.44	4,541.51
1251 - BLS EMERGENCY BASE RATE	912.45	2,066.00
2151 - MILEAGE	42.45	125.00
1111 - TREAT NO TRANSPORT	-	760.14
3001 - OXYGEN	135.53	271.06
3008 - HOT PACK	15.35	30.70
3040 - 4X4 STERILE	4.12	8.24
3042 - ABDOMINAL PAD	4.30	8.60
3044 - ACE WRAP	12.06	24.12
3046 - ARMBBOARD	11.19	22.38
3048 - BED PAN	16.00	32.00
3050 - BITE STICK	8.38	16.76
3051 - SMARTCAPNOLINE PEDIATRIC	32.81	65.62
3052 - BODILY WASTE DISP BAG	3.70	7.40
3053 - SMARTCAPNOLINE PLUS ADULT	38.28	76.56
3058 - BULB SYRINGE	14.38	28.76
3062 - BAG VALVE MASK DISP UNIT	181.98	363.96
3072 - CATHETER/INTERCATH NEEDL	24.23	48.46
3074 - CERVICAL COLLAR	193.98	387.96
3076 - CHUX	4.80	9.60
3078 - COLD PACK	16.43	32.86

3086 - CARDBOARD SPLINT	19.30	38.60
3088 - CPR STAT PADS ADULT	8.56	17.12
3092 - DEFIB COMBO PADS	77.97	155.94
3093 - ELECTRODES QUICK COMBO PEDS	78.36	156.72
3094 - DISP BLANKET	60.23	120.46
3096 - DISPOSABLE LINEN	16.43	32.86
3102 - ELECTRODE SET	17.86	35.72
3104 - EMESIS BASIN	2.50	5.00
3106 - ADDITIONAL ETT	31.95	63.90
3112 - FILTER LINE REG-ADULT/PED	19.39	38.78
3113 - BACTERIAL FILTER LTV VENT	10.89	21.78
3115 - FLTRLN SET W/AIRWAY ADAPTER	26.24	52.48
3118 - HUMIDIFIER W/ADAPTER	36.77	73.54
3119 - BAG ASSIST NEBULIZER	23.77	47.54
3120 - HYPODERMIC NEEDLE	1.72	3.44
3121 - PEDIATRIC NEBULIZER	5.38	10.76
3124 - INFECTIOUS PRECAUTIONARY SRVC	122.54	245.08
3126 - INTUBATION	296.71	593.42
3130 - ISOLATION MASK	16.43	32.86
3132 - ISOLATION SUIT/KIT	109.52	219.04
3140 - KERLIX ROLL	17.27	34.54
3142 - LANCETS	0.83	1.66
3152 - MULTI TRAUMA DRESSING	31.00	62.00

3154 - NASAL CANNULA	7.35	14.70
3162 - NASAL PHARNGEAL AIRWAY	49.16	98.32
3168 - NON-REBREATHER MASK	23.09	46.18
3170 - OB KIT	116.56	233.12
3172 - ORAL PHARTNGEAL AIRWAY	16.27	32.54
3186 - PREP RAZOR	6.53	13.06
3190 - SKULL CAP	3.36	6.72
3192 - SOFT RESTRAINTS	40.24	80.48
3194 - STERILE WATER	20.54	41.08
3196 - GLOVES STERILE	7.35	14.70
3198 - STYLETTE/BOUGIE	63.10	126.20
3200 - SYRINGE	9.62	19.24
3204 - TAPE ADHESIVE	3.32	6.64
3208 - TRIANGULAR BANDAGE	17.04	34.08
3212 - TUBE TAMER	51.96	103.92
3214 - URINAL	9.44	18.88
3218 - VASELINE GAUZE	14.38	28.76
3220 - WASH BASIN DISP	9.84	19.68
3226 - NEBULIZER SETUP	20.41	40.82
3228 - SALEM SUMP TUBE	41.78	83.56
3234 - EKG STRIP	21.94	43.88
34626 - HEMOSTATIC GAUZE	113.27	226.54
36220 - EZ IO SUPPLY	182.21	364.42

4000 - ACTIVATED CHARCOAL	118.01	236.02
4002 - ADDITIONAL 250CC IV BAG	15.18	30.36
4004 - ADENOSINE	136.87	273.74
4005 - ALBUTEROL	29.12	58.24
4008 - AMIODARONE	10.32	20.64
4009 - ASPIRIN	3.81	7.62
4010 - ATROPINE MULTIDOSE VIAL	90.07	180.14
4012 - ATROPINE PLS	50.28	100.56
40120 - ACETAMINOPHEN	158.53	317.06
4013 - ATROVENT	2.11	4.22
4014 - BENADRYL	49.86	99.72
4015 - BENZOIN SWABS	3.14	6.28
4018 - CALCIUM CHLORIDE	50.28	100.56
4019 - D5W 250CC	4.26	8.52
4024 - EPINEPHRINE 1 10000 PLS	50.28	100.56
4025 - EPINEPHRINE 1 1000 AMP	19.91	39.82
4027 - EXTRA 1000CC BAG	13.68	27.36
4028 - GLUCAGON	226.60	453.20
4029 - INSTA-GLUCOSE	18.35	36.70
4036 - IV SET-UP 1000CC	115.99	231.98
4037 - IV SET-UP 250CC	116.88	233.76
4042 - LIDOCAINE PLS	56.51	113.02
4049 - NARCAN	142.23	284.46

4052 - NITROGLYCERIN .4MG TAB	25.18	50.36
4053 - NORMAL SALINE	14.78	29.56
4057 - SODIUM BICARBONATE 10MEQ	52.62	105.24
4061 - VERSED	40.73	81.46
40613 - FENTANYL 50MCG/ML Vial 2ML	0.45	0.90
4062 - DEXTROSE 50% 50ML	50.28	100.56
4063 - ZOFRAN INJECTION	57.67	115.34
4064 - ZOFRAN ORAL	57.67	115.34
4066 - AMIODARONE SET-UP	42.75	85.50
41770 - KETAMINE	9.32	18.64
4673 - SODIUM CHLOR, SYR/12ML 0.9 10ML	2.43	4.86
5002 - BANDAGE SERVICE	83.78	167.56
5004 - BVM TO NEBULIZER ADAPTER	7.35	14.70
5005 - END TIDAL CO2 MONITOR	136.49	272.98
5006 - CPR SERVICE	154.27	308.54
5009 - GLUCOMETER PROCEDURE	63.89	127.78
5016 - EKG MONITORING PROCEDURE	85.89	171.78
5018 - OB DELIVERY PROCEDURES	311.71	623.42
5020 - RESTRAINT PROCEDURES	82.11	164.22
5021 - SPLINTING SERVICE	95.95	191.90
5022 - SPINAL PRECAUTION SERVICE	373.43	746.86
5023 - SUCTIONING PROCEDURES	145.38	290.76
5041 - PORTABLE WARMER	147.81	295.62

5044 - PULSE OXIMETRY	68.44	136.88
5050 - TRACTION SPLINT	187.81	375.62
5052 - CONTINUOUS POSITIVE AIRWAY PRE	448.74	897.48
5607 - PACING EXTERNAL PROCEDURE	154.27	308.54
56220 - EZ IO PROCEDURE	154.27	308.54
6001 - ADDITIONAL ATTENDANT	1,198.46	2,396.92
6004 - PRESSURE INFUSION BAG	28.82	57.64
6024 - PEEP VALVE	72.45	144.90

RESOLUTION NO. 2023 -

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE THE SEVENTH AMENDMENT TO THE AGREEMENT BY AND BETWEEN THE CITY OF NATIONAL CITY AND AMERICAN MEDICAL RESPONSE AMBULANCE SERVICE, INC. TO CONTINUE TO PROVIDE BASIC AND ADVANCED LIFE SUPPORT AMBULANCE TRANSPORTATION SERVICES EFFECTIVE JULY 1, 2023 THROUGH JUNE 30, 2024

WHEREAS, on June 20, 2006, CITY and AMR entered into an agreement entitled “Agreement by and between the City of National City and American Medical Response Ambulance Service, Inc.” as has been amended from time-to-time by those First, Second, Third, Fourth, Fifth and Sixth amendments (collectively, the “Agreement”); and

WHEREAS, the Parties wish to make certain changes to the Agreement; and

WHEREAS, AMR pays the City a Franchise Fee on a monthly basis and the amount of such fee is determined solely and at the discretion of the City and the purpose of the fee is to offset the City's costs for activities associated with providing and maintaining programs associated with emergency medical services care at an ALS-level (Advanced Life Support) and oversight of the Agreement; and

WHEREAS, AMR has met all of the eligibility requirements for an extension of the Agreement as set forth in Section VI, Subsection E.1; and

WHEREAS, the National City Fire Department is seeking a one-year extension of the Agreement starting July 1, 2023 through June 30, 2024; and

WHEREAS, the extension will maintain the Franchise Fee revenue in Fiscal Year 2023-24 at \$318,023.

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 Seventh Amendment to the Agreement with American Medical Response Ambulance Service, Inc., attached to the Agenda Report as Exhibit A, to continue to provide basic and advanced life support ambulance transportation services effective for one (1) year from July 1, 2023 to June 30, 2024.

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 August, 2023.

Ron Morrison, Mayor

ATTEST:

Shelley Chapel, MMC
City Clerk

APPROVED AS TO FORM:

Barry J. Schultz, City Attorney



AGENDA REPORT

Department: Public Works
Prepared by: Tirza Gonzales, Operations Manager
Meeting Date: Tuesday, August 15, 2023
Approved by: Ben Martinez, Interim City Manager

SUBJECT:

Authorize the purchase of a Street Sweeper for Public Works Streets and Wastewater Division

RECOMMENDATION:

Adopt a Resolution Entitled, "Resolution of the City Council of the City of National City, California, authorizing waiving the formal bid process pursuant to National City Municipal Code Section 2.60.260 regarding cooperative purchasing and authorizing the City to piggyback onto Sourcewell Contract # 093021-ELG with Haaker Equipment Company for the purchase of one (1) Elgin Broom Bear Street Sweeper in a not-to-exceed amount of \$425,000 for the Public Works Streets and Wastewater Division and authorizing the City Manager to approve adjustments of up to \$42,500 to the not-to-exceed amount for the purchase as a 10% contingency for unforeseen fluctuations in pricing and appropriation adjustments of up to \$17,500 above the original amount of \$450,000 budgeted for this item."

BOARD/COMMISSION/COMMITTEE PRIOR ACTION:

Not Applicable.

EXPLANATION:

Since the onset of the pandemic in 2020, vehicle acquisitions have become challenging. The climate in the automotive industry has changed from what we are used to. We are experiencing placing vehicle and equipment orders in advance through unpredictable and unreliable manufacturer order processes, price changes passed on to the consumer due to increasing costs and availability issues, and fluctuating ordered vehicle delivery dates. Vendor proposals now may include language as "Pricing Subject to Surcharges," and "Prices Subject to Change." Due to this trend, staff is requesting approval of an additional 10% contingency in order to allow flexibility in the need to acquire vehicles and equipment in the event that unforeseen pricing changes arise.

The Public Works Streets and Wastewater Division currently has two Street Sweepers in operation which are used on a daily basis to sweep dedicated routes through City streets and parks parking lots. The Sweepers average 55 miles per day per route, not including special events. Furthermore, equipment breakdowns requiring costly repairs are taking place more often and resulting in a reduction of service to the community, as was the case in July 2023 when both Street Sweepers were out of service for several weeks. One of the sweepers, purchased in 2016, has exceeded its useful life of 5-7 years, and is scheduled to be replaced.

Through adoption of the FY24 annual budget, City Council approved the purchase of one (1) Street Sweeper in a not-to-exceed amount of \$450,000 utilizing funding available in the Refuse Enterprise Fund. Staff is requesting the approval of the purchase of one (1) Elgin Brook Bear Street Sweeper in a not-to-exceed amount of \$425,000, and authorization for the City Manager to approve adjustments of up to \$42,500 to the not-to-exceed amount for the purchase as a 10%

contingency for unforeseen fluctuations in pricing. Consistent with Section 2.60.260 of the National City Municipal Code (NCMC) regarding cooperative purchasing, there is an opportunity to piggyback onto the Sourcewell Contract #093021-ELG with Haaker Equipment Company to allow for the purchase.

NCMC Section 2.60.260 provides authority to the purchasing agent to join with other public jurisdictions to take advantage of cooperative purchasing opportunities, including but not limited to any federal, state or local agency pricing program or structure that is determined by the purchasing agent to allow a procurement that is in the best interests of the City. The purchasing agent may buy directly from a vendor at a price established through competitive bidding by another public agency whose procedures have been determined by the purchasing agent to be in substantial compliance with the City's procurement procedures, irrespective of the contracting limits of that jurisdiction or agency, even if the City had not initially joined with that public agency in the cooperative purchase.

National City's Purchasing staff has confirmed that the Sourcewell Contract #093021-ELG with Haaker Equipment Company was competitively bid through a Request for Proposals (RFP) process, and that the Sourcewell procurement procedures are in substantial compliance with those of National City.

Staff recommends Council adopt resolution as stated.

FINANCIAL STATEMENT:

Funding for this purchase in the amount of \$450,000 was approved through adoption of the FY24 annual budget. Additional appropriations would be necessary only if more than \$25,000 of the contingency amount be necessary to complete the purchase of the Street Sweeper. The funding source for the additional appropriations would be fund balance in the Refuse Enterprise Fund that would be transferred to the Vehicle Acquisition Fund.

644-416-227-511-0000:	\$425,000
644-416-227-511-0000	\$25,000
172-416-225-099-0000	\$17,500

RELATED CITY COUNCIL 2020-2025 STRATEGIC PLAN GOAL:

Transportation Choices and Infrastructure

ENVIRONMENTAL REVIEW:

This is not a project under CEQA and is therefore not subject to environmental review.CCR15378; PRC 21065.

PUBLIC NOTIFICATION:

Agenda Report posted within 72 hours of meeting date and time in accordance with Brown Act.

ORDINANCE:

Not Applicable

EXHIBITS:

Exhibit A - Haaker Equipment Company Quote
Exhibit B - Sourcewell Contract 093021-ELG
Exhibit C - Resolution

HAAKER

EQUIPMENT COMPANY

2070 N. White Avenue, La Verne CA 91750
(909) 598-2706 ~ haaker.com



July 19, 2023

TO: CITY OF NATIONAL CITY
1726 Wilson Avenue
National City CA 91950

ATTN: Mr. Ruben Huerta
619-336-4589
Email: rhuerta@nationalcityca.gov

In accordance with your request, we are pleased to submit the following proposal for your consideration and approval based on the Sourcewell Cooperative Purchasing Agreement – Contract #093021-ELG.

ONE (1) NEW ELGIN BROOM BEAR, DUAL

Variable Height, Ride Side Dumping 4.5 Cu Yd Hopper with Dual Hydraulically Driven, Trailing Arm Side brooms. Mounted On A 2023 Freightliner Chassis, PM10 Compliant Water System, Powder Painted Standard White. Unit To Include:
Following:

Standard Items Included

- Broom side, 46" steel vertical digger 4 or 5 segment
- Broom side, air floating suspension with adjustable reach, air deploy
- Broom, main, 34" diameter, 60" wide prefab disposable
- Broom Measurement Ruler
- Camera, Rear with in-cab monitor
- Conveyor chain, hardened with polyurethane sprockets
- Conveyor, belt type with 13 molded-in full width cleats
- Conveyor, lift independent from main broom
- Conveyor, three piece replaceable wear plates
- Conveyor flush out system
- Conveyor raise in reverse
- Conveyor stall alarm
- Dirt shoes, heavy duty single row carbide steel (rubber isolated)
- Electric backup alarm
- Hopper inspection door
- Hopper, 4.5 cu yd with window and skylight
- Hopper up indicator and beep
- Hopper, variable high dump; 9' 6", 4.5 yard
- Hose, hydrant fill, 16' 8" with coupling
- Hydraulic oil level gauge w/ external thermometer and in-cab level light
- Hydraulic system, load sensing with selectable transmission driven PTO pump
- Lights, automatic backup
- Lights, combination tail/stop, separate amber signal
- Lights, flood light, one per broom (3)
- Manuals, operator and parts
- Rear broom cover and anti-carryover wrap
- Rear broom spray bar
- Rear right hand flood light
- Reflectors, set of 6
- Side broom
- speed control, external to cab
- Sweep resume/raise in reverse
- Tactile controls for all sweep functions
- Tool storage
- Water fill, anti-siphon
- Water level indicator in-cab

- Water Pump, electric diaphragm
- Water tank, molded polyethylene, 360 gallon total nominal capacity
- Sweeper Painted Standard White
- Chassis Painted Standard White
- Red Logo

ADDITIONAL FEATURES

- Chassis Battery Disconnect
- Mirrors, West Coast type with 12" convex inserts, one each side
- Standard Electric Horn
- Spare Chassis Key
- PM-10 Complaint
- PM10 Compliant Oil Tempered Steel Bristles
- Side broom Tilt Option Left Hand
- Side broom Tilt Option Right Hand
- In-Cab Variable Speed and Reversing Broom Control
- Lifeline Hopper System
- Midwest Auto lube Sweeper Only
- Package A : LED Stop/Tail/Turn Lights
- Package B : Rear Mounted Arrow stick
- Slow Moving Vehicle Sign
- Hydrant Wrench
- Safety Triangles
- 5# Fire Extinguisher

Unit Price: \$ 397,698.00
Sourcewell Discount: (\$ 7,095.00)
Subtotal: \$ 390,603.00
Sales Tax (8.75%)..... \$ 34,177.76

TOTAL: FOB: NATIONAL CITY, CA: \$ 424,780.76

MAKES NO WARRANTY EXPRESSED OR IMPLIED, OF MERCHANTABILITY OR OTHERWISE, OR OF FITNESS FOR ANY PARTICULAR PURPOSE, THAT EXTENDS BEYOND THE ABOVE DESCRIPTION OF THE EQUIPMENT.

NOTE: Price is good for 15 Days. Cost increases due to the addition of Government mandated safety or environmental devices incurred after the date of this proposal, will be charged to you at our cost. Proof of such costs, if any, will be documented.

TAXES: SALES TAX applicable at time of delivery will be shown on our invoice. FEDERAL EXCISE TAXES, if applicable, will require payment unless a properly executed Exemption Certificate is submitted.

DELIVERY: To Be Determined TERMS: Net 10 or Approved Lease

Add-On/Cooperative Purchase Authorization: Haaker Equipment Company offers the above proposed price, terms and conditions to any governmental agency or subdivision in the State of California or Nevada for a period not to exceed a full calendar year from the date of original purchaser's purchase order or contract.

We appreciate the opportunity to present this proposal and look forward to being of further and continued service.

HAAKER EQUIPMENT COMPANY

ACCEPTED BY: _____

BY: _____ DATE: _____

JOSE "CHUY" VALLEJO
Parts/Service/Outside Sales Mgr.

**Solicitation Number: RFP #093021****CONTRACT**

This Contract is between Sourcewell, 202 12th Street Northeast, P.O. Box 219, Staples, MN 56479 (Sourcewell) and Elgin Sweeper Company, 1300 West Bartlett Road, Elgin, IL 60120 (Supplier).

Sourcewell is a State of Minnesota local government unit and service cooperative created under the laws of the State of Minnesota (Minnesota Statutes Section 123A.21) that offers cooperative procurement solutions to government entities. Participation is open to eligible federal, state/province, and municipal governmental entities, higher education, K-12 education, nonprofit, tribal government, and other public entities located in the United States and Canada. Sourcewell issued a public solicitation for Street Sweepers and Specialty Sweepers, with Related Equipment, Accessories, and Supplies from which Supplier was awarded a contract.

Supplier desires to contract with Sourcewell to provide equipment, products, or services to Sourcewell and the entities that access Sourcewell's cooperative purchasing contracts (Participating Entities).

1. TERM OF CONTRACT

- A. **EFFECTIVE DATE.** This Contract is effective upon the date of the final signature below.
- B. **EXPIRATION DATE AND EXTENSION.** This Contract expires November 16, 2025, unless it is cancelled sooner pursuant to Article 22. This Contract may be extended one additional year upon the request of Sourcewell and written agreement by Supplier.
- C. **SURVIVAL OF TERMS.** Notwithstanding any expiration or termination of this Contract, all payment obligations incurred prior to expiration or termination will survive, as will the following: Articles 11 through 14 survive the expiration or cancellation of this Contract. All rights will cease upon expiration or termination of this Contract.

2. EQUIPMENT, PRODUCTS, OR SERVICES

- A. **EQUIPMENT, PRODUCTS, OR SERVICES.** Supplier will provide the Equipment, Products, or Services as stated in its Proposal submitted under the Solicitation Number listed above.

Supplier's Equipment, Products, or Services Proposal (Proposal) is attached and incorporated into this Contract.

All Equipment and Products provided under this Contract must be new and the current model. Supplier may offer close-out or refurbished Equipment or Products if they are clearly indicated in Supplier's product and pricing list. Unless agreed to by the Participating Entities in advance, Equipment or Products must be delivered as operational to the Participating Entity's site.

This Contract offers an indefinite quantity of sales, and while substantial volume is anticipated, sales and sales volume are not guaranteed.

B. **WARRANTY.** Supplier warrants that all Equipment, Products, and Services furnished are free from liens and encumbrances, and are free from defects in design, materials, and workmanship. In addition, Supplier warrants the Equipment, Products, and Services are suitable for and will perform in accordance with the ordinary use for which they are intended. Supplier's dealers and distributors must agree to assist the Participating Entity in reaching a resolution in any dispute over warranty terms with the manufacturer. Any manufacturer's warranty that extends beyond the expiration of the Supplier's warranty will be passed on to the Participating Entity.

C. **DEALERS, DISTRIBUTORS, AND/OR RESELLERS.** Upon Contract execution and throughout the Contract term, Supplier must provide to Sourcewell a current means to validate or authenticate Supplier's authorized dealers, distributors, or resellers relative to the Equipment, Products, and Services offered under this Contract, which will be incorporated into this Contract by reference. It is the Supplier's responsibility to ensure Sourcewell receives the most current information.

3. PRICING

All Equipment, Products, or Services under this Contract will be priced at or below the price stated in Supplier's Proposal.

When providing pricing quotes to Participating Entities, all pricing quoted must reflect a Participating Entity's total cost of acquisition. This means that the quoted cost is for delivered Equipment, Products, and Services that are operational for their intended purpose, and includes all costs to the Participating Entity's requested delivery location.

Regardless of the payment method chosen by the Participating Entity, the total cost associated with any purchase option of the Equipment, Products, or Services must always be disclosed in the pricing quote to the applicable Participating Entity at the time of purchase.

A. **SHIPPING AND SHIPPING COSTS.** All delivered Equipment and Products must be properly packaged. Damaged Equipment and Products may be rejected. If the damage is not readily apparent at the time of delivery, Supplier must permit the Equipment and Products to be

returned within a reasonable time at no cost to Sourcewell or its Participating Entities. Participating Entities reserve the right to inspect the Equipment and Products at a reasonable time after delivery where circumstances or conditions prevent effective inspection of the Equipment and Products at the time of delivery. In the event of the delivery of nonconforming Equipment and Products, the Participating Entity will notify the Supplier as soon as possible and the Supplier will replace nonconforming Equipment and Products with conforming Equipment and Products that are acceptable to the Participating Entity.

Supplier must arrange for and pay for the return shipment on Equipment and Products that arrive in a defective or inoperable condition.

Sourcewell may declare the Supplier in breach of this Contract if the Supplier intentionally delivers substandard or inferior Equipment or Products.

B. SALES TAX. Each Participating Entity is responsible for supplying the Supplier with valid tax-exemption certification(s). When ordering, a Participating Entity must indicate if it is a tax-exempt entity.

C. HOT LIST PRICING. At any time during this Contract, Supplier may offer a specific selection of Equipment, Products, or Services at discounts greater than those listed in the Contract. When Supplier determines it will offer Hot List Pricing, it must be submitted electronically to Sourcewell in a line-item format. Equipment, Products, or Services may be added or removed from the Hot List at any time through a Sourcewell Price and Product Change Form as defined in Article 4 below.

Hot List program and pricing may also be used to discount and liquidate close-out and discontinued Equipment and Products as long as those close-out and discontinued items are clearly identified as such. Current ordering process and administrative fees apply. Hot List Pricing must be published and made available to all Participating Entities.

4. PRODUCT AND PRICING CHANGE REQUESTS

Supplier may request Equipment, Product, or Service changes, additions, or deletions at any time. All requests must be made in writing by submitting a signed Sourcewell Price and Product Change Request Form to the assigned Sourcewell Supplier Development Administrator. This approved form is available from the assigned Sourcewell Supplier Development Administrator. At a minimum, the request must:

- Identify the applicable Sourcewell contract number;
- Clearly specify the requested change;
- Provide sufficient detail to justify the requested change;

- Individually list all Equipment, Products, or Services affected by the requested change, along with the requested change (e.g., addition, deletion, price change); and
- Include a complete restatement of pricing documentation in Microsoft Excel with the effective date of the modified pricing, or product addition or deletion. The new pricing restatement must include all Equipment, Products, and Services offered, even for those items where pricing remains unchanged.

A fully executed Sourcewell Price and Product Change Request Form will become an amendment to this Contract and will be incorporated by reference.

5. PARTICIPATION, CONTRACT ACCESS, AND PARTICIPATING ENTITY REQUIREMENTS

A. PARTICIPATION. Sourcewell's cooperative contracts are available and open to public and nonprofit entities across the United States and Canada; such as federal, state/province, municipal, K-12 and higher education, tribal government, and other public entities.

The benefits of this Contract should be available to all Participating Entities that can legally access the Equipment, Products, or Services under this Contract. A Participating Entity's authority to access this Contract is determined through its cooperative purchasing, interlocal, or joint powers laws. Any entity accessing benefits of this Contract will be considered a Service Member of Sourcewell during such time of access. Supplier understands that a Participating Entity's use of this Contract is at the Participating Entity's sole convenience and Participating Entities reserve the right to obtain like Equipment, Products, or Services from any other source.

Supplier is responsible for familiarizing its sales and service forces with Sourcewell contract use eligibility requirements and documentation and will encourage potential participating entities to join Sourcewell. Sourcewell reserves the right to add and remove Participating Entities to its roster during the term of this Contract.

B. PUBLIC FACILITIES. Supplier's employees may be required to perform work at government-owned facilities, including schools. Supplier's employees and agents must conduct themselves in a professional manner while on the premises, and in accordance with Participating Entity policies and procedures, and all applicable laws.

6. PARTICIPATING ENTITY USE AND PURCHASING

A. ORDERS AND PAYMENT. To access the contracted Equipment, Products, or Services under this Contract, a Participating Entity must clearly indicate to Supplier that it intends to access this Contract; however, order flow and procedure will be developed jointly between Sourcewell and Supplier. Typically, a Participating Entity will issue an order directly to Supplier or its authorized subsidiary, distributor, dealer, or reseller. If a Participating Entity issues a purchase order, it may use its own forms, but the purchase order should clearly note the applicable Sourcewell

contract number. All Participating Entity orders under this Contract must be issued prior to expiration or cancellation of this Contract; however, Supplier performance, Participating Entity payment obligations, and any applicable warranty periods or other Supplier or Participating Entity obligations may extend beyond the term of this Contract.

Supplier's acceptable forms of payment are included in its attached Proposal. Participating Entities will be solely responsible for payment and Sourcewell will have no liability for any unpaid invoice of any Participating Entity.

B. **ADDITIONAL TERMS AND CONDITIONS/PARTICIPATING ADDENDUM.** Additional terms and conditions to a purchase order, or other required transaction documentation, may be negotiated between a Participating Entity and Supplier, such as job or industry-specific requirements, legal requirements (e.g., affirmative action or immigration status requirements), or specific local policy requirements. Some Participating Entities may require the use of a Participating Addendum; the terms of which will be negotiated directly between the Participating Entity and the Supplier. Any negotiated additional terms and conditions must never be less favorable to the Participating Entity than what is contained in this Contract.

C. **SPECIALIZED SERVICE REQUIREMENTS.** In the event that the Participating Entity requires service or specialized performance requirements not addressed in this Contract (such as e-commerce specifications, specialized delivery requirements, or other specifications and requirements), the Participating Entity and the Supplier may enter into a separate, standalone agreement, apart from this Contract. Sourcewell, including its agents and employees, will not be made a party to a claim for breach of such agreement.

D. **TERMINATION OF ORDERS.** Participating Entities may terminate an order, in whole or in part, immediately upon notice to Supplier in the event of any of the following events:

1. The Participating Entity fails to receive funding or appropriation from its governing body at levels sufficient to pay for the equipment, products, or services to be purchased; or
2. Federal, state, or provincial laws or regulations prohibit the purchase or change the Participating Entity's requirements.

E. **GOVERNING LAW AND VENUE.** The governing law and venue for any action related to a Participating Entity's order will be determined by the Participating Entity making the purchase.

7. CUSTOMER SERVICE

A. **PRIMARY ACCOUNT REPRESENTATIVE.** Supplier will assign an Account Representative to Sourcewell for this Contract and must provide prompt notice to Sourcewell if that person is changed. The Account Representative will be responsible for:

- Maintenance and management of this Contract;
- Timely response to all Sourcwell and Participating Entity inquiries; and
- Business reviews to Sourcwell and Participating Entities, if applicable.

B. BUSINESS REVIEWS. Supplier must perform a minimum of one business review with Sourcwell per contract year. The business review will cover sales to Participating Entities, pricing and contract terms, administrative fees, sales data reports, supply issues, customer issues, and any other necessary information.

8. REPORT ON CONTRACT SALES ACTIVITY AND ADMINISTRATIVE FEE PAYMENT

A. CONTRACT SALES ACTIVITY REPORT. Each calendar quarter, Supplier must provide a contract sales activity report (Report) to the Sourcwell Supplier Development Administrator assigned to this Contract. Reports are due no later than 45 days after the end of each calendar quarter. A Report must be provided regardless of the number or amount of sales during that quarter (i.e., if there are no sales, Supplier must submit a report indicating no sales were made).

The Report must contain the following fields:

- Participating Entity Name (e.g., City of Staples Highway Department);
- Participating Entity Physical Street Address;
- Participating Entity City;
- Participating Entity State/Province;
- Participating Entity Zip/Postal Code;
- Participating Entity Contact Name;
- Participating Entity Contact Email Address;
- Participating Entity Contact Telephone Number;
- Sourcwell Assigned Entity/Participating Entity Number;
- Item Purchased Description;
- Item Purchased Price;
- Sourcwell Administrative Fee Applied; and
- Date Purchase was invoiced/sale was recognized as revenue by Supplier.

B. ADMINISTRATIVE FEE. In consideration for the support and services provided by Sourcwell, the Supplier will pay an administrative fee to Sourcwell on all Equipment, Products, and Services provided to Participating Entities. The Administrative Fee must be included in, and not added to, the pricing. Supplier may not charge Participating Entities more than the contracted price to offset the Administrative Fee.

The Supplier will submit payment to Sourcwell for the percentage of administrative fee stated in the Proposal multiplied by the total sales of all Equipment, Products, and Services purchased

by Participating Entities under this Contract during each calendar quarter. Payments should note the Supplier's name and Sourcewell-assigned contract number in the memo; and must be mailed to the address above "Attn: Accounts Receivable" or remitted electronically to Sourcewell's banking institution per Sourcewell's Finance department instructions. Payments must be received no later than 45 calendar days after the end of each calendar quarter.

Supplier agrees to cooperate with Sourcewell in auditing transactions under this Contract to ensure that the administrative fee is paid on all items purchased under this Contract.

In the event the Supplier is delinquent in any undisputed administrative fees, Sourcewell reserves the right to cancel this Contract and reject any proposal submitted by the Supplier in any subsequent solicitation. In the event this Contract is cancelled by either party prior to the Contract's expiration date, the administrative fee payment will be due no more than 30 days from the cancellation date.

9. AUTHORIZED REPRESENTATIVE

Sourcewell's Authorized Representative is its Chief Procurement Officer.

Supplier's Authorized Representative is the person named in the Supplier's Proposal. If Supplier's Authorized Representative changes at any time during this Contract, Supplier must promptly notify Sourcewell in writing.

10. AUDIT, ASSIGNMENT, AMENDMENTS, WAIVER, AND CONTRACT COMPLETE

A. **AUDIT.** Pursuant to Minnesota Statutes Section 16C.05, subdivision 5, the books, records, documents, and accounting procedures and practices relevant to this Agreement are subject to examination by Sourcewell or the Minnesota State Auditor for a minimum of six years from the end of this Contract. This clause extends to Participating Entities as it relates to business conducted by that Participating Entity under this Contract.

B. **ASSIGNMENT.** Neither party may assign or otherwise transfer its rights or obligations under this Contract without the prior written consent of the other party and a fully executed assignment agreement. Such consent will not be unreasonably withheld. Any prohibited assignment will be invalid.

C. **AMENDMENTS.** Any amendment to this Contract must be in writing and will not be effective until it has been duly executed by the parties.

D. **WAIVER.** Failure by either party to take action or assert any right under this Contract will not be deemed a waiver of such right in the event of the continuation or repetition of the circumstances giving rise to such right. Any such waiver must be in writing and signed by the parties.

E. **CONTRACT COMPLETE.** This Contract represents the complete agreement between the parties. No other understanding regarding this Contract, whether written or oral, may be used to bind either party. For any conflict between the attached Proposal and the terms set out in Articles 1-22 of this Contract, the terms of Articles 1-22 will govern.

F. **RELATIONSHIP OF THE PARTIES.** The relationship of the parties is one of independent contractors, each free to exercise judgment and discretion with regard to the conduct of their respective businesses. This Contract does not create a partnership, joint venture, or any other relationship such as master-servant, or principal-agent.

11. INDEMNITY AND HOLD HARMLESS

Supplier must indemnify, defend, save, and hold Sourcewell and its Participating Entities, including their agents and employees, harmless from any claims or causes of action, including attorneys' fees incurred by Sourcewell or its Participating Entities, arising out of any act or omission in the performance of this Contract by the Supplier or its agents or employees; this indemnification includes injury or death to person(s) or property alleged to have been caused by some defect in the Equipment, Products, or Services under this Contract to the extent the Equipment, Product, or Service has been used according to its specifications. Sourcewell's responsibility will be governed by the State of Minnesota's Tort Liability Act (Minnesota Statutes Chapter 466) and other applicable law.

12. GOVERNMENT DATA PRACTICES

Supplier and Sourcewell must comply with the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13, as it applies to all data provided by or provided to Sourcewell under this Contract and as it applies to all data created, collected, received, stored, used, maintained, or disseminated by the Supplier under this Contract.

13. INTELLECTUAL PROPERTY, PUBLICITY, MARKETING, AND ENDORSEMENT

A. INTELLECTUAL PROPERTY

1. *Grant of License.* During the term of this Contract:
 - a. Sourcewell grants to Supplier a royalty-free, worldwide, non-exclusive right and license to use the trademark(s) provided to Supplier by Sourcewell in advertising and promotional materials for the purpose of marketing Sourcewell's relationship with Supplier.
 - b. Supplier grants to Sourcewell a royalty-free, worldwide, non-exclusive right and license to use Supplier's trademarks in advertising and promotional materials for the purpose of marketing Supplier's relationship with Sourcewell.
2. *Limited Right of Sublicense.* The right and license granted herein includes a limited right of each party to grant sublicenses to their respective subsidiaries, distributors, dealers,

resellers, marketing representatives, and agents (collectively “Permitted Sublicensees”) in advertising and promotional materials for the purpose of marketing the Parties’ relationship to Participating Entities. Any sublicense granted will be subject to the terms and conditions of this Article. Each party will be responsible for any breach of this Article by any of their respective sublicensees.

3. Use; Quality Control.

- a. Neither party may alter the other party’s trademarks from the form provided and must comply with removal requests as to specific uses of its trademarks or logos.
- b. Each party agrees to use, and to cause its Permitted Sublicensees to use, the other party’s trademarks only in good faith and in a dignified manner consistent with such party’s use of the trademarks. Upon written notice to the breaching party, the breaching party has 30 days of the date of the written notice to cure the breach or the license will be terminated.

4. As applicable, Supplier agrees to indemnify and hold harmless Sourcewell and its Participating Entities against any and all suits, claims, judgments, and costs instituted or recovered against Sourcewell or Participating Entities by any person on account of the use of any Equipment or Products by Sourcewell or its Participating Entities supplied by Supplier in violation of applicable patent or copyright laws.

5. Termination. Upon the termination of this Contract for any reason, each party, including Permitted Sublicensees, will have 30 days to remove all Trademarks from signage, websites, and the like bearing the other party’s name or logo (excepting Sourcewell’s pre-printed catalog of suppliers which may be used until the next printing). Supplier must return all marketing and promotional materials, including signage, provided by Sourcewell, or dispose of it according to Sourcewell’s written directions.

B. **PUBLICITY.** Any publicity regarding the subject matter of this Contract must not be released without prior written approval from the Authorized Representatives. Publicity includes notices, informational pamphlets, press releases, research, reports, signs, and similar public notices prepared by or for the Supplier individually or jointly with others, or any subcontractors, with respect to the program, publications, or services provided resulting from this Contract.

C. **MARKETING.** Any direct advertising, marketing, or offers with Participating Entities must be approved by Sourcewell. Send all approval requests to the Sourcewell Supplier Development Administrator assigned to this Contract.

D. **ENDORSEMENT.** The Supplier must not claim that Sourcewell endorses its Equipment, Products, or Services.

14. GOVERNING LAW, JURISDICTION, AND VENUE

The substantive and procedural laws of the State of Minnesota will govern this Contract. Venue for all legal proceedings arising out of this Contract, or its breach, must be in the appropriate state court in Todd County, Minnesota or federal court in Fergus Falls, Minnesota.

15. FORCE MAJEURE

Neither party to this Contract will be held responsible for delay or default caused by acts of God or other conditions that are beyond that party's reasonable control. A party defaulting under this provision must provide the other party prompt written notice of the default.

16. SEVERABILITY

If any provision of this Contract is found by a court of competent jurisdiction to be illegal, unenforceable, or void then both parties will be relieved from all obligations arising from that provision. If the remainder of this Contract is capable of being performed, it will not be affected by such determination or finding and must be fully performed.

17. PERFORMANCE, DEFAULT, AND REMEDIES

A. **PERFORMANCE.** During the term of this Contract, the parties will monitor performance and address unresolved contract issues as follows:

1. *Notification.* The parties must promptly notify each other of any known dispute and work in good faith to resolve such dispute within a reasonable period of time. If necessary, Sourcewell and the Supplier will jointly develop a short briefing document that describes the issue(s), relevant impact, and positions of both parties.
2. *Escalation.* If parties are unable to resolve the issue in a timely manner, as specified above, either Sourcewell or Supplier may escalate the resolution of the issue to a higher level of management. The Supplier will have 30 calendar days to cure an outstanding issue.
3. *Performance while Dispute is Pending.* Notwithstanding the existence of a dispute, the Supplier must continue without delay to carry out all of its responsibilities under the Contract that are not affected by the dispute. If the Supplier fails to continue without delay to perform its responsibilities under the Contract, in the accomplishment of all undisputed work, the Supplier will bear any additional costs incurred by Sourcewell and/or its Participating Entities as a result of such failure to proceed.

B. **DEFAULT AND REMEDIES.** Either of the following constitutes cause to declare this Contract, or any Participating Entity order under this Contract, in default:

1. Nonperformance of contractual requirements, or
2. A material breach of any term or condition of this Contract.

The party claiming default must provide written notice of the default, with 30 calendar days to cure the default. Time allowed for cure will not diminish or eliminate any liability for liquidated or other damages. If the default remains after the opportunity for cure, the non-defaulting party may:

- Exercise any remedy provided by law or equity, or
- Terminate the Contract or any portion thereof, including any orders issued against the Contract.

18. INSURANCE

A. REQUIREMENTS. At its own expense, Supplier must maintain insurance policy(ies) in effect at all times during the performance of this Contract with insurance company(ies) licensed or authorized to do business in the State of Minnesota having an "AM BEST" rating of A- or better, with coverage and limits of insurance not less than the following:

1. *Workers' Compensation and Employer's Liability.*

Workers' Compensation: As required by any applicable law or regulation.

Employer's Liability Insurance: must be provided in amounts not less than listed below:

Minimum limits:

\$500,000 each accident for bodily injury by accident

\$500,000 policy limit for bodily injury by disease

\$500,000 each employee for bodily injury by disease

2. *Commercial General Liability Insurance.* Supplier will maintain insurance covering its operations, with coverage on an occurrence basis, and must be subject to terms no less broad than the Insurance Services Office ("ISO") Commercial General Liability Form CG0001 (2001 or newer edition), or equivalent. At a minimum, coverage must include liability arising from premises, operations, bodily injury and property damage, independent contractors, products-completed operations including construction defect, contractual liability, blanket contractual liability, and personal injury and advertising injury. All required limits, terms and conditions of coverage must be maintained during the term of this Contract.

Minimum Limits:

\$1,000,000 each occurrence Bodily Injury and Property Damage

\$1,000,000 Personal and Advertising Injury

\$2,000,000 aggregate for Products-Completed operations

\$2,000,000 general aggregate

3. *Commercial Automobile Liability Insurance.* During the term of this Contract, Supplier will maintain insurance covering all owned, hired, and non-owned automobiles in limits of liability not less than indicated below. The coverage must be subject to terms

no less broad than ISO Business Auto Coverage Form CA 0001 (2010 edition or newer), or equivalent.

Minimum Limits:

\$1,000,000 each accident, combined single limit

4. *Umbrella Insurance*. During the term of this Contract, Supplier will maintain umbrella coverage over Employer's Liability, Commercial General Liability, and Commercial Automobile.

Minimum Limits:

\$2,000,000

5. *Network Security and Privacy Liability Insurance*. During the term of this Contract, Supplier will maintain coverage for network security and privacy liability. The coverage may be endorsed on another form of liability coverage or written on a standalone policy. The insurance must cover claims which may arise from failure of Supplier's security resulting in, but not limited to, computer attacks, unauthorized access, disclosure of not public data – including but not limited to, confidential or private information, transmission of a computer virus, or denial of service.

Minimum limits:

\$2,000,000 per occurrence

\$2,000,000 annual aggregate

Failure of Supplier to maintain the required insurance will constitute a material breach entitling Sourcewell to immediately terminate this Contract for default.

B. CERTIFICATES OF INSURANCE. Prior to commencing under this Contract, Supplier must furnish to Sourcewell a certificate of insurance, as evidence of the insurance required under this Contract. Prior to expiration of the policy(ies), renewal certificates must be mailed to Sourcewell, 202 12th Street Northeast, P.O. Box 219, Staples, MN 56479 or sent to the Sourcewell Supplier Development Administrator assigned to this Contract. The certificates must be signed by a person authorized by the insurer(s) to bind coverage on their behalf.

Failure to request certificates of insurance by Sourcewell, or failure of Supplier to provide certificates of insurance, in no way limits or relieves Supplier of its duties and responsibilities in this Contract.

C. ADDITIONAL INSURED ENDORSEMENT AND PRIMARY AND NON-CONTRIBUTORY INSURANCE CLAUSE. Supplier agrees to list Sourcewell and its Participating Entities, including their officers, agents, and employees, as an additional insured under the Supplier's commercial general liability insurance policy with respect to liability arising out of activities, "operations," or "work" performed by or on behalf of Supplier, and products and completed operations of Supplier. The policy provision(s) or endorsement(s) must further provide that coverage is

primary and not excess over or contributory with any other valid, applicable, and collectible insurance or self-insurance in force for the additional insureds.

D. **WAIVER OF SUBROGATION.** Supplier waives and must require (by endorsement or otherwise) all its insurers to waive subrogation rights against Sourcewell and other additional insureds for losses paid under the insurance policies required by this Contract or other insurance applicable to the Supplier or its subcontractors. The waiver must apply to all deductibles and/or self-insured retentions applicable to the required or any other insurance maintained by the Supplier or its subcontractors. Where permitted by law, Supplier must require similar written express waivers of subrogation and insurance clauses from each of its subcontractors.

E. **UMBRELLA/EXCESS LIABILITY/SELF-INSURED RETENTION.** The limits required by this Contract can be met by either providing a primary policy or in combination with umbrella/excess liability policy(ies), or self-insured retention.

19. COMPLIANCE

A. **LAWS AND REGULATIONS.** All Equipment, Products, or Services provided under this Contract must comply fully with applicable federal laws and regulations, and with the laws in the states and provinces in which the Equipment, Products, or Services are sold.

B. **LICENSES.** Supplier must maintain a valid and current status on all required federal, state/provincial, and local licenses, bonds, and permits required for the operation of the business that the Supplier conducts with Sourcewell and Participating Entities.

20. BANKRUPTCY, DEBARMENT, OR SUSPENSION CERTIFICATION

Supplier certifies and warrants that it is not in bankruptcy or that it has previously disclosed in writing certain information to Sourcewell related to bankruptcy actions. If at any time during this Contract Supplier declares bankruptcy, Supplier must immediately notify Sourcewell in writing.

Supplier certifies and warrants that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from programs operated by the State of Minnesota; the United States federal government or the Canadian government, as applicable; or any Participating Entity. Supplier certifies and warrants that neither it nor its principals have been convicted of a criminal offense related to the subject matter of this Contract. Supplier further warrants that it will provide immediate written notice to Sourcewell if this certification changes at any time.

21. PROVISIONS FOR NON-UNITED STATES FEDERAL ENTITY PROCUREMENTS UNDER UNITED STATES FEDERAL AWARDS OR OTHER AWARDS

Participating Entities that use United States federal grant or FEMA funds to purchase goods or services from this Contract may be subject to additional requirements including the procurement standards of the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards, 2 C.F.R. § 200. Participating Entities may have additional requirements based on specific funding source terms or conditions. Within this Article, all references to “federal” should be interpreted to mean the United States federal government. The following list only applies when a Participating Entity accesses Supplier’s Equipment, Products, or Services with United States federal funds.

A. **EQUAL EMPLOYMENT OPPORTUNITY.** Except as otherwise provided under 41 C.F.R. § 60, all contracts that meet the definition of “federally assisted construction contract” in 41 C.F.R. § 60-1.3 must include the equal opportunity clause provided under 41 C.F.R. §60-1.4(b), in accordance with Executive Order 11246, “Equal Employment Opportunity” (30 FR 12319, 12935, 3 C.F.R. §, 1964-1965 Comp., p. 339), as amended by Executive Order 11375, “Amending Executive Order 11246 Relating to Equal Employment Opportunity,” and implementing regulations at 41 C.F.R. § 60, “Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor.” The equal opportunity clause is incorporated herein by reference.

B. **DAVIS-BACON ACT, AS AMENDED (40 U.S.C. § 3141-3148).** When required by federal program legislation, all prime construction contracts in excess of \$2,000 awarded by non-federal entities must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. § 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 C.F.R. § 5, “Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction”). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-federal entity must report all suspected or reported violations to the federal awarding agency. The contracts must also include a provision for compliance with the Copeland “Anti-Kickback” Act (40 U.S.C. § 3145), as supplemented by Department of Labor regulations (29 C.F.R. § 3, “Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States”). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-federal entity must report all suspected or reported violations to the federal awarding agency. Supplier must be in compliance with all applicable Davis-Bacon Act provisions.

C. CONTRACT WORK HOURS AND SAFETY STANDARDS ACT (40 U.S.C. § 3701-3708). Where applicable, all contracts awarded by the non-federal entity in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. §§ 3702 and 3704, as supplemented by Department of Labor regulations (29 C.F.R. § 5). Under 40 U.S.C. § 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. § 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence. This provision is hereby incorporated by reference into this Contract. Supplier certifies that during the term of an award for all contracts by Sourcewell resulting from this procurement process, Supplier must comply with applicable requirements as referenced above.

D. RIGHTS TO INVENTIONS MADE UNDER A CONTRACT OR AGREEMENT. If the federal award meets the definition of “funding agreement” under 37 C.F.R. § 401.2(a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that “funding agreement,” the recipient or subrecipient must comply with the requirements of 37 C.F.R. § 401, “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements,” and any implementing regulations issued by the awarding agency. Supplier certifies that during the term of an award for all contracts by Sourcewell resulting from this procurement process, Supplier must comply with applicable requirements as referenced above.

E. CLEAN AIR ACT (42 U.S.C. § 7401-7671Q.) AND THE FEDERAL WATER POLLUTION CONTROL ACT (33 U.S.C. § 1251-1387). Contracts and subgrants of amounts in excess of \$150,000 require the non-federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. § 7401- 7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. § 1251- 1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA). Supplier certifies that during the term of this Contract will comply with applicable requirements as referenced above.

F. DEBARMENT AND SUSPENSION (EXECUTIVE ORDERS 12549 AND 12689). A contract award (see 2 C.F.R. § 180.220) must not be made to parties listed on the government wide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 C.F.R. §180 that implement Executive Orders 12549 (3 C.F.R. § 1986 Comp., p. 189) and 12689 (3 C.F.R. § 1989 Comp., p. 235), “Debarment and Suspension.” SAM Exclusions contains the names

of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549. Supplier certifies that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation by any federal department or agency.

G. BYRD ANTI-LOBBYING AMENDMENT, AS AMENDED (31 U.S.C. § 1352). Suppliers must file any required certifications. Suppliers must not have used federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any federal contract, grant, or any other award covered by 31 U.S.C. § 1352. Suppliers must disclose any lobbying with non-federal funds that takes place in connection with obtaining any federal award. Such disclosures are forwarded from tier to tier up to the non-federal award. Suppliers must file all certifications and disclosures required by, and otherwise comply with, the Byrd Anti-Lobbying Amendment (31 U.S.C. § 1352).

H. RECORD RETENTION REQUIREMENTS. To the extent applicable, Supplier must comply with the record retention requirements detailed in 2 C.F.R. § 200.333. The Supplier further certifies that it will retain all records as required by 2 C.F.R. § 200.333 for a period of 3 years after grantees or subgrantees submit final expenditure reports or quarterly or annual financial reports, as applicable, and all other pending matters are closed.

I. ENERGY POLICY AND CONSERVATION ACT COMPLIANCE. To the extent applicable, Supplier must comply with the mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act.

J. BUY AMERICAN PROVISIONS COMPLIANCE. To the extent applicable, Supplier must comply with all applicable provisions of the Buy American Act. Purchases made in accordance with the Buy American Act must follow the applicable procurement rules calling for free and open competition.

K. ACCESS TO RECORDS (2 C.F.R. § 200.336). Supplier agrees that duly authorized representatives of a federal agency must have access to any books, documents, papers and records of Supplier that are directly pertinent to Supplier's discharge of its obligations under this Contract for the purpose of making audits, examinations, excerpts, and transcriptions. The right also includes timely and reasonable access to Supplier's personnel for the purpose of interview and discussion relating to such documents.

L. PROCUREMENT OF RECOVERED MATERIALS (2 C.F.R. § 200.322). A non-federal entity that is a state agency or agency of a political subdivision of a state and its contractors must comply with Section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation

and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. § 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

M. FEDERAL SEAL(S), LOGOS, AND FLAGS. The Supplier not use the seal(s), logos, crests, or reproductions of flags or likenesses of Federal agency officials without specific pre-approval.

N. NO OBLIGATION BY FEDERAL GOVERNMENT. The U.S. federal government is not a party to this Contract or any purchase by an Participating Entity and is not subject to any obligations or liabilities to the Participating Entity, Supplier, or any other party pertaining to any matter resulting from the Contract or any purchase by an authorized user.

O. PROGRAM FRAUD AND FALSE OR FRAUDULENT STATEMENTS OR RELATED ACTS. The Contractor acknowledges that 31 U.S.C. 38 (Administrative Remedies for False Claims and Statements) applies to the Supplier's actions pertaining to this Contract or any purchase by a Participating Entity.

P. FEDERAL DEBT. The Supplier certifies that it is non-delinquent in its repayment of any federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowance, and benefit overpayments.

Q. CONFLICTS OF INTEREST. The Supplier must notify the U.S. Office of General Services, Sourcewell, and Participating Entity as soon as possible if this Contract or any aspect related to the anticipated work under this Contract raises an actual or potential conflict of interest (as described in 2 C.F.R. Part 200). The Supplier must explain the actual or potential conflict in writing in sufficient detail so that the U.S. Office of General Services, Sourcewell, and Participating Entity are able to assess the actual or potential conflict; and provide any additional information as necessary or requested.

R. U.S. EXECUTIVE ORDER 13224. The Supplier, and its subcontractors, must comply with U.S. Executive Order 13224 and U.S. Laws that prohibit transactions with and provision of resources and support to individuals and organizations associated with terrorism.

S. PROHIBITION ON CERTAIN TELECOMMUNICATIONS AND VIDEO SURVEILLANCE SERVICES OR EQUIPMENT. To the extent applicable, Supplier certifies that during the term of this Contract it will comply with applicable requirements of 2 C.F.R. § 200.216.

T. DOMESTIC PREFERENCES FOR PROCUREMENTS. To the extent applicable, Supplier certifies that during the term of this Contract will comply with applicable requirements of 2 C.F.R. § 200.322.

22. CANCELLATION

Sourcewell or Supplier may cancel this Contract at any time, with or without cause, upon 60 days' written notice to the other party. However, Sourcewell may cancel this Contract immediately upon discovery of a material defect in any certification made in Supplier's Proposal. Cancellation of this Contract does not relieve either party of financial, product, or service obligations incurred or accrued prior to cancellation.

Sourcewell

Elgin Sweeper Company

DocuSigned by:
Jeremy Schwartz
By: C0FD2A139D06489...
Jeremy Schwartz
Title: Chief Procurement Officer
Date: 11/15/2021 | 11:35 AM CST

DocuSigned by:
David Panizzi
By: 67407721F3A64A7...
David Panizzi
Title: Business Development Manager
Date: 11/22/2021 | 8:45 AM CST

Approved:

DocuSigned by:
Chad Coquette
By: 7E42B8F817A64CC...
Chad Coquette
Title: Executive Director/CEO
Date: 11/22/2021 | 10:11 AM CST

RFP 093021 - Street Sweepers and Specialty Sweepers, with Related Equipment, Accessories, and Supplies

Vendor Details

Company Name: Elgin Sweeper Co.
Does your company conduct business under any other name? If yes, please state: Elgin Sweeper Co. Division of Federal signal
Address: 1300 W Bartlett Rd
Elgin, IL 60120
Contact: David Panizzi
Email: dpanizzi@elginsweeper.com
Phone: 847-622-7153 402385
HST#: 36-2351764

Submission Details

Created On: Monday September 13, 2021 13:04:04
Submitted On: Wednesday September 29, 2021 16:49:19
Submitted By: David Panizzi
Email: dpanizzi@elginsweeper.com
Transaction #: cd6ff737-3555-439f-821b-fc3b047a5759
Submitter's IP Address: 50.238.226.126

Specifications**Table 1: Proposer Identity & Authorized Representatives**

General Instructions (applies to all Tables) Sourcwell prefers a brief but thorough response to each question. Do not merely attach additional documents to your response without also providing a substantive response. Do not leave answers blank; respond "N/A" if the question does not apply to you (preferably with an explanation).

Line Item	Question	Response *
1	Proposer Legal Name (one legal entity only): (In the event of award, will execute the resulting contract as "Supplier")	Elgin Sweeper Company (Division of Federal Signal Corp.)
2	Identify all subsidiary entities of the Proposer whose equipment, products, or services are included in the Proposal.	Elgin Sweeper Company
3	Identify all applicable assumed names or DBA names of the Proposer or Proposer's subsidiaries in Line 1 or Line 2 above.	No other names
4	Proposer Physical Address:	1300 West Bartlett Rd. Elgin, IL 60120
5	Proposer website address (or addresses):	www.elginsweeper.com
6	Proposer's Authorized Representative (name, title, address, email address & phone) (The representative must have authority to sign the "Proposer's Assurance of Compliance" on behalf of the Proposer and, in the event of award, will be expected to execute the resulting contract):	David Panizzi Business Development Manager 1300 West Bartlett Rd. Elgin, IL 60120 dpanizzi@elginsweeper.com 847-622-7153
7	Proposer's primary contact for this proposal (name, title, address, email address & phone):	David Panizzi Business Development Manager 1300 West Bartlett Rd. Elgin, IL 60120 dpanizzi@elginsweeper.com 847-622-7153
8	Proposer's other contacts for this proposal, if any (name, title, address, email address & phone):	No other contacts

Table 2: Company Information and Financial Strength

Line Item	Question	Response *
9	Provide a brief history of your company, including your company's core values, business philosophy, and industry longevity related to the requested equipment, products or services.	Aligned with Federal Signal, Elgin Sweeper works to enhance the cleanliness, safety and well being of our communities and work places. We are an American manufacturer with 107 years of street sweeper design and manufacturing experience. We are focused on designing, manufacturing and distributing high-quality street sweeping equipment that serves municipal, governmental, industrial and institutional customers. We are focused on doing this with high regard for our employees and our environment.
10	What are your company's expectations in the event of an award?	We would expect to continue cooperation with Sourcewell as we work to serve its membership and work to provide effective and simple solutions for environmental cleaning challenges. This would include Sourcewell commitment to expand membership and promotion of their contracts to support their contract holders. We have over a decade of cooperation and growth working together with Sourcewell and their members, and we would work together to continue serve the membership with the latest advances in street sweeper designs and product offerings.
11	Demonstrate your financial strength and stability with meaningful data. This could include such items as financial statements, SEC filings, credit and bond ratings, letters of credit, and detailed reference letters. Upload supporting documents (as applicable) in the document upload section of your response.	Elgin Sweeper Co.has been manufacturing street sweepers for over 107 years. Today we are the leading manufacturer of sweepers for municipalities and governmental agencies in North America. We offer the the broadest selection of street sweepers across various sweeping technologies. We utilize mechanical, regenerative air, pure vacuum sweeper and we offer alternative fuels including CNG and hybrid electric sweeping. Elgin is a subsidiary of Federal Signal - a publicly traded company with more than \$1.2 billion in revenue last year. The link shown here can be used to access the latest quarterly reports as well as other financial related topics and will clearly show Federal Signal's financial strength and stability. https://www.federalsignal.com/annual-quarterly-reports
12	What is your US market share for the solutions that you are proposing?	Our industry is a non-reporting industry. Therefore, no independent data of market share exists. Based on our market knowledge and across all sweeping model/technologies, we believe our market share to be 40+%.
13	What is your Canadian market share for the solutions that you are proposing?	Again, we do not have empirical data supporting market share in Canada but our research shows that we are approximately 35% market share across all types of sweeping technologies.
14	Has your business ever petitioned for bankruptcy protection? If so, explain in detail.	Elgin Sweeper Co. and Federal Signal Corp. have never been the subject of a bankruptcy action.
15	How is your organization best described: is it a manufacturer, a distributor/dealer/reseller, or a service provider? Answer whichever question (either a) or b) just below) best applies to your organization. a) If your company is best described as a distributor/dealer/reseller (or similar entity), provide your written authorization to act as a distributor/dealer/reseller for the manufacturer of the products proposed in this RFP. If applicable, is your dealer network independent or company owned? b) If your company is best described as a manufacturer or service provider, describe your relationship with your sales and service force and with your dealer network in delivering the products and services proposed in this RFP. Are these individuals your employees, or the employees of a third party?	We are a manufacturer. We have a network of third-party dealerships across North America that are trained to sell and service our products. The dealerships are specifically contracted and trained to represent our products in their local areas. We also have Regional Sales Reps (located throughout N. America) that support the sales process and are available to meet and work with end-user. We also have a Field Service and Support team. They too are located within their regions, and are dedicated to support our dealers and their efforts to ensure customer satisfaction with our products. The Regional Sales Reps and the Regional Service and Support Reps are employees of the company.
16	If applicable, provide a detailed explanation outlining the licenses and certifications that are both required to be held, and actually held, by your organization (including third parties and subcontractors that you use) in pursuit of the business contemplated by this RFP.	All of our contracted dealers are required to have valid state equipment dealer license. All of our dealers must comply with this requirement as part of their contract with us. While not required, Elgin is ISO 9001 certified. ISO is the International Standards Organization and being certified means that we have policies and procedures commensurate with our business (heavy manufacturing) and that we adhere to those policies, procedures and quality standards. We are audited annually.
17	Provide all "Suspension or Debarment" information that has applied to your organization during the past ten years.	None

Table 3: Industry Recognition & Marketplace Success

Line Item	Question	Response *
18	Describe any relevant industry awards or recognition that your company has received in the past five years	Elgin Broom Bear - Contractor's Choice Awards GOLD for 2016, 2017, 2019 and SILVER for 2018 from Roads and Bridges Publication. 2019 Workforce Development Award from Elgin Area Chamber of Commerce (Elgin Development Group). Federal Signal Work Place Hazard Reduction Award for 2019 & 2020.
19	What percentage of your sales are to the governmental sector in the past three years	Approximately 68%
20	What percentage of your sales are to the education sector in the past three years	Less than 1%
21	List any state, provincial, or cooperative purchasing contracts that you hold. What is the annual sales volume for each of these contracts over the past three years?	We as a manufacturer do not hold any additional state or provincial purchasing contracts - only our current Sourcewell contract. However, a number of our local dealers do hold state or local purchasing contracts which they service. We do not have access to the detailed sales volumes as those are not tracked.
22	List any GSA contracts or Standing Offers and Supply Arrangements (SOSA) that you hold. What is the annual sales volume for each of these contracts over the past three years?	We service a GSA contract (47QMCA18D000E) that is administered through our dealer in Maryland. Again, annual sales volumes are unknown.

Table 4: References/Testimonials

Line Item 23. Supply reference information from three customers who are eligible to be Sourcewell participating entities.

Entity Name *	Contact Name *	Phone Number *	
City of Wheaton, IL	Sam Webb Fleet Supervisor	630-260-2119	*
City of Chesapeake, VA member #52040	Mike McColgan	(757) 382-3321	*
City of Norfolk, VA member #50228	Steve Patterson	(757) 441-5700	*

Table 5: Top Five Government or Education Customers

Line Item 24. Provide a list of your top five government, education, or non-profit customers (entity name is optional), including entity type, the state or province the entity is located in, scope of the project(s), size of transaction(s), and dollar volumes from the past three years.

Entity Name	Entity Type *	State / Province *	Scope of Work *	Size of Transactions *	Dollar Volume Past Three Years *	
Confidential	Government	Illinois - IL	Purchase of Street Sweeper	We are a public company and this is confidential information	We are a public company and this is confidential information	*
Confidential	Government	Illinois - IL	Purchase of Street Sweeper	We are a public company and this is confidential information	We are a public company and this is confidential information	*
Confidential	Government	Illinois - IL	Purchase of Street Sweepers	We are a public company and this is confidential information	We are a public company and this is confidential information	*
Confidential	Government	Illinois - IL	Purchase of Street Sweepers	We are a public company and this is confidential information	We are a public company and this is confidential information	*
Confidential	Government	Illinois - IL	Purchase of Street Sweepers	We are a public company and this is confidential information	We are a public company and this is confidential information	*

Table 6: Ability to Sell and Deliver Service

Describe your company's capability to meet the needs of Sourcewell participating entities across the US and Canada, as applicable. Your response should address in detail at least the following areas: locations of your network of sales and service providers, the number of workers (full-time equivalents) involved in each sector, whether these workers are your direct employees (or employees of a third party), and any overlap between the sales and service functions.

Line Item	Question	Response *	
25	Sales force.	Elgin has six Regional Sales Managers (RSMs) tasked with supporting our dealer's sales efforts. The RSMs set sales targets and are involved in the end-user sales process as needed. The RSMs report to a Director of Municipal/Governmental Sales who reports to a Group level Vice President	*
26	Dealer network or other distribution methods.	Our dealer network consists of 34 dealer entities with over 70 location throughout North America. All dealers are assigned an area of responsibility that cover all of the US, Canada and the US Territories. Total dealer sales reps/territory managers for North American total over 230.	*
27	Service force.	Internally, Elgin has an Inside Service organization with seven technical reps that support our dealer's daily need for technical support. We also have four Regional Service and Support Managers (RSSMs) that live and work with specific dealers within their assigned regions to provide warranty support, training, consultation and end-user interaction. All of our internal reps support approximately 225 dealer technicians tasked with providing end-user service.	*
28	Describe the ordering process. If orders will be handled by distributors, dealers or others, explain the respective roles of the Proposer and others.	Sourcewell members will order through their local dealer who will, in-turn, place an order with us. Our dealer will be responsible for assisting the member with equipment configuration recommendations and providing a detailed proposal/quotation to the member. Once the sweeper is manufactured and delivered to our dealer, they will be responsible for preparing, delivering, training and supporting the end-user's needs with the sweeper. History is showing that Elgin dealers are knowledgeable, experienced and anxious to use our Sourcewell contract.	*
29	Describe in detail the process and procedure of your customer service program, if applicable. Include your response-time capabilities and commitments, as well as any incentives that help your providers meet your stated service goals or promises.	Customer Service starts from the delivery process with Sweeper installation/operation training. Shortly after delivery, we request a customer satisfaction survey be filled out so we can understand the level of satisfaction from product quality, to dealer support and overall product satisfaction. Any negative responses are recorded and assigned to a field rep for appropriate follow-up. All Elgin Dealers have trained and certified technicians with the vast majority of dealers providing road (go to customer location) service complete with well-equipped service trucks. This allows for quicker support of possible inoperative vehicles. Also, at Elgin we have a 24-hour toll free helpline that is staffed by factory personnel. The objective is to provide an immediate contact and response for both our dealers and end-user customers. Lastly, we support our products with a comprehensive warranty that is provided through our trained dealer network. Our philosophy is that quality products with high-levels of service support will ensure the best value for our customers - this, in turn, will create their desire to continue their business relationship with Elgin and our dealers.	*
30	Describe your ability and willingness to provide your products and services to Sourcewell participating entities in the United States.	Our dealer network allows us to sell and service our products throughout all of North America. Our dealers are assigned geographic areas (or territories) of responsibility that include all states and provinces. The assigned territories are listed in the dealer contract.	*
31	Describe your ability and willingness to provide your products and services to Sourcewell participating entities in Canada.	We support, service and actively pursue business opportunities with all Canadian entities that use street sweepers.	*
32	Identify any geographic areas of the United States or Canada that you will NOT be fully serving through the proposed contract.	We will service all geographic areas of the US and Canada.	*
33	Identify any Sourcewell participating entity sectors (i.e., government, education, not-for-profit) that you will NOT be fully serving through the proposed contract. Explain in detail. For example, does your company have only a regional presence, or do other cooperative purchasing contracts limit your ability to promote another contract?	We will service any and all Sourcewell participating entities.	*
34	Define any specific contract requirements or restrictions that would apply to our participating entities in Hawaii and Alaska and in US Territories.	Hawaii, Alaska and the US Territories are serviced the same as other states. We have dealers that are contractually assigned these geographic regions.	*

Table 7: Marketing Plan

Line Item	Question	Response *
35	Describe your marketing strategy for promoting this contract opportunity. Upload representative samples of your marketing materials (if applicable) in the document upload section of your response.	We advertise our Sourcewell contract at trade shows, on our public website, on our marketing collateral and at our internal dealer events. We invite our Sourcewell Contract Administrator to attend and participate at our trade shows and internal dealer sales training events. We have facilitated contract training with both our Regional Sales Managers and dealerships. We encourage our dealers to attend and network at Sourcewell sponsored events like GTKU and Sourcewell University.
36	Describe your use of technology and digital data (e.g., social media, metadata usage) to enhance marketing effectiveness.	Elgin utilizes a number of social media platforms to inform and communicate with the public and our followers. Our Marketing Communications Group does an excellent job of utilizing these technologies to promote our products and keep our users informed of what's happening. We use Facebook, LinkedIn, YouTube and Twitter to keep users and followers up-to-date with the latest product releases including videos; application specific information, new option availability (to enhance the functionality), and the latest press releases. Our website allows users to connect to information including our Sourcewell relationship and contract information.
37	In your view, what is Sourcewell's role in promoting contracts arising out of this RFP? How will you integrate a Sourcewell-awarded contract into your sales process?	We would expect Sourcewell to promote our contracts to their membership as a way to simplify the procurement process and that membership understands that contract holders are part of an elite group of product/solution providers that have proven to be reputable and responsive to member's needs. We expect that Sourcewell works to continue to expand membership so that additional entities would be able to experience the benefits for all parties. Our Sourcewell contract is currently well integrated within our sales process. Our RSMS, as well as our dealers, have been trained in using our contract as a preferred method of selling/procuring our products. Our dealers currently have the ability to create Sourcewell compliant proposals/quotes within our on-line configurator and ordering tool. By making a simple selection (check box) within our CPQ tool a dealer sales rep can create a proposal that is compliant with our Sourcewell contract. The tool applies the appropriate pricing, contract information, inserts the approved Sourcewell logo and tracks orders for reporting purposes.
38	Are your products or services available through an e-procurement ordering process? If so, describe your e-procurement system and how governmental and educational customers have used it.	We do not have an e-procurement system for end-customer use. However, we do have an on-line product configuration and ordering tool that our dealers use to configure customers specific units and place orders with us. Our dealers use this on-line tool to prepare Sourcewell compliant proposal/quotes for members and then to place that Sourcewell order upon award.

Table 8: Value-Added Attributes

Line Item	Question	Response *
39	Describe any product, equipment, maintenance, or operator training programs that you offer to Sourcewell participating entities. Include details, such as whether training is standard or optional, who provides training, and any costs that apply.	We offer training at several levels. Initial training is basic installation training and is provided by our dealers at or shortly after delivery of a new sweeper as agreed to with customer. This would include basic operation, cleaning and maintenance training. This is generally free of charge unless the member requests multiple sessions or more in-depth training that requires more time. This initial training is considered standard or can be optionally upgraded if a deeper level of training is desired. We also offer product model specific training at the factory. This covers multiple days and is also free of charge with the only costs being travel and hotel accommodations if needed. Dealers usually assist the member/customer with registration for this training.
40	Describe any technological advances that your proposed products or services offer.	We have a number of technological advances on current product offerings including single-engine sweepers. We use advance variable planetary drive system (VPD) to drive sweeper components without sacrificing sweep performance. This drive system is a unique technology for our industry. We currently offer this single-engine technology for two of our four air sweeper models. More are in development. We also have an electric-hybrid sweeper that is available mounted on a diesel or CNG powered chassis. Sweeping is powered electrically while the chassis propulsion and battery re-charging is done with the diesel or clean CNG chassis power. Our pipeline of development items is significant as well. Users will see a number of new products utilizing technological advances in the coming years. This is all attributable to our Engineering and Product Development group where we focus on employing new technologies for our products.
41	Describe any "green" initiatives that relate to your company or to your products or services, and include a list of the certifying agency for each.	We have a working relationship and agreement with NASCAR Green, the sustainability arm of NASCAR sweeping. We have worked with them for approximately eight years and we are the exclusive sweeper for all major NASCAR events. We were chosen after comprehensive testing of our sweeper product and we were chosen because of benefits such as fuel efficiency and ability to design and deliver very specific features required for use on race tracks. We offer single-engine sweep technologies on several models and we are able to show improved fuel efficiency and noise reduction. This theme has continued most recently with development of our hybrid-electric sweeping technology that is now available with our Broom Bear sweeper. Sourcewell members can look forward to additional "green" solutions in the near future.
42	Identify any third-party issued eco-labels, ratings or certifications that your company has received for the equipment or products included in your Proposal related to energy efficiency or conservation, life-cycle design (cradle-to-cradle), or other green/sustainability factors.	Elgin Sweeper Company is committed to providing environmental solutions that reduce storm water runoff pollution and air pollution. Years ago we introduced our "Eco-Infused" Technology to our brand which is development platform that combines science and innovation to produce more environmentally efficient sweepers. From alternative fuel to waterless dust control to single-engine sweeper technology to electric hybrid powered sweepers, Elgin is a technology leader in developing products that result in cleaner streets, water and air. We have been recognized by NASCAR green with a long-term partnership (9 years running) based on our ability to provide track sweeping and drying in the most efficient manner available.
43	Describe any Women or Minority Business Entity (WMBE), Small Business Entity (SBE), or veteran owned business certifications that your company or hub partners have obtained. Upload documentation of certification (as applicable) in the document upload section of your response.	While Elgin does not qualify under any of these business heading, several of our partner/dealers do. This includes WMBE and SBE. This is not a requirement of our dealer/partners and therefore access to documentation is not readily available.
44	What unique attributes does your company, your products, or your services offer to Sourcewell participating entities? What makes your proposed solutions unique in your industry as it applies to Sourcewell participating entities?	Elgin's unique attributes include a full-line of street/road sweepers that can be configured for virtually any road sweeping application. The full line includes multiple units of purpose build mechanical, chassis mounted mechanical, regenerative air, pure vacuum sweepers, as well as alternative fuel. Our dealer network positions us to serve and support virtually any Sourcewell member in the US and Canada. We have long-term relationships with our dealer network which means we work well together and ultimately, our customers and Sourcewell members benefit. Together, and with our complete-line of sweeper offerings, we can focus on specific sweeping applications that would best serve our customers and Sourcewell membership. We do not need to push one technology or nudge customers in a certain direction as we offer all types of sweeping. We have a full service engineering department which provides tremendous flexibility to offer unique option requests to meet specific customer/member requirements. Lastly, our long relationship with Sourcewell means that we are familiar with member needs and also with vendor requirements - such as reporting and managing our contract effectively to the mutual benefit of all parties.

Table 9: Warranty

Describe in detail your manufacturer warranty program, including conditions and requirements to qualify, claims procedure, and overall structure. You may upload representative samples of your warranty materials (if applicable) in the document upload section of your response in addition to responding to the questions below.

Line Item	Question	Response *
45	Do your warranties cover all products, parts, and labor?	Yes
46	Do your warranties impose usage restrictions or other limitations that adversely affect coverage?	No usage limitation. Standard warranty is for 1 year bumper-to -bumper exclusive of wear items such as brooms.
47	Do your warranties cover the expense of technicians' travel time and mileage to perform warranty repairs?	Yes
48	Are there any geographic regions of the United States or Canada (as applicable) for which you cannot provide a certified technician to perform warranty repairs? How will Sourcewell participating entities in these regions be provided service for warranty repair?	Our dealer contracts require that they provide service for all customer within their area of responsibility. This would of course include Sourcewell member customers. In very rare situations and with the agreement of the customer, authorizations for a specific customer to perform their own warranty repair can be given. Elgin and our dealer would support this by providing parts, work instructions and compensation at pre-established rates. Authorization would only be given if the required repair is considered relatively easy to accomplish and did not present any risk for the customer.
49	Will you cover warranty service for items made by other manufacturers that are part of your proposal, or are these warranties issues typically passed on to the original equipment manufacturer?	Our warranty covers all items with the exception of engines, truck chassis, tires and other components that carry their own manufacturers warranty. These items are typically supported by local dealer facilities. Any items/components that do not have local service would be cover by Elgin and our dealers. We have been know to assist our end user by leveraging our contacts with engine and chassis manufacturers and dealers.
50	What are your proposed exchange and return programs and policies?	It is extremely rare that we would need to exchange or have a sweeper returned. If one of our sweepers was determined to be wrong for a specific customer need/application, we would work with them to modify or exchange a product for one that would work better. Ultimately, we are all better off if the customer is satisfied with their sweeper - that's what we work toward.
51	Describe any service contract options for the items included in your proposal.	We are not specifically offering service contracts with this proposal. However, most of our dealer offer a variety service contract options and service specials. The offerings can be from full-service turnkey parts and service solutions to specific seasonal specials in preparation for sweeping season. These are dealer specific.

Table 10: Payment Terms and Financing Options

Line Item	Question	Response *
52	Describe your payment terms and accepted payment methods?	Payment terms are established between the Elgin dealer and the Sourcewell member. Generally, this is net 15 or net 30-days. However, our dealers do most of their business municipally and understand that some entities need to apply different payment terms. Most of the time the specific member requirements can be met if within reason. The standard payment terms between our dealer and u is net 30-days.
53	Describe any leasing or financing options available for use by educational or governmental entities.	Again, leasing and financing options are determined between the Egin dealer and the Sourcewell member. All of our dealers offer some type of leasing and/or financing option. This is usually with a third-party that we or they have established relationships with. We often recommend NCL and many of our dealers have an established relationship with NCL and use NCL's Sourcewell contract solution for lease/financing options.
54	Describe any standard transaction documents that you propose to use in connection with an awarded contract (order forms, terms and conditions, service level agreements, etc.). Upload a sample of each (as applicable) in the document upload section of your response.	We do not have a standard transaction document that is provided to the end-user/member. Typically, the entity issues a purchase order to our dealer based on a Sourcewell proposal/quote that is generated through our configurator tool. The dealer submits the "quote" to us as an order once the member issues a PO. We, in turn, issue an electronic acknowledgement document to the dealer confirming what was ordered. This is our standard process today, for all orders, and Sourcewell orders fit nicely within our existing process. I am including example documents in the upload section.
55	Do you accept the P-card procurement and payment process? If so, is there any additional cost to Sourcewell participating entities for using this process?	The payment process for members is a transaction between Sourcewell member and Elgin dealer. I do not believe P-card transactions are used. We do not accept P-Card payments from our dealers. We have no hidden or undisclosed costs.

Table 11: Pricing and Delivery

Provide detailed pricing information in the questions that follow below. Keep in mind that reasonable price and product adjustments can be made during the term of an awarded Contract as described in the RFP, the template Contract, and the Sourcewell Price and Product Change Request Form.

Line Item	Question	Response *
56	Describe your pricing model (e.g., line-item discounts or product-category discounts). Provide detailed pricing data (including standard or list pricing and the Sourcewell discounted price) on all of the items that you want Sourcewell to consider as part of your RFP response. If applicable, provide a SKU for each item in your proposal. Upload your pricing materials (if applicable) in the document upload section of your response.	We are offering our full-line of sweepers. Our pricing model is a simple 3% discount from list price on all sweeper products including options, exclusive of chassis and freight (from factory to dealer location) costs. We are also offering the rental of our sweepers. Rental rates apply across the US and Canada (in Canadian dollars). The rates provided on the rental rate sheets are the Sourcewell member's price. Used Sweepers, primarily from rental fleet, are generally late model and because of various usage and condition of specific units, the pricing will be a negotiated and agreed to price between the member and Elgin dealer. This allows members a method of obtaining a quality sweeper at a much lower initial acquisition cost.
57	Quantify the pricing discount represented by the pricing proposal in this response. For example, if the pricing in your response represents a percentage discount from MSRP or list, state the percentage or percentage range.	For new equipment a 3% discount from list price applies. This discount applies to all Elgin manufactured content including options. The rental pricing is a pre-established rental rate and is consistent throughout the US and Canada. These rates are at the lower end of the regional rate study that was conducted. Used equipment pricing will be negotiated and agreed to between member and Elgin dealer.
58	Describe any quantity or volume discounts or rebate programs that you offer.	Additional volume discounts could be considered on a case-by-case basis.
59	Propose a method of facilitating "sourced" products or related services, which may be referred to as "open market" items or "nonstandard options". For example, you may supply such items "at cost" or "at cost plus a percentage," or you may supply a quote for each such request.	Sourced products or open market items fall into three categories for us. This could be items that would be provided by our dealer. The items in this category would be quoted by our dealer to the member and could include items such as special radios, decals or exterior wraps, lighting, and other dealer installed accessories. These items would not be subject to the 3% discount. Also included in this category would be unique equipment or options that would be designed, manufactured or procured and installed by Elgin. This is common for us and would be handled through our RFQ/Specials process. This allows us to provide a unique (off price list) solution for our customers and would be priced consistently with the 3% discount from list price. Our "Special" solution would be included in the Sourcewell proposal/quote. The last category would be factory supplied chassis. Because most of our product are mounted and integrated to a commercial chassis, we work with commercial chassis manufacturers and their local dealers to provide chassis specifically engineered for Elgin sweeper-mounting and use. We typically get favorable pricing from the manufacturer/dealer because of our volume. These chassis are very competitively priced and specifically designed for use with our sweepers. This is the easiest, least risky, and most often cost-effective turnkey solution. Because chassis availability/inventory is inconsistent and lead times vary, we do not provide chassis pricing. We will provide chassis quote through our dealer at the time a Sourcewell quote/proposal is being developed - the 3% discount does not apply to chassis that we or our dealers provide.
60	Identify any element of the total cost of acquisition that is NOT included in the pricing submitted with your response. This includes all additional charges associated with a purchase that are not directly identified as freight or shipping charges. For example, list costs for items like pre-delivery inspection, installation, set up, mandatory training, or initial inspection. Identify any parties that impose such costs and their relationship to the Proposer.	Additional costs not included with our submittal would include dealer charges for items such as pre-delivery inspection and unit preparation, local freight charges, additional training above and beyond initial training at or shortly after delivery. Also, as mentioned above, any dealer installed item would not be identified in our price sheets but would be identified in the member's Sourcewell proposal/quote.
61	If freight, delivery, or shipping is an additional cost to the Sourcewell participating entity, describe in detail the complete freight, shipping, and delivery program.	The freight from our factory to the local dealer facility would be included with the Sourcewell quote but not subject to the 3% discount. Freight is a pass thru cost and not a profit item for us. Local freight and delivery is handled by our local dealers and is not specifically listed in our response. This cost would be additional and should be listed on the member's pricing quote (often listed as part of the PDI process). This price would also vary by dealer and complexity of local shipping requirements.
62	Specifically describe freight, shipping, and delivery terms or programs available for Alaska, Hawaii, Canada, or any offshore delivery.	Alaska, Hawaii, Canada or other "offshore" delivery requirement would include a special quote from us. With offshore shipping requirements we typically containerize the sweeper, deliver to a coastal port via truck and then load the container to a boat for delivery to location. This usually requires additional handling charges including protective coatings and dock charges. These charges can vary and would be disclosed in a member's proposal/quote.
63	Describe any unique distribution and/or delivery methods or options offered in your proposal.	We have a dedicated traffic department which is tasked with arranging any unique delivery requirement. This is their focus and the department is knowledgeable and skilled at finding competitively priced shipping options that best meet requirements.

Table 12: Pricing Offered

Line Item	The Pricing Offered in this Proposal is: *	Comments
64	c. better than the Proposer typically offers to GPOs, cooperative procurement organizations, or state purchasing departments.	The pricing offered for our complete line of street sweepers for this Sourcwell proposal is typically better than what we offer for other purchasing contracts. It is possible that a dealer may offer a lesser price for a specific deal or customer but that is generally without our input.

Table 13: Audit and Administrative Fee

Line Item	Question	Response *
65	Specifically describe any self-audit process or program that you plan to employ to verify compliance with your proposed Contract with Sourcwell. This process includes ensuring that Sourcwell participating entities obtain the proper pricing, that the Vendor reports all sales under the Contract each quarter, and that the Vendor remits the proper administrative fee to Sourcwell. Provide sufficient detail to support your ability to report quarterly sales to Sourcwell as described in the Contract template.	Currently, we require our Regional Sales Managers to report Sourcwell Sales (using the provided Sourcwell template) on a quarterly basis. Late last year we refined and simplified that process by allowing our dealers to select "Sourcwell" within the CPQ/ordering tool and that would automatically apply the appropriate pricing. This also allows us the ability to track Sourcwell deals in our CPQ/on-line ordering tool. Each RSM now has the ability to view all sales, by specific dealer and region and can query for Sourcwell specific sales. By tracking sales within our CPQ ordering tool, we can verify "Sourcwell" sales and obtain the other required reporting details including transaction price. Once RSMs submit their territory Sourcwell sales reports, they are reviewed and reconciled by our Controller. Once approved, I submitted the quarterly report as required and our Controller initiates payment.
66	If you are awarded a contract, provide a few examples of internal metrics that will be tracked to measure whether you are having success with the contract.	Quarterly sales are reviewed and compared to the previous year's quarterly results and are also reviewed as a percentage of overall sales. As Business Development Manager, I am task with ensuring growth targets are achieved specific to several business development objectives that are set. This includes overall Sourcwell Sales increases. I am also charged with ensuring compliance to requirements.
67	Identify a proposed administrative fee that you will pay to Sourcwell for facilitating, managing, and promoting the Sourcwell Contract in the event that you are awarded a Contract. This fee is typically calculated as a percentage of Vendor's sales under the Contract or as a per-unit fee; it is not a line-item addition to the Member's cost of goods. (See the RFP and template Contract for additional details.)	As with past contracts, we propose a 0.5% administrative fee exclusive of chassis pricing and freight. We remove chassis pricing and freight as these items are not profit generating but rather cost items. This fee will be paid by us (Elgin) and is not a line item past on to the member.

Table 14A: Depth and Breadth of Offered Equipment Products and Services

Line Item	Question	Response *
68	Provide a detailed description of the equipment, products, and services that you are offering in your proposal.	We are offering for purchase or rental, a full-line of street sweepers. We offer purpose-built mechanical sweepers, chassis-mounted mechanical, regenerative air and pure vacuum sweeping technologies. We also offer a number of our models utilizing alternative fuels including Compressed Natural Gas (CNG) and hybrid electric sweepers. Our product offering represents the most comprehensive line-up of full-sized street sweepers for use in municipal, county highway and state DOT applications. Because of recent popularity of renting sweepers, we are offering rental option for our line of sweepers as well as the sale of late model used sweeper equipment.
69	Within this RFP category there may be subcategories of solutions. List subcategory titles that best describe your products and services. [Refer also to RFP Section II. B. 2 for potential subcategory descriptors.]	Our focus is on street, highway, runway, construction, and large parking lot sweepers. Our subcategories include purpose-built, chassis-mounted diesel and alternative fuels including Compressed natural gas (CNG) and hybrid (electric) solutions. It should be noted that our sweepers have a comprehensive list of options and accessories that are available to customize our products for specific and geographic applications including waterless sweeping and high-altitude sweeping. These options are including in our offering.

Table 14B: Depth and Breadth of Offered Equipment Products and Services

Indicate below if the listed types or classes of equipment, products, and services are offered within your proposal. Provide additional comments in the text box provided, as necessary.

Line Item	Category or Type	Offered *	Comments
70	Street, sidewalk, and parking lot sweeping and cleaning equipment	<input checked="" type="radio"/> Yes <input type="radio"/> No	Eight different models with optional variations for specific sweeping applications.
71	Runway sweeping and cleaning equipment	<input checked="" type="radio"/> Yes <input type="radio"/> No	We offer an option of our regen sweeper for higher speed runway and tarmac sweeping applications.
72	Litter, trash, and debris vacuums	<input checked="" type="radio"/> Yes <input type="radio"/> No	Our regenerative air and pure vacuum sweepers are available with Catch basin hose that can add versatility to pick-up debris below surface grade or on/in street shoulders and parkways.
73	Supplies and replacement or wear parts related to the solutions in Lines 70 - 72 above	<input type="radio"/> Yes <input checked="" type="radio"/> No	Service parts are not offered.

Table 15: Exceptions to Terms, Conditions, or Specifications Form

Line Item 74. NOTICE: To identify any exception, or to request any modification, to the Sourcewell template Contract terms, conditions, or specifications, a Proposer must submit the exception or requested modification on the **Exceptions to Terms, Conditions, or Specifications Form** immediately below. The contract section, the specific text addressed by the exception or requested modification, and the proposed modification must be identified in detail. Proposer's exceptions and proposed modifications are subject to review and approval of Sourcewell and will not automatically be included in the contract.

Contract Section	Term, Condition, or Specification	Exception or Proposed Modification

Documents**Ensure your submission document(s) conforms to the following:**

1. Documents in PDF format are preferred. Documents in Word, Excel, or compatible formats may also be provided.
2. Documents should NOT have a security password, as Sourcewell may not be able to open the file. It is your sole responsibility to ensure that the uploaded document(s) are not either defective, corrupted or blank and that the documents can be opened and viewed by Sourcewell.
3. Sourcewell may reject any response where any document(s) cannot be opened and viewed by Sourcewell.
4. If you need to upload more than one (1) document for a single item, you should combine the documents into one zipped file. If the zipped file contains more than one (1) document, ensure each document is named, in relation to the submission format item responding to. For example, if responding to the Marketing Plan category save the document as "Marketing Plan."

- [Pricing](#) - Elgin Pricing Files.zip - Tuesday September 28, 2021 16:19:40
- [Financial Strength and Stability](#) - fss_2020_10k.pdf - Friday September 24, 2021 14:17:07
- [Marketing Plan/Samples](#) - 2021 Elgin Facebook - Sourcewell.pdf - Friday September 24, 2021 13:26:30
- WMBE/MBE/SBE or Related Certificates (optional)
- [Warranty Information](#) - Elgin Warranty Statement.jpg - Monday September 27, 2021 10:57:49
- [Standard Transaction Document Samples](#) - Elgin Transaction doc examples.zip - Friday September 24, 2021 13:27:10
- [Upload Additional Document](#) - Fed Sig Elgin Vactor-Sourcewell-COI 2022.pdf - Monday September 27, 2021 13:52:39

Addenda, Terms and Conditions

PROPOSER AFFIDAVIT AND ASSURANCE OF COMPLIANCE

I certify that I am the authorized representative of the Proposer submitting the foregoing Proposal with the legal authority to bind the Proposer to this Affidavit and Assurance of Compliance:

1. The Proposer is submitting this Proposal under its full and complete legal name, and the Proposer legally exists in good standing in the jurisdiction of its residence.
2. The Proposer warrants that the information provided in this Proposal is true, correct, and reliable for purposes of evaluation for contract award.
3. The Proposer, including any person assisting with the creation of this Proposal, has arrived at this Proposal independently and the Proposal has been created without colluding with any other person, company, or parties that have or will submit a proposal under this solicitation; and the Proposal has in all respects been created fairly without any fraud or dishonesty. The Proposer has not directly or indirectly entered into any agreement or arrangement with any person or business in an effort to influence any part of this solicitation or operations of a resulting contract; and the Proposer has not taken any action in restraint of free trade or competitiveness in connection with this solicitation. Additionally, if Proposer has worked with a consultant on the Proposal, the consultant (an individual or a company) has not assisted any other entity that has submitted or will submit a proposal for this solicitation.
4. To the best of its knowledge and belief, and except as otherwise disclosed in the Proposal, there are no relevant facts or circumstances which could give rise to an organizational conflict of interest. An organizational conflict of interest exists when a vendor has an unfair competitive advantage or the vendor's objectivity in performing the contract is, or might be, impaired.
5. The contents of the Proposal have not been communicated by the Proposer or its employees or agents to any person not an employee or legally authorized agent of the Proposer and will not be communicated to any such persons prior to Due Date of this solicitation.
6. If awarded a contract, the Proposer will provide to Sourcewell Participating Entities the equipment, products, and services in accordance with the terms, conditions, and scope of a resulting contract.
7. The Proposer possesses, or will possess before delivering any equipment, products, or services, all applicable licenses or certifications necessary to deliver such equipment, products, or services under any resulting contract.
8. The Proposer agrees to deliver equipment, products, and services through valid contracts, purchase orders, or means that are acceptable to Sourcewell Members. Unless otherwise agreed to, the Proposer must provide only new and first-quality products and related services to Sourcewell Members under an awarded Contract.
9. The Proposer will comply with all applicable provisions of federal, state, and local laws, regulations, rules, and orders.
10. The Proposer understands that Sourcewell will reject RFP proposals that are marked "confidential" (or "nonpublic," etc.), either substantially or in their entirety. Under Minnesota Statutes Section 13.591, subdivision 4, all proposals are considered nonpublic data until the evaluation is complete and a Contract is awarded. At that point, proposals become public data. Minnesota Statutes Section 13.37 permits only certain narrowly defined data to be considered a "trade secret," and thus nonpublic data under Minnesota's Data Practices Act.
11. Proposer its employees, agents, and subcontractors are not:
 1. Included on the "Specially Designated Nationals and Blocked Persons" list maintained by the Office of Foreign Assets Control of the United States Department of the Treasury found at: <https://www.treasury.gov/ofac/downloads/sdnlist.pdf>;
 2. Included on the government-wide exclusions lists in the United States System for Award Management found at: <https://sam.gov/SAM/>; or
 3. Presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from programs operated by the State of Minnesota; the United States federal government or the Canadian government, as applicable; or any Participating Entity. Vendor certifies and warrants that neither it nor its principals have been convicted of a criminal offense related to the subject matter of this solicitation.

By checking this box I acknowledge that I am bound by the terms of the Proposer's Affidavit, have the legal authority to submit this Proposal on behalf of the Proposer, and that this electronic acknowledgment has the same legal effect, validity, and enforceability as if I had hand signed the Proposal. This signature will not be denied such legal effect, validity, or enforceability solely because an electronic signature or electronic record was used in its formation. - David Panizzi, Business Development Manager, Elgin Sweeper Company

The Proposer declares that there is an actual or potential Conflict of Interest relating to the preparation of its submission, and/or the Proposer foresees an actual or potential Conflict of Interest in performing the contractual obligations contemplated in the bid.

Yes No

The Bidder acknowledges and agrees that the addendum/addenda below form part of the Bid Document.

Check the box in the column "I have reviewed this addendum" below to acknowledge each of the addenda.

File Name	I have reviewed the below addendum and attachments (if applicable)	Pages
Addendum_2_Street_Sweepers_RFP_093021 Wed August 25 2021 07:12 PM	<input checked="" type="checkbox"/>	1
Addendum_1_Street_Sweepers_RFP_093021 Fri August 13 2021 02:49 PM	<input checked="" type="checkbox"/>	2

RESOLUTION NO. 2023 -

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, WAIVING THE FORMAL BID PROCESS PURSUANT TO NATIONAL CITY MUNICIPAL CODE SECTION 2.60.260 REGARDING COOPERATIVE PURCHASING AND AUTHORIZING THE CITY TO PIGGYBACK ONTO SOURCEWELL CONTRACT 093021-ELG WITH HAAKER EQUIPMENT COMPANY FOR THE PURCHASE OF ONE (1) ELGIN BROOM BEAR STREET SWEEPER IN A NOT-TO-EXCEED AMOUNT OF \$425,000 FOR THE PUBLIC WORKS STREETS AND WASTEWATER DIVISION AND AUTHORIZING THE CITY MANAGER TO APPROVE ADJUSTMENTS OF UP TO \$42,500 TO THE NOT-TO-EXCEED AMOUNT FOR THE PURCHASE AS A 10% CONTINGENCY FOR UNFORSEEN FLUCTUATIONS IN PRICING AND APPROPRIATION ADJUSTMENTS OF UP TO \$17,500 ABOVE THE ORIGINAL AMOUNT OF \$450,000 BUDGETED FOR THIS ITEM.

WHEREAS, Public Works Streets and Wastewater Division currently has two street sweepers in operation which are used on a daily basis to sweep dedicated routes through City streets and parking lots. The sweepers average 55 miles per day per route, not including special events. Furthermore, equipment breakdowns requiring costly repairs are taking place more often and resulting in a reduction of service to the community, as was the case in July 2023 when both street sweepers were out of service for several weeks. One of the sweepers, purchased in 2016, has exceeded its useful life of 5-7 years, and is scheduled to be replaced; and

WHEREAS, through adoption of the Fiscal Year 2024 annual budget, City Council approved \$450,000 for the purchase of one (1) street sweeper and now the City of National City has an opportunity to piggyback onto the Sourcewell Contract # 0930212-ELG with Haaker Equipment Company to allow for the purchase of one (1) Elgin Broom Bear Street Sweeper; and

WHEREAS, Section 2.60.260 of the National City Municipal Code provides that the City may buy directly from a vendor at a price established through competitive bidding by another public agency whose procedures have been determined to be in substantial compliance with the City's procurement procedures, and such a determination has been made in this case, therefore, it is recommended that the purchase be made without complying with the competitive bidding procedure set forth in the Municipal Code; and

WHEREAS, National City's Purchasing staff has confirmed that the Sourcewell Contract # 093021-ELG with Haaker Equipment Company was competitively bid through a Request for Proposals (RFP) process, and that the Sourcewell procurement procedures are in substantial compliance with those of National City; and

WHEREAS, City staff recommends adoption of the resolution as stated.

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

Section 1: That the City Council hereby authorizes waiving the formal bid process pursuant to National City Municipal Code Section 2.60.260 regarding cooperative purchasing and authorizes the City to piggyback onto Sourcewell Contract # 093021-ELG with Haaker Equipment Company to allow for the purchase of one (1) Elgin Broom Bear Streets Sweeper for the Public Works Streets and Wastewater Division in a not-to-exceed amount of \$425,000.

Section 2: That the City Council hereby authorizes the City Manager to approve adjustments of up to \$42,500 to the not-to-exceed amount for the purchase as a 10% contingency for unforeseen fluctuations in pricing.

Section 3: That the City Council hereby authorizes a Fiscal Year 2024 budget adjustment to establish appropriation adjustments of up to \$17,500 above the original amount of \$450,000 budgeted for this item.

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

PASSED and ADOPTED this 15th day of August, 2023.

Ron Morrison, Mayor

ATTEST:

Shelley Chapel, MMC, City Clerk

APPROVED AS TO FORM:

Barry J. Schultz, City Attorney



AGENDA REPORT

Department: Fire Department
Prepared by: Walter Amedee, Management Analyst III
Meeting Date: Tuesday, August 15, 2023
Approved by: Ben Martinez, Interim City Manager

SUBJECT:

FY22 UASI Grant Subaward Amendment

RECOMMENDATION:

Adopt the Resolution Entitled, "Resolution of the City Council of the City of National City, California, Authorizing the Mayor to Execute the City of San Diego Office of Emergency Services Grant Subaward Amendment for an Additional Appropriation of \$16,758 for a new total of \$46,831 to the Reimbursable Grant Citywide Account for the FY22 Urban Area Security Initiative (UASI) Grant for the Reimbursable Grant Purchase of Equipment for the Police Department"

BOARD/COMMISSION/COMMITTEE PRIOR ACTION:

Not Applicable.

EXPLANATION:

Resolution 2023-56 executed an Agreement between the City of San Diego Office of Emergency Services (OES) and the City of National City, and authorized the establishment of an appropriation and corresponding revenue budget in the amount of \$30,073 from the FY22 Urban Area Security Initiative (UASI) Grant to purchase equipment and training for the Fire and Police Departments. From time to time, the OES has awarded additional funds to procure equipment for both Fire and Police Departments. For FY22 UASI Grant, the OES has awarded an additional \$16,758 for the purchase of Hi-Lo Sirens in Patrol Vehicles for Evacuations for the Police Department. \$16,758 should be added to the pre-existing Reimbursable Grant Citywide account of \$30,073 for a total of \$46,831 for equipment and training for the Fire and Police Departments.

FINANCIAL STATEMENT:

Expenditure Accounts:

282-411-964-502-0000 Equipment - \$8,285.00 (already appropriated)
282-411-964-226-0000 Training - \$13,600.00 (already appropriated)
282-412-964-226-0000 Training - \$8,188.00 (already appropriated)
282-411-964-513-0000 Equipment - \$16,758.00 (additional requested appropriations)

Revenue Accounts:

282-11964-3498 - \$21,885.00 (already budgeted)
282-12964-3498 - \$8,188.00 (already budgeted)
282-11964-3498 - \$16,758.00 (offsets additional requested appropriations)

No City match required.

RELATED CITY COUNCIL 2020-2025 STRATEGIC PLAN GOAL:

Public Safety

ENVIRONMENTAL REVIEW:

This is not a project under CEQA and is therefore not subject to environmental review. CCR15378; PRC 21065.

PUBLIC NOTIFICATION:

Agenda Report posted within 72 hours of meeting date and time in accordance with Brown Act.

ORDINANCE:

Not Applicable

EXHIBITS:

Exhibit A – Grant Subaward Amendment

Exhibit B – Resolution

City of San Diego Office of Homeland Security

GRANT SUBAWARD AMENDMENT **DATE** 06/26/23 **GRANT NAME** FY22 UASI

Federal Grant # 2022-0043 **CalOES #** 073-66000 **Amendment #** 1

Project # 026 **UEI#** DWSKT6H5J5F3 **Final Claim Due Date** 12/15/2024

This amendment is between the City of San Diego Office of Homeland Security, hereafter called OHS, and the Grant Subrecipient: City of National City Police Department

Increase Project 026 - Hi-Lo Sirens in Patrol Vehicles for Evacuations - \$16,758. The new Project 026 total is \$16,758

Subrecipient (Certification and Signature of Authorized Agent)

By (Authorized Signature)	Date
	August 15, 2023
Printed Name	Title
Ron Morrison	Mayor
Address	
1243 National City Boulevard, National City, CA 91950	
Mail Original Signed form to OHS: 9601 Ridgehaven Court, MS 1101C, San Diego, CA 92123	

For OHS use only	
I hereby certify upon my own personal knowledge that budgeted funds are available for the period and purpose of the expenditure stated above	
Signature of OHS Program Manager	Date

RESOLUTION NO. 2023 -

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, AUTHORIZING THE MAYOR TO EXECUTE THE CITY OF SAN DIEGO OFFICE OF EMERGENCY SERVICES GRANT SUBAWARD AMENDMENT FOR AN ADDITIONAL APPROPRIATION OF \$16,758 FOR A NEW TOTAL OF \$46,831 TO THE REIMBURSABLE GRANT CITYWIDE ACCOUNT FOR THE FY22 URBAN AREA SECURITY INITIATIVE (UASI) GRANT FOR THE REIMBURSABLE GRANT PURCHASE OF EQUIPMENT FOR THE POLICE DEPARTMENT

WHEREAS, the United States Department of Homeland Security (DHS) designated the City of San Diego as an eligible high-risk urban area through an analysis of relative risk of terrorism; and

WHEREAS, the San Diego Urban Area (SDUA) was established for the purpose of application for and allocation and distribution of federal Urban Areas Security Initiative (UASI) program grant funds; and

WHEREAS, the UASI grant provides funding for equipment, planning, and training needed to respond to natural or man-made disasters or terrorism incidents that may occur in the San Diego urban area; and

WHEREAS, the San Diego County Unified Disaster Council established a collaborative subcommittee called the Urban Area Working Group (UAWG); and

WHEREAS, the UAWG was established as the "Approval Authority" for the SDUA and was also established to (1) provide overall governance of the homeland security grant program across the SDUA; (2) coordinate development and implementation of all UASI program initiatives; and (3) to ensure compliance with all UASI program requirements; and

WHEREAS, pursuant to grant allocation decisions by the UAWG, the UASI Management Team asked the City of San Diego to distribute a portion of the regional UASI grant funds to sub-recipients, such as the City of National City; and

WHEREAS, the distribution of FY 2022 UASI Grant Funds Agreement ensures the roles, responsibilities, and expectations at the local, state, and federal levels, and ensures that the City of National City, as a grant program participant, agrees to meet state and federal requirements; and

WHEREAS, Resolution 2023-56 executed an Agreement between the City of San Diego Office of Emergency Services (OES) and the City of National City, and authorized the establishment of an appropriation and corresponding revenue budget in the amount of \$30,073 from the FY22 Urban Area Security Initiative (UASI) Grant to purchase of equipment and training for the Fire and Police Departments; and

WHEREAS, from time to time, including FY22 UASI, OES has awarded additional UASI Grant funds to procure equipment for both Fire and Police Departments; and

WHEREAS, the OES is amending awards for the Police Department to receive FY22 UASI Grant funding for the purchase of Hi-Lo Sirens in Patrol Vehicles for Evacuations for the Police Department; and

WHEREAS, staff is requesting an additional appropriation of \$16,758 for a not to exceed amount of \$46,831 to the pre-existing Reimbursable Grant Citywide account for equipment for the National City Police Department.

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

Section 1: That the City Council hereby authorizes the Mayor to execute the City of San Diego Office of Emergency Services Grant Subaward Amendment for an additional appropriation of \$16,758 for a not to exceed total amount of \$46,831 to the Reimbursable Grant Citywide account for the FY22 Urban Area Security Initiative (UASI) Grant for the reimbursable grant purchase of equipment for the Police Department.

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

PASSED and ADOPTED this 15th day of August, 2023.

Ron Morrison, Mayor

ATTEST:

Shelley Chapel, MMC
City Clerk

APPROVED AS TO FORM:

Barry J. Schultz, City Attorney



AGENDA REPORT

Department: Housing Authority
Prepared by: Angelita Palma, Acting Director of Housing
Meeting Date: Tuesday, August 15, 2023
Approved by: Ben Martinez, Interim City Manager

SUBJECT:

Ratifying the SANDAG HAP 2.0 grant application and accepting the terms of the grant agreement to fund “Own National City.”

RECOMMENDATION:

Adopt the Resolution entitled "Resolution of the City Council of the City of National City, California, ratifying the grant application and accepting the terms of the grant agreement with the San Diego Association of Governments (SANDAG) for the Housing Acceleration Program (HAP) Cycle 2 Call for Projects to fund “Own National City,” a plan to study innovative homeownership models on City-owned property zoned for residential use”

BOARD/COMMISSION/COMMITTEE PRIOR ACTION:

Not Applicable.

EXPLANATION:

Background: In 2019, the State of California provided grant funding through the California Department of Housing and Community Development (HCD) to San Diego Association of Governments (SANDAG), a regional metropolitan planning organization, to collaborate on housing projects at a regional scale. This program is known as Regional Early Action Planning (REAP).

SANDAG launched the Housing Acceleration Program (HAP) using state REAP funds. As part of this program, National City was previously awarded a HAP grant of \$205,523 to partially fund the Focused General Plan Update (FGPU), approved per City Council Resolution No. 2022-77.

Current Grant Opportunity: REAP 2.0 was established as part of the 2021 California Comeback Plan under Assembly Bill 140. This new program builds on the success of the first round of REAP and expands the program focus by addressing housing and climate at the same time. For this new cycle of funding, SANDAG will support jurisdictions through HAP 2.0 funding to continue to help accelerate housing production for all. HAP 2.0 funds must meet the following program objectives and other criteria listed in the grant [Cycle 2 Call for Projects](#).

- Accelerating infill development facilitates housing, supply, choice, and affordability.
- Affirmatively furthering fair housing
- Reduce vehicle miles traveled

“Own National City”: Staff submitted an application for \$471,300 in HAP 2.0 funding on August 3, 2023. The application is for a plan titled “Own National City.” The plan is to conduct at least three (3) site assessments on City-owned property to study innovative homeownership models to

be used as prototypes for future development. The City-owned properties for site assessments will be selected from those listed in Section 5.1.2 of the Housing Strategic Plan (Exhibit “B”). The homeownership models that will be studied for each proposed site may include, but are not limited to:

- Community land trusts
- Deed restrictions
- Limited-equity cooperatives
- Condominiums
- Rent-to-own
- And combinations thereof

The site assessments will focus on the different homeownership model scenarios with various income levels that contribute toward the implementation of the goals and objectives contained in the plans and policies mentioned in the next section. Own National City will accelerate infill development that facilitates housing supply, choice, and affordability; affirmatively furthers fair housing; and reduces vehicle miles traveled.

Policies & Plans: City policies and plans discussed in the application target *low and moderate resource areas** defined by HCD and therefore target vulnerable populations. Own National City will contribute toward the implementation of the plans and policies listed below by providing homeownership opportunities to help rectify National City’s overrepresentation of renters. This project affirmatively aims to enhance National City’s communities.

- [Housing Strategic Plan](#)
 - Objective #3: Expand housing choices, including homeownership opportunities, for lower- and moderate-income households. Promote mixed-income housing as opportunities allow.
 - Accepted by the City Council and Housing Advisory Committee
- [National City Housing Element](#)
 - Goal 5: Promote and implement fair housing practices and equal access to housing opportunities for all income levels.
 - Policy 5.4: Support increased homeownership across all income levels for National City residents.
 - Approved by the Housing Advisory Committee and City Council per Resolution No. 2021-102.
- Amendment to [City Council Policy No. 901](#)
 - Pending City Council approval on 8/15/2023.
 - The Amendment to the “Management of Real Property” would require that the City conduct a feasibility analysis to create sustainable and affordable homeownership on any City-owned property zoned for residential use.
- [Focused General Plan Update \(FGPU\)](#) - “Together We Plan”
 - Together We Plan includes the [FGPU](#) and [updates to several documents](#).
 - Pending the Planning Commission’s public hearing and recommendation to City Council on [8/21/2023](#); and
 - Pending the City Council Public Hearing on [9/5/2023](#) (Action item: approve or deny) and the second reading on [9/19/2023](#).

*HCD defines low and moderate resource areas by economic indicators that include: poverty, adult education, employment, job proximity, median home value, and additional environmental indicators.

Homeownership in National City: Pursuing homeownership opportunities through Own National City will help to reduce the gap between National City and the region. The 2020 Census count estimates 32.7% of housing units in National City are owner-occupied. In contrast, the average owner-occupied housing units for the County is 54.1%. Own National City will propel the implementation of [City Council Policy No. 901 Amendment](#) and the desired buildout of housing density prioritized through [Focused General Plan Update \(FGPU\) land use and zoning code updates](#).

Timeline:

Staff submitted a HAP 2.0 application to SANDAG on 8/3/2023. Upon City Council approval on 8/15/2023 to ratify the submittal of the grant application and accept funds for Own National City, staff will submit the signed resolution to SANDAG. On 9/22/2023, a notice of intent to award funds will be released. The SANDAG Board of Directors will consider the funding recommendations of the HAP 2.0 grant for approval on 10/27/2023. If awarded, the City will receive a grant agreement and notice to proceed from SANDAG in November. Staff will return to City Council in early 2024 to allocate the funds to Own National City.

Activity	Date
Release the Call for Projects	5/7/2023
Prospective Applicant Webinar (2:00-3:30 p.m.)	5/17/2023
CFP Question Deadline (by 5:00 p.m.)	7/21/2023
Deadline to request application assistance	7/21/2023
Responses to all questions released in BidNet	7/28/2023
Application Deadline (by 5:00 p.m.)	8/4/2023
Applicant Resolution Deadline (by 5:00 p.m.)	9/3/2023
Notice of Intent to Award	9/22/2023
Regional Planning Committee considers funding recommendations	10/6/2023
Board of Directors considers funding recommendations	10/27/2023
Grant Agreements Executed/Notices to Proceed Issued	November 2023

FINANCIAL STATEMENT:

All grant funds must be expended on the Own National City program by December 31, 2025. A match for the grant is not required. However, City staff time will be used to maximize points awarded by SANDAG to the project.

RELATED CITY COUNCIL 2020-2025 STRATEGIC PLAN GOAL:

Housing and Community Development

ENVIRONMENTAL REVIEW:

This is not a project under CEQA and is therefore not subject to environmental review.CCR15378; PRC 21065.

PUBLIC NOTIFICATION:

Agenda Report posted within 72 hours of meeting date and time in accordance with Brown Act.

ORDINANCE:

Not Applicable

EXHIBITS:

Exhibit A – HAP 2.0 Application

Exhibit B – Housing Strategic Plan

Exhibit C – Resolution

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Grant Application

I. Applicant Information

Applicant Name	City of National City
Applicant Address	1243 National City Blvd National City, CA 91950
Contact Name	Ben Martinez
Title	Interim City Manager
Phone	619-336-4240
Email	CMO@nationalcityca.gov

Does the applicant have an adopted Climate Action Plan (CAP)?

Yes No*

*If No, describe the steps the applicant is taking to develop a CAP and the anticipated timeline for adoption.

An update to the CAP is complete and is scheduled to be adopted on September 5, 2023.

II. Project Information

Project Title	Own National City
Project Area Description (Include the transit priority area and/or network and nearby amenities)	At least 3 sites selected from 6 City-owned properties zoned for residential use in National City. Mobility Hub: National City Mobility Hub TAZs: 4425, 4426, 4427, 4323, 4343, 4490 See attached map.
Brief Project Summary	National City wishes to utilize HAP 2.0 funds to undertake site-assessments on City-owned properties to study innovative homeownership models in a plan called "Own National City." The City views increased homeownership for National City residents as an important tool for pursuing fair housing and equal access to housing opportunities (Housing Element Policy 5.4). Market development forces have so far not adequately provided those opportunities, as evidenced by 2020 Census data showing that National City's owner-occupied housing rate of 32.7%, compared with 54.1% for the surrounding San Diego County. One of the primary difficulties in developing homeownership opportunities accessible to lower-income residents is that comparable per-unit funding subsidies do not go as far for homeownership units as they do for multifamily rental units. As such, multifamily units represent a vast majority of affordable units developed in National City. In fact, National City's 2022 Housing Element

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	<p>Annual Progress Report revealed that 305 housing units were issued building permits in National City, but only six (6) of those are to be owner-occupied.</p> <p>Therefore, the City is looking to implement innovative solutions to incorporate homeownership at accessible levels for National City residents. To accomplish that, it is imperative to study the feasibility of homeownership models for these sites to ascertain best practices for infill development and evaluate which would be best to pursue. This project will complete site assessments on at least three (3) City-owned properties to be utilized as prototypes for eventual development. These homeownership models may include, but are not limited to:</p> <ul style="list-style-type: none">• Community land trusts• Deed restrictions• Limited-equity cooperatives• Condominiums• Rent-to-own• And combinations thereof <p>Own National City will assist in the implementation of numerous city goals and priorities. It will take tangible steps towards the development of housing in close proximity to transit to reduce VMT and associated emissions. It will increase the supply of homeownership opportunities, expand housing choice options, contribute towards RHNA objectives, and bring housing supply closer in line with demand, which will alleviate the pressure on the price. In coordination with City plans and policies, it will aim to reduce excess development costs associated with parking, design standards, and other preventable development costs. And it will align with the City's policies of prioritizing homeownership development on City-owned property zoned for residential use, helping to reduce the ownership disparity between National City and the surrounding region.</p>
Brief Project History (if applicable)	<p>National City has recently taken significant steps through community planning to create a policy framework that articulates a vision for the City's long-term physical form and development. A large part of the recent planning efforts have taken place through Together We Plan, which was funded by HAP 1.0 and which incorporates Focused General Plan Updates alongside several others, listed below. Own National City, the proposed project for the HAP 2.0 grant, will contribute towards the implementation of these plans and programs to establish mutual community benefits by tying in affordable homeownership while activating National City's existing and planned transit infrastructure.</p> <ol style="list-style-type: none">1. National City's The Focused General Plan Update (FGPU)<ol style="list-style-type: none">a. Housing Elementb. Land Use Elementc. Transportation Elementd. Specific Plan Amendments

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	<ul style="list-style-type: none">e. Bicycle Master Plan2. House National City (HNC) Program3. Climate Action Plan (CAP)4. Zoning Code Updates5. Objective Design Standards6. Housing Strategic Plan7. Amended City Council Policy No. 901
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Project Manager

List the day-to-day project manager/person who will manage the project.

Name	Angelita Palma
Title	Acting Director of Housing Authority
Phone	619-336-4219
Email	Apalma@nationalcityca.gov

Additional Contacts for Grant-Related Correspondence

Include the individual(s) who will prepare the quarterly reports, submit invoices, or otherwise be involved in the project.

Role	Contact #2
Name	David McEachern
Title	Acting Housing Programs Manager
Phone	619-336-4301
Email	Dmceachern@nationalcityca.gov

Role	Contact #3
Name	Nancy Valdivia-Ochoa
Title	Executive Secretary
Phone	619-336-4284
Email	Nvaldivia@nationalcityca.gov

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Project Partners

List the name(s) and contact information for any project partners.

Entity Name	CSA San Diego County
Contact Name	Estela de los Rios
Title	Executive Director
Phone	619-444-5700
Email	estela@c4sa.org

Entity Name	San Diego Habitat for Humanity
Contact Name	Kwofi Reed
Title	President and CEO
Phone	619-283-4663 ext 107
Email	Kwofi.reed@sandiegohabitat.org

Does the applicant intend or have an interest in using the SANDAG Sustainable Communities On-Call?

Yes No

III. Project Eligibility

- The project meets the following REAP 2.0 Program objectives (mark all that apply):
 - Accelerating Infill Development that Facilitates Housing Supply, Choice, and Affordability
 - Affirmatively Furthering Fair Housing
 - Reducing Vehicle Miles Traveled
- Describe how the project will make a significant beneficial impact that will lead to substantial changes in land use patterns and travel behaviors. Applicants may consider rates of change (e.g., percent increase over a baseline), the magnitude of impact relative to variables or targets, the proportion of need achieved, and the impact relative to past trends, policies, and practices.

National City has recently taken significant steps through community planning to create a policy framework that articulates a vision for the City’s long-term physical form and development. A large part of the recent planning efforts have occurred through Together We Plan, funded by HAP 1.0 and incorporating Focused General Plan Updates alongside several others listed below. Own National City, the proposed project for the HAP 2.0 grant, will contribute towards the implementation of these plans and programs to establish mutual community benefits by tying in affordable homeownership while activating National City’s existing and planned transit infrastructure.

- National City’s The Focused General Plan Update (FGPU)
 - Housing Element
 - Land Use Element

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- c. Transportation Element
- d. Downtown Specific Plan and West Side Specific Plan Amendments
- e. Bicycle Master Plan
2. House National City (HNC) Program
3. Climate Action Plan (CAP)
4. Zoning Code Updates
5. Objective Design Standards
6. Housing Strategic Plan
7. Amended City Council Policy No. 901

The Housing Element recommends how the City will improve its housing development process and increase its share of equitable, affordable, and accessible housing options for all communities. Furthermore, the Housing Element presents an up-to-date inventory of sites available for residential development in an effort to increase housing opportunities within the City in the next eight (8) years.

The Land Use Element update includes revisions to policies to incentivize housing development in an integrated way with circulation network improvements. Based on the existing conditions analysis, community feedback, recent planning studies, and housing-related needs, a series of goals and policies were updated to guide land use and zoning changes across National City to accomplish this goal. These land use policy updates intend to:

- Foster an integrated development pattern.
- Improve development opportunities in areas served by transit and facilitate the creation of 10-minute neighborhoods based on National City's prior INTRACONnect (2020) study.
- Support the City's CAP and other sustainability goals.
- Prioritize increasing housing in areas that have access to transit and resources.
- Stimulate the production of additional housing units to meet housing-related needs.

The Transportation Element Update expands upon the existing community corridors typology and identifies two new typologies specific to pedestrians: walkable retail corridors and pedestrian safety corridors. Both typologies focus on pedestrian improvements to improve the pedestrian experience and safety. Walkable retail corridors are located along existing and planned commercial corridors. Pedestrian safety corridors are located along existing and planned residential corridors. Additionally, roads and sub-communities in National City that have a prevalence of speeding issues were identified. To address this, a new typology has been defined; the Traffic Calming District or Traffic Calming Corridor, and recommendations are provided for locations for additional traffic-calming investments by the City.

Specific Plan Amendments included amending the Downtown Specific Plan and Westside Specific Plan policies. These comprised of:

- Development zones allowed uses, densities, FARs, heights, and other development standards.
- Design guidelines.
- Parking requirements to encourage housing production.

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The policies aim to streamline housing production for all income categories and align with the Zoning Code and General Plan updates. Amendments to these Specific Plans center on specific conformance with recently adopted plans and those being concurrently revised through the updates to the General Plan and do not serve to create new plans.

Bicycle Master Plan- Goals:

- A city where bicycling is a viable and comfortable travel choice for users of all abilities and backgrounds,
- A safe and comprehensive locally, regionally, and multi-modally connected bikeway network,
- Environmental quality, public health, recreation, and mobility benefits through increased bicycling.

These goals are supported by the National City General Plan policies that will help bicycling become a more viable transportation mode for localized trips, connection to transit, commuting, and recreation throughout the City and site-analysis project area. The Bicycle Master Plan update aligns with changes identified in the National City Focused General Plan Update, Downtown Specific Plan, and Westside Specific Plan, which were funded by HAP 1.0 as well as the 24th Street Transit Oriented Development Overlay (TODO) Study and the INTRACONnect study. The Bicycle Master Plan proposes a more than doubling of existing bike facilities, with 75% of planned additions at Class III and above. Class III bike routes provide shared use with motor vehicle traffic within the same travel lane. Designated by signs, bike routes provide continuity to other bike-designated preferred routes through corridors with high demand. These bike routes have been planned to improve safety and connectivity, such as using “Sharrows” or shared lane markings to delineate that the road is for shared-use.

The Climate Action Plan (CAP) updates the 2009 GHG emissions inventory to 2018 as its baseline year and forecasting emissions for 2030 and 2050, consistent with Executive Order B-30-15 and SB 32. The CAP update would account for new policies from the General Plan update that are expected to expand the City’s housing capacity and implement mobility improvements in select corridors. Updates to the Land Use and Transportation Elements are expected to yield revised projected vehicle miles traveled (VMT) estimates, which will result in updated Greenhouse Gas (GHG) emissions projections and reductions from transportation sources included in the adopted 2011 CAP. The 2022 CAP update accounts for existing plans, programs, and activities that the City has already completed or implemented to reduce emissions and revises, removes, or expands upon 55 emission-reducing strategies from the 2011 CAP to improve GHG reductions in the residential, commercial/industrial, transportation, solid waste, and water and wastewater sectors.

The House National City program was created to incentivize developers to build affordable housing near major bus and trolley stops, known as Transit Priority Areas (TPAs). A key goal is to reduce gentrification pressures and tenant displacement impacts as the city grows. The project areas will encompass all City-owned property zoned for residential use, some of which have been identified for rezoning to increase housing capacity. The rezoning will:

- Foster an integrated development pattern
- Improve the development opportunities in areas served by transit
- Support the City's CAP and other sustainability goals

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- Stimulate the production of additional housing units and create consistency for conforming uses

Similar to the State of California’s density bonus program, House National City will allow incentives and waivers for reductions of:

- Maximum lot area and coverage
- Street frontage requirements, if safe access to premises can be provided, to the satisfaction of the City Fire Department
- Maximum front setback or street-side setback if the maximum is less than 20 feet
- Parking: allowance of 1 parking space for units above 800 square feet and .5 parking space requirements for units under 800 square feet
- Personal storage space
- Development impact fees if units are larger than 800 square feet to encourage large units and on-site restricted affordable units.

Zoning code updates were made to regulations and development standards in National City’s zoning code to accelerate housing production in all income categories in a manner consistent with the goals of National City’s Housing Element and recent California State legislation. This includes updates and revisions to floor-area ratios, maximum allowable heights, parking requirements, updated density bonus regulations, and other incentives to increase housing production.

Objective design standards are developed to provide architectural and design requirements to streamline the approval process for qualifying multi-unit residential developments based on zoning, general plan land use designations, and percentages of residential use designated square footage. These standards will serve as the minimum requirements. They will be mandatory for any eligible project for which a streamlined approval process is requested under state law provisions that reference objective design standards. The objective design standards will be incorporated into the municipal code.

The Community Development Commission-Housing Authority of the City of National City (“Housing Authority”) 5-year Housing Strategic Plan was approved in August 2021. The Housing Strategic Plan establishes guidance for the Housing Authority to utilize City-owned real estate and its financial assets for housing purposes to stimulate housing programs, including first-time homebuyer opportunities. The Housing Strategic Plan identifies six City-owned properties to consider for housing development by 2025 and recommends homeownership projects for the majority of the City’s properties being considered for future development.

The HAP 2.0 project, Own National City, will assist in implementing the HAP 1.0 funded plans, policies, and programs, and the 2023 amended City Council Policy No. 901 Management of Real Property to prioritize homeownership development on City-owned property. The amendment to the policy states that when a City property is zoned for residential use and is considered for disposition by the City or Housing Authority, a feasibility analysis must be conducted for homeownership development on the subject parcel.

According to the 2020 Census count estimates, 32.7% of housing units in National City are owner-occupied. In contrast, 54.1% of housing units in San Diego County are owner-occupied. Homeownership can help families purchase property that is likely to steadily increase in value over time, and that can be passed down to the next generation. The passing of wealth through

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generations gives future generations a financial step up and creates upward economic mobility. Ideally, this generational cycling of wealth will give the future family the financial means to purchase their own home, invest in businesses, or use it to attend college.

Historically, the majority of City-owned property used for housing in National City has been allocated to meet the need for affordable rental housing. Although the City has created some homeownership opportunities recently through infill development using HOME Investment Partnership funds from the U.S. Department of Housing and Urban Development (HUD), the proportion of homebuyer units available is still well below the region average. The study of the project, Own National City, will be an essential tool and plan for City property to help correct these historical homeownership trends.

3. Describe the effort that will be made to reach low-income, disabled, and minority communities within the project area.

The Own National City study will open opportunities for National City residents to pursue homeownership. It will help to reduce the homeownership gap between National City and the region, which can be seen as a significant contributor to wealth disparity.

National City demographics:

- 65% of National City census tracts are low- and moderate-income
- \$51,735 - Median household income (in 2021 dollars), 2017-2021
- 32.7% - Owner-occupied housing
- 87.9% - of the population is Hispanic or Latino, Asian, Black or African American, Two or more races, American Indian and Alaska Native, Native Hawaiian and Other Pacific Islander
- 74.0% - High school graduate or higher, percent of persons age 25 years+, 2017-2021
- 15.0% - Bachelor's degree or higher, percent of persons age 25 years+, 2017-2021

All of the plans and policies discussed in this application target Low and Moderate Resource areas. Own National City will contribute towards implementing the listed plans and policies, in particular, providing homeownership opportunities to help rectify National City's overrepresentation of renters. This project will affirmatively aim at enhancing these communities.

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IV. Project Budget

HAP Funding Request

Total HAP Grant Request Amount	\$450,000.00
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Matching Funds

List the source(s) and associated dollar amounts of proposed matching funds. Matching funds can consist of in-kind services or cash match from sources other than REAP.

Source of Funding	City Match
Amount of Funding	\$21,300.00

Source of Funding	
Amount of Funding	\$

Total Matching Funds Provided	\$21,300.00
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V. Responses to Evaluation Criteria

1. ACCELERATING INFILL DEVELOPMENT THAT FACILITATES HOUSING SUPPLY, CHOICE, AND AFFORDABILITY

- A. What is a key barrier limiting the production of Infill housing development in the proposed area that will serve low and moderate-income households? How will the proposed planning activity help overcome this barrier and result in elements that improve housing affordability, timing, cost, feasibility, approval, and housing development?

Some barriers to infill housing in National City include: low incomes and the high cost of new housing construction, ownership of the underlying land, parking, and traffic.

National City’s Housing Element contains policies aimed at making infill more feasible:

- Policy 2.1: Promote residential development on underutilized land and remove barriers to infill development.
- Policy 7.2: Improve infrastructure to support infill development and promote new affordable housing near transit stations, major transit stops, and along transit corridors.

Own National City will seek to identify the most cost-efficient and community-serving models to be used as development prototypes to maximize the likelihood of feasibility and project completion. The cost of purchasing the underlying land can often be the difference between whether or not a project pencils out, so these sites have the advantage of bypassing that step since the site studies will be on City-owned land.

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- B. Describe the project's transformative nature and how it advances local transportation and land use goals. The applicant should address how the project supports existing and planned affordable housing developments such as nearby projects, local policies, and ordinances.

By incentivizing dense housing development near transit and studying for innovative homeownership development models, the barriers to accelerating infill development to facilitate housing supply, choice, and affordability can be alleviated. National City has frequent bus service, close proximity to rail, free first and last-mile transportation, and a planned doubling of bicycle infrastructure, which can be seen as alternatives to personal automobile transportation.

Dense housing development prioritization goes hand in hand with the activation of existing and planned transit options. A well-concentrated population of residents can create demand for alternatives to personal automobile transportation. Public transit capacity already exists at a usable level throughout National City, which should see an increase in use, in addition to establishing a demand feedback that will help shape the community's priorities around additional transit infrastructure expansion. Homeownership opportunities through Own National City can help residents avoid housing cost burdens that arise from the precarity of renting while simultaneously building community pride and social infrastructure.

The costs of being forced to rely on personal automobile transportation are felt manifold as well. Not only does it add burdensome costs to residents, but it also increases congestion and emissions, which are detrimental to National City residents' quality of life and health. The costs of personal transportation are also felt by developers, which may feel compelled to include excess parking with their development projects, adding costs and reducing profit.

If Own National City HAP 2.0 is funded, it can contribute towards mutual benefit between recently adopted and in-progress plans mentioned throughout this application. It will help implement these plans and policies to create an alignment with transportation and land use goals for the betterment of both.

2. REDUCE VEHICLE MILES TRAVELED

1. Proximity to Focus Areas for Housing Development

Note: Use the [SANDAG HAP Cycle 2 Interactive Map](#) to locate your project and determine if any of the below apply. To identify the name of the particular Mobility Hub or TAZ, click on the border of the Mobility Hub or the shaded area of the TAZ to view the details. See Figures 3 and 4 below for examples.

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Figure 3: Identify Mobility Hub Name

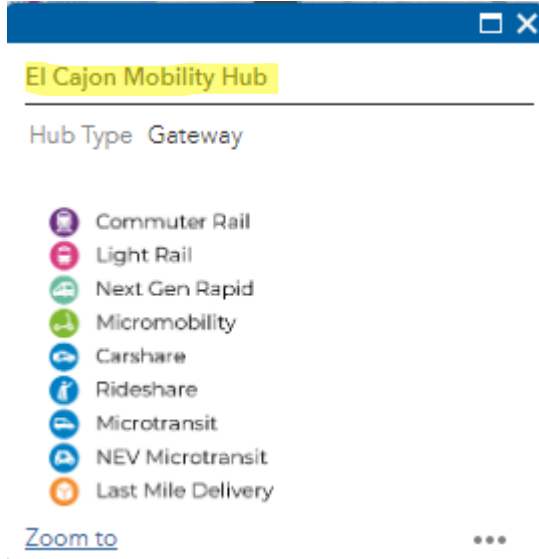
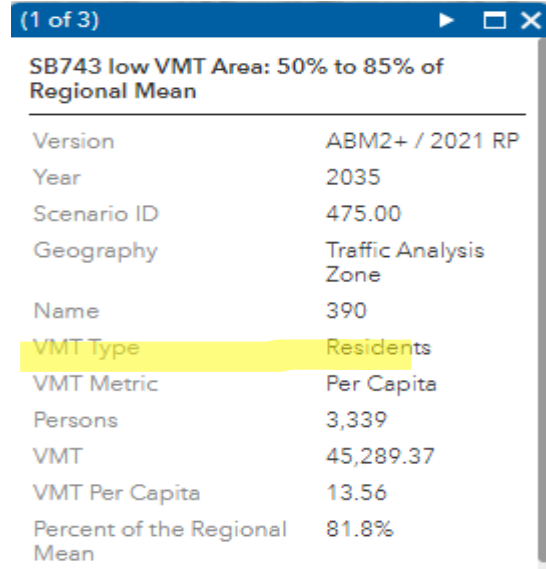


Figure 4: Identify TAZ Name



The project includes or is within (check all that apply):

- Mobility Hub
 - 2035 TPA
- Low VMT Area – SB743
- less than 50% of regional mean
 - 50% - 85% of regional mean
 - 85% - 100% of regional mean
 - Low VMT Area - TPPA
- Mobility Hub Name: National City Mobility Hub
- TAZ Name: 4425, 4426, 4427,
- TAZ Name: 4323, 4343
- TAZ Name: 4490

2. Furthering Mobility Hub Implementation

1. Describe how the project will implement a land use strategy that facilitates VMT reduction. *Specific examples include: Increasing housing density near transit, adopting transit-oriented development incentive zones for affordable housing, reducing or eliminating parking minimums, or other innovative parking management strategies*

By incentivizing dense housing development near transit, common vehicle-miles traveled (VMT) contributors can be reduced in scale. National City has frequent bus service and proximity to rail. It can be seen as an alternative to personal automobile transport, which otherwise adds costs to the resident, increase congestion and associated emissions within the local area, and make it more difficult for developers to site maximum allowable housing units.

House National City allows for reduced parking minimums, while AB 2097 eliminates parking minimums within ½ mile of transit, of which approximately 75% of National City qualifies.

National City is implementing a new program called Free Rides Around National City (FRANC) in September 2023. FRANC will provide a clean and safe travel option around National City for first and last-mile connections through a zero-emission shuttle program to improve quality of life and expand affordable travel options while reducing demand for personal vehicle trips and reducing associated emissions.

The Transportation Element has proposed a framework for a 10-minute neighborhood designed with everything one might need within an accessible walking/biking distance. One of the key components of this is adequate housing near transit, amenities, and jobs.

National City's interconnected community development, mobility, and climate goals will not be fulfilled without sufficient housing for its residents, and Own National City can contribute toward that implementation. Therefore, it is imperative that National City pair its extensive and expanding transit infrastructure with accessible housing opportunities and that those housing opportunities take into consideration the impact on transportation networks and the needs of residents. Studying such potential developments will be critical to elucidate best practices to be further pursued and avoid concerns or difficulties.

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2. Describe how the project includes zoning for a higher housing density than is currently allowed. Include the current zoning designations in the project area.

Own National City serves as an implementation tool for existing and in-progress plans and policies that expand the potential housing capacity in the City. The homeownership feasibility studies will assess the maximum allowed number of dwelling units after incorporating increases through the Zoning Code Update and House National City (HNC), an opt-in density bonus program, funded through HAP 1.0.

Additionally, in specifically identified transit corridors, the implementation of HNC the program will materially assist in providing adequate housing for all economic segments of the community; to provide a balance of housing opportunities within the City of National City with an emphasis on housing near transit and community benefits that assist in uplifting the quality of life for residents and reducing the impacts of gentrification and tenant displacement. For purposes of the program, FAR tiers would apply and supersede the dwelling unit per acre maximums allowed by the base zones. The following base zones would be included: MCR-1; MCR-2; MXC-1; MXC-2; MXD-1; MXD-2; RM-1; RM-2; RM-3. The mixed-use overlay zones and the housing overlay zones would also be included.

These tiers include:

- FAR Tier 1 means any premises where any portion of the premises is outside the Downtown Specific Plan (the Downtown Specific Plan already utilizes FAR-based density);
- FAR Tier 2 means any premises located on Plaza Bonita Boulevard, within the Hospital District and along Sweetwater Road/East 30th, as well as the area along 4th Avenue that is south of SR-54 that is zoned MXC-2

Two of the City-owned properties identified for housing development fall within the Downtown Specific Plan and already have residential density limits governed by FAR. Two of the properties for study fall within HNC's FAR Bonus 4 designation.

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3. Describe how the project increases connectivity between housing, jobs, amenities, and services in relation to public transit. Specifically, include in your answer how the project improves jobs-housing balance and plans for transportation/ mobility improvements to better connect housing to the existing/planned regional transportation network.

Locating dense housing within National City near high-frequency transit can reduce the number of commuters who work in or near National City but live elsewhere. Each eliminated commute will eliminate corresponding emissions and other associated externalities. Two high-volume employment areas are the Naval Base and the Port. While much of the residential areas are located adjacent to transit, existing housing opportunities in central and western National City may not be enough to meet the housing demand for employees of those industries, forcing at least some of them to live elsewhere. Own National City will contribute towards new homeownership opportunities in National City that can help to close that supply gap.

The proposed actions and policies with the Transportation Element and Bicycle Master Plan, like the 10-minute neighborhood and the doubling of bicycle infrastructure, will positively multiply the community, environmental, and health benefits that homeownership opportunities provided through Own National City will supply.

4. Describe how the project plans for transportation/ mobility improvements to better connect housing to the existing/planned regional transportation network.

The Transportation Element, Bicycle Master Plan, Land Use Element, and House National City will provide for enhanced connectivity, shortened trip distances, a mixture of land uses, and sufficient permitted housing density with the option to enhance density even further. By concentrating transportation and housing relative to one another, the positive feedback of the two will provide for increased quality of both.

Own National City will contribute towards new homeownership opportunities in National City, which will help support the housing side of the “housing + transportation” equation critical to community health, well-being, and prosperity.

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3. AFFIRMATIVELY FURTHERING FAIR HOUSING

- Using the [TCAC/HCD Opportunity Map](#), identify the relevant opportunity category for your project. Mark all that apply:
 - Highest Resource
 - High Resource
 - Moderate Resource
 - Low Resource
 - High Segregation & Poverty
- List the Census Tract(s) that your project is located in. To identify the Census Tract number, click on the shaded area of the map where your project is located to view the details. See Figures 5 and 6 below for an example.

The Census Tracts for the project include:

1. 06073021900
2. 06073011700
3. 06073011802
4. 06073011902
5. 06073003204

Figure 5: Identify Census Tract Location

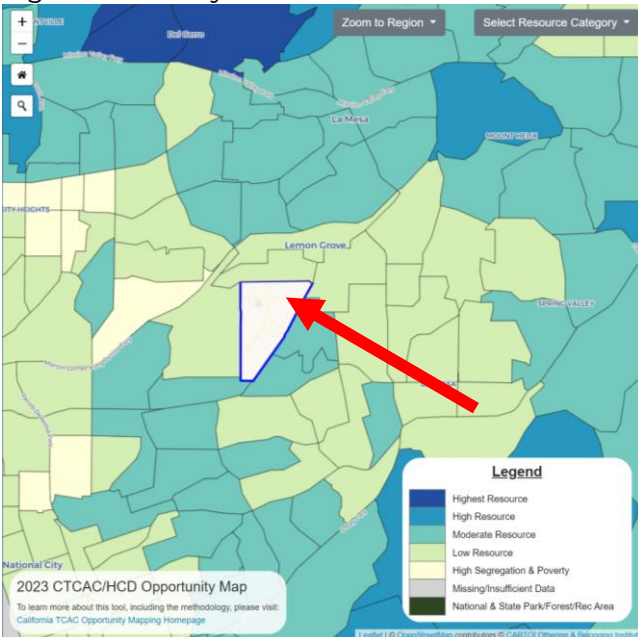
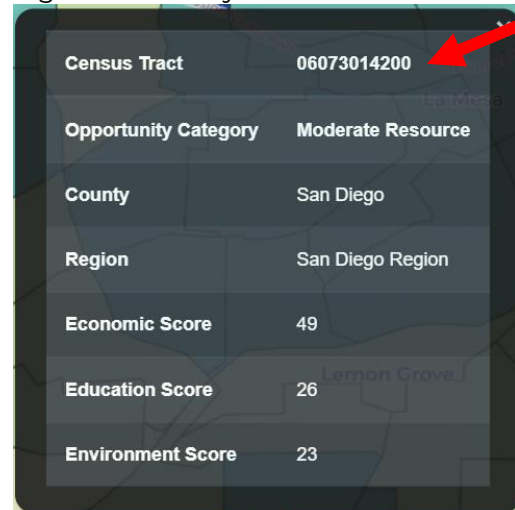


Figure 6: Identify Census Tract Number



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- If the project is located in a "Highest Resource" or "High Resource" Opportunity Category, how will the project open the area to low and moderate-income households and historically underserved communities? *Examples include:*
 - *Enhancing housing mobility strategies that remove barriers to housing, housing-supportive infrastructure, and transportation in areas of opportunity*
 - *Encouraging the development of new affordable housing in high resource areas by promoting housing, infrastructure, increased transportation options, and affordability in areas of high opportunity and outside of areas of concentrated poverty.*

Not applicable.

- If the project is located in a "Moderate Resource," "Low Resource," or "High Segregation & Poverty Area," what community revitalization or other place-based strategies are included in the project to enhance community vitality? *Examples include:*
 - *Improving assets in areas of lower opportunity and concentrated poverty, such as targeting investments in neighborhood revitalization, preserving or rehabilitating existing affordable housing, and improving infrastructure, schools, employment, parks, transportation, and other community amenities.*
 - *Projects could also protect existing residents from displacement and preserve housing choices and affordability in areas of lower- or moderate-opportunity and concentrated poverty.*

The census tracts that constitute the City of National City are almost entirely Low or Moderate Resource areas. All of the plans and policies discussed in this application target such areas, and thus target Low and Moderate Resource populations. As Own National City will contribute towards implementing the listed plans and policies, in particular providing homeownership opportunities to help rectify National City's overrepresentation of renters, this project is affirmatively aimed at enhancing these communities.

4. COMMUNITY ENGAGEMENT AND OUTREACH

Describe how community-based organizations and residents have been or will be meaningfully involved in the visioning and development of this project. How has community input shaped the vision for the area?

In order to address potential barriers to participation and maximize reach, planning efforts through the HAP 1.0 partially funded Focused General Plan Update (FGPU) and House National City (HNC) have utilized a variety of media and activities to share information and host discussions. Own National City will be built upon the foundations of those plans.

The FGPU is the product of approximately two (3) years of analysis and outreach. Due to the COVID-19 pandemic and consistent with official public health guidance, outreach activities were shifted from in-person events to virtual platforms. To address potential barriers to participation and maximize reach, a variety of media and activities were used to share information and gather input. These activities were outlined in the project's Community Engagement Plan and on the project's website (www.nationalcityca.gov/fgpu).

Mailers announcing the project and opportunities to get involved were sent to all registered addresses in National City in the summer of 2020 and spring of 2021 in both English and Spanish. Since the FGPU project's kickoff in March 2020, the project team has conducted a total of seven webinars to gather public input. Of these webinars, six were conducted in English with live Spanish interpretation, and one was conducted primarily in Spanish. The combined total attendance over the course 7 of these webinars has been 159 participants (an average of approximately 22 participants per session). An interactive survey was prepared and circulated to the public using the MetroQuest platform; a total of 201 responses were collected. These activities were supplemented with telephone office hours staffed by English- and Spanish-speaking staff. Meetings with stakeholders, including community organizations and developers, were also conducted.

Events and notices were marketed via the City's email listserv, FGPU stakeholder list, and social media sites to share the dates and times of outreach events and opportunities to get involved. Additionally, an interactive map link was made available on the project's website from November 14, 2021, to June 30, 2022, to collect input on an ongoing basis on the proposed land use changes as well.

Community Engagement included:

- Website page with user-friendly URL www.nationalcityca.gov/FGPU.
- Community Engagement Plan: Revised multiple times due to the COVID-19 pandemic to add additional outreach.
- Twelve public meetings, which included Council, Planning Commission, and the Housing Advisory Committee
- Two mailers in both English and Spanish sent via U.S. Postal Service to all registered addresses in National City.
- Seven webinars that included 159 participants (avg. approx. 22 participants per session)
- The interactive survey collected 201 responses.
- The interactive map link was available for seven (7) months.
- Telephone office hours hosted by English- and Spanish-speaking staff were available to speak with interested parties regarding the FGPU.
- Numerous email blasts using the City's email listserv and FGPU stakeholder list.

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- Stakeholder input was received from residents, community organizations, Council members, Planning Commissioners, Housing Commissioners, other community leaders, the Chamber of Commerce, and National City staff.

Own National City will also maintain openness to the public through the operation of a City webpage to provide continuous updates. City staff will also present on the project during at least two (2) public meetings.

5. PARTNERSHIPS

Will the applicant partner with other local jurisdictions, nonprofits, transit agencies, or community-based organizations? Mark all that apply. **A letter of support from each partner must be submitted with this application that describes how the partnership will enhance the benefits and outcomes of the project.**

- There are local jurisdictions or transit agency partners on the project that the applicant will collaborate with to share information, plan, and adopt policies together.
- The applicant will partner with a community-based organization or nonprofit to ensure the benefits of the proposed activities are realized by a broad population and in an equitable manner.

Include in the space below the name(s) of the partnership members.

San Diego Habitat for Humanity

CSA San Diego County

(Note the letter of support from CSA indicates San Diego County's owner-occupied percentage at 47.7%, it should be corrected to 54.1%).

Springboard CDFI

Credit.org

6. BOARD POLICY 033

A minimum of 25 percent of the total points in this funding program will be awarded under this Policy based on jurisdictions' adoption of Prohousing policies and demonstrated commitment to advancing housing equity.

A. Prohousing Policies

- Jurisdiction currently has HCD Prohousing Designation

OR

Select all policies currently in place in the following categories:

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1. Category 1: Favorable Zoning and Land Use

- Housing element plan for zoned capacity of >150% of RHNA
- Permitting missing middle uses (e.g., duplexes, triplexes, fourplexes, townhomes) in existing low-density single-family zones
- Eliminating minimum parking requirements
- Allowing residential in commercial zones
- Allowing more/larger accessory dwelling units (ADUs) than state law requires
- Density bonus that is >10% more than state requirements
- Established Workforce Housing Opportunity Zone (WHZO) or housing sustainability district
- Standards to promote more density
- Housing element plan for zoned capacity of >125% of RHNA
- Reduced parking requirements

2. Category 2: Acceleration of Housing Production Timeframes

- Ministerial approval of housing
- Streamlined/program-level California Environmental Quality Act (CEQA) Environmental Impact Report (EIR) for general plans/specific plans etc.
- Permit process that is less than two months
- Elimination of public hearings for projects consistent with zoning/general plan
- One-stop shop permitting processes or single point of contact
- Priority permit processing or reduced plan check times for ADUs/junior ADUs, multifamily, or affordable housing
- Streamlined housing development at the project level
- Permit process that is less than four months
- Three public hearings limit for projects consistent with zoning/general plan
- Eliminated or replaced subjective design standards with objective standards that simplify zoning
- Standard entitlement application
- Publicly posting online status updates on permit approvals

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3. Category 3: Reduction of Construction and Development Costs

- Waived development impact fees for housing
- Adopted universal design ordinances
- Preapproved prototype plans for missing middle housing (e.g., duplexes, triplexes, fourplexes, townhomes)
- Measures that reduce costs for transportation-related infrastructure or that encourage active transit or other alternatives to cars
- Reduced development impact fees for housing
- Less restrictive ADU standards than state requirements
- Fee reduction, including deferrals or reduced fees for housing with people with special needs
- Promoting innovative housing types that reduced development costs

4. Category 4: Providing Financial Subsidies

- Local housing trust fund or collaboration on regional fund
- Program to comply with Surplus Lands Act and make publicly owned land available for affordable housing
- Enhanced Infrastructure Financing District (EIFD)
- Prioritization of local general funds for affordable housing
- Grants/low-interest loans for affordable ADUs
- Direct residual redevelopment funds to affordable housing
- Development and regular use of housing subsidy pool, local/regional trust, or similar funding source

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Please provide more information on each of the policies selected.

Through recent planning efforts, National City has initiated plans that further Prohousing goals as defined by HCD. Own National City will accomplish that by expanding housing opportunities for National City families. National City also seeks to provide affordable and accessible housing for special needs populations, including large families, seniors, and people with disabilities.

House National City will create an opt-in program is to provide a floor area ratio (FAR) density bonus incentive program for development within areas served by high-frequency transit that provides housing for very low-income and low-income households and additional community benefits. It is intended to assist in providing adequate housing for all economic segments of the community; to provide a balance of housing opportunities within the City of National City, emphasizing housing near transit. The Housing Element reports a zoned capacity of 7,033 units, which is 129% of the 6th Cycle RHNA of 5,437. House National City allows for an additional increase to this zoned capacity should developers elect to opt-in to the program. Developer incentives can include removed impact fees, a streamlined approval process, and parking waivers to reduce costs. Development impact fees are currently waived for affordable units and ADUs less than 750 square feet. HNC allows for reduced parking minimums, while AB 2097 eliminates parking minimums within ½ mile of transit, of which a sizable portion of National City qualifies.

State and federal funding sources play a key role in supporting the daily operations and programs. The Permanent Local Housing Allocation (PLHA) Program funding is made possible through California Senate Bill (SB) 2 of 2017. The PLHA is a noncompetitive entitlement fund to support local affordable housing and homeless services initiatives. The Housing Authority has identified the following priorities as a part of its five-year (2019-2023) spending plan: In Years One and Two, funds will be used to assist households experiencing or at-risk of homelessness, including but not limited to providing outreach rapid rehousing, supportive/case management services to allow people to obtain and retain housing, and operating and capital cost for navigation centers and emergency shelters. In Years Three, Four, and Five, the City of National City will use 100% of its PLHA Funds for the predevelopment, development, acquisition, rehabilitation, and preservation of affordable rental and ownership housing, including accessory dwelling units (ADUs), which meet the needs of a growing workforce earning up to 120 percent of AMI, or 150 percent of AMI in high-cost areas. ADUs shall be available for occupancy for a term of no less than 30 days.

The Housing Authority Fund will assist housing programs and projects by complementing existing federal and state funding sources and effectively increasing and preserving the supply of affordable housing in National City.

B. Housing Equity

The applicant has the following policies or practices that advance housing equity (mark all that apply).

- An adopted inclusionary housing ordinance
- Establishment of rent stabilization

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- Establishment of anti-displacement policies in conjunction with transit improvements
- Creation of a strategy or fund to preserve naturally occurring affordable housing
- Creation of tenant protection policies such as access to legal counsel, just cause eviction policy, etc.
- Rezoning and other policies that result in a net gain of housing capacity while concurrently mitigating development impacts on or from environmentally sensitive or hazardous areas.
- Programs, land use plans, and new policies (other than those indicated in the Prohousing Policy Implementation section above) that are intended to result in increased investment (such as infrastructure, housing, open space, etc.) in lower opportunity areas. Such areas include but are not limited to, Low Resource and High Segregation & Poverty areas designated in the 2021 California Tax Credit Allocation Committee (TCAC)/HCD Opportunity Map, and disadvantaged communities under California Senate Bill 535 (2012).
- Zone changes or other policies (other than those listed in the Prohousing Policy Implementation section 3 above) that increase housing choices and affordability in High Resource and Highest Resource areas, as designated in the 2021 CTCAC/HCD Opportunity Maps.
- Displacement risk studies
- Creating a publicly available database of affordable housing properties at risk of losing affordability restrictions through the expiration of rent restrictions or tenant voucher programs
- Proactive monitoring of housing at risk of losing affordability restrictions and proactive enforcement of state-mandated tenant notification provision

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Please provide more information on each of the policies selected (or links to documentation)

National City maintains a yearly contract with CSA San Diego County as our Fair Housing provider. CSA provides fair housing services, including landlord-tenant outreach and education, counseling, and mediating of housing disputes. CSA distributes reading materials, holds workshops, presentations, and attends local events to best reach the community and offer assistance. Over 90% of CSA's National City clients are low-income.

National City's adopted and in-progress housing policies are intended to materially assist in providing adequate housing for all economic segments of the community; to provide a balance of housing opportunities within the City of National City, emphasizing housing near transit and community benefits that assist in uplifting the quality of life for residents and reducing the impacts of gentrification and tenant displacement. For purposes of the HNC opt-in density bonus program, FAR tiers would apply and would supersede the dwelling unit per acre maximums allowed by the base zones. The following base zones would be included: MCR-1; MCR-2; MXC-1; MXC-2; MXD-1; MXD-2; RM-1; RM-2; RM-3. The mixed-use overlay zones and the housing overlay zones would also be included.

HNC concessions and community benefits are proposed to be included as part of the permit conditions of a project. In return for the program details, a development project will receive permitting certainty through development incentives that could include ministerial permitting as well as fee waivers.

- Local tenant and living wage benefits. The benefits could include local tenant preference to ensure existing National City residents prefer to apply for new rental and for-sale housing, a living wage requirement for workers employed in the development, a first source hiring system to target job opportunities in the development to residents, and standards for responsible contracting and leasing decisions by the developers. Some potential incentives would be that this process would be required to opt-in.
- Robust affordable housing requirements. The benefits would include a certain percentage of units to be at or below 60% AMI to be determined by the community and the economist, 100% affordable unit projects, requiring all affordable units to be constructed on-site or within ¼ mile, new development cannot include STVR or visitor rentals, and senior housing. Fee waivers would be used as an incentive for this program feature.
- Parking. This program will allow one (1) parking space for units above 800 SF and 0.5 parking spaces for units under 800 SF. This would incentivize transit-supportive infrastructure improvements proposed by MTS and SANDAG's timeline for implementation.
- Minimum Unit Size. Benefits would require replacing existing units, relocation housing benefits, right-to-return granted to existing tenants, and affordable housing rented by a lower-income household (included in the project in the past seven years).
- Anti-Displacement Language. Benefits to this program include required replacement of existing units, relocation housing benefits, right-to-return granted to existing tenants, and affordable housing rented by a lower-income household (in the past seven years) included in projects.
- Location and Design Requirements. Benefits include height protections near single-family zones, additional landscaped freeway setbacks, and design features to address air quality requirements for projects within 500 feet of a freeway to incentivize green rooftops' inclusions and enhance shade-producing landscaping.
- Enhanced Engagement. Opt-in development projects will have a minimum of a public community workshop.

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- Child Care Center. Minimum percentage of dedicated space for neighborhood-serving childcare centers.

National City participates in the California Housing Preservation Portal and complies with State preservation notice requirements. We have an internal database of development projects with affordable units that are monitored for compliance with deed restriction provisions and timelines.

Equal Employment Opportunity Certificate

Certificate of Compliance with Equal Employment Opportunity Requirements

The Equal Employment Opportunity (EEO) provisions of the Agreement SANDAG will award to the applicant requires the applicant to provide equal employment to all people, regardless of race, color, religion, sex, or national origin.

Applicant certifies that it will comply with the provisions of the SANDAG Equal Employment Opportunity Program ([SANDAG Board Policy No. 007](#)) and rules and regulations adopted pursuant thereto, Title VI of the Civil Rights Act of 1964, the California Fair Employment Practices Act, and any other applicable federal and state laws and regulations relating to equal employment opportunity, including laws and regulations hereinafter enacted.

Furthermore, the applicant certifies that it

has has not

been found, adjudicated, or determined to have violated any laws of Executive Orders relating to employment discrimination or affirmative action including, but not limited to, Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000[e] et seq.); the Equal Pay Act (29 U.S.C. 206[d]); Executive Order (EO) 10925 (Kennedy, 1961), EO 11114 (Kennedy, 1963), or EO 11246 (Johnson, 1965); or the California Fair Employment and Housing Act (Government Code 12460 et seq.); by any federal or California court or agency, including but not limited to the Equal Employment Opportunity Commission, the Office of Federal Contract Compliance Programs, and the California Fair Employment and Housing Commission.

If yes, please explain the circumstance in the space below:

N/A

Ben Martinez

Print Name



Interim City Manager

Title

8/2/23

Date

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Public Contract Code Questionnaires and Statements

Public Contract Code Section 10162 Questionnaire

The applicant shall complete, under penalty of perjury, the following questionnaire:

Has the applicant, any officer of the applicant, or any employee of the applicant who has a proprietary interest in the applicant, ever been disqualified, removed, or otherwise prevented from bidding or proposing on, or completing a federal, state, or local government project because of a violation of law or a safety regulation?

Yes* No

*If Yes, explain the circumstances in the space below.

N/A

Public Contract Code Section 10232 Statement

In conformance with Public Contract Code Section 10232, the applicant states under penalty of perjury, that no more than one final unappealable finding of contempt of court by a federal court has been issued against the applicant within the immediately preceding two-year period because the applicant failed to comply with an order of a federal court which ordered the applicant to comply with an order of the National Labor Relations Board.

Public Contract Code Section 10285.1 Statement


In conformance with Public Contract Code Section 10285.1 (Chapter 376, Stats. 1985), the applicant declares under penalty of perjury under the laws of the State of California that the applicant

has has not
(must check one)

been convicted within the preceding three years of any offenses referred to in that section, including any charge of fraud, bribery, collusion, conspiracy, or any other act in violation of any state or federal antitrust law in connection with the bidding upon, award of, or performance of, any public works contract, as defined in Public Contract Code Section 1101,

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with any public entity, as defined in Public Contract Code Section 1100, including the Regents of the University of California or the Trustees of the California State University. The term "Applicant" is understood to include any partner, member, officer, director, responsible managing officer, or responsible managing employee thereof, as well as any subapplicant of the applicant, as referred to in Section 10285.1 (reference to "bidder/proposer"). Applicants are cautioned that false certification may subject the certifier to criminal prosecution.

<u>Ben Martinez</u>	<u>Interim City Manager</u>
Print Name	Title
	<u>8/2/23</u>
Signature	Date

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Applicant Statement Form

Please indicate application completeness by checking the following boxes, then sign and date below. **If the application includes a partnership with multiple jurisdictions, each jurisdiction must sign the Applicant Statement Form.**

As an authorized delegate, I certify that my agency:


- Has read the Grant Agreement Template and accepts and can meet the terms and conditions.
- Understands that SANDAG will not reimburse the applicant for expenses incurred prior to the Notice to Proceed issuance, after the grant term expiration, or after the December 31, 2025, expenditure deadline.

If this application is approved for funding, I certify that my agency:

- Understands the responses in this application will become requirements reflected in the Grant Agreement with SANDAG.
- Agrees to sign and return the Grant Agreement to SANDAG, without exceptions, within 45 days of receipt.
- Will submit progress reports, performance measures, and invoices documenting the use of grant and matching funds to SANDAG no less frequently than quarterly using the method required by SANDAG.
- Will set up a separate project account for quarterly reporting and invoicing.
- Commits to the adoption of the proposed Planning Project by the HAP expenditure deadline (December 31, 2025).

I certify that I agree with the above statements and that the information submitted in this application is complete and accurate.

I have the authorization to submit this Grant Application on behalf of my agency.

Ben Martinez	Interim City Manager
Print Name	Title
	8/2/23
Signature	Date

SITE 1: PURPLE COW

The Purple Cow site is an approximately 2.35-acre site at Highland Avenue and Epsilon Street owned by the Housing Authority. The site is within the MXC-1 zone, which allows up to 48 dwelling units per acre (du/ac) and can yield an estimated 47 to 113 units; this, however, can be further maximized through the State Density Bonus. This site is envisioned to provide units that are affordable to households anywhere from 60-120% AMI. Special consideration will be given to homeownership opportunities. A community land trust or long-term lease may also be considered on this site.



Assessor Parcel Numbers (APNs): 551-470-15; 551-470-17; 551-470-18; 551-470-19; 551-470-43; 551-470-48

Owner: Housing Authority

Lot Size (sq. ft.): 102,437

Acreage: 2.35

Existing Use: Vacant

Zoning: MXC-1 (48 du/ac maximum)

Estimated Yield: 47 to 113 units

- Development Guidance:**
- Anywhere from 60-120% AMI
 - Consideration for homeownership
 - Willing to consider community land trust or long-term lease

SITE 2: SCATTERED SITES COMMUNITY LAND TRUST

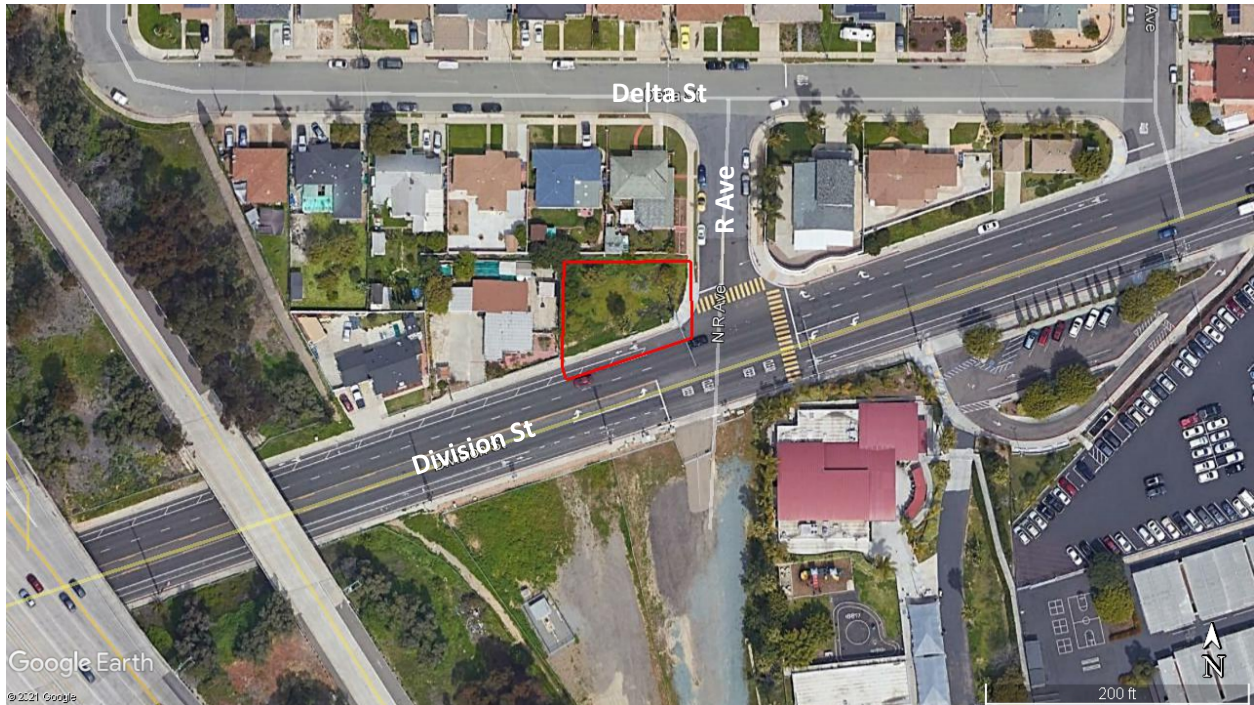
This site consists of three parcels that can be established as a scattered site community land trust and developed jointly to improve their development feasibility. If a community land trust is proposed for Site 1: Purple Cow, the parcels included in Site 2: Scattered Sites Community Land Trust can be combined into one scattered site community land trust proposal.

The parcels in Site 2 are located throughout the City:

- Site 2A: Division Street and R Avenue
- Site 2B: Roosevelt Avenue and W 11th Street
- Site 2C: A Avenue and E 11th Street

Each site has a different zoning designation; in aggregate they are estimated to yield between 22 to 24 units. This site is envisioned to provide units that are affordable to households anywhere from 60-120% AMI. Special consideration will be given to homeownership opportunities.

Site 2A: Division Street and R Avenue



Assessor Parcel Numbers (APNs): 552-403-14

Owner: City of National City

Lot Size (sq. ft.): 6,400

Acreage: 0.15

Existing Use: Vacant

Zoning: RS-2 (9 du/ac maximum)

Estimated Yield: 2 units

- Development Guidance:**
- Anywhere from 60-120% AMI
 - Consideration for homeownership
 - Scattered sites community land trust to improve the development feasibility of small infill sites

Site 2B: Roosevelt Avenue and W 11th Street



Assessor Parcel Numbers (APNs):	555-114-01
Owner:	City of National City
Lot Size (sq. ft.):	4,791
Acreage:	0.11
Existing Use:	Single-Family Detached
Zoning:	Downtown Specific Plan District 6 (FAR up to 6:1; 3:1 minimum)
Estimated Yield:	16 units
Development Guidance:	<ul style="list-style-type: none">• Anywhere from 60-120% AMI• Consideration for homeownership• Scattered sites community land trust to improve the development feasibility of small infill sites• City is required to collect appraised value for this property

Site 2C: A Avenue and E 11th Street



Assessor Parcel Numbers (APNs): 556-553-08

Owner: Housing Authority

Lot Size (sq. ft.): 3,911

Acreage: 0.09

Existing Use: Vacant

Zoning: Downtown Specific Plan District 5A (FAR up to 3:1)

Estimated Yield: 4 to 8 units

Development Guidance:

- Anywhere from 60-120% AMI
- Consideration for homeownership
- Scattered sites community land trust to improve the development feasibility of small infill sites

SITE 3: LAMBS' THEATER

The Lambs' Theater site is an approximately 0.39-acre site at E Avenue and E Plaza Boulevard owned by the City of National City. The site is within the MXD-2 zone, which allows up to 75 du/ac and can yield an estimated 19 to 30 units; this, however, can be further maximized through the State Density Bonus. This site is envisioned to provide a mix of affordable lower and moderate-income rental units ranging from 30-120% AMI. Smaller units, such as micro-units with shared common spaces, may be considered.



Assessor Parcel Numbers (APNs): 556-560-39

Owner: City of National City

Lot Size (sq. ft.): 16,990

Acreage: 0.39

Existing Use: Vacant

Zoning: MXD-2 (75 du/ac maximum)

Estimated Yield: 19 to 30 units

- Development Guidance:**
- Rental units anywhere from 30-120% AMI
 - Consideration for smaller units, such as micro-units with shared common spaces; potential for parking reductions
 - City is required to collect appraised value for property

SITE 4: PLAZA BONITA CENTER WAY

The Plaza Bonita Center Way site is an approximately 4.30-acre site near Valley Road and Plaza Bonita Center Way that is owned by the City of National City. The site is within the RS-2 zone, which allows up to 9 du/ac and can yield an estimated 19 to 30 units; this, however, can be further maximized through the State Density Bonus. This site is envisioned to provide homeownership opportunities for units ranging anywhere from 60-120% AMI. This site includes physical constraints that should be addressed through the development proposal.



Assessor Parcel Numbers (APNs): 564-290-71; 564-310-03; 564-290-74; 564-290-75

Owner: City of National City

Lot Size (sq. ft.): 187,146

Acreage: 4.30

Existing Use: Vacant

Zoning: RS-2 (9 du/ac maximum)

Estimated Yield: 17 to 39 units

- Development Guidance:**
- Anywhere from 60-120% AMI
 - Consideration for ownership opportunities
 - Address physical site constraints

RESOLUTION NO. 2023-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, RATIFYING THE GRANT APPLICATION AND ACCEPTING THE TERMS OF THE GRANT AGREEMENT WITH THE SAN DIEGO ASSOCIATION OF GOVERNMENTS (SANDAG) FOR THE HOUSING ACCELERATION PROGRAM (HAP) CYCLE 2 CALL FOR PROJECTS TO FUND “OWN NATIONAL CITY,” A PLAN TO STUDY INNOVATIVE HOMEOWNERSHIP MODELS ON CITY-OWNED PROPERTY ZONED FOR RESIDENTIAL USE.

WHEREAS, up to \$16 million of the Regional Early Action Planning Grants of 2021 (REAP 2.0) allocated funding for SANDAG from the California Department of Housing and Community Development (HCD) is available to local jurisdictions through the Housing Acceleration Program Cycle 2 (HAP 2.0) Call for Projects released on May 7, 2023; and

WHEREAS, the City of National City (City) seeks to receive HAP 2.0 grant funding from SANDAG to fund the plan titled “Own National City”; and

WHEREAS, the City filed an application to SANDAG for \$471,300 in HAP 2.0 grant funding on August 3, 2023 before the application deadline on August 4, 2023; and

WHEREAS, the Notice of Intent to Award will be issued on September 22, 2023; and

WHEREAS, the SANDAG Board of Directors will consider the funding recommendations of the HAP 2.0 grant for approval on October 27, 2023; and

WHEREAS, if awarded, the City will receive a grant agreement and Notice to Proceed from SANDAG in November 2023; and

WHEREAS, the City wishes to perform site assessments on at least three City-owned properties to study different homeownership models for scale, which will serve as prototypes for future development, through a plan titled “Own National City”; and

WHEREAS, the City is in the process of amending City Council Policy No. 901 to require that the City conduct a site analysis to evaluate building residential units for homeownership, identify supportable land values, determine the need for gap financing, and assess the use of various development models, such as Community Land Trusts, to create sustainable and affordable homeownership on any City-owned property zoned for residential use; and

WHEREAS, the plan titled “Own National City” will propel the implementation of City Council Policy No. 901 Amendment and the desired buildout of housing density prioritized through Focused General Plan Update (FGPU) land use and zoning code updates; and

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

Section 1: That the City Council hereby authorizes the City Manager or his designee to ratify the submission of the HAP 2.0 grant application to SANDAG for the following:

Application Type	Project Name
Planning Project	Own National City

Section 2: That the City Council commits that if a grant award of \$450,000 is made by SANDAG, to fund “Own National City,” the City will provide \$21,300 as a matching amount as listed in the grant application.

Section 3: That the City Council hereby authorizes the City Manager or his designee, if awarded the grant, to accept the grant funds, modify and execute any and all appropriate instruments, certifications, contracts, and agreements related to the implementation and administration of HAP 2.0 funding based on SANDAG’s appropriation to the City with no exceptions in substantially the same form as provided with the Call for Projects, and complete the project.

Section 4: That the City Council understands and agrees to comply with all applicable REAP 2.0 requirements imposed by HCD.

Section 5: That the City Council understands and agrees that SANDAG shall have no liability for costs that may arise associated with the project, which are not included in the grant agreement, including but not limited to costs stemming from claims, litigation, changes in law, or force majeure events.

Section 6: That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED AND ADOPTED this 15th day of August 2023

Ron Morrison, Mayor

ATTEST:

Shelley Chapel, MMC, City Clerk

APPROVED AS TO FORM:

Barry J. Schultz, City Attorney



AGENDA REPORT

Department: Police Department
Prepared by: Salvador Gil, Corporal
Meeting Date: Tuesday, August 15, 2023
Approved by: Ben Martinez, Interim City Manager

SUBJECT:

Acceptance of the 2020 Justice Assistance Grant (JAG) and Appropriation of Funds to Purchase Portable Radios for the Radio Communication System.

RECOMMENDATION:

Adopt a Resolution entitled, "Resolution of the City Council of the City of National City, California, Authorizing the Acceptance of the National City Police Department's Grant award in the Amount of \$18,650.00 from the 2020 Edward Byrne Memorial Justice Assistance Grant (JAG) Program to Purchase Portable Radios for the Radio Communication System, and Authorizing the Establishment of an Appropriation and Corresponding Revenue Budget."

BOARD/COMMISSION/COMMITTEE PRIOR ACTION:

Not Applicable.

EXPLANATION:

The Office of Justice Programs' (OJP) Bureau of Justice Assistance (BJA) and the U.S. Department of Justice announced that the City of National City is eligible for a grant award of \$18,650 from the Fiscal Year 2020 Edward Byrne Memorial Justice Assistance Grant (JAG) Program – Local Solicitation, for the purchase of Portable Radios for the Radio Communication System, subject to the withholding of 3% of the awarded grant for the National Incident-Based Reporting System (NIBRS) compliance requirements.

The JAG Program provides States and local governments with critical funding necessary to support a range of program areas, including, but not limited to, law enforcement, prosecution, court programs, prevention, and education programs. Applicants are required to complete an on-line application, and submit a budget and various narratives justifying the use of the funds.

The 2020 Edward Byrne Memorial Justice Assistance Grant (JAG) Program is a direct grant allocation program, and does not require the City to allocate any upfront costs or matching funds.

The City is required to make the grant application available for review and public comment for no less than 30 days and a formal award will not be made until the 30-day review requirement has been met.

FINANCIAL STATEMENT:

Revenue:	290-11680-3498	Other Federal Grants - \$18,090
Expense:	290-411-682-515-0000	Communications Equipment - \$18,090

RELATED CITY COUNCIL 2020-2025 STRATEGIC PLAN GOAL:

Public Safety

ENVIRONMENTAL REVIEW:

This is not a project under CEQA and is therefore not subject to environmental review.CCR15378;
PRC 21065.

PUBLIC NOTIFICATION:

Agenda Report posted within 72 hours of meeting date and time in accordance with Brown Act.

ORDINANCE:

Not Applicable

EXHIBITS:

- Exhibit A – 2020 JAG NCPD Agency Information
- Exhibit B – 2020 JAG Disclosure of Lobbying Activity
- Exhibit C – 2020 JAG Disclosure of High Risk Status
- Exhibit D – 2020 JAG budget Worksheet
- Exhibit E – 2020 JAG Narrative
- Exhibit F – 2020 JAG Extension Request Signed
- Exhibit G – 2020 JAG Award Letter-Project Info-Budget Summary
- Exhibit H – 2020 JAG Resolution



Background

Recipients' financial management systems and internal controls must meet certain requirements, including those set out in the "Part 200 Uniform Requirements" (2.C.F.R. Part 2800).

Including at a minimum, the financial management system of each OJP award recipient must provide for the following:

- (1) Identification, in its accounts, of all Federal awards received and expended and the Federal programs under which they were received. Federal program and Federal award identification must include, as applicable, the CFDA title and number, Federal award identification number and year, and the name of the Federal agency.
- (2) Accurate, current, and complete disclosure of the financial results of each Federal award or program.
- (3) Records that identify adequately the source and application of funds for Federally-funded activities. These records must contain information pertaining to Federal awards, authorizations, obligations, unobligated balances, assets, expenditures, income, and interest, and be supported by source documentation.
- (4) Effective control over, and accountability for, all funds, property, and other assets. The recipient must adequately safeguard all assets and assure that they are used solely for authorized purposes.
- (5) Comparison of expenditures with budget amounts for each Federal award.
- (6) Written procedures to document the receipt and disbursement of Federal funds including procedures to minimize the time elapsing between the transfer of funds from the United States Treasury and the disbursement by the OJP recipient.
- (7) Written procedures for determining the allowability of costs in accordance with both the terms and conditions of the Federal award and the cost principles to apply to the Federal award.
- (8) Other important requirements related to retention requirements for records, use of open and machine readable formats in records, and certain Federal rights of access to award-related records and recipient personnel.

1. Name of Organization and Address:

Organization Name: National City Police Department
 Street1: 1243 National City Blvd
 Street2:
 City: National City
 State: CALIFORNIA
 Zip Code: 91950

2. Authorized Representative's Name and Title:

Prefix: First Name: David Middle Name:
 Last Name: Bavencoff Suffix:
 Title: Police Lieutenant

3. Phone: (619) 336-4498 4. Fax:

5. Email: dbavencoff@nationalcityca.gov

6. Year Established: 1887	7. Employer Identification Number (EIN): 956000749	8. DUNS Number: 72494073
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9. a) Is the applicant entity a nonprofit organization (including a nonprofit institution of higher education) as described in 26 U.S.C. 501(c)(3) and exempt from taxation under 26 U.S.C. 501(a)? Yes No

If "No" skip to Question 10.

If "Yes", complete Questions 9. b) and 9. c).



AUDIT INFORMATION

9. b) Does the applicant nonprofit organization maintain offshore accounts for the purpose of avoiding paying the tax described in 26 U.S.C. 511(a)?

Yes No

9. c) With respect to the most recent year in which the applicant nonprofit organization was required to file a tax return, does the applicant nonprofit organization believe (or assert) that it satisfies the requirements of 26 C.F.R. 53.4958-6 (which relate to the reasonableness of compensation of certain individuals)?

Yes No

If "Yes", refer to "Additional Attachments" under "What An Application Should Include" in the OJP solicitation (or application guidance) under which the applicant is submitting its application. If the solicitation/guidance describes the "Disclosure of Process related to Executive Compensation," the applicant nonprofit organization must provide -- as an attachment to its application -- a disclosure that satisfies the minimum requirements as described by OJP.

For purposes of this questionnaire, an "audit" is conducted by an independent, external auditor using generally accepted auditing standards (GAAS) or Generally Governmental Auditing Standards (GAGAS), and results in an audit report with an opinion.

10. Has the applicant entity undergone any of the following types of audit(s) (Please check all that apply):

- "Single Audit" under OMB A-133 or Subpart F of 2 C.F.R. Part 200
- Financial Statement Audit
- Defense Contract Agency Audit (DCAA)
- Other Audit & Agency (list type of audit):

None (if none, skip to question 13)

11. Most Recent Audit Report Issued: Within the last 12 months Within the last 2 years Over 2 years ago N/A

Name of Audit Agency/Firm:

AUDITOR'S OPINION

12. On the most recent audit, what was the auditor's opinion?

- Unqualified Opinion
- Qualified Opinion
- Disclaimer, Going Concern or Adverse Opinions
- N/A: No audits as described above

Enter the number of findings (if none, enter "0"):

Enter the dollar amount of questioned costs (if none, enter "\$0"):

Were material weaknesses noted in the report or opinion?

Yes No

13. Which of the following best describes the applicant entity's accounting system:

- Manual
- Automated
- Combination of manual and automated

14. Does the applicant entity's accounting system have the capability to identify the receipt and expenditure of award funds separately for each Federal award?

Yes No Not Sure

15. Does the applicant entity's accounting system have the capability to record expenditures for each Federal award by the budget cost categories shown in the approved budget?

Yes No Not Sure

16. Does the applicant entity's accounting system have the capability to record cost sharing ("match") separately for each Federal award, and maintain documentation to support recorded match or cost share?

Yes No Not Sure



<p>17. Does the applicant entity's accounting system have the capability to accurately track employees actual time spent performing work for each federal award, and to accurately allocate charges for employee salaries and wages for each federal award, and maintain records to support the actual time spent and specific allocation of charges associated with each applicant employee?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Sure</p>
<p>18. Does the applicant entity's accounting system include budgetary controls to preclude the applicant entity from incurring obligations or costs that exceed the amount of funds available under a federal award (the total amount of the award, as well as the amount available in each budget cost category)?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Sure</p>
<p>19. Is applicant entity familiar with the "cost principles" that apply to recent and future federal awards, including the general and specific principles set out in 2 C.F.R Part 200?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Sure</p>
PROPERTY STANDARDS AND PROCUREMENT STANDARDS	
<p>20. Does the applicant entity's property management system(s) maintain the following information on property purchased with federal award funds (1) a description of the property; (2) an identification number; (3) the source of funding for the property, including the award number; (4) who holds title; (5) acquisition date; (6) acquisition cost; (7) federal share of the acquisition cost; (8) location and condition of the property; (9) ultimate disposition information?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Sure</p>
<p>21. Does the applicant entity maintain written policies and procedures for procurement transactions that -- (1) are designed to avoid unnecessary or duplicative purchases; (2) provide for analysis of lease versus purchase alternatives; (3) set out a process for soliciting goods and services, and (4) include standards of conduct that address conflicts of interest?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Sure</p>
<p>22. a) Are the applicant entity's procurement policies and procedures designed to ensure that procurements are conducted in a manner that provides full and open competition to the extent practicable, and to avoid practices that restrict competition?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Sure</p>
<p>22. b) Do the applicant entity's procurement policies and procedures require documentation of the history of a procurement, including the rationale for the method of procurement, selection of contract type, selection or rejection of contractors, and basis for the contract price?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Sure</p>
<p>23. Does the applicant entity have written policies and procedures designed to prevent the applicant entity from entering into a procurement contract under a federal award with any entity or individual that is suspended or debarred from such contracts, including provisions for checking the "Excluded Parties List" system (www.sam.gov) for suspended or debarred sub-grantees and contractors, prior to award?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Sure</p>
TRAVEL POLICY	
<p>24. Does the applicant entity:</p> <p>(a) maintain a standard travel policy? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>(b) adhere to the Federal Travel Regulation (FTR)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	
SUBRECIPIENT MANAGEMENT AND MONITORING	
<p>25. Does the applicant entity have written policies, procedures, and/or guidance designed to ensure that any subawards made by the applicant entity under a federal award -- (1) clearly document applicable federal requirements, (2) are appropriately monitored by the applicant, and (3) comply with the requirements in 2 CFR Part 200 (see 2 CFR 200.331)?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Sure</p> <p><input checked="" type="checkbox"/> N/A - Applicant does not make subawards under any OJP awards</p>



<p>26. Is the applicant entity aware of the differences between subawards under federal awards and procurement contracts under federal awards, including the different roles and responsibilities associated with each?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Sure <input checked="" type="checkbox"/> N/A - Applicant does not make subawards under any OJP awards</p>
<p>27. Does the applicant entity have written policies and procedures designed to prevent the applicant entity from making a subaward under a federal award to any entity or individual is suspended or debarred from such subawards?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Sure <input checked="" type="checkbox"/> N/A - Applicant does not make subawards under any OJP awards</p>

DESIGNATION AS 'HIGH-RISK' BY OTHER FEDERAL AGENCIES

<p>28. Is the applicant entity designated "high risk" by a federal grant-making agency outside of DOJ? (High risk includes any status under which a federal awarding agency provides additional oversight due to the applicant's past performance, or other programmatic or financial concerns with the applicant.)</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Not Sure</p>
<p>If "Yes", provide the following:</p>	
<p>(a) Name(s) of the federal awarding agency:</p>	
<p>[Redacted]</p>	
<p>(b) Date(s) the agency notified the applicant entity of the "high risk" designation:</p>	
<p>[Redacted]</p>	
<p>(c) Contact information for the "high risk" point of contact at the federal agency:</p>	
<p>Name: [Redacted]</p>	
<p>Phone: [Redacted]</p>	
<p>Email: [Redacted]</p>	
<p>(d) Reason for "high risk" status, as set out by the federal agency:</p>	
<p>[Redacted]</p>	

CERTIFICATION ON BEHALF OF THE APPLICANT ENTITY

(Must be made by the chief executive, executive director, chief financial officer, designated authorized representative ("AOR"), or other official with the requisite knowledge and authority)

On behalf of the applicant entity, I certify to the U.S. Department of Justice that the information provided above is complete and correct to the best of my knowledge. I have the requisite authority and information to make this certification on behalf of the applicant entity.

<p>Name: David Bavencoff</p>	<p>Date: 2020-08-13</p>
<p>Title: <input type="checkbox"/> Executive Director <input type="checkbox"/> Chief Financial Officer <input type="checkbox"/> Chairman <input checked="" type="checkbox"/> Other: POC [Redacted]</p>	
<p>Phone: (619) 336-4498</p>	

DISCLOSURE OF LOBBYING ACTIVITIES

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352

Approved by OMB

0348-0046

(See reverse for public burden disclosure.)

1. Type of Federal Action: <input type="checkbox"/> a. contract <input type="checkbox"/> b. grant <input type="checkbox"/> c. cooperative agreement <input type="checkbox"/> d. loan <input type="checkbox"/> e. loan guarantee <input type="checkbox"/> f. loan insurance	2. Status of Federal Action: <input type="checkbox"/> a. bid/offer/application <input type="checkbox"/> b. initial award <input type="checkbox"/> c. post-award	3. Report Type: <input type="checkbox"/> a. initial filing <input type="checkbox"/> b. material change For Material Change Only: year _____ quarter _____ date of last report _____
4. Name and Address of Reporting Entity: <input type="checkbox"/> Prime <input type="checkbox"/> Subawardee Tier _____, <i>if known</i> : Congressional District, if known:	5. If Reporting Entity in No. 4 is a Subawardee, Enter Name and Address of Prime: Congressional District, if known:	
6. Federal Department/Agency:	7. Federal Program Name/Description: CFDA Number, <i>if applicable</i> : _____	
8. Federal Action Number, if known:	9. Award Amount, if known: \$ _____	
10. a. Name and Address of Lobbying Registrant <i>(if individual, last name, first name, MI):</i>	b. Individuals Performing Services <i>(including address if different from No. 10a)</i> <i>(last name, first name, MI):</i>	
11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.	Signature: _____ Print Name: _____ Title: _____ Telephone No.: _____ Date: _____	
Federal Use Only:		Authorized for Local Reproduction Standard Form LLL (Rev. 7-97)

INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in item 4 checks "Subawardee," then enter the full name, address, city, State and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, State and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.

(b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).
11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB Control Number. The valid OMB control number for this information collection is OMB No. 0348-0046. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, DC 20503.



NATIONAL CITY POLICE DEPARTMENT

Edward Byrne Memorial

Justice Assistance Grant (JAG) Program

FY 2020 Local Solicitation

Applicant Disclosure of High Risk Status

The National City Police Department and the City of National City California are not designated as high risk by any other federal agency. We do not require additional oversight by any federal agency due to past programmatic or financial concerns.

*National City Police Department
1200 National City Boulevard
National City, CA 91950
(619) 336-4400/Fax (619) 336-4525
www.nationalcitypd.org*



[General Instructions & Resources](#)

[View Budget Summary](#)

OMB APPROVAL NO.: 1121-0329
EXPIRES 7/31/2016

Budget Detail Worksheet

- (1) **Purpose:** The Budget Detail Worksheet is provided for your use in the preparation of the budget and budget narrative. All required information (including the budget narrative) must be provided. Any category of expense not applicable to your budget may be left blank. Indicate any **non-federal (match)** amount in the appropriate category, if applicable.
- (2) For each budget category, you can see a sample by clicking **(To View an Example, Click Here)** at the end of each description.
- (3) There are various hot links listed in red in the budget categories that will provide additional information via documents on the internet.
- (4) **Record Retention:** In accordance with the requirements set forth in [2 CFR Part 200.333](#) , all financial records, supporting documents, statistical records, and all other records pertinent to the award shall be retained by each organization for at least three years following the closure of the audit report covering the grant period.
- (5) The information disclosed in this form is subject to the Freedom of Information Act under 5 U.S.C. 55.2.

A. Personnel – List each position by title and name of employee, if available. Show the annual salary rate and the percentage of time to be devoted to the project. Compensation paid for employees engaged in grant activities must be consistent with that paid for similar work within the applicant organization. Include a description of the responsibilities and duties of each position in relationship to fulfilling the project goals and objectives. (Note: Use whole numbers as the percentage of time, an example is 75.50% should be shown as 75.50) [To View an Example, Click Here](#)

PERSONNEL (FEDERAL)

Name	Position	Computation				Cost
		Salary	Basis	Percentage of Time	Length of Time	
			Year			\$0
FEDERAL TOTAL						\$0

PERSONNEL NARRATIVE (FEDERAL)

PERSONNEL (NON-FEDERAL)

Name	Position	Computation				Cost
		Salary	Basis	Percentage of Time	Length of Time	
			Year			\$0
NON-FEDERAL TOTAL						\$0

PERSONNEL NARRATIVE (NON-FEDERAL)

TOTAL PERSONNEL	\$0
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B. Fringe Benefits – Fringe benefits should be based on actual known costs or an **approved negotiated rate** by a Federal agency. If not based on an approved negotiated rate, list the composition of the fringe benefit package. Fringe benefits are for the personnel listed in budget category (A) and only for the percentage of time devoted to the project. Fringe benefits on overtime hours are limited to FICA, Workman’s Compensation and Unemployment Compensation. (Note: Use decimal numbers for the fringe benefit rates, an example is 7.65% should be shown as .0765) [To View an Example, Click Here](#)

FRINGE BENEFITS (FEDERAL)

Description	Computation		Cost
	Base	Rate	
			\$0
FEDERAL TOTAL			\$0

FRINGE BENEFITS NARRATIVE (FEDERAL)

FRINGE BENEFITS (NON-FEDERAL)

Description	Computation		Cost
	Base	Rate	
			\$0
NON-FEDERAL TOTAL			\$0

FRINGE BENEFITS NARRATIVE (NON-FEDERAL)

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TOTAL FRINGE BENEFITS	\$0
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C. **Travel** – Itemize travel expenses of staff personnel by purpose (e.g., staff to training, field interviews, advisory group meeting, etc.). Describe the purpose of each travel expenditure in reference to the project objectives. Show the basis of computation (e.g., six people to 3-day training at \$X airfare, \$X lodging, \$X subsistence). In training projects, travel and meals for trainees should be listed separately. Show the number of trainees and the unit costs involved. Identify the location of travel, if known; or if unknown, indicate “location to be determined.” Indicate source of Travel Policies applied Applicant or Federal Travel Regulations. Note: Travel expenses for consultants should be included in the “Contractual/Consultant” category. [To View an Example, Click Here](#)

TRAVEL (FEDERAL)

Purpose of Travel	Location	Computation							Cost
		Item	Cost Rate	Basis for Rate	Quantity	Number of People	Number of Trips	Cost	
		Lodging		Night				\$0.00	
		Meals		Day				\$0.00	
		Mileage		Mile				\$0.00	
		Transportation:		Round-trip				\$0.00	
		Local Travel						\$0.00	
		Other						\$0.00	
		Subtotal						\$0.00	\$0
FEDERAL TOTAL									\$0

TRAVEL NARRATIVE (FEDERAL)

TRAVEL (NON-FEDERAL)

Purpose of Travel	Location	Computation							Cost
		Item	Cost Rate	Basis for Rate	Quantity	Number of People	Number of Trips	Cost	
		Lodging		Night				\$0.00	\$0
		Meals		Day				\$0.00	
		Mileage		Mile				\$0.00	
		Transportation:		Round-trip				\$0.00	
		Local Travel						\$0.00	
		Other						\$0.00	
								\$0.00	
		Subtotal						\$0.00	
NON-FEDERAL TOTAL									\$0

TRAVEL NARRATIVE (NON-FEDERAL)

TOTAL TRAVEL	\$0
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D. Equipment – List **non-expendable** items that are purchased (Note: Organization’s own capitalization policy for classification of equipment should be used). **Expendable** items should be included in the “Supplies” category. Applicants should analyze the cost benefits of purchasing versus leasing equipment, especially high cost items and those subject to rapid technological advances. Rented or leased equipment costs should be listed in the “Contractual” category. Explain how the equipment is necessary for the success of the project, and describe the procurement method to be used. **To View an Example, Click Here**

EQUIPMENT (FEDERAL)

Item	Computation		Cost
	Quantity	Cost	
Portable police radios	4	\$4,522.50	\$18,090
FEDERAL TOTAL			\$18,090

EQUIPMENT NARRATIVE (FEDERAL)

EQUIPMENT (NON-FEDERAL)

Item	Computation		Cost
	Quantity	Cost	
			\$0
NON-FEDERAL TOTAL			\$0

EQUIPMENT NARRATIVE (NON-FEDERAL)

TOTAL EQUIPMENT	
	\$18,090

E. Supplies – List items by type (office supplies, postage, training materials, copying paper, and **expendable** equipment items costing less than \$5,000, such as books, hand held tape recorders) and show the basis for computation. Generally, supplies include any materials that are expendable or consumed during the course of the project.

[To View an Example, Click Here](#)

SUPPLIES (FEDERAL)

Supply Items	Computation		Cost
	Quantity/Duration	Cost	
			\$0
FEDERAL TOTAL			\$0

SUPPLIES NARRATIVE (FEDERAL)

SUPPLIES (NON-FEDERAL)

Supply Items	Computation		Cost
	Quantity/Duration	Cost	
			\$0
NON-FEDERAL TOTAL			\$0

SUPPLIES NARRATIVE (NON-FEDERAL)

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TOTAL SUPPLIES	\$0
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F. **Construction** – Provide a description of the construction project and an estimate of the costs. As a rule, construction costs are not allowable. In some cases, minor repairs or **renovations** may be allowable. Minor repairs and renovations should be classified in the "other" category. Consult with the program office before budgeting funds in this category. [To View an Example, Click Here](#)

CONSTRUCTION (FEDERAL)

Purpose	Description of Work	Cost
FEDERAL TOTAL		\$0

CONSTRUCTION NARRATIVE (FEDERAL)

CONSTRUCTION (NON-FEDERAL)

Purpose	Description of Work	Cost
NON-FEDERAL TOTAL		\$0

CONSTRUCTION NARRATIVE (NON-FEDERAL)

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TOTAL CONSTRUCTION	\$0
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G. Consultants/Contracts – Indicate whether applicant’s formal, written Procurement Policy or the [Federal Acquisition Regulations](#) are followed.

Consultant Fees: For each consultant enter the name, if known, service to be provided, hourly or daily fee (8-hour day), and estimated time on the project. Consultant fees in excess of \$650 per day or \$81.25 per hour require additional justification and prior approval from OJP. [To View an Example, Click Here](#)

CONSULTANT FEES (FEDERAL)

Name of Consultant	Service Provided	Computation			Cost
		Fee	Basis	Quantity	
			8 Hour Day		\$0
SUBTOTAL					\$0

CONSULTANT FEES NARRATIVE (FEDERAL)

CONSULTANT FEES (NON-FEDERAL)

Name of Consultant	Service Provided	Computation			Cost
		Fee	Basis	Quantity	
			8 Hour Day		\$0
SUBTOTAL					\$0

CONSULTANT FEES NARRATIVE (NON-FEDERAL)

Consultant Expenses: List all expenses to be paid from the grant to the individual consultants in addition to their fees (i.e., travel, meals, lodging, etc.). This includes travel expenses for anyone who is not an employee of the applicant such as participants, volunteers, partners, etc.

CONSULTANT EXPENSES (FEDERAL)

Purpose of Travel	Location	Computation							Cost
		Item	Cost Rate	Basis for Rate	Quantity	Number of People	Number of Trips	Cost	
		Lodging		Night				\$0.00	\$0
		Meals		Day				\$0.00	
		Mileage		Mile				\$0.00	
		Transportation:		Round-trip				\$0.00	
								\$0.00	
		Local Travel						\$0.00	
		Other						\$0.00	
								\$0.00	
		Subtotal						\$0.00	
								SUBTOTAL	\$0
								FEDERAL TOTAL	\$0

CONSULTANT EXPENSES NARRATIVE (FEDERAL)

CONSULTANT EXPENSES (NON-FEDERAL)

Purpose of Travel	Location	Computation							Cost
		Item	Cost Rate	Basis for Rate	Quantity	Number of People	Number of Trips	Cost	
		Lodging		Night				\$0.00	
		Meals		Day				\$0.00	
		Mileage		Mile				\$0.00	
		Transportation:		Round-trip				\$0.00	
								\$0.00	
		Local Travel						\$0.00	
		Other						\$0.00	
								\$0.00	
		Subtotal						\$0.00	
								SUBTOTAL	\$0
								NON-FEDERAL TOTAL	\$0

CONSULTANT EXPENSES NARRATIVE (NON-FEDERAL)

	TOTAL CONSULTANTS	\$0
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Contracts: Provide a description of the product or service to be procured by contract and an estimate of the cost. Applicants are encouraged to promote free and open competition in awarding contracts. A separate justification must be provided for **sole source** contracts in excess of \$150,000. A sole source contract may not be awarded to a commercial organization that is ineligible to receive a direct award. Note: This budget category may include subawards.

CONTRACTS (FEDERAL)

Item	Cost
FEDERAL TOTAL	\$0

CONTRACTS NARRATIVE (FEDERAL)

CONTRACTS (NON-FEDERAL)

Item	Cost
NON-FEDERAL TOTAL	\$0

CONTRACTS NARRATIVE (NON-FEDERAL)

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TOTAL CONTRACTS	\$0
TOTAL CONSULTANTS/CONTRACTS	\$0

H. **Other Costs** – List items (e.g., rent ([arms-length transaction only](#)), reproduction, telephone, janitorial or security services, and investigative or [confidential](#) funds) by major type and the basis of the computation. For example, provide the square footage and the cost per square foot for rent or provide a monthly rental cost and how many months to rent. The basis field is a text field to describe the quantity such as square footage, months, etc. [To View an Example, Click Here](#)

OTHER COSTS (FEDERAL)

Description	Computation				Cost
	Quantity	Basis	Cost	Length of Time	
NIBRS	1		\$559.5	1	\$560
FEDERAL TOTAL					\$560

OTHER COSTS NARRATIVE (FEDERAL)

OTHER COSTS (NON-FEDERAL)

Description	Computation				Cost
	Quantity	Basis	Cost	Length of Time	
					\$0
NON-FEDERAL TOTAL					\$0

OTHER COSTS NARRATIVE (NON-FEDERAL)

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TOTAL OTHER COSTS	\$560
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I. Indirect Costs – Indirect costs are allowed if the applicant has a Federally approved indirect cost rate. A copy of the rate approval, (a [fully executed, negotiated agreement](#)), must be attached. If the applicant does not have an approved rate, one can be requested by contacting the applicant’s [cognizant Federal agency](#) , or the applicant may elect to charge a de minimis rate of 10% of modified total direct costs as indicated in [2 CFR Part 200.414f](#) . If the applicant's accounting system permits, costs may be allocated in the direct cost categories. (Use whole numbers as the indirect rate, an example is an indirect rate of 15.73% should be shown as 15.73) [To View an Example, Click Here](#)

INDIRECT COSTS (FEDERAL)

Description	Computation		Cost
	Base	Rate	
			\$0
FEDERAL TOTAL			\$0

INDIRECT COSTS NARRATIVE (FEDERAL)

INDIRECT COSTS (NON-FEDERAL)

Description	Computation		Cost
	Base	Rate	
			\$0
NON-FEDERAL TOTAL			\$0

INDIRECT COSTS NARRATIVE (NON-FEDERAL)

TOTAL INDIRECT COSTS	\$0

Budget Summary – When you have completed the budget worksheet, transfer the totals for each category to the spaces below. Compute the total direct costs and the total project costs. Indicate the amount of Federal funds requested and the amount of non-Federal funds that will support the project.

Budget Category	Federal Request	Non-Federal Amounts	Total
A. Personnel	\$0	\$0	\$0
B. Fringe Benefits	\$0	\$0	\$0
C. Travel	\$0	\$0	\$0
D. Equipment	\$18,090	\$0	\$18,090
E. Supplies	\$0	\$0	\$0
F. Construction	\$0	\$0	\$0
G. Consultants/Contracts	\$0	\$0	\$0
H. Other	\$560	\$0	\$560
Total Direct Costs	\$18,650	\$0	\$18,650
I. Indirect Costs	\$0	\$0	\$0
TOTAL PROJECT COSTS	\$18,650	\$0	\$18,650

Federal Request	\$18,650
Non-Federal Amount	\$0
Total Project Cost	\$18,650

Public Reporting Burden

Paperwork Reduction Act Notice: Under the Paperwork Reduction Act, a person is not required to respond to a collection of information unless it displays a current valid OMB control number. We try to create forms and instructions that are accurate, can be easily understood, and which impose the least possible burden on you to provide us with information. The estimated average time to complete and file this application is four (4) hours per application. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, you can write the Office of Justice Programs, Office of the Chief Financial Officer, 810 Seventh Street, NW, Washington, DC 20531; and to the Public Use Reports Project, 1121-0188, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.



NATIONAL CITY POLICE DEPARTMENT

Edward Byrne Memorial

Justice Assistance Grant (JAG) Program

FY 2020-DJ/BX-0252 Local Solicitation

Program Abstract

Applicant: The National City Police Department

Project Title: Technology / Safety Improvements

Project Identifier: Portable Radio Upgrades

Project Goals: To increase our current level of technology and increase officer survivability through improved communications systems

Strategies: To procure the highest quality radios tactical communications to remain competitive with societal technology improvements. To increase officer survivability by providing upgraded communications system.

Program Narrative

The National City Police Department is requesting the approval to utilize its Fiscal Year (FY) 2020 Edward Byrne Memorial Justice Assistance Grant (JAG) program-local Solicitation allocation of \$18,650.00 to purchase (4) Motorola APX600 portable radios. This grant will only be utilized for the procurement of technologies and safety equipment to assist frontline law enforcement personnel in the field.

***National City Police Department
1200 National City Boulevard
National City, CA 91950
(619) 336-4400/Fax (619) 336-4525
www.nationalcitypd.org***



NATIONAL CITY POLICE DEPARTMENT

Edward Byrne Memorial

Justice Assistance Grant (JAG) Program

FY 2020-DJ/BX-0252 Local Solicitation

The National City Police Department is always seeking new ways to improve our equipment to stay on the forefront of technology to remain competitive with societal improvements and the abilities of the criminal elements using technology to commit crimes. The acquisition of computers, radios, and phone equipment will enable officers to stay technologically ahead of the criminal element.

The state Department of Justice issued a directive in October 2020 requiring law enforcement agencies to either fully encrypt or to adopt policies that would personally identifiable information and criminal records of individuals they encounter. The National City Police Department began to transition to encrypted radios after seeking various grants and using general fund money. The National City Police Department has been purchasing handheld portable radios for all of the officers and some of the supporting professional staff, but we are still in need of purchasing additional encrypted capable portable radios.

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NATIONAL CITY POLICE DEPARTMENT

Edward Byrne Memorial

Justice Assistance Grant (JAG) Program

FY 2020-DJ/BX-0252 Local Solicitation

Budget and Budget Narrative

- A. Personnel – No personnel costs in application
- B. Fringe Benefits – No fringe benefit costs in application
- C. Travel – No travel costs in application
- D. Equipment
 - 1. (4) Motorola APX6000 (currently being used) that have the encryption capabilities in order to comply with the State Department of Justice 2020 Directive to either fully encrypt or to adopt policies that would personally identifiable information and criminal records of individuals they encounter.
 - 2. The total estimated cost for the (4) Motorola radios will be \$18,090.50.
- E. Supplies – No supply costs in application
- F. Construction – No construction costs in application
- G. Consultants/Contracts – No consultants/contracts costs in application
- H. Indirect Costs – Set aside 3% for NIBRS requirements

Budget Summary

Personnel	\$0
Fringe Benefits	\$0
Travel	\$0
Equipment	\$18,090.50
Supplies	\$0
Construction	\$0
Consultants/Contracts	\$0

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NATIONAL CITY POLICE DEPARTMENT

Edward Byrne Memorial

Justice Assistance Grant (JAG) Program

FY 2020-DJ/BX-0252 Local Solicitation

Other Costs	\$560.00
Indirect Costs	\$0
Estimated total	\$18,650.00
Federal Grant Request	\$18,650.00

The equipment costs quoted in this Budget Narrative are approximations based on current availability. The National City Police Department will use JAG funds to purchase the heist quality and up to date technology equipment to meet our needs. The number of items ultimately purchased by the National City Police Department will be determined by costs and availability at the time of purchase. The National City Police Department will incur any costs over the current allocation of \$18,650.00.

Applicable sales taxes associated with the equipment items is calculated into the costs of the equipment.

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NATIONAL CITY POLICE DEPARTMENT

Edward Byrne Memorial

Justice Assistance Grant (JAG) Program

FY 2020 –DJ-BX-0252

Date: 6/15/2023

Applicant: The City of National City (doing business as National City Police Department)

Project Title: Technology / Safety Improvements

Project Identifier: portable Radio Upgrades

RE: Project Extension Request

To whom it may concern,

I am formerly requesting a (4) month extension for the above named award grant. The new end date for the award would be October 31, 2023. The reason for the extension request is as follows:

- Lt. David Bavencoff who was to original grant administrator/agent (as well as other collateral duties) at the time of the grant application went on injury leave shortly after submitting the application (August 2020). His position went unfilled for several months due to the uncertainty of his medical status. Because no one knew his involvement in the grants management system. As a result this grant and several other grants went unaddressed for several months until his position was backfilled temporarily. The replacement officer had no experience in grants management/reporting and again the grants went unaddressed.

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NATIONAL CITY POLICE DEPARTMENT

Edward Byrne Memorial

Justice Assistance Grant (JAG) Program

FY 2020 –DJ-BX-0252

- During this time, SAM.GOV, ASAP.gov, Office of Justice Program and just Grants either had bare minimum activity or went unaddressed altogether.
- In November 2021, I was assigned to take over for Lt. Bavencoff because of my previous grant experience (15 years prior). I began to research our current grants status and quickly realized that all were in various stages of past due performance and FFR reporting. I reached out to the various grant managers associated with our department grants and came to an agreement that I would take on the grants one at a time from oldest to newest. (oldest being 2016-DJ-BX-0257 and newest at the time were 2020-VD-BX-0743 and 2020-DJ-BX-0252)
- Since November 2021, I have slowly collected the necessary information to update all performance reports and FFR reports. As a closed out the 2016-DJ-BX-0257 and was ready for reimbursement through ASAP.gov we found out that we never set up ASAP.gov and SAM.GOV was never updated either. It took me a couple of months to sort that out and we were finally able to process our reimbursement.
- Over the last couple of months, I have been working on gathering the rest of the information needed for the remaining award and in the last two weeks we have resolved and submitted the outstanding performance and FFR reports for the other award grants.

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NATIONAL CITY POLICE DEPARTMENT

Edward Byrne Memorial

Justice Assistance Grant (JAG) Program

FY 2020 –DJ-BX-0252

- As I began to work on this award 2020-DJ-BX-0252, I realized that we still had not submitted a budget, budget narrative, program narrative, certification of assurance and application disclosure. Furthermore, our city council had not accepted the award funds yet (though a resolution) and as a result we have not been able to spend the award funds as of yet.
- This award went unaddressed for some time, but as you can see, I have been actively working on reconciling all of the awards.
- If my extension request is granted, my plan for this award is to submit for city council approval on August 1, 2023. Once council approval, I will have a quote ready for new portable radios and obtain a purchase order for them. Also in August 1, 2023, I would update the past due performance and FFR reports pending delivery of the new radios. In October 1, 2023, I would send another performance report indicating shipping status of the radios if they have not been delivered. On November 31, 2023 a submission of the final performance and FFR report.

Respectfully,



Salvador Gil

Corporal – National City Police Department

*National City Police Department
1200 National City Boulevard
National City, CA 91950
(619) 336-4400/Fax (619) 336-4525
www.nationalcitypd.org*



Department of Justice (DOJ)

Office of Justice Programs

Office of the Assistant Attorney General

Washington, D.C. 20531

September 19, 2020

The Honorable Alejandra Sotelo-Solis
City of National City
1200 National City Blvd.
National City, CA 91950-4302

Dear Mayor Sotelo-Solis:

On behalf of Attorney General William P. Barr, it is my pleasure to inform you that the Office of Justice Programs (OJP), U.S. Department of Justice (DOJ), has approved the application by City of National City for an award under the OJP funding opportunity entitled "JAG Local: Eligible Allocation Amounts of Less than \$25,000." The approved award amount is \$18,650. These funds are for the project entitled FY 20 Local JAG Program.

The award document, including award conditions, is enclosed. The entire document is to be reviewed carefully before any decision to accept the award. Also, the webpage entitled "Legal Notices: Special circumstances as to particular award conditions" (ojp.gov/funding/Explore/LegalNotices-AwardReqs.htm) is to be consulted prior to an acceptance. Through that "Legal Notices" webpage, OJP sets out -- by funding opportunity -- certain special circumstances that may or will affect the applicability of one or more award requirements. Any such legal notice pertaining to award requirements that is posted through that webpage is incorporated by reference into the award.

Please note that award requirements include not only award conditions, but also compliance with assurances and certifications that relate to conduct during the period of performance for the award. Because these requirements encompass financial, administrative, and programmatic matters, as well as other important matters (e.g., specific restrictions on use of funds), it is vital that all key staff know the award requirements, and receive the award conditions and the assurances and certifications, as well as the application as approved by OJP. (Information on all pertinent award requirements also must be provided to any subrecipient of the award.)

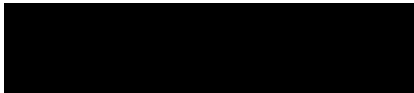
Should City of National City accept the award and then fail to comply with an award requirement, DOJ will pursue appropriate remedies for non-compliance, which may include termination of the award and/or a requirement to repay award funds.

Please direct questions regarding this award as follows:

- For program questions, contact Elaine Vanlandingham, Program Manager at (202) 305-0034; and
- For financial questions, contact the Customer Service Center of OJP's Office of the Chief Financial Officer at (800) 458-0786, or at ask.ocfo@usdoj.gov.

We look forward to working with you.

Sincerely,



Katharine T. Sullivan
Principal Deputy Assistant Attorney General

Encl.



Department of Justice (DOJ)

Office of Justice Programs

Office of Civil Rights

Washington, DC 20531

September 19, 2020

The Honorable Alejandra Sotelo-Solis
City of National City
1200 National City Blvd.
National City, CA 91950-4302

Dear Mayor Sotelo-Solis:

Congratulations on your recent award. The Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice (DOJ) has been delegated the responsibility for ensuring that recipients of federal financial assistance from the OJP, the Office of Community Oriented Policing Services (COPS), and the Office on Violence Against Women (OVW) are not engaged in discrimination prohibited by law. Several federal civil rights laws, such as Title VI of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972, require recipients of federal financial assistance to give assurances that they will comply with those laws. In addition to those civil rights laws, many grant program statutes contain nondiscrimination provisions that require compliance with them as a condition of receiving federal financial assistance. For a complete review of these civil rights laws and nondiscrimination requirements, in connection with OJP and other DOJ awards, see <https://ojp.gov/funding/Explore/LegalOverview/CivilRightsRequirements.htm>

Under the delegation of authority, the OCR investigates allegations of discrimination against recipients from individuals, entities, or groups. In addition, the OCR conducts limited compliance reviews and audits based on regulatory criteria. These reviews and audits permit the OCR to evaluate whether recipients of financial assistance from the Department are providing services in a non-discriminatory manner to their service population or have employment practices that meet equal-opportunity standards.

If you are a recipient of grant awards under the Omnibus Crime Control and Safe Streets Act or the Juvenile Justice and Delinquency Prevention Act and your agency is part of a criminal justice system, there are two additional obligations that may apply in connection with the awards: (1) complying with the regulation relating to Equal Employment Opportunity Programs (EEOs); and (2) submitting findings of discrimination to OCR. For additional information regarding the EEO requirement, see 28 CFR Part 42, subpart E, and for additional information regarding requirements when there is an adverse finding, see 28 C.F.R. §§ 42.204(c), .205(c)(5). Please submit information about any adverse finding to the OCR at the above address.

We at the OCR are available to help you and your organization meet the civil rights requirements that are associated with OJP and other DOJ grant funding. If you would like the OCR to assist you in fulfilling your organization's civil rights or nondiscrimination responsibilities as a recipient of federal financial assistance, please do not hesitate to let us know.

Sincerely,

A black rectangular redaction box covering the signature of Michael L. Alston.

Michael L. Alston
Director

cc: Grant Manager
Financial Analyst



Department of Justice (DOJ)
Office of Justice Programs
Bureau of Justice Assistance

Grant

PAGE 1 OF 30

1. RECIPIENT NAME AND ADDRESS (Including Zip Code) City of National City 1200 National City Blvd. National City, CA 91950-4302		4. AWARD NUMBER: 2020-DJ-BX-0252	
2a. GRANTEE IRS/VENDOR NO. 956000749		5. PROJECT PERIOD: FROM 10/01/2019 TO 09/30/2021 BUDGET PERIOD: FROM 10/01/2019 TO 09/30/2021	
2b. GRANTEE DUNS NO. 042460159		6. AWARD DATE 09/19/2020	7. ACTION Initial
3. PROJECT TITLE FY 20 Local JAG Program		8. SUPPLEMENT NUMBER 00	
		9. PREVIOUS AWARD AMOUNT \$ 0	
		10. AMOUNT OF THIS AWARD \$ 18,650	
		11. TOTAL AWARD \$ 18,650	
12. SPECIAL CONDITIONS THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTH ON THE ATTACHED PAGE(S).			
13. STATUTORY AUTHORITY FOR GRANT This project is supported under FY20(BJA - JAG State and JAG Local) Title I of Pub. L. No. 90-351 (generally codified at 34 U.S.C. 10101-10726), including subpart 1 of part E (codified at 34 U.S.C. 10151 - 10158); see also 28 U.S.C. 530C(a)			
14. CATALOG OF DOMESTIC FEDERAL ASSISTANCE (CFDA Number) 16.738 - Edward Byrne Memorial Justice Assistance Grant Program			
15. METHOD OF PAYMENT GPRS			
[REDACTED] AGENCY APPROVAL [REDACTED]		[REDACTED] GRANTEE ACCEPTANCE [REDACTED]	
16. TYPED NAME AND TITLE OF APPROVING OFFICIAL Katharine T. Sullivan Principal Deputy Assistant Attorney General		18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL Alejandra Sotelo-Solis Mayor	
17. SIGNATURE OF APPROVING OFFICIAL [REDACTED]		19. SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL	19A. DATE
[REDACTED] AGENCY USE ONLY [REDACTED]			
20. ACCOUNTING CLASSIFICATION CODES FISCAL YEAR FUND CODE BUD. ACT. DIV. REG. SUB. POMS AMOUNT X B DJ 80 00 00 18650		21. VDJUGT2937	

OJP FORM 4000/2 (REV. 5-87) PREVIOUS EDITIONS ARE OBSOLETE.

OJP FORM 4000/2 (REV. 4-88)



Department of Justice (DOJ)
Office of Justice Programs
Bureau of Justice Assistance

**AWARD CONTINUATION
SHEET
Grant**

PAGE 2 OF 30

PROJECT NUMBER 2020-DJ-BX-0252

AWARD DATE 09/19/2020

SPECIAL CONDITIONS

1. Requirements of the award; remedies for non-compliance or for materially false statements

The conditions of this award are material requirements of the award. Compliance with any assurances or certifications submitted by or on behalf of the recipient that relate to conduct during the period of performance also is a material requirement of this award.

Limited Exceptions. In certain special circumstances, the U.S. Department of Justice ("DOJ") may determine that it will not enforce, or enforce only in part, one or more requirements otherwise applicable to the award. Any such exceptions regarding enforcement, including any such exceptions made during the period of performance, are (or will be during the period of performance) set out through the Office of Justice Programs ("OJP") webpage entitled "Legal Notices: Special circumstances as to particular award conditions" (ojp.gov/funding/Explore/LegalNotices-AwardReqs.htm), and incorporated by reference into the award.

By signing and accepting this award on behalf of the recipient, the authorized recipient official accepts all material requirements of the award, and specifically adopts, as if personally executed by the authorized recipient official, all assurances or certifications submitted by or on behalf of the recipient that relate to conduct during the period of performance.

Failure to comply with one or more award requirements -- whether a condition set out in full below, a condition incorporated by reference below, or an assurance or certification related to conduct during the award period -- may result in OJP taking appropriate action with respect to the recipient and the award. Among other things, the OJP may withhold award funds, disallow costs, or suspend or terminate the award. DOJ, including OJP, also may take other legal action as appropriate.

Any materially false, fictitious, or fraudulent statement to the federal government related to this award (or concealment or omission of a material fact) may be the subject of criminal prosecution (including under 18 U.S.C. 1001 and/or 1621, and/or 34 U.S.C. 10271-10273), and also may lead to imposition of civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. 3729-3730 and 3801-3812).

Should any provision of a requirement of this award be held to be invalid or unenforceable by its terms, that provision shall first be applied with a limited construction so as to give it the maximum effect permitted by law. Should it be held, instead, that the provision is utterly invalid or -unenforceable, such provision shall be deemed severable from this award.



Department of Justice (DOJ)
Office of Justice Programs
Bureau of Justice Assistance

**AWARD CONTINUATION
SHEET
Grant**

PAGE 3 OF 30

PROJECT NUMBER 2020-DJ-BX-0252

AWARD DATE 09/19/2020

SPECIAL CONDITIONS

2. Applicability of Part 200 Uniform Requirements

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200, as adopted and supplemented by DOJ in 2 C.F.R. Part 2800 (together, the "Part 200 Uniform Requirements") apply to this FY 2020 award from OJP.

The Part 200 Uniform Requirements were first adopted by DOJ on December 26, 2014. If this FY 2020 award supplements funds previously awarded by OJP under the same award number (e.g., funds awarded during or before December 2014), the Part 200 Uniform Requirements apply with respect to all funds under that award number (regardless of the award date, and regardless of whether derived from the initial award or a supplemental award) that are obligated on or after the acceptance date of this FY 2020 award.

For more information and resources on the Part 200 Uniform Requirements as they relate to OJP awards and subawards ("subgrants"), see the OJP website at <https://ojp.gov/funding/Part200UniformRequirements.htm>.

Record retention and access: Records pertinent to the award that the recipient (and any subrecipient ("subgrantee") at any tier) must retain -- typically for a period of 3 years from the date of submission of the final expenditure report (SF 425), unless a different retention period applies -- and to which the recipient (and any subrecipient ("subgrantee") at any tier) must provide access, include performance measurement information, in addition to the financial records, supporting documents, statistical records, and other pertinent records indicated at 2 C.F.R. 200.333.

In the event that an award-related question arises from documents or other materials prepared or distributed by OJP that may appear to conflict with, or differ in some way from, the provisions of the Part 200 Uniform Requirements, the recipient is to contact OJP promptly for clarification.

3. Compliance with DOJ Grants Financial Guide

References to the DOJ Grants Financial Guide are to the DOJ Grants Financial Guide as posted on the OJP website (currently, the "DOJ Grants Financial Guide" available at <https://ojp.gov/financialguide/DOJ/index.htm>), including any updated version that may be posted during the period of performance. The recipient agrees to comply with the DOJ Grants Financial Guide.

4. Reclassification of various statutory provisions to a new Title 34 of the United States Code

On September 1, 2017, various statutory provisions previously codified elsewhere in the U.S. Code were editorially reclassified (that is, moved and renumbered) to a new Title 34, entitled "Crime Control and Law Enforcement." The reclassification encompassed a number of statutory provisions pertinent to OJP awards (that is, OJP grants and cooperative agreements), including many provisions previously codified in Title 42 of the U.S. Code.

Effective as of September 1, 2017, any reference in this award document to a statutory provision that has been reclassified to the new Title 34 of the U.S. Code is to be read as a reference to that statutory provision as reclassified to Title 34. This rule of construction specifically includes references set out in award conditions, references set out in material incorporated by reference through award conditions, and references set out in other award requirements.



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5. Required training for Point of Contact and all Financial Points of Contact

Both the Point of Contact (POC) and all Financial Points of Contact (FPOCs) for this award must have successfully completed an "OJP financial management and grant administration training" by 120 days after the date of the recipient's acceptance of the award. Successful completion of such a training on or after January 1, 2018, will satisfy this condition.

In the event that either the POC or an FPOC for this award changes during the period of performance, the new POC or FPOC must have successfully completed an "OJP financial management and grant administration training" by 120 calendar days after -- (1) the date of OJP's approval of the "Change Grantee Contact" GAN (in the case of a new POC), or (2) the date the POC enters information on the new FPOC in GMS (in the case of a new FPOC). Successful completion of such a training on or after January 1, 2018, will satisfy this condition.

A list of OJP trainings that OJP will consider "OJP financial management and grant administration training" for purposes of this condition is available at <https://www.ojp.gov/training/fmts.htm>. All trainings that satisfy this condition include a session on grant fraud prevention and detection.

The recipient should anticipate that OJP will immediately withhold ("freeze") award funds if the recipient fails to comply with this condition. The recipient's failure to comply also may lead OJP to impose additional appropriate conditions on this award.

6. Requirements related to "de minimis" indirect cost rate

A recipient that is eligible under the Part 200 Uniform Requirements and other applicable law to use the "de minimis" indirect cost rate described in 2 C.F.R. 200.414(f), and that elects to use the "de minimis" indirect cost rate, must advise OJP in writing of both its eligibility and its election, and must comply with all associated requirements in the Part 200 Uniform Requirements. The "de minimis" rate may be applied only to modified total direct costs (MTDC) as defined by the Part 200 Uniform Requirements.

7. Requirement to report potentially duplicative funding

If the recipient currently has other active awards of federal funds, or if the recipient receives any other award of federal funds during the period of performance for this award, the recipient promptly must determine whether funds from any of those other federal awards have been, are being, or are to be used (in whole or in part) for one or more of the identical cost items for which funds are provided under this award. If so, the recipient must promptly notify the DOJ awarding agency (OJP or OVW, as appropriate) in writing of the potential duplication, and, if so requested by the DOJ awarding agency, must seek a budget-modification or change-of-project-scope grant adjustment notice (GAN) to eliminate any inappropriate duplication of funding.



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8. Requirements related to System for Award Management and Universal Identifier Requirements

The recipient must comply with applicable requirements regarding the System for Award Management (SAM), currently accessible at <https://www.sam.gov/>. This includes applicable requirements regarding registration with SAM, as well as maintaining the currency of information in SAM.

The recipient also must comply with applicable restrictions on subawards ("subgrants") to first-tier subrecipients (first-tier "subgrantees"), including restrictions on subawards to entities that do not acquire and provide (to the recipient) the unique entity identifier required for SAM registration.

The details of the recipient's obligations related to SAM and to unique entity identifiers are posted on the OJP web site at <https://ojp.gov/funding/Explore/SAM.htm> (Award condition: System for Award Management (SAM) and Universal Identifier Requirements), and are incorporated by reference here.

This condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).



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9. Employment eligibility verification for hiring under the award

1. The recipient (and any subrecipient at any tier) must--

A. Ensure that, as part of the hiring process for any position within the United States that is or will be funded (in whole or in part) with award funds, the recipient (or any subrecipient) properly verifies the employment eligibility of the individual who is being hired, consistent with the provisions of 8 U.S.C. 1324a(a)(1) and (2).

B. Notify all persons associated with the recipient (or any subrecipient) who are or will be involved in activities under this award of both--

(1) this award requirement for verification of employment eligibility, and

(2) the associated provisions in 8 U.S.C. 1324a(a)(1) and (2) that, generally speaking, make it unlawful, in the United States, to hire (or recruit for employment) certain aliens.

C. Provide training (to the extent necessary) to those persons required by this condition to be notified of the award requirement for employment eligibility verification and of the associated provisions of 8 U.S.C. 1324a(a)(1) and (2).

D. As part of the recordkeeping for the award (including pursuant to the Part 200 Uniform Requirements), maintain records of all employment eligibility verifications pertinent to compliance with this award condition in accordance with Form I-9 record retention requirements, as well as records of all pertinent notifications and trainings.

2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

3. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions designed to ensure compliance with this condition.

4. Rules of construction

A. Staff involved in the hiring process

For purposes of this condition, persons "who are or will be involved in activities under this award" specifically includes (without limitation) any and all recipient (or any subrecipient) officials or other staff who are or will be involved in the hiring process with respect to a position that is or will be funded (in whole or in part) with award funds.

B. Employment eligibility confirmation with E-Verify

For purposes of satisfying the requirement of this condition regarding verification of employment eligibility, the recipient (or any subrecipient) may choose to participate in, and use, E-Verify (www.e-verify.gov), provided an appropriate person authorized to act on behalf of the recipient (or subrecipient) uses E-Verify (and follows the proper E-Verify procedures, including in the event of a "Tentative Nonconfirmation" or a "Final Nonconfirmation") to confirm employment eligibility for each hiring for a position in the United States that is or will be funded (in whole or in part) with award funds.

C. "United States" specifically includes the District of Columbia, Puerto Rico, Guam, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands.

D. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, or



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any person or other entity, to violate any federal law, including any applicable civil rights or nondiscrimination law.

E. Nothing in this condition, including in paragraph 4.B., shall be understood to relieve any recipient, any subrecipient at any tier, or any person or other entity, of any obligation otherwise imposed by law, including 8 U.S.C. 1324a(a)(1) and (2).

Questions about E-Verify should be directed to DHS. For more information about E-Verify visit the E-Verify website (<https://www.e-verify.gov/>) or email E-Verify at E-Verify@dhs.gov. E-Verify employer agents can email E-Verify at E-VerifyEmployerAgent@dhs.gov.

Questions about the meaning or scope of this condition should be directed to OJP, before award acceptance.

10. Requirement to report actual or imminent breach of personally identifiable information (PII)

The recipient (and any "subrecipient" at any tier) must have written procedures in place to respond in the event of an actual or imminent "breach" (OMB M-17-12) if it (or a subrecipient) -- (1) creates, collects, uses, processes, stores, maintains, disseminates, discloses, or disposes of "personally identifiable information (PII)" (2 CFR 200.79) within the scope of an OJP grant-funded program or activity, or (2) uses or operates a "Federal information system" (OMB Circular A-130). The recipient's breach procedures must include a requirement to report actual or imminent breach of PII to an OJP Program Manager no later than 24 hours after an occurrence of an actual breach, or the detection of an imminent breach.

11. All subawards ("subgrants") must have specific federal authorization

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements for authorization of any subaward. This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a "subaward" (and therefore does not consider a procurement "contract").

The details of the requirement for authorization of any subaward are posted on the OJP web site at <https://ojp.gov/funding/Explore/SubawardAuthorization.htm> (Award condition: All subawards ("subgrants") must have specific federal authorization), and are incorporated by reference here.

12. Specific post-award approval required to use a noncompetitive approach in any procurement contract that would exceed \$250,000

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements to obtain specific advance approval to use a noncompetitive approach in any procurement contract that would exceed the Simplified Acquisition Threshold (currently, \$250,000). This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a procurement "contract" (and therefore does not consider a subaward).

The details of the requirement for advance approval to use a noncompetitive approach in a procurement contract under an OJP award are posted on the OJP web site at <https://ojp.gov/funding/Explore/NoncompetitiveProcurement.htm> (Award condition: Specific post-award approval required to use a noncompetitive approach in a procurement contract (if contract would exceed \$250,000)), and are incorporated by reference here.



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13. Unreasonable restrictions on competition under the award; association with federal government

SCOPE. This condition applies with respect to any procurement of property or services that is funded (in whole or in part) by this award, whether by the recipient or by any subrecipient at any tier, and regardless of the dollar amount of the purchase or acquisition, the method of procurement, or the nature of any legal instrument used. The provisions of this condition must be among those included in any subaward (at any tier).

1. No discrimination, in procurement transactions, against associates of the federal government

Consistent with the (DOJ) Part 200 Uniform Requirements -- including as set out at 2 C.F.R. 200.300 (requiring awards to be "manage[d] and administer[ed] in a manner so as to ensure that Federal funding is expended and associated programs are implemented in full accordance with U.S. statutory and public policy requirements") and 200.319(a) (generally requiring "[a]ll procurement transactions [to] be conducted in a manner providing full and open competition" and forbidding practices "restrictive of competition," such as "[p]lacing unreasonable requirements on firms in order for them to qualify to do business" and taking "[a]ny arbitrary action in the procurement process") -- no recipient (or subrecipient, at any tier) may (in any procurement transaction) discriminate against any person or entity on the basis of such person or entity's status as an "associate of the federal government" (or on the basis of such person or entity's status as a parent, affiliate, or subsidiary of such an associate), except as expressly set out in 2 C.F.R. 200.319(a) or as specifically authorized by USDOJ.

2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

3. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions designed to ensure compliance with this condition.

4. Rules of construction

A. The term "associate of the federal government" means any person or entity engaged or employed (in the past or at present) by or on behalf of the federal government -- as an employee, contractor or subcontractor (at any tier), grant recipient or -subrecipient (at any tier), agent, or otherwise -- in undertaking any work, project, or activity for or on behalf of (or in providing goods or services to or on behalf of) the federal government, and includes any applicant for such employment or engagement, and any person or entity committed by legal instrument to undertake any such work, project, or activity (or to provide such goods or services) in future.

B. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, or any person or other entity, to violate any federal law, including any applicable civil rights or nondiscrimination law.



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14. Requirements pertaining to prohibited conduct related to trafficking in persons (including reporting requirements and OJP authority to terminate award)

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements (including requirements to report allegations) pertaining to prohibited conduct related to the trafficking of persons, whether on the part of recipients, subrecipients ("subgrantees"), or individuals defined (for purposes of this condition) as "employees" of the recipient or of any subrecipient.

The details of the recipient's obligations related to prohibited conduct related to trafficking in persons are posted on the OJP web site at <https://ojp.gov/funding/Explore/ProhibitedConduct-Trafficking.htm> (Award condition: Prohibited conduct by recipients and subrecipients related to trafficking in persons (including reporting requirements and OJP authority to terminate award)), and are incorporated by reference here.

15. Determination of suitability to interact with participating minors

SCOPE. This condition applies to this award if it is indicated -- in the application for the award (as approved by DOJ)(or in the application for any subaward, at any tier), the DOJ funding announcement (solicitation), or an associated federal statute -- that a purpose of some or all of the activities to be carried out under the award (whether by the recipient, or a subrecipient at any tier) is to benefit a set of individuals under 18 years of age.

The recipient, and any subrecipient at any tier, must make determinations of suitability before certain individuals may interact with participating minors. This requirement applies regardless of an individual's employment status.

The details of this requirement are posted on the OJP web site at <https://ojp.gov/funding/Explore/Interact-Minors.htm> (Award condition: Determination of suitability required, in advance, for certain individuals who may interact with participating minors), and are incorporated by reference here.

16. Compliance with applicable rules regarding approval, planning, and reporting of conferences, meetings, trainings, and other events

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable laws, regulations, policies, and official DOJ guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences (as that term is defined by DOJ), including the provision of food and/or beverages at such conferences, and costs of attendance at such conferences.

Information on the pertinent DOJ definition of conferences and the rules applicable to this award appears in the DOJ Grants Financial Guide (currently, as section 3.10 of "Postaward Requirements" in the "DOJ Grants Financial Guide").

17. Requirement for data on performance and effectiveness under the award

The recipient must collect and maintain data that measure the performance and effectiveness of work under this award. The data must be provided to OJP in the manner (including within the timeframes) specified by OJP in the program solicitation or other applicable written guidance. Data collection supports compliance with the Government Performance and Results Act (GPRA) and the GPRA Modernization Act of 2010, and other applicable laws.

18. OJP Training Guiding Principles

Any training or training materials that the recipient -- or any subrecipient ("subgrantee") at any tier -- develops or delivers with OJP award funds must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at <https://ojp.gov/funding/Implement/TrainingPrinciplesForGrantees-Subgrantees.htm>.



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19. Effect of failure to address audit issues

The recipient understands and agrees that the DOJ awarding agency (OJP or OVW, as appropriate) may withhold award funds, or may impose other related requirements, if (as determined by the DOJ awarding agency) the recipient does not satisfactorily and promptly address outstanding issues from audits required by the Part 200 Uniform Requirements (or by the terms of this award), or other outstanding issues that arise in connection with audits, investigations, or reviews of DOJ awards.

20. Potential imposition of additional requirements

The recipient agrees to comply with any additional requirements that may be imposed by the DOJ awarding agency (OJP or OVW, as appropriate) during the period of performance for this award, if the recipient is designated as "high-risk" for purposes of the DOJ high-risk grantee list.

21. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 42

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 42, specifically including any applicable requirements in Subpart E of 28 C.F.R. Part 42 that relate to an equal employment opportunity program.

22. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 54

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 54, which relates to nondiscrimination on the basis of sex in certain "education programs."

23. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 38

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 38 (as may be applicable from time to time), specifically including any applicable requirements regarding written notice to program beneficiaries and prospective program beneficiaries.

Currently, among other things, 28 C.F.R. Part 38 includes rules that prohibit specific forms of discrimination on the basis of religion, a religious belief, a refusal to hold a religious belief, or refusal to attend or participate in a religious practice. Part 38, currently, also sets out rules and requirements that pertain to recipient and subrecipient ("subgrantee") organizations that engage in or conduct explicitly religious activities, as well as rules and requirements that pertain to recipients and subrecipients that are faith-based or religious organizations.

The text of 28 C.F.R. Part 38 is available via the Electronic Code of Federal Regulations (currently accessible at <https://www.ecfr.gov/cgi-bin/ECFR?page=browse>), by browsing to Title 28-Judicial Administration, Chapter 1, Part 38, under e-CFR "current" data.



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24. Restrictions on "lobbying"

In general, as a matter of federal law, federal funds awarded by OJP may not be used by the recipient, or any subrecipient ("subgrantee") at any tier, either directly or indirectly, to support or oppose the enactment, repeal, modification, or adoption of any law, regulation, or policy, at any level of government. See 18 U.S.C. 1913. (There may be exceptions if an applicable federal statute specifically authorizes certain activities that otherwise would be barred by law.)

Another federal law generally prohibits federal funds awarded by OJP from being used by the recipient, or any subrecipient at any tier, to pay any person to influence (or attempt to influence) a federal agency, a Member of Congress, or Congress (or an official or employee of any of them) with respect to the awarding of a federal grant or cooperative agreement, subgrant, contract, subcontract, or loan, or with respect to actions such as renewing, extending, or modifying any such award. See 31 U.S.C. 1352. Certain exceptions to this law apply, including an exception that applies to Indian tribes and tribal organizations.

Should any question arise as to whether a particular use of federal funds by a recipient (or subrecipient) would or might fall within the scope of these prohibitions, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

25. Compliance with general appropriations-law restrictions on the use of federal funds (FY 2020) The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable restrictions on the use of federal funds set out in federal appropriations statutes. Pertinent restrictions that may be set out in applicable appropriations acts are indicated at <https://ojp.gov/funding/Explore/FY20AppropriationsRestrictions.htm>, and are incorporated by reference here. Should a question arise as to whether a particular use of federal funds by a recipient (or a subrecipient) would or might fall within the scope of an appropriations-law restriction, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

26. Reporting potential fraud, waste, and abuse, and similar misconduct

The recipient, and any subrecipients ("subgrantees") at any tier, must promptly refer to the DOJ Office of the Inspector General (OIG) any credible evidence that a principal, employee, agent, subrecipient, contractor, subcontractor, or other person has, in connection with funds under this award-- (1) submitted a claim that violates the False Claims Act; or (2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct.

Potential fraud, waste, abuse, or misconduct involving or relating to funds under this award should be reported to the OIG by--(1) online submission accessible via the OIG webpage at <https://oig.justice.gov/hotline/contact-grants.htm> (select "Submit Report Online"); (2) mail directed to: U.S. Department of Justice, Office of the Inspector General, Investigations Division, ATTN: Grantee Reporting, 950 Pennsylvania Ave., NW, Washington, DC 20530; and/or (3) by facsimile directed to the DOJ OIG Investigations Division (Attn: Grantee Reporting) at (202) 616-9881 (fax).

Additional information is available from the DOJ OIG website at <https://oig.justice.gov/hotline>.



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27. Restrictions and certifications regarding non-disclosure agreements and related matters

No recipient or subrecipient ("subgrantee") under this award, or entity that receives a procurement contract or subcontract with any funds under this award, may require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts, or purports to prohibit or restrict, the reporting (in accordance with law) of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information.

The foregoing is not intended, and shall not be understood by the agency making this award, to contravene requirements applicable to Standard Form 312 (which relates to classified information), Form 4414 (which relates to sensitive compartmented information), or any other form issued by a federal department or agency governing the nondisclosure of classified information.

1. In accepting this award, the recipient--

a. represents that it neither requires nor has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

b. certifies that, if it learns or is notified that it is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

2. If the recipient does or is authorized under this award to make subawards ("subgrants"), procurement contracts, or both--

a. it represents that--

(1) it has determined that no other entity that the recipient's application proposes may or will receive award funds (whether through a subaward ("subgrant"), procurement contract, or subcontract under a procurement contract) either requires or has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

(2) it has made appropriate inquiry, or otherwise has an adequate factual basis, to support this representation; and

b. it certifies that, if it learns or is notified that any subrecipient, contractor, or subcontractor entity that receives funds under this award is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds to or by that entity, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.



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28. Compliance with 41 U.S.C. 4712 (including prohibitions on reprisal; notice to employees)

The recipient (and any subrecipient at any tier) must comply with, and is subject to, all applicable provisions of 41 U.S.C. 4712, including all applicable provisions that prohibit, under specified circumstances, discrimination against an employee as reprisal for the employee's disclosure of information related to gross mismanagement of a federal grant, a gross waste of federal funds, an abuse of authority relating to a federal grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal grant.

The recipient also must inform its employees, in writing (and in the predominant native language of the workforce), of employee rights and remedies under 41 U.S.C. 4712.

Should a question arise as to the applicability of the provisions of 41 U.S.C. 4712 to this award, the recipient is to contact the DOJ awarding agency (OJP or OVW, as appropriate) for guidance.

29. Encouragement of policies to ban text messaging while driving

Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), DOJ encourages recipients and subrecipients ("subgrantees") to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this award, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.

30. Requirement to disclose whether recipient is designated "high risk" by a federal grant-making agency outside of DOJ

If the recipient is designated "high risk" by a federal grant-making agency outside of DOJ, currently or at any time during the course of the period of performance under this award, the recipient must disclose that fact and certain related information to OJP by email at OJP.ComplianceReporting@ojp.usdoj.gov. For purposes of this disclosure, high risk includes any status under which a federal awarding agency provides additional oversight due to the recipient's past performance, or other programmatic or financial concerns with the recipient. The recipient's disclosure must include the following: 1. The federal awarding agency that currently designates the recipient high risk, 2. The date the recipient was designated high risk, 3. The high-risk point of contact at that federal awarding agency (name, phone number, and email address), and 4. The reasons for the high-risk status, as set out by the federal awarding agency.



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31. Authority to obligate award funds contingent on noninterference (within the funded "program or activity") with federal law enforcement: information-communication restrictions; unallowable costs; notification

1. If the recipient is a "State," a local government, or a "public" institution of higher education:

A. The recipient may not obligate award funds if, at the time of the obligation, the "program or activity" of the recipient (or of any subrecipient at any tier that is a State, a local government, or a public institution of higher education) that is funded wholly or partly with award funds is subject to any "information-communication restriction."

B. Also, with respect to any project costs it incurs "at risk," the recipient may not obligate award funds to reimburse itself if -- at the time it incurs such costs -- the program or activity of the recipient (or of any subrecipient, at any tier, described in par. 1.A of this condition) that would be reimbursed wholly or partly with award funds was subject to any information-communication restriction.

C. Any drawdown of award funds by the recipient shall be considered, for all purposes, to be a material representation by the recipient to OJP that, as of the date the recipient requests the drawdown, the recipient and each subrecipient (regardless of tier) described in par. 1.A of this condition, is in compliance with the award condition entitled "Noninterference (within the funded 'program or activity') with federal law enforcement: information-communication restrictions; ongoing compliance."

D. The recipient must promptly notify OJP (in writing) if the recipient, from its requisite monitoring of compliance with award conditions or otherwise, has credible evidence that indicates that the funded program or activity of the recipient, or of any subrecipient (at any tier) described in par. 1.A of this condition, may be subject to any information-communication restriction. Also, any subaward (at any tier) to a subrecipient described in paragraph 1.A of this condition must require prompt notification to the entity that made the subaward, should the subrecipient have such credible evidence regarding an information-communication restriction.

2. Any subaward (at any tier) to a subrecipient described in par. 1.A of this condition must provide that the subrecipient may not obligate award funds if, at the time of the obligation, the program or activity of the subrecipient (or of any further such subrecipient at any tier) that is funded in whole or in part with award funds is subject to any information-communication restriction.

3. Absent an express written determination by DOJ to the contrary, based upon a finding by DOJ of compelling circumstances (e.g., a small amount of award funds obligated by the recipient at the time of a subrecipient's minor and transitory non-compliance, which was unknown to the recipient despite diligent monitoring), any obligations of award funds that, under this condition, may not be made shall be unallowable costs for purposes of this award. In making any such determination, DOJ will give great weight to evidence submitted by the recipient that demonstrates diligent monitoring of subrecipient compliance with the requirements set out in the "Noninterference ... information-communication restrictions; ongoing compliance" award condition.

4. Rules of Construction

A. For purposes of this condition "information-communication restriction" has the meaning set out in the "Noninterference ... information-communication restrictions; ongoing compliance" condition.

B. Both the "Rules of Construction" and the "Important Note" set out in the "Noninterference ... information-communication restrictions; ongoing compliance" condition are incorporated by reference as though set forth here in full.



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32. Authority to obligate award funds contingent on no use of funds to interfere with federal law enforcement: information-communication restrictions; unallowable costs; notification

1. If the recipient is a "State," a local government, or a "public" institution of higher education:

A. The recipient may not obligate award funds if, at the time of the obligation, the "program or activity" of the recipient (or of any subrecipient at any tier that is a State, a local government, or a public institution of higher education) that is funded in whole or in part with award funds is subject to any "information-communication restriction."

B. In addition, with respect to any project costs it incurs "at risk," the recipient may not obligate award funds to reimburse itself if -- at the time it incurs such costs -- the program or activity of the recipient (or of any subrecipient, at any tier, described in paragraph 1.A of this condition) that would be reimbursed in whole or in part with award funds was subject to any information-communication restriction.

C. Any drawdown of award funds by the recipient shall be considered, for all purposes, to be a material representation by the recipient to OJP that, as of the date the recipient requests the drawdown, the recipient and each subrecipient (regardless of tier) described in paragraph 1.A of this condition, is in compliance with the award condition entitled "No use of funds to interfere with federal law enforcement: information-communication restrictions; ongoing compliance."

D. The recipient must promptly notify OJP (in writing) if the recipient, from its requisite monitoring of compliance with award conditions or otherwise, has credible evidence that indicates that the funded program or activity of the recipient, or of any subrecipient (at any tier) described in paragraph 1.A of this condition, may be subject to any information-communication restriction. In addition, any subaward (at any tier) to a subrecipient described in paragraph 1.A of this condition must require prompt notification to the entity that made the subaward, should the subrecipient have such credible evidence regarding an information-communication restriction.

2. Any subaward (at any tier) to a subrecipient described in paragraph 1.A of this condition must provide that the subrecipient may not obligate award funds if, at the time of the obligation, the program or activity of the subrecipient (or of any further such subrecipient at any tier) that is funded in whole or in part with award funds is subject to any information-communication restriction.

3. Absent an express written determination by DOJ to the contrary, based upon a finding by DOJ of compelling circumstances (e.g., a small amount of award funds obligated by the recipient at the time of a subrecipient's minor and transitory non-compliance, which was unknown to the recipient despite diligent monitoring), any obligations of award funds that, under this condition, may not be made shall be unallowable costs for purposes of this award. In making any such determination, DOJ will give great weight to evidence submitted by the recipient that demonstrates diligent monitoring of subrecipient compliance with the requirements set out in the "No use of funds to interfere ... information-communication restrictions; ongoing compliance" award condition.

4. Rules of Construction

A. For purposes of this condition "information-communication restriction" has the meaning set out in the "No use of funds to interfere ... information-communication restrictions; ongoing compliance" condition.

B. Both the "Rules of Construction" and the "Important Note" set out in the "No use of funds to interfere ... information-communication restrictions; ongoing compliance" condition are incorporated by reference as though set forth here in full.



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SPECIAL CONDITIONS

33. Noninterference (within the funded "program or activity") with federal law enforcement: information-communication restrictions; ongoing compliance

1. With respect to the "program or activity" funded in whole or part under this award (including any such program or activity of any subrecipient at any tier), throughout the period of performance, no State or local government entity, -agency, or -official may prohibit or in any way restrict-- (1) any government entity or -official from sending or receiving information regarding citizenship or immigration status to/from DHS; or (2) a government entity or -agency from sending, requesting or receiving, or exchanging information regarding immigration status to/from/with DHS, or from maintaining such information. Any prohibition (or restriction) that violates this condition is an "information-communication restriction" under this award.

2. The recipient's monitoring responsibilities include monitoring of subrecipient compliance with the requirements of this condition.

3. Allowable costs. Compliance with these requirements is an authorized and priority purpose of this award. To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) that the recipient, or any subrecipient at any tier that is a State, a local government, or a public institution of higher education, incurs to implement this condition.

4. Rules of Construction

A. For purposes of this condition:

(1) "State" and "local government" include any agency or other entity thereof (including any public institution of higher education), but not any Indian tribe.

(2) A "public" institution of higher education is defined as one that is owned, controlled, or directly funded (in whole or in substantial part) by a State or local government. (Such a public institution is considered to be a "government entity," and its officials to be "government officials.")

(3) "Program or activity" means what it means under title VI of the Civil Rights Act of 1964 (see 42 U.S.C. 2000d-4a).

(4) "Immigration status" means what it means under 8 U.S.C. 1373 and 8 U.S.C. 1644; and terms that are defined in 8 U.S.C. 1101 mean what they mean under that section 1101, except that "State" also includes American Samoa.

(5) "DHS" means the U.S. Department of Homeland Security.

B. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, any State or local government, any public institution of higher education, or any other entity (or individual) to violate any federal law, including any applicable civil rights or nondiscrimination law.

IMPORTANT NOTE: Any questions about the meaning or scope of this condition should be directed to OJP, before award acceptance.



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SPECIAL CONDITIONS

34. No use of funds to interfere with federal law enforcement: information-communication restrictions; ongoing compliance

1. Throughout the period of performance, no State or local government entity, -agency, or -official may use funds under this award (including under any subaward, at any tier) to prohibit or in any way restrict-- (1) any government entity or -official from sending or receiving information regarding citizenship or immigration status to/from DHS; or (2) a government entity or -agency from sending, requesting or receiving, or exchanging information regarding immigration status to/from/with DHS, or from maintaining such information. Any prohibition (or restriction) that violates this condition is an "information-communication restriction" under this award.

2. The recipient's monitoring responsibilities include monitoring of subrecipient compliance with the requirements of this condition.

3. Allowable costs. Compliance with these requirements is an authorized and priority purpose of this award. To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) that the recipient, or any subrecipient at any tier that is a State, a local government, or a public institution of higher education, incurs to implement this condition.

4. Rules of Construction

A. For purposes of this condition:

(1) "State" and "local government" include any agency or other entity thereof (including any public institution of higher education), but not any Indian tribe.

(2) A "public" institution of higher education is defined as one that is owned, controlled, or directly funded (in whole or in substantial part) by a State or local government. (Such a public institution is considered to be a "government entity," and its officials to be "government officials.")

(3) "Program or activity" means what it means under title VI of the Civil Rights Act of 1964 (see 42 U.S.C. 2000d-4a).

(4) "Immigration status" means what it means under 8 U.S.C. 1373 and 8 U.S.C. 1644; and terms that are defined in 8 U.S.C. 1101 mean what they mean under that section 1101, except that "State" also includes American Samoa.

(5) "DHS" means the U.S. Department of Homeland Security.

B. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, any State or local government, any public institution of higher education, or any other entity (or individual) to violate any federal law, including any applicable civil rights or nondiscrimination law.

IMPORTANT NOTE: Any questions about the meaning or scope of this condition should be directed to OJP, before award acceptance.



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SPECIAL CONDITIONS

35. Noninterference (within the funded "program or activity") with federal law enforcement: No public disclosure of certain law-enforcement-sensitive information

SCOPE. This condition applies with respect to the "program or activity" that is funded (in whole or in part) by the award, as of the date the recipient accepts this award, and throughout the remainder of the period of performance. Its provisions must be among those included in any subaward (at any tier).

1. Noninterference: No public disclosure of federal law-enforcement information in order to conceal, harbor, or shield

Consistent with the purposes and objectives of federal law enforcement statutes and federal criminal law (including 8 U.S.C. 1324 and 18 U.S.C. chs. 1, 49, 227), no public disclosure may be made of any federal law-enforcement information in a direct or indirect attempt to conceal, harbor, or shield from detection any fugitive from justice under 18 U.S.C. ch. 49, or any alien who has come to, entered, or remains in the United States in violation of 8 U.S.C. ch. 12 -- without regard to whether such disclosure would constitute (or could form a predicate for) a violation of 18 U.S.C. 1071 or 1072 or of 8 U.S.C. 1324(a).

2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

3. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions (e.g., training) designed to ensure compliance with this condition.

4. Rules of construction

- A. For purposes of this condition--

(1) the term "alien" means what it means under section 101 of the Immigration and Nationality Act (see 8 U.S.C. 1101(a)(3));

(2) the term "federal law-enforcement information" means law-enforcement-sensitive information communicated or made available, by the federal government, to a State or local government entity, -agency, or -official, through any means, including, without limitation-- (1) through any database, (2) in connection with any law enforcement partnership or -task-force, (3) in connection with any request for law enforcement assistance or -cooperation, or (4) through any deconfliction (or courtesy) notice of planned, imminent, commencing, continuing, or impending federal law enforcement activity;

(3) the term "law-enforcement-sensitive information" means records or information compiled for any law-enforcement purpose; and

(4) the term "public disclosure" means any communication or release other than one-- (a) within the recipient, or (b) to any subrecipient (at any tier) that is a government entity.

B. Both the "Rules of Construction" and the "Important Note" set out in the "Noninterference (within the funded "program or activity") with federal law enforcement: information-communication restrictions; ongoing compliance" award condition are incorporated by reference as though set forth here in full.



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SPECIAL CONDITIONS

36. No use of funds to interfere with federal law enforcement: No public disclosure of certain law-enforcement-sensitive information

SCOPE. This condition applies as of the date the recipient accepts this award, and throughout the remainder of the period of performance. Its provisions must be among those included in any subaward (at any tier).

1. No use of funds to interfere: No public disclosure of federal law-enforcement information in order to conceal, harbor, or shield

Consistent with the purposes and objectives of federal law enforcement statutes and federal criminal law (including 8 U.S.C. 1324 and 18 U.S.C. chs. 1, 49, 227), no funds under this award may be used to make any public disclosure of any federal law-enforcement information in a direct or indirect attempt to conceal, harbor, or shield from detection any fugitive from justice under 18 U.S.C. ch. 49, or any alien who has come to, entered, or remains in the United States in violation of 8 U.S.C. ch. 12 -- without regard to whether such disclosure would constitute (or could form a predicate for) a violation of 18 U.S.C. 1071 or 1072 or of 8 U.S.C. 1324(a).

2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

3. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions (e.g., training) designed to ensure compliance with this condition.

4. Rules of construction

A. For purposes of this condition--

(1) the term "alien" means what it means under section 101 of the Immigration and Nationality Act (see 8 U.S.C. 1101(a)(3));

(2) the term "federal law-enforcement information" means law-enforcement-sensitive information communicated or made available, by the federal government, to a State or local government entity, -agency, or -official, through any means, including, without limitation-- (1) through any database, (2) in connection with any law enforcement partnership or -task-force, (3) in connection with any request for law enforcement assistance or -cooperation, or (4) through any deconfliction (or courtesy) notice of planned, imminent, commencing, continuing, or impending federal law enforcement activity;

(3) the term "law-enforcement-sensitive information" means records or information compiled for any law-enforcement purpose; and

(4) the term "public disclosure" means any communication or release other than one-- (a) within the recipient, or (b) to any subrecipient (at any tier) that is a government entity.

B. Both the "Rules of Construction" and the "Important Note" set out in the "No use of funds to interfere with federal law enforcement: information-communication restrictions; ongoing compliance" award condition are incorporated by reference as though set forth here in full.



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SPECIAL CONDITIONS

37. Noninterference (within the funded "program or activity") with federal law enforcement: Notice of scheduled release

SCOPE. This condition applies with respect to the "program or activity" that is funded (in whole or in part) by the award, as of the date the recipient accepts the award, and throughout the remainder of the period of performance. Its provisions must be among those included in any subaward at any tier.

1. Noninterference with "removal" process: Notice of scheduled release date and time

Consonant with federal law enforcement statutes -- including 8 U.S.C. 1231 (for an alien incarcerated by a State or local government, a 90-day "removal period" during which the federal government "shall" detain and then "shall" remove an alien from the U.S. "begins" no later than "the date the alien is released from ... confinement"; also, the federal government is expressly authorized to make payments to a "State or a political subdivision of the State ... with respect to the incarceration of [an] undocumented criminal alien"); 8 U.S.C. 1226 (the federal government "shall take into custody" certain criminal aliens "when the alien is released"); and 8 U.S.C. 1366 (requiring an annual report to Congress on "the number of illegal alien[felons] in Federal and State prisons" and programs underway "to ensure the prompt removal" from the U.S. of removable "criminal aliens") -- within the funded program or activity, no State or local government entity, -agency, or -official (including a government-contracted correctional facility) may interfere with the "removal" process by failing to provide -- as early as practicable (see para. 4.C. below) -- advance notice to DHS of the scheduled release date and time for a particular alien, if a State or local government (or government-contracted) correctional facility receives from DHS a formal written request pursuant to the INA that seeks such advance notice.

2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

3. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions (e.g., training) designed to ensure compliance with this condition.

4. Rules of construction

A. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, any State or local government, or any other entity or individual to maintain (or detain) any individual in custody beyond the date and time the individual otherwise would have been released.

- B. Applicability

(1) Current DHS practice is ordinarily to request advance notice of scheduled release "as early as practicable (at least 48 hours, if possible)." (See DHS Form I-247A (3/17)). If (e.g., in light of the date DHS made such request) the scheduled release date and time for an alien are such as not to allow for the advance notice that DHS has requested, it shall NOT be a violation of this condition to provide only as much advance notice as practicable.

(2) Current DHS practice is to use the same form for a second, distinct purpose -- to request that an individual be detained for up to 48 hours AFTER the scheduled release. This condition does NOT encompass such DHS requests for detention.

C. Both the "Rules of Construction" and the "Important Note" set out in the "Noninterference (within the funded "program or activity") with federal law enforcement: Interrogation of certain aliens" award condition are incorporated by reference as though set forth here in full.



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38. No use of funds to interfere with federal law enforcement: Notice of scheduled release

SCOPE. This condition applies as of the date the recipient accepts the award, and throughout the remainder of the period of performance. Its provisions must be among those included in any subaward at any tier.

1. No use of funds to interfere with "removal" process: Notice of scheduled release date and time

Consonant with federal law enforcement statutes -- including 8 U.S.C. 1231 (for an alien incarcerated by a State or local government, a 90-day "removal period" during which the federal government "shall" detain and then "shall" remove an alien from the U.S. "begins" no later than "the date the alien is released from ... confinement"; also, the federal government is expressly authorized to make payments to a "State or a political subdivision of the State ... with respect to the incarceration of [an] undocumented criminal alien"); 8 U.S.C. 1226 (the federal government "shall take into custody" certain criminal aliens "when the alien is released"); and 8 U.S.C. 1366 (requiring an annual report to Congress on "the number of illegal alien[felons] in Federal and State prisons" and programs underway "to ensure the prompt removal" from the U.S. of removable "criminal aliens") -- no State or local government entity, -agency, or -official (including a government-contracted correctional facility) may use funds under this award to interfere with the "removal" process by failing to provide -- as early as practicable (see para. 4.C. below) -- advance notice to DHS of the scheduled release date and time for a particular alien, if a State or local government (or government-contracted) correctional facility receives from DHS a formal written request pursuant to the INA that seeks such advance notice.

2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

3. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions (e.g., training) designed to ensure compliance with this condition.

4. Rules of construction

A. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, any State or local government, or any other entity or individual to maintain (or detain) any individual in custody beyond the date and time the individual otherwise would have been released.

- B. Applicability

(1) Current DHS practice is ordinarily to request advance notice of scheduled release "as early as practicable (at least 48 hours, if possible)." (See DHS Form I-247A (3/17)). If (e.g., in light of the date DHS made such request) the scheduled release date and time for an alien are such as not to allow for the advance notice that DHS has requested, it shall NOT be a violation of this condition to provide only as much advance notice as practicable.

(2) Current DHS practice is to use the same form for a second, distinct purpose -- to request that an individual be detained for up to 48 hours AFTER the scheduled release. This condition does NOT encompass such DHS requests for detention.

C. Both the "Rules of Construction" and the "Important Note" set out in the "No use of funds to interfere with federal law enforcement: Interrogation of certain aliens" award condition are incorporated by reference as though set forth here in full.



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39. Noninterference (within the funded "program or activity") with federal law enforcement: Interrogation of certain aliens

SCOPE. This condition applies with respect to the "program or activity" funded (wholly or partly) by this award, as of the date the recipient accepts the award, and throughout the rest of the award period of performance. Its provisions must be among those included in any subaward (at any tier).

1. Noninterference with statutory law enforcement access to correctional facilities

Consonant with federal law enforcement statutes and regulations--including 8 USC 1357(a), under which certain federal officers and employees "have power without warrant ... to interrogate any alien or person believed to be an alien as to his right to be or to remain" in the U.S., and 8 CFR 287.5(a), under which that power may be exercised "anywhere in or outside" the U.S.--within the funded program or activity, no State or local government entity, -agency, or -official may interfere with the exercise of that power to interrogate "without warrant" (by agents of the United States acting under color of federal law) by impeding access to any State or local government (or government-contracted) correctional facility by such agents for the purpose of "interrogat[ing] any alien or person believed to be an alien as to his [or her] right to be or to remain in the United States."

2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

3. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions (e.g., training) designed to ensure compliance with this condition.

4. Rules of construction

A. For purposes of this condition:

(1) The term "alien" means what it means under sec. 101 of the Immigration and Nationality Act (INA) (8 USC 1101(a)(3)), except that, with respect to a juvenile offender, it means "criminal alien."

(2) The term "juvenile offender" means what it means under 28 CFR 31.304(f) (as in effect on Jan. 1, 2020).

(3) The term "criminal alien" means, with respect to a juvenile offender, an alien who is deportable on the basis of-

(a) conviction described in 8 USC 1227(a)(2), or

(b) conduct described in 8 USC 1227(a)(4).

(4) The term "conviction" means what it means under 8 USC 1101(a)(48). (Adjudication of a juvenile as having committed an offense does not constitute "conviction" for purposes of this condition.)

(5) The term "correctional facility" means what it means under 34 USC 10251(a)(7)) as of January 1, 2020.

(6) The term "impede" includes taking or continuing any action, or implementing or maintaining any law, policy, rule, or practice, that-

(a) is designed to prevent or to significantly delay or complicate, or

(b) has the effect of preventing or of significantly delaying or complicating.



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(7) "State" and "local government" include any agency or other entity thereof (including any public institution of higher education), but not any Indian tribe.

(8) A "public" institution of higher education is one that is owned, controlled, or directly funded (in whole or in substantial part) by a State or local government. (Such a public institution is considered to be a "government entity," and its officials to be "government officials.")

(9) "Program or activity" means what it means under 42 USC 2000d-4a.

B. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, any State or local government, any public institution of higher education, or any other entity (or individual) to violate any federal law, including any applicable civil rights or nondiscrimination law.

IMPORTANT NOTE: Any questions about the meaning or scope of this condition should be directed to OJP, before award acceptance.



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40. No use of funds to interfere with federal law enforcement: Interrogation of certain aliens

SCOPE. This condition applies as of the date the recipient accepts this award, and throughout the remainder of the period of performance for the award. Its provisions must be among those included in any subaward (at any tier).

1. No use of funds to interfere with statutory law enforcement access to correctional facilities

Consonant with federal law enforcement statutes and regulations -- including 8 USC 1357(a), under which certain federal officers and employees "have power without warrant ... to interrogate any alien or person believed to be an alien as to his right to be or to remain in the United States," and 8 CFR 287.5(a), under which that power may be exercised "anywhere in or outside the United States" -- no State or local government entity, -agency, or -official may use funds under this award to interfere with the exercise of that power to interrogate "without warrant" (by agents of the United States acting under color of federal law) by impeding access to any State or local government (or government-contracted) correctional facility by such agents for the purpose of "interrogat[ing] any alien or person believed to be an alien as to his [or her] right to be or to remain in the United States."

2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

3. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions (e.g., training) designed to ensure compliance with this condition.

4. Rules of construction

A. For purposes of this condition:

(1) The term "alien" means what it means under section 101 of the Immigration and Nationality Act (INA) (8 USC 1101(a)(3)), except that, with respect to a juvenile offender, it means "criminal alien."

(2) The term "juvenile offender" means what it means under 28 CFR 31.304(f) (as in effect on Jan. 1, 2020).

(3) The term "criminal alien" means, with respect to a juvenile offender, an alien who is deportable on the basis of—

(a) conviction described in 8 USC 1227(a)(2), or

(b) conduct described in 8 USC 1227(a)(4).

(4) The term "conviction" means what it means under 8 USC 1101(a)(48). (Adjudication of a juvenile as having committed an offense does not constitute "conviction" for purposes of this condition.)

(5) The term "correctional facility" means what it means under the title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 USC 10251(a)(7)).

(6) The term "impede" includes taking or continuing any action, or implementing or maintaining any law, policy, rule, or practice, that—

(a) is designed to prevent or to significantly delay or complicate, or



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(b) has the effect of preventing or of significantly delaying or complicating.

(7) "State" and "local government" include any agency or other entity thereof (including any public institution of higher education), but not any Indian tribe.

(8) A "public" institution of higher education is defined as one that is owned, controlled, or directly funded (in whole or in substantial part) by a State or local government. (Such a public institution is considered to be a "government entity," and its officials to be "government officials.")

(9) "Program or activity" means what it means under 42 USC 2000d-4a.

B. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, any State or local government, any public institution of higher education, or any other entity (or individual) to violate any federal law, including any applicable civil rights or nondiscrimination law.

IMPORTANT NOTE: Any questions about the meaning or scope of this condition should be directed to OJP, before award acceptance.

41. Requirement to collect certain information from subrecipients

Except as provided in this condition, the recipient may not make a subaward to a State, a local government, or a "public" institution of higher education, unless it first obtains from the proposed subrecipient responses to the questions identified in the program solicitation as "Information regarding Communication with the Department of Homeland Security (DHS) and/or Immigration and Customs Enforcement (ICE)." All subrecipient responses must be collected and maintained by the recipient, consistent with document retention requirements, and must be made available to DOJ upon request. Responses to these questions are not required from subrecipients that are either a tribal government/organization, a nonprofit organization, or a private institution of higher education.

42. Cooperating with OJP Monitoring

The recipient agrees to cooperate with OJP monitoring of this award pursuant to OJP's guidelines, protocols, and procedures, and to cooperate with OJP (including the grant manager for this award and the Office of Chief Financial Officer (OCFO)) requests related to such monitoring, including requests related to desk reviews and/or site visits. The recipient agrees to provide to OJP all documentation necessary for OJP to complete its monitoring tasks, including documentation related to any subawards made under this award. Further, the recipient agrees to abide by reasonable deadlines set by OJP for providing the requested documents. Failure to cooperate with OJP's monitoring activities may result in actions that affect the recipient's DOJ awards, including, but not limited to: withholdings and/or other restrictions on the recipient's access to award funds; referral to the DOJ OIG for audit review; designation of the recipient as a DOJ High Risk grantee; or termination of an award(s).

43. Required monitoring of subawards

The recipient must monitor subawards under this award in accordance with all applicable statutes, regulations, award conditions, and the DOJ Grants Financial Guide, and must include the applicable conditions of this award in any subaward. Among other things, the recipient is responsible for oversight of subrecipient spending and monitoring of specific outcomes and benefits attributable to use of award funds by subrecipients. The recipient agrees to submit, upon request, documentation of its policies and procedures for monitoring of subawards under this award.



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44. Use of program income

Program income (as defined in the Part 200 Uniform Requirements) must be used in accordance with the provisions of the Part 200 Uniform Requirements. Program income earnings and expenditures both must be reported on the quarterly Federal Financial Report, SF 425.

45. Law enforcement task forces - required training

Within 120 days of award acceptance, each current member of a law enforcement task force funded with award funds who is a task force commander, agency executive, task force officer, or other task force member of equivalent rank, must complete required online (internet-based) task force training. Additionally, all future task force members must complete this training once during the period of performance for this award, or once every four years if multiple OJP awards include this requirement.

The required training is available free of charge online through the BJA-funded Center for Task Force Integrity and Leadership (www.ctfli.org). The training addresses task force effectiveness, as well as other key issues including privacy and civil liberties/rights, task force performance measurement, personnel selection, and task force oversight and accountability. If award funds are used to support a task force, the recipient must compile and maintain a task force personnel roster, along with course completion certificates.

Additional information regarding the training is available through BJA's web site and the Center for Task Force Integrity and Leadership (www.ctfli.org).

46. Submission of eligible records relevant to the National Instant Background Check System

Consonant with federal statutes that pertain to firearms and background checks -- including 18 U.S.C. 922 and 34 U.S.C. ch. 409 -- if the recipient (or any subrecipient at any tier) uses this award to fund (in whole or in part) a specific project or program (such as a law enforcement, prosecution, or court program) that results in any court dispositions, information, or other records that are "eligible records" (under federal or State law) relevant to the National Instant Background Check System (NICS), or that has as one of its purposes the establishment or improvement of records systems that contain any court dispositions, information, or other records that are "eligible records" (under federal or State law) relevant to the NICS, the recipient (or subrecipient, if applicable) must ensure that all such court dispositions, information, or other records that are "eligible records" (under federal or State law) relevant to the NICS are promptly made available to the NICS or to the "State" repository/database that is electronically available to (and accessed by) the NICS, and -- when appropriate -- promptly must update, correct, modify, or remove such NICS-relevant "eligible records".

In the event of minor and transitory non-compliance, the recipient may submit evidence to demonstrate diligent monitoring of compliance with this condition (including subrecipient compliance). DOJ will give great weight to any such evidence in any express written determination regarding this condition.



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47. Compliance with National Environmental Policy Act and related statutes

Upon request, the recipient (and any subrecipient at any tier) must assist BJA in complying with the National Environmental Policy Act (NEPA), the National Historic Preservation Act, and other related federal environmental impact analyses requirements in the use of these award funds, either directly by the recipient or by a subrecipient. Accordingly, the recipient agrees to first determine if any of the following activities will be funded by the grant, prior to obligating funds for any of these purposes. If it is determined that any of the following activities will be funded by the award, the recipient agrees to contact BJA.

The recipient understands that this condition applies to new activities as set out below, whether or not they are being specifically funded with these award funds. That is, as long as the activity is being conducted by the recipient, a subrecipient, or any third party, and the activity needs to be undertaken in order to use these award funds, this condition must first be met. The activities covered by this condition are:

a. New construction;

b. Minor renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places;

c. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size;

d. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments; and

e. Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

The recipient understands and agrees that complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by BJA. The recipient further understands and agrees to the requirements for implementation of a Mitigation Plan, as detailed at <https://bj.gov/Funding/nepa.html>, for programs relating to methamphetamine laboratory operations.

Application of This Condition to Recipient's Existing Programs or Activities: For any of the recipient's or its subrecipients' existing programs or activities that will be funded by these award funds, the recipient, upon specific request from BJA, agrees to cooperate with BJA in any preparation by BJA of a national or program environmental assessment of that funded program or activity.

48. Establishment of trust fund

If award funds are being drawn down in advance, the recipient (or a subrecipient, with respect to a subaward) is required to establish a trust fund account. Recipients (and subrecipients) must maintain advance payments of federal awards in interest-bearing accounts, unless regulatory exclusions apply (2 C.F.R. 200.305(b)(8)). The trust fund, including any interest, may not be used to pay debts or expenses incurred by other activities beyond the scope of the Edward Byrne Memorial Justice Assistance Grant Program (JAG). The recipient also agrees to obligate the award funds in the trust fund (including any interest earned) during the period of performance for the award and expend within 90 days thereafter. Any unobligated or unexpended funds, including interest earned, must be returned to OJP at the time of closeout.



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49. Prohibition on use of award funds for match under BVP program

JAG funds may not be used as the 50% match for purposes of the DOJ Bulletproof Vest Partnership (BVP) program.

50. Certification of body armor "mandatory wear" policies

If recipient uses funds under this award to purchase body armor, the recipient must submit a signed certification that law enforcement agencies receiving body armor purchased with funds from this award have a written "mandatory wear" policy in effect. The recipient must keep signed certifications on file for any subrecipients planning to utilize funds from this award for ballistic-resistant and stab-resistant body armor purchases. This policy must be in place for at least all uniformed officers before any funds from this award may be used by an agency for body armor. There are no requirements regarding the nature of the policy other than it be a mandatory wear policy for all uniformed officers while on duty.

51. Body armor - compliance with NIJ standards and other requirements

Ballistic-resistant and stab-resistant body armor purchased with JAG award funds may be purchased at any threat level, make or model, from any distributor or manufacturer, as long as the body armor has been tested and found to comply with applicable National Institute of Justice ballistic or stab standards and is listed on the NIJ Compliant Body Armor Model List (<https://nij.gov/topics/technology/body-armor/Pages/compliant-ballistic-armor.aspx>). In addition, ballistic-resistant and stab-resistant body armor purchased must be made in the United States and must be uniquely fitted, as set forth in 34 U.S.C. 10202(c)(1)(A). The latest NIJ standard information can be found here: <https://nij.gov/topics/technology/body-armor/pages/safety-initiative.aspx>.

52. Body armor - impact on eligibility for other program funds

The recipient understands that the use of funds under this award for purchase of body armor may impact eligibility for funding under the Bulletproof Vest Partnership (BVP) program, a separate program operated by BJA, pursuant to the BVP statute at 34 USC 10531(c)(5).

53. Reporting requirements

The recipient must submit quarterly Federal Financial Reports (SF-425) and annual performance reports through OJP's GMS (<https://grants.ojp.usdoj.gov>). Consistent with the Department's responsibilities under the Government Performance and Results Act (GPRA) and the GPRA Modernization Act of 2010, the recipient must provide data that measure the results of its work. The recipient must submit quarterly performance metrics reports through BJA's Performance Measurement Tool (PMT) website (www.bjaperformancetools.org). For more detailed information on reporting and other JAG requirements, refer to the JAG reporting requirements webpage. Failure to submit required JAG reports by established deadlines may result in the freezing of grant funds and future High Risk designation.

54. Required data on law enforcement agency training

Any law enforcement agency receiving direct or sub-awarded funding from this JAG award must submit quarterly accountability metrics data related to training that officers have received on the use of force, racial and ethnic bias, de-escalation of conflict, and constructive engagement with the public.



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55. Expenditures prohibited without waiver

No funds under this award may be expended on the purchase of items prohibited by the JAG program statute, unless, as set forth at 34 U.S.C. 10152, the BJA Director certifies that extraordinary and exigent circumstances exist, making such expenditures essential to the maintenance of public safety and good order.

56. JAG FY 2020 - Authorization to obligate (federal) award funds to reimburse certain project costs incurred on or after October 1, 2019 [BJA]

Authorization to obligate (federal) award funds to reimburse certain project costs incurred on or after October 1, 2019

The recipient may obligate (federal) award funds only after the recipient makes a valid acceptance of the award. As of the first day of the period of performance for the award (October 1, 2019), however, the recipient may choose to incur project costs using non-federal funds, but any such project costs are incurred at the recipient's risk until, at a minimum-- (1) the recipient makes a valid acceptance of the award, and (2) all applicable withholding conditions are removed by OJP (via a Grant Adjustment Notice). (A withholding condition is a condition in the award document that precludes the recipient from obligating, expending, or drawing down all or a portion of the award funds until the condition is removed.)

Except to the extent (if any) that an award condition expressly precludes reimbursement of project costs incurred "at-risk," if and when the recipient makes a valid acceptance of this award and OJP removes each applicable withholding condition through a Grant Adjustment Notice, the recipient is authorized to obligate (federal) award funds to reimburse itself for project costs incurred "at-risk" earlier during the period of performance (such as project costs incurred prior to award acceptance or prior to removal of an applicable withholding condition), provided that those project costs otherwise are allowable costs under the award.

57. Use of funds for DNA testing; upload of DNA profiles

If award funds are used for DNA testing of evidentiary materials, any resulting eligible DNA profiles must be uploaded to the Combined DNA Index System ("CODIS," the DNA database operated by the FBI) by a government DNA laboratory with access to CODIS.

No profiles generated under this award may be entered or uploaded into any non-governmental DNA database without prior express written approval from BJA.

Award funds may not be used for the purchase of DNA equipment and supplies unless the resulting DNA profiles may be accepted for entry into CODIS.

58. Encouragement of submission of "success stories"

BJA strongly encourages the recipient to submit annual (or more frequent) JAG success stories. To submit a success story, sign in to a My BJA account at <https://www.bja.gov/Login.aspx> to access the Success Story Submission form. If the recipient does not yet have a My BJA account, please register at <https://www.bja.gov/profile.aspx>. Once registered, one of the available areas on the My BJA page will be "My Success Stories." Within this box, there is an option to add a Success Story. Once reviewed and approved by BJA, all success stories will appear on the BJA Success Story web page at <https://www.bja.gov/SuccessStoryList.aspx>.



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59. Initial period of performance; requests for extension

The recipient understands that the initial period of performance for this award is two years. The recipient further understands that any requests for an extension of the period of performance for this award will be approved automatically for up to a total of two additional years, pursuant to 34 U.S.C. 10152(f) and in accordance with the program solicitation associated with this award.

Any request for an extension of the period of performance beyond a four-year award period will require approval, and the approval (if any) will be at the discretion of the Director of BJA.

60. Withholding of funds: Required certification from the chief executive of the applicant government

The recipient may not obligate, expend, or draw down any award funds until the recipient submits the required "Certifications and Assurances by the Chief Executive of the Applicant Government," properly-executed (as determined by OJP), and a Grant Adjustment Notice (GAN) has been issued to remove this condition.

61. Withholding of funds: Program narrative

The recipient may not obligate, expend, or draw down any award funds until the recipient submits, and OJP reviews and accepts, the program narrative for this award, and a Grant Adjustment Notice (GAN) has been issued to remove this condition.

62. Withholding of funds: NIBRS set-aside

The recipient may not obligate, expend, or draw down any award funds until the recipient submits, and BJA reviews and accepts, a budget that clearly dedicates at least 3 percent of the total amount of the award to NIBRS compliance activities or documentation showing that the recipient has been certified as NIBRS compliant, and a Grant Adjustment Notice (GAN) has been issued to remove this condition.

63. Withholding of funds: Disclosure of pending applications

The recipient may not obligate, expend, or draw down any award funds until: (1) it has provided to the grant manager for this OJP award either an "applicant disclosure of pending applications" for federal funding or a specific affirmative statement that no such pending applications (whether direct or indirect) exist, in accordance with the detailed instructions in the program solicitation, (2) OJP has completed its review of the information provided and of any supplemental information it may request, (3) the recipient has made any adjustments to the award that OJP may require to prevent or eliminate any inappropriate duplication of funding (e.g., budget modification, project scope adjustment), (4) if appropriate adjustments to a discretionary award cannot be made, the recipient has agreed in writing to any necessary reduction of the award amount in any amount sufficient to prevent duplication (as determined by OJP), and (5) a Grant Adjustment Notice has been issued to remove this condition.



Department of Justice (DOJ)

Office of Justice Programs

Bureau of Justice Assistance

Washington, D.C. 20531

Memorandum To: Official Grant File

From: Orbin Terry, NEPA Coordinator

Subject: Incorporates NEPA Compliance in Further Developmental Stages for City of National City

The Edward Byrne Memorial Justice Assistance Grant Program (JAG) allows states and local governments to support a broad range of activities to prevent and control crime and to improve the criminal justice system, some of which could have environmental impacts. All recipients of JAG funding must assist BJA in complying with NEPA and other related federal environmental impact analyses requirements in the use of grant funds, whether the funds are used directly by the grantee or by a subgrantee or third party. Accordingly, prior to obligating funds for any of the specified activities, the grantee must first determine if any of the specified activities will be funded by the grant.

The specified activities requiring environmental analysis are:

- a. New construction;
- b. Any renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places;
- c. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size;
- d. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments; and
- e. Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

Complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by BJA. Further, for programs relating to methamphetamine laboratory operations, the preparation of a detailed Mitigation Plan will be required. For more information about Mitigation Plan requirements, please see <https://www.bja.gov/Funding/nepa.html>.

Please be sure to carefully review the grant conditions on your award document, as it may contain more specific information about environmental compliance.



Department of Justice (DOJ)
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**GRANT MANAGER'S MEMORANDUM, PT. I:
PROJECT SUMMARY**

Grant

PROJECT NUMBER
2020-DJ-BX-0252

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This project is supported under FY20(BJA - JAG State and JAG Local) Title I of Pub. L. No. 90-351 (generally codified at 34 U.S.C. 10101-10726), including subpart 1 of part E (codified at 34 U.S.C. 10151 - 10158); see also 28 U.S.C. 530C(a)

1. STAFF CONTACT (Name & telephone number)

Elaine Vanlandingham
(202) 305-0034

2. PROJECT DIRECTOR (Name, address & telephone number)

Brad Raulston
City Manager
1243 National City Blvd.
National City, CA 91950-4302
(619) 336-4240

3a. TITLE OF THE PROGRAM

JAG Local: Eligible Allocation Amounts of Less than \$25,000

3b. POMS CODE (SEE INSTRUCTIONS
ON REVERSE)

4. TITLE OF PROJECT

FY 20 Local JAG Program

5. NAME & ADDRESS OF GRANTEE

City of National City
1200 National City Blvd.
National City, CA 91950-4302

6. NAME & ADDRESS OF SUBGRANTEE

7. PROGRAM PERIOD

FROM: 10/01/2019 TO: 09/30/2021

8. BUDGET PERIOD

FROM: 10/01/2019 TO: 09/30/2021

9. AMOUNT OF AWARD

\$ 18,650

10. DATE OF AWARD

09/19/2020

11. SECOND YEAR'S BUDGET

12. SECOND YEAR'S BUDGET AMOUNT

13. THIRD YEAR'S BUDGET PERIOD

14. THIRD YEAR'S BUDGET AMOUNT

15. SUMMARY DESCRIPTION OF PROJECT (See instruction on reverse)

The Edward Byrne Memorial Justice Assistance Grant (JAG) Program allows states and units of local government, including tribes, to support a broad range of activities to prevent and control crime based on their own state and local needs and conditions. Grant funds can be used for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, and information systems for criminal justice, including for any one or more of the following program areas: 1) law enforcement programs; 2) prosecution and court programs; 3) prevention and education programs; 4) corrections and community corrections programs; 5) drug treatment and enforcement programs; 6) planning, evaluation, and technology improvement programs; and 7) crime victim and witness programs (other than compensation) and 8) mental health programs and related law enforcement and corrections programs.

This JAG award will be used to support criminal justice initiatives that fall under one or more of the allowable program areas above. Funded programs or initiatives may include multijurisdictional drug and gang task forces, crime prevention and domestic violence programs, courts, corrections, treatment, justice information

sharing initiatives, or other programs aimed at reducing crime and/or enhancing public/officer safety. NCA/NCF

RESOLUTION NO. 2023 -

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, AUTHORIZING THE ACCEPTANCE OF THE NATIONAL CITY POLICE DEPARTMENT'S GRANT AWARD IN THE AMOUNT OF \$18,650 FROM THE 2020 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM TO PURCHASE PORTABLE RADIOS FOR THE RADIO COMMUNICATION SYSTEM, AND AUTHORIZING THE ESTABLISHMENT OF AN APPROPRIATION AND CORRESPONDING REVENUE BUDGET

WHEREAS, the Justice Assistance Grant Program provides States and local governments with critical funding necessary to support a range of program areas, including, but not limited to, law enforcement, prosecution, court programs, prevention, and education programs: and

WHEREAS, the Office of Justice Programs Bureau of Justice Assistance and the U.S. Department of Justice announced that the City of National City is eligible for a grant award of \$18,650 from the Fiscal Year 2020 Edward Byrne Memorial Justice Assistance Grant (JAG) Program – Local Solicitation, for the purchase of portable radios for the radio communication system, subject to a withholding of 3% of the awarded grant for the National Incident-Based Reporting System compliance requirements as dictated by the grant; and

WHEREAS, the City is required to make the grant application available for review and public comment for no less than 30 days; and

WHEREAS, the JAG Program is a direct grant allocation program, and does not require the City to allocate any upfront costs or matching funds.

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

Section 1: That the City Council hereby authorizes the acceptance of the National City Police Department's 2020 Edward Byrne Memorial Justice Assistance Grant Program award in the amount of \$18,650 subject to a withholding of 3% of the awarded grant for the National Incident-Based Reporting System compliance requirements as dictated by the grant upon expiration of the 30-day review and public comment period, and authorizes establishing an appropriation and associated revenue budget of \$18,090 to purchase portable radios for the radio communication system.

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

PASSED and ADOPTED this 15th day of August, 2023.

Ron Morrison, Mayor

ATTEST:

Shelley Chapel, MMC, City Clerk

APPROVED AS TO FORM:

Barry J. Schultz, City Attorney



AGENDA REPORT

Department: Administrative Services - Human Resources
Prepared by: Molly Brennan, Administrative Services Director
Meeting Date: Tuesday, August 15, 2023
Approved by: Ben Martinez, Interim City Manager

SUBJECT:

Three new MEA classifications, one revised classification, proposed salary schedules, and budget appropriations to fund stated salaries.

RECOMMENDATION:

Adopt a Resolution Entitled, "Resolution of the City Council of the City of National City, California, Creating three (3) new job classifications, revising one existing job classification, amending the National City Municipal Employees Association (NCMEA) Salary Schedule, and authorizing budget appropriations to fund stated salaries."

BOARD/COMMISSION/COMMITTEE PRIOR ACTION:

The Civil Service Commission approved the job descriptions for the three (3) new classifications and updating one existing classification at their meeting on July 12, 2023.

EXPLANATION:

Staff recommends approving the addition of the Public Works Crew Supervisor, Library Circulation Supervisor, and Fire Inspector I classifications to the National City Municipal Employees Association (NCMEA) Salary Schedule and updating the salary of the Fire Inspector II classification.

The three (3) new classifications were created to address their unique duties and responsibilities and to support the workforce sustainability of current and future service delivery in their respective departments. Once a new classification is approved by the Civil Service Commission, City Council is responsible for setting compensation for the classification. The salary range/steps for the new classifications were set to median as benchmarked against similar classifications in nearby public agencies. Each position will receive the 3% cost of living adjustment (COLA) in early 2023 and 2024, in line with the rest of the NCMEA classifications.

The employees within the street and wastewater divisions of public works brought to the attention of HR that the current Senior Equipment Operators have been serving as division supervisors. The job description and compensation range of the Senior Equipment Operator is that of a crew lead, not a supervisor who plans, directs, and supervises the work of the crews. After discussion with the department, it is not feasible for the Street & Wastewater Maintenance Superintendent to serve as supervisor for 18 employees and three different subdivisions of operations; streets, wastewater, and traffic painting.

The Civil Service Commission approved the new classification of Public Works Crew Supervisor that will serve over the three subdivisions within the Streets & Wastewater division. The intent is to phase out the three current classifications with 'senior' within Streets/Wastewater and replace

with this new classification of Public Works Crew Supervisor. The total number of employees within the department will remain the same.

After multiple unsuccessful recruitments to fill the vacant Fire Inspector position, the new Fire Inspector I classification was created to allow for an entry-level, career advancement position with the intent to bring in staff earlier in their career to train and promote within. To distinguish the new Fire Inspector I classification from the existing Fire Inspector classification, the latter was retitled Fire Inspector II and the duties and responsibilities updated (see exhibit A). Setting the Fire Inspector I salary to the current day median, creates compaction with the Fire Inspector II and would not allow for a differential between the salaries to pay the required 5% minimum increase for a promotion. Therefore, staff is recommending increasing the Fire Inspector II salary by 5% to bring it to approximately median based on a regional salary survey.

If the proposed salary schedules are approved, the Library Circulation Supervisor will be filled by a reclassification of a current Senior Library Technician, which has already been approved by the Civil Service Commission. An open recruitment will be held for the Fire Inspector I. For the three Public Works Crew Supervisor positions, there will be an open recruitment and the two staff with Senior roles in the division will be able to apply for the promotional opportunity. If they do not apply or are not selected for the new role, they will remain in their existing classification, which will be phased out when they separate or retire from the City.

NCMEA is supportive of the new classifications, the revision to the existing classification, and the proposed salary schedule (exhibit B).

FINANCIAL STATEMENT:

The current Fiscal Year 2023/2024 Adopted Budget included appropriations to fund the Library Circulation Supervisor and Fire Inspector I classifications. New budget appropriations of \$9,250 are requested to cover the 5% increase to the Fire Inspector II for the two existing staff in that classification. Staff is anticipating revenue will increase when the Fire Inspector I is hired. If that happens, revenue will be adjusted during a future quarterly budget update.

The FY24 adopted budget includes funding for three senior level classifications within the Streets & Wastewater Division. New appropriations are being requested to cover the difference between the current Senior classifications and the new Public Works Crew Supervisor salary range for each of the three positions, for a budget increase of \$60,000, of which \$40,000 will be paid by the General Fund and \$20,000 from the Sewer Fund.

In total, the recommended action will increase General Fund appropriations by \$49,250 and Sewer Fund appropriations by \$20,000. These appropriations will be funded from unassigned fund balance.

RELATED CITY COUNCIL 2020-2025 STRATEGIC PLAN GOAL:

Public Safety

ENVIRONMENTAL REVIEW:

This is not a project under CEQA and is therefore not subject to environmental review.CCR15378; PRC 21065.

PUBLIC NOTIFICATION:

Agenda Report posted within 72 hours of meeting date and time in accordance with Brown Act.

ORDINANCE:

Not Applicable

EXHIBITS:

Exhibit A – Proposed Job Classifications

Exhibit B – Proposed National City Municipal Employees Association (NCMEA) Salary Schedule

Exhibit C – Resolution

LIBRARY CIRCULATION SUPERVISOR	CITY OF NATIONAL CITY
CLASS SPECIFICATION	Approved: July 12, 2023

DEFINITION

Under general direction from the City Librarian, directs, supervises, coordinates, and performs a wide variety of advanced technical and paraprofessional library support services related to patron assistance and circulation; demonstrates a full understanding of all applicable policies and procedures; outlines, assigns and determines work projects, ensures safe work practices; performs customer service duties.

DISTINGUISHING CHARACTERISTICS

Positions in this class perform paraprofessional-level duties in the City library and report to professional library staff. It is distinguished from the Librarian, which performs professional library duties supervising any assigned section of the library. It is further distinguished from the Senior Library Technician by the required knowledge gained through experience of the techniques and policies of patron assistance and the delivery of effective and efficient circulation desk services to the public within the library.

EXAMPLES OF TYPICAL DUTIES

The following duties and responsibilities are representative of those typically performed by positions assigned to this classification. Any single position may not perform all of these duties and/or may perform similar related tasks not listed here.

- Supervises, plans, assigns, schedules, reviews and participates in the circulation of a wide variety of library materials; assesses daily workflow and makes necessary assignments to ensure efficient and effective patron services; participates in the selection, motivation and evaluation of assigned staff and volunteers; monitors work activities to ensure safe work practices, work quality and accuracy; develops, implements, and maintains record keeping procedures and techniques.
- Applies local laws, codes, and regulations related to library services; assists in handling the more complex and difficult situations involving interpretation of regulations and operating procedures; keeps current on and implements new circulation technologies; prepares a variety of reports, including monthly Circulation written and statistical reports, and the lost and damaged materials report.
- Evaluates damaged materials and assesses charges; supervises and participates in the collection of library fees; coordinates collection agency referrals when necessary.
- Participates in the development and implementation of policies and procedures; ensures appropriate training for assigned staff in all areas of work; identifies training opportunities and needs and makes recommendations to City Librarian.
- Develops schedules and methods for performing assigned duties; maintains appropriate work records and documents; prepares statistical and analytical reports on operations as necessary.
- Responds to questions and concerns from patrons, the public, City staff and other agencies; provides information as appropriate and resolves service issues and complaints;

provides for regular communication between Circulation and other Library service areas; coordinates activities with other City staff.

- Establishes positive working relationships with representatives of community organizations, state/local agencies, City staff and the public.
- Performs other related duties as required or assigned.

MINIMUM QUALIFICATIONS

Training and Experience: *Any combination of education and experience that has provided the knowledge, skills and abilities necessary for the position will be qualifying. A typical way to obtain the required knowledge, skills, and abilities would be:*

Graduation from high school or successful completion of a GED, AND six (6) years of recent clerical work experience at a Library Circulation Desk including either supervisory or progressively responsible experience; OR an associate's degree in a related field from an accredited college or university, AND four (4) years of the required Library Circulation Desk experience; OR a bachelor's degree in a related field from an accredited college or university, AND two (2) years of the required Library Circulation Desk experience.

A certificate from a Library Technical Assistant or Library Technology program may substitute for one year of the required Library Circulation Desk experience.

Highly Desirable: Bilingual fluency in English and Spanish.

Knowledge and Skills in: Current library methods, practices, resources, equipment and terminology, including circulation procedures; public relations and customer service techniques; automated library information systems; methods and techniques of supervision, training, and motivation; methods and techniques of scheduling work assignments; standard office practices and procedures, including the use of standard office equipment, record-keeping, arithmetic, computer applications and specialized library software; proper English, spelling and grammar; occupational hazards and standard safety practices.

Ability to: Plan, organize, direct and evaluate the work of subordinate staff; train, supervise and motivate subordinates in assigned areas of activity; deal effectively and tactfully with patrons and the public; operate specialized library information systems; identify problems related to circulation services and develop effective courses of action for their resolution; interpret, apply and explain library circulation policies, procedures and systems; organize, prioritize and follow-up on work assignments; work independently and as part of a team; make sound decisions within established guidelines; analyze a complex issue, and develop and implement an appropriate response; follow written and oral directions; observe safety principles and work in a safe manner; communicate clearly and concisely, both orally and in writing; establish and maintain effective working relationships.

License Required: Possession of a valid California Class C Driver's License is required at time of appointment.

PUBLIC WORKS CREW SUPERVISOR	CITY OF NATIONAL CITY
CLASS SPECIFICATION	Approved: July 12, 2023

DEFINITION

Under general direction, to plan, assign, direct, and inspect work of subordinates as well as participate in operating heavy, power-driven, or specialized street and sewer maintenance or construction equipment; performs incidental construction and manual labor as necessary; and performs related duties as required.

DISTINGUISHING CHARACTERISTICS

This position has primary supervisory responsibilities over Equipment Operators, Maintenance Workers, Street Sweeper Operators, or Traffic Painters. This position reports to a Street and Wastewater Maintenance Superintendent position in the Engineering & Public Works Department.

EXAMPLES OF TYPICAL DUTIES

The following duties and responsibilities are representative of those typically performed by positions assigned to this classification. Any single position may not perform all of these duties and/or may perform similar related tasks not listed here.

General (applies to all sections): Supervises and participates in the work of subordinates including determining work procedures, schedules, assigning duties, training, assisting in solving work problems, performance evaluations, discipline, enforcing City regulations and policies, and promoting work efficiency; monitors the quality and quantity of the work of subordinates by reviewing progress to determine if it is done properly and expeditiously; identifies problems in the quantity and quality of work and takes prompt and effective corrective action; identifies methods for meeting service demands through streamlining and improving work methods; ensures work tasks are performed in a safe manner; provides and ensures proper care and use of tools and equipment per guidelines; develops responsibility and teamwork among subordinates in the accomplishment of work tasks; responds to citizens' inquiries and complaints promptly and courteously; maintains timesheets and records of work done and materials used through asset management program (Cityworks); assists in estimating personnel, equipment, and materials required for specific projects; assists and advises in the development of the sectional expenditure budget; organizes biweekly meetings, including safety topics; supervises the placement of traffic control at work sites, the use of protective garments, and monitors all required certifications to perform work assignments; and performs related work as required.

Streets section: Supervises maintenance, repair, and improvement of City streets, curbs, gutters, open channels (natural and lined waterways), and related right-of-ways improvements; oversees and operates heavy power-driven equipment, such as motor graders, dozers, large rollers, and similar types of equipment used in maintenance and construction work; operates specialized street maintenance equipment; supervises and assists in breaking up concrete, cutting and preparing streets for patches, filling or

maintaining the City streets and other paved surfaces; oversees citywide quarterly streetlight check, excavations, back-filling trenches, street sweepers, and quality of life crews.

Wastewater section: Supervises the use of testing equipment to identify the presence of dangerous gases in manholes; oversees cleaning of underground pipes to clear debris such as grease, sand, roots, and rocks using hand tools, jet rodder, and mechanical rodding equipment; supervises and assists with cleaning and flushing catch basins, BMP's, and culverts of debris assuring stormwater collection elements are capable of receiving and flowing properly; oversees the evaluation of underground systems through field observation and CCTV efforts; sets and collects charts from wastewater flow measurement equipment; assists in the development of equipment and material purchases for wastewater maintenance and repair; operates and maintains City pump stations.

Traffic Paint section:

Supervises and participates in the maintenance and repair of the City's traffic pavement markings, signs, and curbs in the right-of-way; possesses a working knowledge of the MUTCD; assists the City's Engineering Division with plan checking during project design; performs quality and conformance check of signs and paint work completed by contractors; supervises and participates in the removal of traffic lines using a grinder; oversees and paints traffic pavement markings, including stop bars, school crossings, and crosswalks by operating a flatbed truck with airless units on a self-propelled striping machine, airless spray gun, and stencils; oversees and paints City curbs and traffic directional stripes; ensures equipment is properly cleaned and maintained; utilizes post hole digger, shovels, digging bars, brooms, ladders, and other hand and power tools; oversees and fabricates, installs, and repairs City signs replacing defective, destroyed, or damaged traffic signs and placing new traffic signs to regulate, safeguard, and expedite traffic control and direction.

MINIMUM QUALIFICATIONS

Training and Experience: *Any combination equivalent to training and experience that could likely provide the required knowledge, skills, and abilities will be qualifying. A typical way to obtain the required knowledge, skills, and abilities would be:* graduation from high school or successful completion of a GED; AND four (4) years of skilled public works maintenance, construction, or repair of streets and related right-of-ways improvements experience, INCLUDING extensive experience in equipment operation, and one (1) year of lead worker or supervisory experience.

Highly Desirable: One (1) year of sewer/wastewater, pavement, or traffic painting related work experience (based on section assignment).

Knowledge and Skills in: The functions, characteristics, and proper use and care of heavy, power-driven maintenance and construction equipment; safety methods and procedures; estimation of time and material costs; principles and methods of supervision; work scheduling and general short-range planning.

Ability to: Select, supervise, train, and evaluate subordinates; inspect the work of subordinates; diagnose problems; oversee heavy equipment operation, power-driven construction equipment, and tools common to public works construction and maintenance trades are operated properly and safely; prepare and develop plans, specifications, and cost estimates; order materials and supplies; read, interpret, and work from blueprints, sketches, and construction drawings; prepare and monitor section budget; maintain records and prepare reports; communicate effectively with others in both oral and written forms.

LICENSES, CERTIFICATIONS, OR SPECIAL REQUIREMENTS

Possession of a valid California Class B driver's license with air brakes and tanker endorsement is required at the time of appointment. Possession of a valid California Class A driver's license is highly desirable.

FIRE INSPECTOR I	CITY OF NATIONAL CITY
CLASS SPECIFICATION	Approved: July 12, 2023

DEFINITION

Under direct supervision, to perform fire safety inspections of commercial, industrial, public, and residential occupancies; to enforce federal, state, and local fire safety codes and ordinances; and perform related work as required.

DISTINGUISHING CHARACTERISTICS

This is the entry level classification in the fire inspector series. This incumbent typically has limited work experience and works under immediate supervision while learning job tasks, progressing to general supervision as procedures and processes of assigned area of responsibility are learned. The Fire Inspector I class is distinguished from the Fire Inspector II primarily by the level of supervision and oversight.

As experience is gained, assignments become more varied and complex and are performed with greater independence. Incumbents at this level usually perform most of the duties required of the positions at the journey Fire Inspector II level, but are not expected to function at the same skill level and usually exercise less independent discretion and judgment in matters related to work procedures and methods.

EXAMPLES OF TYPICAL DUTIES

The following duties and responsibilities are representative of those typically performed by positions assigned to this classification. Any single position may not perform all of these duties and/or may perform similar related tasks not listed here.

Performs fire safety inspections of schools, rest homes, residences, churches, industrial and commercial buildings, fire suppression systems, fire alarm/detection systems, hazardous materials, and processes; issues written notices requiring the elimination of fire hazards; inspects, posts, and issues hazard abatement notices; assists in the investigation of fires to determine origin and cause; testifies in court; photographs fire scenes; investigates and requires correction of violations of federal, state, and local codes and ordinances pertaining to fire prevention; may conduct fire prevention educational programs; keeps records of buildings inspected and action taken; may check building plans; provides technical information to the public concerning fire prevention; and perform re-inspections and other related duties as required.

MINIMUM QUALIFICATIONS

Training and Experience: *Any combination equivalent to training and experience that could likely provide the required knowledge, skills, and abilities will be qualifying. A typical way to obtain the required knowledge, skills, and abilities would be:*

- Graduation from high school or successful completion of a GED, AND one (1) year of experience in fire safety inspections in a municipality fire department as a fire inspector; AND some completed college courses in fire science, fire technology or a related field from an accredited college or university, or some completed California State Fire Marshal's courses in fire inspection, prevention, education, or investigation; OR
- Associate's degree in fire science, fire technology or a related field from an accredited college or university; OR
- Graduation from high school or successful completion of a GED, AND two (2) years of public safety experience utilizing the California Fire and Building Code or associated codes enforced by the fire and building departments, or closely related experience.

HIGHLY DESIRABLE: Completed California State Fire Marshal's course(s) in fire inspection, prevention, education, or investigation.

Knowledge and Skills in: Federal, state, and local laws, codes, regulations, rules, and ordinances pertaining to fire prevention, safety, and hazardous materials; fire prevention; suppression theory; building materials; fire detection and extinguishing systems. Effective communication skills and techniques required for gathering, evaluating and transmitting information.

Ability to: Detect deficiencies in fire prevention and detection systems and to recommend corrective action; prepare reports; conduct public education; obtain cooperation in correcting fire hazards; understand and carry out oral and written instructions; communicate effectively; establish and maintain effective working relations with staff, general public, and vendors. Operate a city vehicle while observing legal and defensive practices.

LICENSES, CERTIFICATIONS, OR SPECIAL REQUIREMENTS

Possession of a valid California Class C Driver's License is required at the time of appointment. License must be maintained during the entire term of employment in this job classification. Possession of the following certificates are required at the time of appointment, P.C. 832 Powers of Arrest and CPR/First Aid certification. The following California State Fire Marshal courses are highly desirable: Fire Inspector 1A, 1B, 1C, and 1D, and Fire and Life Safety Educator 1A, 1B and 1C.

FIRE INSPECTOR <u>II</u>	CITY OF NATIONAL CITY
CLASS SPECIFICATION	Approved: July 12, 2023

DEFINITION

Under general direction, to perform fire safety inspections of commercial, industrial, public, and residential occupancies; to enforce federal, state, and local fire safety codes and ordinances; and perform related work as required.

DISTINGUISHING CHARACTERISTICS

This is a journey-level classification in the fire inspector series. Positions classified at this level may be under filled with a Fire Inspector I in accordance with the City’s Career Advancement Program. Incumbents may be assigned lead worker responsibilities over Fire Inspector I’s. It is distinguished from the Fire Inspector I, which is an entry-level classification.

EXAMPLES OF TYPICAL DUTIES

The following duties and responsibilities are representative of those typically performed by positions assigned to this classification. Any single position may not perform all of these duties and/or may perform similar related tasks not listed here.

Performs fire safety inspections of schools, rest homes, residences, hospitals, churches, industrial and commercial buildings, fire suppression systems, fire alarm/detection systems, hazardous materials, and processes; issues written notices requiring the elimination of fire hazards; inspects, posts, and issues hazard abatement notices; conducts investigations of fires to determine origin and cause; acts as on-call fire investigator ~~assists in the investigation of fires to determine origin and cause;~~ testifies in court; photographs fire scenes; investigates and requires correction of violations of federal, state, and local codes and ordinances pertaining to fire prevention; may conduct fire prevention educational programs; keeps records of buildings inspected and action taken; may check building plans; provides technical information to the public concerning fire prevention; leads, trains, and reviews work of Fire Inspector I’s; and perform other related duties as required.

MINIMUM QUALIFICATIONS

Training and Experience: *Any combination equivalent to training and experience that could likely provide the required knowledge, skills, and abilities will be qualifying. A typical way to obtain the required knowledge, skills, and abilities would be:*

- -Associate’s degree in fire science, fire technology or a related field from an accredited college or university, AND two (2) years of experience in fire safety inspections in a municipality fire department, or public safety experience utilizing the California Fire and Building Code or associated codes enforced by the fire and building departments, or closely related experience; OR
- Graduation from high school or successful completion of a GED ~~High School Diploma/GED,~~ AND four ~~two~~ (4) years of experience in fire safety inspections in a municipality fire department, or public safety experience utilizing the California Fire and Building Code or associated codes enforced by the fire and building departments, or closely related experience. ~~-, supplemented by college courses and/or California State Fire Marshal’s courses in fire inspection/prevention and/or fire science technology;~~

Or

~~one and a half (1½) years of fire safety inspection experience and an associate's degree in fire science/technology in inspections or other public safety activities utilizing the California Fire and Building Code, and associated codes enforced by the Fire and Building departments.~~

Additional education may *not* be substituted for the minimum required two (2) years of experience.

HIGHLY DESIRABLE: Completed California State Fire Marshal's certification(s) in fire inspection, prevention, education, or investigation.

Knowledge and Skills in: Federal, state, and local laws, codes, regulations, rules, and ordinances pertaining to fire prevention, safety, and hazardous materials; fire prevention; suppression theory; building materials; fire detection and extinguishing systems. Effective communication skills and techniques required for gathering, evaluating and transmitting information.

Ability to: Detect deficiencies in fire prevention and detection systems and to recommend corrective action; prepare reports; conduct public education; obtain cooperation in correcting fire hazards; understand and carry out oral and written instructions; communicate effectively; establish and maintain effective working relations with staff, general public, and vendors.

Operate a city vehicle while observing legal and defensive practices.

LICENSES, CERTIFICATIONS, OR SPECIAL REQUIREMENTS

Possession of a valid California Class C Driver's License is required at the time of appointment. License must be maintained during the entire term of employment in this job classification.

Possession of the following certificates are required at the time of appointment, P.C. 832 Powers of Arrest, ~~and~~ CPR/First Aid certification, and California Fire Inspector level 1 certification.

The following California State Fire Marshal ~~courses/lasses~~ certificates are highly desirable: ~~Fire Inspector 1A, 1B, 1C, and 1D, and Fire Inspector 2A, 2B, 2C, and 2D,~~ Fire Investigator 1A, 1B and 1C, Fire and Life Safety Educator 1A, 1B and 1C.

Revised 05/1706/230

**CITY OF NATIONAL CITY
PROPOSED ADDITIONS TO NCMEA SALARY SCHEDULE**

**POSITION STEP HOURLY BIWEEKLY MONTHLY ANNUAL
EFFECTIVE JANUARY 2023**

FIRE INSPECTOR I

A	32.11	2,568.73	5,565.58	66,786.99
B	33.71	2,697.17	5,843.86	70,126.34
C	35.40	2,832.03	6,136.05	73,632.65
D	37.17	2,973.63	6,442.86	77,314.29
E	39.03	3,122.31	6,765.00	81,180.00

LIBRARY CIRCULATION SUPERVISOR

A	27.32	2,185.45	4,735.13	56,821.59
B	28.68	2,294.72	4,971.89	59,662.67
C	30.12	2,409.45	5,220.48	62,645.80
D	31.62	2,529.93	5,481.51	65,778.10
E	33.21	2,656.42	5,755.58	69,067.00

PUBLIC WORKS CREW SUPERVISOR

A	38.03	3,042.04	6,591.08	79,092.97
B	39.93	3,194.14	6,920.63	83,047.62
C	41.92	3,353.85	7,266.67	87,200.00
D	44.02	3,521.54	7,630.00	91,560.00
E	46.22	3,697.62	8,011.50	96,138.00

EFFECTIVE JANUARY 2024, 3% increase

FIRE INSPECTOR I

A	33.07	2,645.79	5,732.55	68,790.60
B	34.73	2,778.08	6,019.18	72,230.13
C	36.46	2,916.99	6,320.14	75,841.63
D	38.29	3,062.84	6,636.14	79,633.71
E	40.20	3,215.98	6,967.95	83,615.40

LIBRARY CIRCULATION SUPERVISOR

A	28.14	2,251.01	4,877.19	58,526.24
B	29.54	2,363.56	5,121.05	61,452.55
C	31.02	2,481.74	5,377.10	64,525.18
D	32.57	2,605.82	5,645.95	67,751.44
E	34.20	2,736.12	5,928.25	71,139.01

PUBLIC WORKS CREW SUPERVISOR

A	39.17	3,133.30	6,788.81	81,465.76
B	41.12	3,289.96	7,128.25	85,539.05
C	43.18	3,454.46	7,484.67	89,816.00
D	45.34	3,627.18	7,858.90	94,306.80
E	47.61	3,808.54	8,251.85	99,022.14

RESOLUTION NO. 2023 -

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, CREATING THREE (3) NEW JOB CLASSIFICATIONS, REVISING ONE EXISTING JOB CLASSIFICATION, AMENDING THE NATIONAL CITY MUNICIPAL EMPLOYEES ASSOCIATION (NCMEA) SALARY SCHEDULE, AND AUTHORIZING BUDGET APPROPRIATIONS TO FUND STATED SALARIES

WHEREAS, City staff recommends approving the addition of the Library Circulation Supervisor, Public Works Crew Supervisor, and Fire Inspector I classifications to the National City Municipal Employees Association (NCMEA) Salary Schedule; and

WHEREAS, the three (3) new classifications were created to address their unique duties and responsibilities and to support the workforce sustainability of current and future service delivery in their respective departments; and

WHEREAS, the Civil Service Commission of the City of National City approved the three new classifications and revision to one existing classification at their regular meeting on July 12, 2023; and

WHEREAS, City staff recommends setting the salaries of the three new classifications to the median of a regional salary survey of comparable classifications in nearby public agencies; and

WHEREAS, City staff recommends approving the 3% cost of living adjustment (COLA) for the three new classifications to be effective the first full pay period of January 2024, in line with all other NCMEA classifications; and

WHEREAS, the salary of the new Fire Inspector I will cause compaction with the Fire Inspector II salary; and

WHEREAS, City staff recommends increasing the salary steps of the Fire Inspector II by 5% effective August 22, 2023 to resolve the compaction; and

WHEREAS, the Library Circulation Supervisor will be filled through a Civil Service Commission approved reclassification of a current Senior Library Technician; and

WHEREAS, the Fire Inspector I and Public Works Crew Supervisor vacant positions will be filled through open recruitments; and

WHEREAS, in fiscal year 2024, no additional budget appropriations are necessary for the Library Circulation Supervisor and Fire Inspector I; and

WHEREAS, in fiscal year 2024, additional General Fund budget appropriations of \$9,250 are necessary for the Fire Inspector II and General Fund budget appropriations of \$40,000 are necessary for the Public Works Crew Supervisor; and

WHEREAS, in fiscal year 2024, additional Sewer Fund budget appropriations of \$20,000 are necessary for the Public Works Crew Supervisor.

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

Section 1: That the City Council hereby approves the new classifications of Library Circulation Supervisor, Public Works Crew Supervisor, Fire Inspector I, and revisions to Fire Inspector II.

Section 2: That the City Council hereby authorizes the amendment to the NCMEA Salary Schedule to add salary steps for the three new classifications and updating the salary steps of the Fire Inspector II.

Section 3: That the City Council hereby authorizes fiscal year 2024 budget appropriations of \$49,250 in General Fund personnel services and \$20,000 in Sewer Fund personnel services to fund new and amended salaries.

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

PASSED and ADOPTED this 15th day of August, 2023.

Ron Morrison, Mayor

ATTEST:

Shelley Chapel, MMC, City Clerk

APPROVED AS TO FORM:

Barry J. Schultz, City Attorney



AGENDA REPORT

Department: Administrative Services - Human Resources
Prepared by: Molly Brennan, Administrative Services Director
Meeting Date: Tuesday, August 15, 2023
Approved by: Ben Martinez, Interim City Manager

SUBJECT:

Civil Service Rule II, Section 206A Amendment – Career Advancement

RECOMMENDATION:

Adopt the resolution entitled “Resolution of the City Council of the City of National City, California, amending the addendum to Rule II, Section 206A of the Civil Service Rules to allow for a career advanceable progression from Fire Inspector I to Fire Inspector II and Part-Time Call Taker to Part-Time Police Dispatcher.”

BOARD/COMMISSION/COMMITTEE PRIOR ACTION:

On January 10, 2023 and July 12, 2023 the National City Civil Service Commission voted unanimously to support the proposed amendment to Civil Service Rule II, Section 206A (exhibit A).

EXPLANATION:

City of National City Civil Service Rules (CSR) I, II and III allow for a Career Advancement program in the City’s classification and promotion system. As prescribed, the Career Advancement program allows the City to budget and classify certain positions at the journey level but recruit for and hire individuals at a trainee or entry level. Once the incumbent has the appropriate tenure, met the minimum qualifications of the journey level classification and has demonstrated competence, s/he is eligible to move up to the next level in the series, without competition until s/he reaches the journey level (or lower if the position is classified below the journey level). The job classifications that are eligible for the Career Advancement program are outlined in the addendum to CSR II, Section 206A. There are currently five career advanceable series in the City: Junior Engineer-Civil to Assistant Engineer-Civil; Accountant Trainee to Accountant; Code Conformance Officer I to Code Conformance Officer II; Management Analyst Trainee to Management Analyst I/II, and Payroll Technician I to Payroll Technician II.

On January 10, 2023 and July 12, 2023 the National City Civil Service Commission voted unanimously to amend the addendum to Civil Service Rule II, Section 206A to allow for the inclusion of the part-time police dispatcher series and fire inspector series. As amended, the Part-Time Call Taker classification would be career advanceable to Part-Time Police Dispatcher and the Fire Inspector I classification would be career advanceable to Fire Inspector II.

FINANCIAL STATEMENT:

There is no direct fiscal impact associated with this item.

RELATED CITY COUNCIL 2020-2025 STRATEGIC PLAN GOAL:

Public Safety

ENVIRONMENTAL REVIEW:

This is not a project under CEQA and is therefore not subject to environmental review.CCR15378;
PRC 21065.

PUBLIC NOTIFICATION:

Agenda Report posted within 72 hours of meeting date and time in accordance with Brown Act.

ORDINANCE:

Not Applicable

EXHIBITS:

Exhibit A – Civil Service Rule II, Section 206 Amendment

Exhibit B – Resolution

Civil Service Rule II – Classification of Positions

SECTION 206 – CAREER ADVANCEMENT: In an effort to provide for the recruitment, advancement and retention of capable employees, it shall be the policy of the Civil Service Commission to provide for appropriate classifications to implement “career advancement” training programs.

Through the career advancement program, when vacancies occur at or below journey-level in a career advanceable series, the Personnel Director shall have the authority to recruit and underfill the position at any of the lower level classes within the series. Upon gaining the experience and skills required for advancement, an incumbent underfilling a position shall become eligible for promotion to the higher levels in the series in succession until reaching the classified level of the position.

The career advancement program and applicable procedure will apply only to recognized career advancement classifications listed in the Addendum to this section of the Civil Service Rules.
(10/06/09)

ADDENDUM TO CIVIL SERVICE RULE II SECTION 206A – CAREER ADVANCEMENT CAREER ADVANCEABLE SERIES

Entry Level Classification

Promotional Opportunity

Engineering

Junior Engineer – Civil



Assistant Engineer – Civil

Fire

Fire Inspector I



Fire Inspector II

Fiscal

Accountant Trainee



Accountant

Payroll Technician I



Payroll Technician II

Inspection

Code Conformance Officer I



Code Conformance Officer II

Management

Management Analyst Trainee



Management Analyst I/II

Police

Part-Time Call Taker



Part-Time Police Dispatcher

RESOLUTION NO. 2023 -

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, AMENDING THE ADDENDUM TO RULE II, SECTION 206A, OF THE CIVIL SERVICE RULES TO ALLOW FOR A CAREER ADVANCEABLE PROGRESSION FROM FIRE INSPECTOR I TO FIRE INSPECTOR II AND PART-TIME CALL TAKER TO PART-TIME POLICE DISPATCHER

WHEREAS, the City of National City Civil Service Rules I, II, and III allow for a Career Advancement program in the City's classification and promotion system and allows the City to budget and classify certain positions at the journey level, but recruit for and hire individuals at a trainee or entry level; and

WHEREAS, once the incumbent has the appropriate tenure, met the minimum qualifications of the journey level classification and has demonstrated competence, the employee is eligible to move up to the next level in the series without competition; and

WHEREAS, there are currently five career advanceable series in the City as reflected in addendum to Civil Service Rule II, Section 206A (exhibit A); and

WHEREAS, on January 10, 2023 the Civil Service Commission of the City of National City voted unanimously to amend the addendum to Civil Service Rule II, Section 206A to allow for the inclusion of Part-Time Call Taker to career advance to Part-Time Police Dispatcher.

WHEREAS, on July 12, 2023 the Civil Service Commission of the City of National City voted unanimously to amend the addendum to Civil Service Rule II, Section 206A to allow for the inclusion of the newly created Fire Inspector I to career advance to Fire Inspector II.

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

Section 1: That the City Council hereby approves amending the addendum to Rule II, Section 206A of the Civil Service Rules to allow for a career advanceable progression from Fire Inspector I to Fire Inspector II and from Part-Time Call Taker to Part-Time Police Dispatcher.

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

PASSED and ADOPTED this 15th day of August, 2023.

Ron Morrison, Mayor

ATTEST:

Shelley Chapel, MMC, City Clerk

APPROVED AS TO FORM:

Barry J. Schultz, City Attorney



AGENDA REPORT

Department: City Clerk's Office
Prepared by: Shelley Chapel, MMC, City Clerk
Meeting Date: Tuesday, August 15, 2023
Approved by: Ben Martinez, Interim City Manager

SUBJECT:

Amending City Council Policy Nos. 101, 102, 103, 106, 113, 114, 116, 118, 119, and 120, with Minor Clean-Up.

RECOMMENDATION:

Adopt a Resolution Entitled, "Resolution of the City Council of the City of National City, California, Amending City Council Policy Nos. 101, 102, 103, 106, 113, 114, 116, 118, 119, and 120.

BOARD/COMMISSION/COMMITTEE PRIOR ACTION:

Not Applicable.

EXPLANATION:

As per Council Policy No. 101 the City Council Policy Manual should be reviewed on an annual basis and updated as necessary. In FY 2021, a project team consisting of the Assistant City Manager, Assistant City Attorney and the current City Clerk completed a review of the City Council Policy Manual, a review that had not been completed in a number of years. Staff is returning with changes to ten (10) Council Policies that required minor clean-up. The ten Council Policies presented for consideration are Council Policy Nos. 101, 102, 103, 106, 113, 114, 116, 118, 119 and 120.

Attached is a report with detailed staff recommendations regarding City Council Policy Nos. 101, 102, 103, 106, 113, 114, 116, 118, 119 and 120. The policies referred to are attached and redlined to highlight staff's recommendations and any associated notes.

FINANCIAL STATEMENT:

Not Applicable.

RELATED CITY COUNCIL 2020-2025 STRATEGIC PLAN GOAL:

Not Applicable

ENVIRONMENTAL REVIEW:

This is not a project under CEQA and is therefore not subject to environmental review.CCR15378; PRC 21065.

PUBLIC NOTIFICATION:

Agenda Report posted within 72 hours of meeting date and time in accordance with Brown Act.

ORDINANCE:

Not Applicable

EXHIBITS:

Exhibit A – Explanation and Staff Recommendations

Exhibit B – City Council Policy Manual #101 - Redline

Exhibit C – City Council Meeting Times #102 - Redline

Exhibit D – Special Council Meetings #103 - Redline

Exhibit E – Preparation of City Council Meeting Minutes #106 - Redline

Exhibit F – Unauthorized Disclosure of Information Revealed in Closed Session #113 - Redline

Exhibit G – Grant Review Policy #114 - Redline

Exhibit H – Procedures for Disclosure of Ex Parte Contacts #116 - Redline

Exhibit I – City Council Attendance at Staff Level Working Groups #118 - Redline

Exhibit J – Code of Ethics and Code for Elected Officials and Members of City Boards #119 - Redline

Exhibit K – Selection of Vice Mayor #120 – Redline

Exhibit L – Resolution

EXPLANATION

In FY 2021, a project team consisting of the Assistant City Manager, Assistant City Attorney and current City Clerk completed a review of the complete City Council Policy Manual. A cumulative staff review of the City Council Policy Manual has not been completed in a number of years. Staff brought forward a number of changes to the City Council Policy Manual which were approved by City Council at the October 5, 2021 City Council Meeting.

Staff is returning with changes to ten (10) City Council Policies: Policy Nos. 101, 102, 103, 106, 113, 114, 116, 118, 119, and 120.

Below is a high-level overview of the staff-recommended changes to the ten (10) Policies. The policies referred to are attached and redlined to highlight staff's recommendations and any associated notes.

Clerical changes are included for consistency throughout the manual and follow the City style guides and procedures.

Prior Policy Amendments have been added to the end of each policy to provide a historical reference to prior changes made.

Staff Recommendations – High Level Review

City Council Policy #101

Grammatical cleanup in languages, and clarifying language added throughout policy.

Page 1 of 2 – Policy

3. Add in *electronically* in the second sentence before reproduced. Change the last sentence to read, The Resolution Number and date of adoption will notated on the last page of amended policy in the "Prior Policy Amendments" section and remove the rest.

Page 2 of 2 – Policy

6. Add after first sentence, The City Clerk's Office shall retain the original adopted resolution and maintain a copy of the manual.

Page 2 of 2 – Policy

7. Add, *City Clerk* from bringing to the *attention of the City* before Council and remove attention.

Page 2 of 2 – Policy

8. Remove City Clerk in first sentence and replace will with *shall*.

Page 2 of 2 – Prior Policy Amendments

Listed are all historical amendments to this policy

City Council Policy #102

Grammatical cleanup in languages, and clarifying language added throughout policy.

Page 1 of 1 – Purpose

add, *the process describing*

Page 1 of 1 – Prior Policy Amendments

Listed all the historical amendments to this policy

City Council Policy #103 – REMOVE – Policy was combined with #102

City Council Policy #106

Grammatical cleanup in languages, and clarifying language added throughout policy.

Page 1 of 1 – Policy

Change 1st sentence to say, *Commission and Committee* after Board.

3rd Paragraph, 1st sentence, add in *Committee* after Commission.

4th Paragraph, 1st sentence, add in after post - *the recording or webinar of the meeting within 24 hours of the meeting.*

4th Paragraph, 2nd sentence, add in *The City* before Council and then add in *will be posted once adopted by the City Council* and delete the rest of the sentence.

4th Paragraph, last sentence, delete *video* and delete *for a minimum of three years from the date of original posting* and add *according to the City's most current Records Retention Schedule.*

Prior Policy Amendments

Listed are all the historical amendments to this policy.

City Council Policy #113 – Unauthorized Disclosure of Information Revealed in Closed Session

Grammatical cleanup in languages, and clarifying language added throughout policy.

Prior Policy Amendments

Add in:

March 12, 1996 (Resolution No. 96-29) Establishing Policy

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

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

City Council Policy #114 – Grant Review Policy

Grammatical cleanup in languages, and clarifying language added throughout policy.

Page 1 of 2 – Procedure

Delete 1st sentence under Procedures.

Related Policy References

Delete only sentence.

Prior Policy Amendments

Add in: *February 13, 2001 (Resolution 2001-17)*

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

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

October 18, 2016 (Resolution No. 2016-168)

City Council Policy #116 – Procedures for Disclosure of Ex Parte Contacts

Grammatical cleanup in languages, and clarifying language added throughout policy.

Page 1 of 2 – Purpose

Add in after Commissions, *and Committees*,

Background

1st Paragraph, 1st sentence, add in *Boards, Commission, or Committees*,

Page 2 of 2 – Background

Delete last sentence.

Page 2 of 2 – Policy (4)

Add *SB 1439*

Prior Policy Amendments:

Add in: *February 6, 2007 (Resolution No. 2007-19) Established Policy*
June 11, 2013 (Revised – No Resolution – Refer to Meeting Minutes)
October 8, 2013 (Resolution No. 2013-147)

City Council Policy #118

Grammatical cleanup in languages, and clarifying language added throughout policy.

Page 1 of 4 – Brown Act Applicability

1st Paragraph in 1st sentence, add *California Government Code section 54950 et seq.*

Prior Policy Amendments

Add previous amendments:
April 17, 2007 (Resolution No. 2007-75)
May 15, 2007 (Resolution No. 2007-104)
June 5, 2007 (Resolution No. 2007-120)
June 21, 2016 (Resolution No. 2016-102)
September 6, 2016 (Resolution No. 2016-144)

City Council Policy #119

Grammatical cleanup in languages, and clarifying language added throughout policy.

Clerical and small grammar changes throughout the seven pages.

Related Policy References

Add after Ralph M. Brown Act, *California Government Code section 54950 et. seq.*

Prior Policy Amendments

Add: *September 5, 2017 (Resolution No. 2017-181) – Establishing Policy*
September 4, 2018 (Resolution No. 2018-160)

City Council Policy #120

Grammatical cleanup in languages, and clarifying language added throughout policy.

Page 1 of 2 – Policy

#2 – add after Vice Mayor *shall serve until the Mayor returns or is able to act. The Vice-Mayor....*

Related Policy References

Add after California Government Cost Sections 36801 - 36802

Add after California Elections Code Sections 10262 – 10263

Add: *Prior Policy Amendments:*

November 20, 2018 (Resolution No. 2018-204)

September 19, 2000 (Resolution No. 2000-120)

CITY COUNCIL POLICY CITY OF NATIONAL CITY

TITLE: City Council Policy Manual

POLICY # 101

ADOPTED: July 14, 1987

AMENDED: ~~October 8, 2013~~

[August 15, 2023](#)

Background:

The City Council of the City of National City is charged with the responsibility of establishing municipal policies to guide the various functions of the City and, where necessary, to establish procedures by which functions are performed. Regulatory policies established by the City Council are usually adopted by ordinance and included in the Municipal Code, which establish the local laws. Other policies, however are also established, which by their nature, do not require adoption by ordinance. These policy statements adopted by resolution of the City Council need to be consolidated in a reference document for easy access.

Purpose

It is the purpose of this policy to establish procedures for the preparation, distribution and maintenance of Council policies and the "City Council Policy Manual."

Policy

1. To establish a "City Council Policy Manual" which shall contain all City policy statements adopted by resolution of the City Council.
2. Generally, policy statements in the "City Council Policy Manual" will include only such municipal matters for which the responsibility of decision is placed in the City Council by virtue of the Municipal Code, or specific ordinances, and resolutions.
3. All policy statements of the City Council shall be prepared in writing and approved by resolution. Once approved, policy statements will be **electronically** reproduced, distributed and included in the "City Council Policy Manual." **The Resolution Number and date of adoption will be notated on the last page of amended policy in the "Prior Policy Amendments" section, accompanied by the resolution number and date of adoption.**
4. Each policy adopted as part of the City Council Policy shall be adhered to by City departments as expressions of the City Council's **P**olicy. Only the City Council can waive the applicability of an adopted policy.
5. Each policy statement shall include: (a) a brief background description of a policy; (b) the purpose of the policy; (c) the policy statements; (d) other criteria or procedural sections as required; and (e) **cross-reference** notations as to appropriate provision in the Municipal Code, Administrative Regulations, etc.

CITY COUNCIL POLICY CITY OF NATIONAL CITY

TITLE: City Council Policy Manual

POLICY # 101

ADOPTED: July 14, 1987

AMENDED: ~~October 8, 2013~~

August 15, 2023

6. The City Manager shall be responsible for the preparation, continuing maintenance, and distribution of the “City Council Policy Manual” and additions or deletions thereto. The City Clerk’s Office shall retain the original adopted resolution and maintain a copy of the manual.
7. Each October, the City Council and City Manager shall review the “City Council Policy Manual” for any needed additions, deletions, or changes deemed appropriate at the time. Nothing in this policy shall prevent any individual member of the Council, the City Manager, City Attorney, or the City Clerk from bringing to the attention of the City Councils’ attention any suggestions for manual revisions at other times during the year.
8. All newly-elected City Council Members, City Clerk, and City Treasurer ~~will~~ shall receive a copy of the City Council Policy Manual, and orientation from applicable department staff.

Related Policy References

None.

Prior Policy Amendments

~~None.~~

July 14, 1987 City Council Adopted Format and Text as Guide for Council Policy Manual – No Resolution was adopted.

June 11, 2013 (Revised – No Resolution)

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

CITY COUNCIL POLICY CITY OF NATIONAL CITY

TITLE: City Council Meeting Times

POLICY # 102

ADOPTED: April 7, 1981

AMENDED: ~~November 20, 2018~~

August 15, 2023

Purpose

To set for the Rregular Mmeeting Sschedule and the process describing how meetings may be scheduled for and by the City Council.

Policy

- A. Regular Mmeetings. The City Council shall hold Rregular Mmeetings on the first and third Tuesday of each month. The meetings shall be held in the Council Chamber of City Hall, 1243 National City Boulevard in the City of National City. The Rregular Mmeeting shall begin at 6:00 p.m., or as otherwise scheduled due to the demand of business or for Closed Session.
1. Location of Mmeetings. The City Council may hold a Rregular Mmeeting, Sspecial Mmeeting, or Aadjourned Rregular or Sspecial meeting at another location within the City, or locations outside the jurisdiction of the City, provided appropriate notice is given pursuant to and the location of the meeting is consistent with the Ralph M. Brown Act ("Brown Act") and current Legislation- This includes Teleconferencing.
 2. Holidays or Eelections. In the event that the Rregular Mmeeting of the City Council falls on a legal holiday, or an Eelection Delay on which a National City candidate or National City measure appears on the ballot, no meeting will be held on such day. Any regular meeting may be dispensed with by a majority vote of the City Council.
- B. All Rregular, Sspecial and Aadjourned Mmeetings of the City Council shall be called, noticed and conducted in compliance with the Brown Act.

Related Policy References

National City Municipal Code, Section 2.04.010

Prior Policy Amendments

July 17, 2001 (Resolution 2001-101)

June 11, 2013 (Revised – No Resolution)

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

November 20, 2018 (Resolution No. 2018-204)

**CITY COUNCIL POLICY
CITY OF NATIONAL CITY**

TITLE: Special Council Meetings	POLICY # 103
ADOPTED: January 6, 1987	AMENDED: <u>August 15, 2023</u>

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June 11, 2013 City Council approved staff recommendation to delete Policy #103 and merge with Policy #102. No Resolution adopting this action – only found approval and City Council vote in City Council Meeting Minutes.

Purpose

To establish a policy for calling and setting the time for Special Meetings of the City Council so that all Council ~~m~~members are, to the extent possible, given the maximum opportunity to attend and to vote on key issues that are subject of ~~S~~pecial ~~M~~meetings.

Policy

City Council ~~m~~members shall be personally contacted and given a choice of three potential Special Meeting times so that a mutually satisfactory time can be arranged by the ~~Council Secretary~~ City Manager's Office.

Related Policy References

None.

Prior Policy Amendments

~~None~~ January 6, 1987

CITY COUNCIL POLICY CITY OF NATIONAL CITY

TITLE: Preparation of City Council Meeting Minutes	POLICY # 106
ADOPTED: June 17, 1986	AMENDED: October 8, 2013 August 15, 2023

PURPOSE

To establish the format of the official minutes of the City Council (and all their subsidiary functions) and the disposition of video recordings of those proceedings.

POLICY

The meeting minutes will be "action only" minutes and will include the item title, staff recommendations, Board, Commission and Committee ~~and Commission~~ recommendations, the Council action and the vote.

Public Hearings will include a list of people speaking in favor and in opposition to the item for item ~~under~~ consideration.

The record of all items of business considered by the City Council (or their other subsidiary functions) shall consist solely of a brief title identifying each item of business, the recommendation of any Board, ~~or Commission~~ or Committee, the recommendation of staff, the motion made, and the vote taken. The record of that portion of the City Council meeting devoted to reports from the Mayor, the City Attorney, and the other staff shall consist of a brief description of the subject matter of the report and of any description, provided that the record or any part thereof shall be verbatim if so requested by a member of the City Council prior to approval of the minutes.

It is the goal of the City Clerk's Office to post the recording or webinar of the meeting within 24 hours of the meeting. The City Council meeting minutes will be posted once adopted by the City Council, and video recordings on the City's website, within approximately two weeks of the meeting date, and to webcast the meetings whenever possible. Hard copies of the City Council meeting agendas and minutes will be ~~are~~ available in the City Clerk's Office. Minutes and video recordings will be maintained on the City's website for a minimum of three years from the date of original posting according to the City's most current Records Retention Schedule.

Related Policy References

None.

Prior Policy Amendments

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

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

CITY COUNCIL POLICY CITY OF NATIONAL CITY

TITLE: Unauthorized Disclosure of Information Revealed in Closed Session	POLICY # 113
ADOPTED: March 12, 1996	AMENDED: October 8, 2013 August 15, 2023

Purpose

To establish a policy to prevent the unauthorized disclosure of information revealed in Closed Sessions of the City Council, and to provide remedies in the event of any such unauthorized disclosure.

Policy

No person present in a Closed Session shall disclose, outside of the Closed Session, any information revealed in such Closed Session, without the prior authorization of a majority of the City Council. Any violation of this policy may be enforced by one or more of the following actions, as directed by a majority of the City Council:

1. Referral to the Office of the District Attorney for prosecution for violation of Government Code Section 1098.
2. Referral to the Office of the District Attorney for prosecution for violation of Government Code Section 1222.
3. Referral to the Office of the District Attorney for prosecution for violation of Government Code Section 3060.
4. Referral of a Council-member who has willfully disclosed confidential information in violation Government Code section 54963 to the Grand Jury.
5. Obtaining an injunction to prevent further unauthorized disclosure of information revealed in a Closed Session.
6. In the event an unauthorized disclosure is committed by a member of the City Council, that Councilmember may be censured by a majority vote of the City Council. Prior to imposing censure, the Councilmember subject to censure ~~must first shall~~ be provided ten (10) calendar days' notice of the City Council's intention to impose the censure, and be given an opportunity to respond to the proposed censure.
7. In the event an unauthorized disclosure is committed by a member of the City staff, that staff member may be subject to disciplinary action.

This policy shall not prohibit the making of a public report of actions taken in a Closed Session as required by Government Code Section 54957.1.

Related Policy References

City Council Policy #104

CITY COUNCIL POLICY CITY OF NATIONAL CITY

TITLE: Unauthorized Disclosure of Information Revealed in Closed Session	POLICY # 113
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ADOPTED: March 12, 1996	AMENDED: October 8, 2013 August 15, 2023
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Government Codes 1098, 1222, 306, 54957.1, 54963

City Attorney Memorandum: Original Feb. 29, 1996. Revised Jan. 7, 2013 (attached)

Prior Policy Amendments:

~~None~~

March 12, 1996 (Resolution No. 96-29) Establishing Policy

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

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

CITY COUNCIL POLICY CITY OF NATIONAL CITY

TITLE: Unauthorized Disclosure of Information Revealed in Closed Session	POLICY # 113
ADOPTED: March 12, 1996	AMENDED: October 8, 2013 August 15, 2023

MEMORANDUM

George H. Eiser, III
City Attorney
City of National City
February 29, 1996

Revised January 7, 2013
Claudia G. Silva
City Attorney
City of National City

PUBLIC DISCLOSURE OF INFORMATION DISCUSSED IN CLOSED SESSION: POSSIBLE REMEDIES

Prohibited by the Brown Act - Improper to Disclose

- A person cannot disclose information discussed in closed session without authorization of the City Council. Government Code section 54963.

Remedies under Government Code Section 54963

(c) Violation of this section may be addressed by the use of such remedies as are currently available by law, including, but not limited to:

- (1) Injunctive relief to prevent the disclosure of confidential information prohibited by this section.
- (2) Disciplinary action against an employee who has willfully disclosed confidential information in violation of this section.
- (3) Referral of a member of a legislative body who has willfully disclosed confidential information in violation of this section to the grand jury."

City May Not Enact Criminal Ordinance

- California Attorney General has held that a city may not adopt an ordinance making it a misdemeanor for any person present during a closed session of the city council meeting to publicly disclose the substance of any discussion properly held during the session unless authorized by the city council. (76 Ops. Cal. Atty. Gen 289 (1993).)

Additional Possible State Law Violations

- Any current public officer or employee who willfully and knowingly discloses for pecuniary gain, to any other person, confidential information acquired by him or her in the course of his or her official duties, or uses any such information for the purpose

CITY COUNCIL POLICY CITY OF NATIONAL CITY

TITLE: Unauthorized Disclosure of Information Revealed in Closed Session	POLICY # 113
ADOPTED: March 12, 1996	AMENDED: October 8, 2013 August 15, 2023

of pecuniary gain, is guilty of a misdemeanor. (Government Code §1098.)

- Every willful omission to perform any duty enjoined by law upon any public officer, or person holding any public trust or employment, where no special provision is made for the punishment of such delinquency, is punishable as a misdemeanor. (Government Code §1222; Adler v. City Council of the City of Culver City (1960) 184 Cal. App. 2d 763, 7 Cal. Rptr. 805.)
- An accusation in writing against any officer of a district, county, or city, including any member of the governing board of personnel commission of a school district or any humane officer, for willful or corrupt misconduct in office, may be presented by the grand jury of the county for or in which the officer accused is elected or appointed. An accusation may not be presented without the concurrence of at least 12 grand jurors. (Government Code §3060.)

Injunction

- An injunction may be obtained to prevent future public disclosure of information discussed in closed session. (Government Code §54960; Sacramento Newspaper Guild v. Sacramento County Board of Supervisors (1968) 263 Cal. App. 2d 41, 69 Cal. Rptr. 480.)

Censure

- Although there is no specific statutory or case authority for censure of a city councilmember, one reported decision (Braun v City of Taft (1984) 154 Cal. App. 3d 332, 201 Cal. Rptr. 654) involved the censure of a councilmember by a city council for release of city documents claimed to be confidential. The court set aside the censure action, finding that the documents released were in fact not confidential. If censure for public release of information discussed in closed session is to be imposed, the city council should have previously adopted clear, unambiguous rules of conduct which specifically authorize censure for such conduct. The individual subject to censure must also have notice and the opportunity to be heard before the censure is imposed. Under the First Amendment, censure is not appropriate for expansion of unpopular views, unless their expression substantially disrupts the council meeting. (Richard v. City of Pasadena (1995) U.S. Dist. Ct. C.D. Cal.)

CITY COUNCIL POLICY CITY OF NATIONAL CITY

TITLE: Grant Review Policy	POLICY # 114
ADOPTED: February 13, 2001	AMENDED: October 18, 2016 August 15, 2023

Purpose

Funds from federal, state, local, and private sources are important resources that need to be included in the City's financial plan. The following policy provides a framework for City-wide coordination of grant activities among departments, and an opportunity to determine the immediate and long-term financial consequences of accepting funding. This policy shall cover all departments of City government.

Policy

The City Manager's Office will act as a clearinghouse for all grant applications. Any City department intending to apply for funding from federal, state, local, or private sources shall obtain approval from the City Manager's Office in advance of filing any grant application.

Procedure

- I. ~~This shall be done by submitting the "Grant Application" form which is available in the office of the City's designated Grant Coordinator.~~ The City Manager's Office will review ~~the "Grant Applications" form prior to submittal~~ to ensure that proposals are coordinated with the City's existing programs, ensure that administrative reporting and evaluation requirements are adequately addressed by the requesting department, and evaluate the immediate and long-term financial consequences of the proposal. The City Manager's Office may request additional information or presentations from the requesting department.
- II. After reviewing the department's request, the City Manager may, at his/ or her discretion, decide whether to approve the solicitation of outside funding. On a periodic basis, the City Manager or designee, will inform the City Council of any decisions approving solicitations of outside funding. On a case-by-case basis, the City Manager may also choose to refer an individual grant funding request to City Council for consideration.
- III. For those grant proposals of outside funding that are ~~allowed to go forward~~ approved, the City Manager shall additionally determine at his/her discretion whether the grant or private funding request is best authored by City Staff or by other sources to include professional outside grant writers by the City Manager. If the decision is made to employ a private grant writer, a ~~"Letter of Authorization"~~ written authorization will be sent from the City Manager or designee to the outside grant writer so as to begin the grant application process. The City Manager shall approve all grant applications.

Related Policy References

~~"Grant Application" and Grant Process Flowchart are available from Grant Coordinator~~

Prior Policy Amendments:

~~None~~

CITY COUNCIL POLICY
CITY OF NATIONAL CITY

TITLE: Grant Review Policy	POLICY # 114
ADOPTED: February 13, 2001	AMENDED: October 18, 2016 August 15, 2023

[February 13, 2001 \(Resolution 2001-17\)](#)

[June 11, 2013 \(Revised – No Resolution – Refer to Meeting Minutes\)](#)

[October 8, 2013 \(Resolution No. 2013-147\)](#)

[October 18, 2016 \(Resolution No. 2016-168\)](#)

CITY COUNCIL POLICY CITY OF NATIONAL CITY

TITLE: Procedures for Disclosure of Ex Parte Contacts

POLICY # 116

ADOPTED: February 6, 2007

AMENDED: ~~October 8, 2013~~

[August 15, 2023](#)

Purpose

To establish a procedure, applicable to the City Council and all City ~~Boards, and~~ ~~Commissions, and Committees,~~ for the disclosure of ex parte contacts, and to require such disclosure as a matter of City policy.

Background

An "ex parte" contact or communication occurs when, prior to considering a matter on a public meeting agenda, a member or members of the City Council, or one of the City's ~~boards~~ ~~Boards, Commission, or Committees~~ ~~or commissions,~~ receive information, whether oral, written, or otherwise, pertaining to that matter outside the public meeting.

In making certain types of decisions, typically dealing with an individual or an applicant for a permit, and applying rules or laws to a specific set of facts, the decision-making body is said to be acting in a "quasi-judicial" capacity, e.g., i.e., similarly to a court. Examples of quasi-judicial proceedings are applications for conditional use permits and variances, and personnel disciplinary matters.

In quasi-judicial proceedings, due process requires that the decision-maker be impartial and without bias. A personal interest or involvement in the outcome of such a matter or with any participants, which is unrelated to the merits, requires disqualification of the decision-maker. As examples, appellate courts have found impermissible bias on the part of ~~Ceity~~ ~~Ceouncilmembers~~ in the following cases: *Mennig v. City Council of the City of Culver City*, (~~Ceity~~ ~~Ceouncil~~ became personally embroiled in controversy over ~~Pp~~ ~~Police~~ ~~Ce~~ ~~Chief's~~ termination); and *Clark v. City of Hermosa Beach*, (~~court held that a~~ ~~Ceouncilmember's~~ history of personal animosity to the applicants made him "not a disinterested, unbiased decision-maker").

Considerations of due process in quasi-judicial proceedings also require that the decision not be made based upon information received outside of the administrative hearing. This concept is often referred to as the prohibition against ex parte contacts. For example, in *Safeway Stores v. City of Burlingame*, the court held that opponents of a proposed parking district did not receive a fair hearing where members of a ~~city-City~~ ~~Ceouncil~~ held conversations with affected property owners outside the hearing and made trips to the area for the express purpose of making determinations of disputed facts. Similarly, in *Jeffrey v. City of Salinas*, a ~~Ceouncilman~~ talked with property owners concerning the advantages of a parking district and made a personal visit to the area. The court concluded that the ~~Ceouncilman's~~ vote should not be counted.

~~Fortunately,~~ ~~i~~ In the event an ex parte contact occurs, disqualification of the official making the contact can be avoided and "cured" by disclosure of the contact at the time of the ~~Pp~~ ~~public~~

CITY COUNCIL POLICY CITY OF NATIONAL CITY

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ADOPTED: February 6, 2007

AMENDED: ~~October 8, 2013~~

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~~H~~Hearing. (*Jeffrey v. City of Salinas*). ~~Therefore, if an ex parte contact occurs, it is of the utmost importance that the contact be disclosed.~~

Policy

1. Members of the City Council and of the City's ~~B~~boards, -and-eCommissions, and Committees shall keep a written record of all ex parte contacts, as that term is explained in this Policy.
2. At the time an agenda item is called, and prior to any discussion of the item, any member of the City Council or of a ~~B~~board, -or-Commission, or Committee who has received an ex parte contact pertaining to that item shall disclose the occurrence of that ex parte contact on the public record.
3. City staff shall endeavor to inform all persons intending to appear before the City Council or any of the City's ~~B~~boards, -C-or-eommissions, or Committees of this Policy.
4. Under no circumstances shall a person make ex parte contacts with a majority of the members of the City Council or of the City's ~~B~~boards, -C-or-eommissions, or Committees in order to develop a consensus or a collective concurrence as to an item to be considered and/or acted upon by the City Council, ~~B~~board, -or-eCommission, or Committee. Such conduct ~~is violative of~~violates the Ralph M. Brown Act ~~or~~ **SB 1439**.

Related Policy References:

None.

Prior Policy Amendments:

~~None~~

~~February 6, 2007 (Resolution No. 2007-19) Established Policy~~

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

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

CITY COUNCIL POLICY CITY OF NATIONAL CITY

TITLE: City Council Attendance at Staff Level Working Groups	POLICY # 118
ADOPTED: June 21, 2016	AMENDED: September 6, 2016 August 15, 2023

Background:

The City of National City operates under the Council-Manager form of government. The City Council is the legislative body that represents the community, is empowered to formulate Citywide policy, and can establish Boards, Committees, Commissions, and other groups. The City Council is comprised of the Mayor and four Councilmembers.

The City Manager is responsible for the administration of city affairs, day-to-day operations, implementation of council policies, and is the liaison between the City Council and City staff. On occasion and as needed, the City Manager may form a working group of subject matter experts to assist in certain matters. Based on the City Manager's responsibilities, the working group's need, establishment and composition is determined by the City Manager. This type of working group is separate and distinct from a working group or other type of group which is formed by action of the City Council. This Policy is limited to City Manager formed working groups.

The lifespan of a working group can last anywhere between a few months to several years. Such groups have a tendency to develop a quasi-permanent existence when the assigned task is accomplished, hence the need to disband or phase-out the working group once it has achieved its goal(s).

Staff working groups are intended to facilitate the development and completion of established goals and objectives. There may be instances when elected officials may have a particular interest in the subject of the working group and the City Manager may want to provide an opportunity for elected officials to attend the working group meeting(s).

Brown Act Applicability

City Council attendance at working group meetings must be done in compliance with the Brown Act, California Government Code section 54950 et seq. Generally, any appointed body created by formal action of the City Council is subject to the Brown Act. The Brown Act defines a legislative body to include:

A Commission, Committee, Board, or other body of a local agency, whether permanent or temporary, decisionmaking or advisory, created by charter, ordinance, resolution, or formal action of a legislative body. However, advisory committees, composed solely of the members of the legislative body that are less than a quorum of the legislative body are not legislative bodies, except that standing committees of a legislative body, irrespective of their composition, which have a continuing subject matter jurisdiction, or a meeting

CITY COUNCIL POLICY CITY OF NATIONAL CITY

TITLE: City Council Attendance at Staff Level Working Groups	POLICY # 118
ADOPTED: June 21, 2016	AMENDED: September 6, 2016 August 15, 2023

schedule fixed by charter, ordinance, resolution, or formal action of a legislative body are legislative bodies for purposes of this chapter. [Government Code Section 54952\(b\)](#).

The Brown Act applies to all groups created by formal action of the legislative body. This includes [Boards](#), [Commissions](#), [Committees](#), volunteer groups, task forces, blue ribbon committees, and working groups.

Advisory committees (composed solely of [Councilmembers](#) comprising less than a quorum) are not considered legislative bodies subject to the Brown Act unless they are standing committees. Standing committees are subject to the Brown Act. A standing committee (regardless of composition) is defined as having either: 1) a continuing subject matter jurisdiction; or, 2) a meeting schedule fixed by formal action of the legislative body. Accordingly, an advisory committee comprised solely of less than a quorum of the legislative body that serves a limited purpose for a limited time (temporary) is not subject to the Brown Act (commonly referred to as *ad hoc* committees).

Working groups created by staff and whose participants are determined by staff are not subject to the Brown Act. The legislative body must refrain from taking formal action which could be construed as formal action resulting in the creation of a [Council](#) committee. A body of a [City](#) is "created" if the [City Council](#) "'played a role' in bringing... 'into existence' the... body." *Californians Aware v. Joint Labor/Management Benefits Committee*, 200 Cal.App.4th 972, 978 (2011). (Group was "created" by [City](#) when the [City](#) "played a role in bringing" the group into existence even though no formal action by [City](#) to establish the group. *Epstein v. Hollywood Entertainment District II Business Improvement District*, 87 Cal.App. 4th 862 (2001)). In the event there is action taken that could be construed as creating a legislative body, such action in conjunction with the composition of a working group including various individuals (not limited to solely councilmembers) would result in the working group becoming a standing committee subject to the Brown Act.

Purpose

To establish a mechanism to determine the [Councilmember\(s\)](#) who attend(s) a staff-level working group meeting(s) and the length of time the member(s) would serve in such a role before a rotation, if any, when more than two members have indicated a desire to attend a staff-level working group.

CITY COUNCIL POLICY CITY OF NATIONAL CITY

TITLE: City Council Attendance at Staff Level Working Groups	POLICY # 118
ADOPTED: June 21, 2016	AMENDED: September 6, 2016
	August 15, 2023

Policy

The criteria in the order provided below will be used to determine which member(s) may attend staff-level working group meetings:

1. Position
2. Seniority
3. Availability
4. Desire

The duration for any one member to serve on an established staff-level working group is for a two (2) year period from date of determination.

Procedure

1. Based on the City Manager's responsibilities, the working group's need, establishment and composition is determined by the City Manager. When the City Manager makes a determination that the working group would benefit from the presence of a Councilmember(s), a written request for attendance availability shall be directed to all members of the City Council.

To assist Councilmembers in determining if they have the availability and desire to participate, the request will include a description of the stated purpose of the working group, the anticipated meeting schedule, and the anticipated duration of the working group (if known). The request will also include a deadline for notification of interest.

2. If more than two (2) members of the City Council seek to attend the working group meetings, the City Manager will determine attendees based on the criteria established by this policy.

The City Manager will send written notification to the full City Council of the Councilmember(s) attending the working group.

3. Using the criteria established by this policy, the attendees will be rotated after a period of two (2) years if the working group is still in existence, following the same process of notification and selection outlined above. Any such rotation will respect the prohibition against serial meetings.

Related Policy References

City Council Policy #108

National City Municipal Code, Chapter 2.01

Government Code section 34851, *et. seq.*

Ralph M. Brown Act, [California Government Code section 54950 et seq.](#)

**CITY COUNCIL POLICY
CITY OF NATIONAL CITY**

TITLE: City Council Attendance at Staff Level Working Groups

POLICY # 118

ADOPTED: June 21, 2016

AMENDED: ~~September 6, 2016~~

August 15, 2023

Rosenberg's Rules of Order

Prior Policy Amendments:

April 17, 2007 (Resolution No. 2007-75)

May 15, 2007 (Resolution No. 2007-104)

June 5, 2007 (Resolution No. 2007-120)

June 21, 2016 (Resolution No. 2016-102)_

September 6, 2016 (Resolution No. 2016-144)

CITY COUNCIL POLICY CITY OF NATIONAL CITY

TITLE: Code of Ethics and Conduct for Elected Officials, Council Appointed Officials and Members of City Boards, Commissions and Committees **POLICY # 119**

ADOPTED: September 4, 2018

AMENDED: [September 5, 2017](#)

August 15, 2023

I. PURPOSE

The City Council of the City of National City (“City”) has adopted a Code of Ethics and Conduct (“Code”) for all National City elected officials, council appointed officials, and members of the City’s Boards, Commissions and Committees, to assure public confidence in the integrity of local government and its effective and fair operation. The people of National City expect public officials, both elected and appointed, to comply with both the letter and the spirit of the laws of the State of California, the United States of America, and the Municipal Code and established policies of the City of National City affecting the operations of local government.

While it is not possible to anticipate and provide a rule of conduct and ethics for all situations that public officials may face, this Code of Ethics and Conduct is designed to provide a framework to guide public officials in their daily duties and describe the manner in which members should treat one another, staff, constituents, and others they come into contact with in representing the City of National City. The term “member” refers to any National City Elected Official, Council Appointed Official, and Member of any City Board, Commission and Committee established by the National City Municipal Code, Ordinance or Policy.

The constant theme throughout the Code is “respect” and “civility”. Elected Officials experience large workloads and tremendous stress in making decisions that could impact thousands of lives. Despite these pressures, officials are called upon to exhibit civil and ethical behavior at all times. Demonstrating respect for each individual through words and actions is the standard that can help members to do the right thing in even the most difficult situations.

While it is understood that there are numerous federal and state laws that guide the ethical behavior of public officials, the City wishes to establish that this is a community whose ethical values are clearly stated and fully understood by its members to represent the values this community holds in highest regard. The Code addresses various aspects related to the governance of the City and supplements, but does not supplant, other laws and rules that prescribe the legal responsibilities of City Officials. All persons covered by this Code will aspire to meet the highest ethical standards in the conduct of their responsibility as an Elected or Appointed Official of the City of National City.

Members are expected to be familiar with these laws to ensure that they exercise their public responsibilities in a proper fashion, including, but not limited to the Federal and State Constitutions, various provisions of the California Government Code (such as the Brown Act and the Political Reform Act), the Labor Code, laws prohibiting discrimination and harassment, and the City of National City Municipal Code and Policies.

CITY COUNCIL POLICY CITY OF NATIONAL CITY

TITLE: Code of Ethics and Conduct for Elected Officials, Council Appointed Officials and Members of City Boards, Commissions and Committees **POLICY # 119**

ADOPTED: September 4, 2018

AMENDED: [September 5, 2017](#)

August 15, 2023

II. SCOPE

The provisions of this Code of Ethics and Conduct shall apply to the Mayor and Mmembers of the City Council, the Council Aappointed positions of City Manager and City Attorney, and to all members of the boardsBoards, Commissions, and Committees appointed by the Mayor or the Mayor and City Council, established by the City of National City Municipal Code, Ordinance or Policy, including any Aad-Hoc Committees.

III. POLICY

The City Council of the City of National City sets forth the following Code of Ethics and Conduct with the expectation that all National City Elected Officials, Council Aappointed Officials, and Council and Commissions, and Committee Members will incorporate the spirit of this document into their daily lives and will represent the community with the utmost integrity.

- 1. Use of Office.** Public office shall be used for the public good and not for personal gain. Recognizing that stewardship of the public interest must be their primary concern, members will work for the common good of the people of the City of National City ~~people of National City~~ and not for any private or personal interest. Members will assure fair and equal treatment of all persons, claims and transactions coming before the City Council, Boards ~~and~~ Commissions, and Committees.
- 2. Conduct.** The professional and personal conduct of members must be above reproach and avoid even the appearance of impropriety. Members shall treat other elected officials, Council Aappointed Officials, City Staff, Board, Commission and Committee Members, and the public with civility and respect. Harassment by any member for whatever motive is harmful to the environment desired by the City Agency and will not be permitted. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other Elected Officials, Council Aappointed Officials, City Staff, Board, Commission and Committee Members, or the public. No physical or verbal actions that could be construed as threatening or bullying will be tolerated. Belligerent, personal, demeaning, intimidating, slanderous, threatening, abusive, or disparaging comments that affect the ability to work, conduct business, or take part in City Government are not consistent with the standards of civility and respect referenced in this policy and are unacceptable.
- 3. Role Models.** Members shall conduct themselves in a way that brings pride to the community and not in a way that brings disdain, embarrassment, or mockery. Members

CITY COUNCIL POLICY CITY OF NATIONAL CITY

TITLE: Code of Ethics and Conduct for Elected Officials, Council Appointed Officials and Members of City Boards, Commissions and Committees	POLICY # 119
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shall perform as role models for the community with an atmosphere of respect and civility.

4. **Positive Work Place Environment.** Members shall support the maintenance of a positive and constructive work place environment for City employees and for residents and businesses dealing with the City Agency. Members shall recognize their special role in dealings with City Employees to in no way create the perception of inappropriate direction to Staff.
5. **Respect for Process.** Members shall perform their duties in accordance with the processes and rules of order established by the City Council, and Board, Commissions and Committees governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of City Council policy decisions by City Staff.
6. **Communication.** Members shall publicly disclose substantive information that is relevant to a matter under consideration by the City Council or Boards, Commissions and Committees, which they may have received from source outside of the public decision-making process.
7. **Conflict of Interest.** In order to assure their independence and impartiality on behalf of the common good, members shall not use their official positions to influence government decisions in which they have a material financial interest, or where they have an organizational responsibility or personal relationship which may give the appearance of a conflict of interest. In accordance with the law, members shall disclose investments, interests in real property, sources of income, and gifts; and they shall abstain from participating in deliberations and decision-making where conflicts may exist.
8. **Gifts and Favors.** Members shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office that are not available to the public in general. They shall refrain from accepting any gifts, favors or promises of future benefits which might compromise their independence of judgment or action or give the appearance of being compromised.
9. **Confidential Information.** Members shall respect the confidentiality of information concerning the property, personnel or affairs of the city. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.

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TITLE: Code of Ethics and Conduct for Elected Officials, Council Appointed Officials and Members of City Boards, Commissions and Committees **POLICY # 119**

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10. **Use of Public Resources.** Members shall not use public resources not available to the public in general, such as City staff time, equipment, supplies or facilities, for private gain or personal purposes.
11. **Advocacy.** Members shall represent the official policies or positions of the City Council, board, commission or committee to the best of their ability when representing that body or the City of National City. When presenting their individual opinions and positions, members shall explicitly state that they do not represent their body or the City of National City, nor will they allow the inference that they do. Elected officials, ~~and~~ Board, Commission, and Committee members have the right to endorse candidates for all council seats or other elected offices. It is inappropriate to mention or display endorsements during Council meetings, Board, Commission and Committee meetings, or other official City meetings.
12. **Policy Role.** Members shall respect and adhere to the council-manager structure of government of the City of National City as outlined in the National City Municipal Code and shall not interfere with the administrative functions of the City or the professional duties of City staff. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by the public, Boards, Commissions, and Committees, and City staff. Except as provided by the National City Municipal Code, members shall not interfere with the administrative functions of the City or the professional duties of City staff; nor shall they impair the ability of staff to implement Council policy decisions.
13. **Independence of Boards, Commissions and Committees.** Because of the value of the independent advice of boards, commissions and committees to the public decision-making process, members shall refrain from using their position to unduly influence the deliberations or outcomes of such proceedings.

IV. IMPLEMENTATION AND ENFORCEMENT

This Code of Ethics and Conduct is an expectation of all members entrusted to public service and will be included in the orientations for all Elected Officials, Council Appointed Officials, and Members of Boards, Commissions and Committees.

The City Council may impose sanctions on Members whose conduct is not in compliance with the ethical standards as set forth. Those sanctions may include, but are not limited to: reprimand,

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formal censure, and removal from [Boards](#), [Commissions](#) and [Committees](#).

Retaliation for reporting violations of this Code, for seeking to have prohibited conduct corrected, or for participating in an investigation is prohibited.

An annual review of the Code shall be conducted to ensure that the Code is an effective and vital document.

This policy shall in no way be construed to restrict any type of constitutionally protected speech or activities.

V. ETHICS TRAINING – AB1234

Effective January 1, 2006, California State law (AB 1234) requires, among other things, that local officials that receive compensation, salary, stipends, or expense reimbursements must receive training in public service ethics laws and principles every two years. The requirement applies not only to the governing body of a local agency, but also [Boards](#), [Commissions](#), [and Committees](#), ~~board~~, or other local agency bodies, whether permanent or temporary, decision-making or advisory.

To help local officials meet their ethics training requirements, the City of National City conducts bi-annual training. Additionally, the Institute for Local Government and the Fair Political Practices Commission have developed the ethics training course available on their website. The course has been approved by the [Attorney General's Office](#) and Fair Political Practices Commission ([FPPC](#)).

How to File a Complaint:

- Conflict of Interest, financial or campaign disclosures
 - [California Fair Political Practices Commission \(FPPC\)](#)
 - Phone: 916-322-5660
- Criminal
 - [San Diego County District Attorney's Office](#)
Phone: 619-531-4040
 - [State of California Office of the Attorney General, Public Inquiry Unit](#)
Phone: 800-952-5225

VI. GLOSSARY OF TERMS

CITY COUNCIL POLICY CITY OF NATIONAL CITY

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behavior	External appearance or action; manner of behaving, carriage of oneself.
censure	A formal statement or resolution by the <u>City</u> Council officially reprimanding a National City <u>E</u> lected <u>O</u> fficial, <u>City</u> <u>C</u> ouncil <u>A</u> ppointed <u>O</u> fficial, or <u>M</u> ember of any <u>C</u> ity <u>B</u> oard, <u>C</u> ommission, and <u>C</u> ommittee.
civility	Politeness, consideration, courtesy.
conduct	The way one acts; personal behavior.
council-manager structure of gov't	Under this structure, residents elect a governing body, including a chief elected official, such as a mayor or board chairman, to adopt legislation and set policy. The governing body then hires a manager or administrator with broad executive authority to carry out those policies and oversee the local government's day-to-day operations.
courtesy	Politeness connected with kindness.
ethics	The moral principles or philosophy that govern a person's behavior or the conducting activity.
manners	A way of acting; a style, method, or form; the way in which things are done.
member	Any National City <u>E</u> lected <u>O</u> fficial, <u>City</u> <u>C</u> ouncil <u>A</u> ppointed <u>O</u> fficial, and <u>M</u> ember of any <u>C</u> ity <u>B</u> oard, <u>C</u> ommission, and <u>C</u> ommittee established by the National City Municipal Code, Ordinance or Policy, including Ad-Hoc Committees
impropriety	A failure to observe standards or show dishonesty, improper language, behavior or character.
respect	The act of noticing with attention; holding in esteem; courteous regard.
retaliation	The act of seeking revenge upon another.
sanction	A form of punishment that can be used if someone disobeys a rule or law bringing disrespect to public office.

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values

A person's principles or standards of behavior; one's judgment of what is important in life. Also refers to National City's *Core Values* wherein members pledge to provide (1) *Commitment* – We strive for excellence, as we serve the public and each other with integrity, compassion, responsiveness, and professionalism; (2) *Customer Service* – We provide excellent service to residents, businesses, visitors, and colleagues; (3) *Courtesy* – We treat everyone with dignity and respect; (4) *Communication* – We communicate openly, honestly, and with clear, consistent messages; and (5) *Collaboration* – We work to achieve common goals and value our differences.

Related Policy References

- National City Municipal Code
- [California Government Code](#) section 34851, *et. seq.*
- Ralph M. Brown Act, [California Government Code section 54950 et seq.](#)
- Rosenberg's Rules of Order
- City Council Policy #104 – Conduct of City Council Meetings
- City Council Policy #108 – City Manager as Chief Administrative Officer
- City Council Policy #601 – Employer-Employee Relations
- City Council Policy #604 – Harassment and Discrimination
- City Council Policy #605 – Workplace Violence and Security

Prior Policy Amendments

~~None.~~

[September 5, 2017 \(Resolution No. 2017-181\) - Establishing Policy](#)

[September 4, 2018 \(Resolution No. 2018-160\)](#)

CITY COUNCIL POLICY CITY OF NATIONAL CITY

TITLE: Selection of Vice Mayor	POLICY # 120
ADOPTED: November 20, 2018	AMENDED: September 19, 2000 August 15, 2023

PURPOSE

In order to provide every member of the City Council with an opportunity to serve as Vice-Mayor, it is the policy of the City Council that selection be made on the basis of the length of time that a member has served on the City Council, and whether or not the member has previously had the opportunity to serve.

POLICY

It is the policy of the City Council of the City of National City that the position of Vice-Mayor shall be rotated among the Councilmembers so that each Councilmember serves one (1) year as Vice-Mayor during ~~his/her~~ their four (4) year term. The City Council shall select the Vice-Mayor in accordance with the procedure set forth herein.

1. As a ~~G~~general ~~L~~law ~~C~~city, selection of the Vice-Mayor is governed by Sections 36801 and 34905 of the California Government Code.

Section 36801 provides:

The ~~C~~city ~~C~~council shall meet at the meeting at which the declaration of the election results for a general municipal election is made pursuant to Sections 10262 and 10263 of the Elections Code and, following the declaration of the election results and the installation of elected officials, choose one of its number as mayor, and one of its number as mayor pro tempore. [Referred to as the "~~V~~vice-~~M~~mayor" in National City.]

Because National City has a directly-elected Mayor, pursuant to Title 4, Division 2, Article 3 of the Government Code, the provisions of Section 36801 pertaining to the City Council selecting the Mayor do not apply; the Council selects only the Vice-Mayor.

2. The Vice-Mayor shall have the powers and duties as specified in Government Code Section 36802, which provides that the Mayor shall preside at the meetings of the City Council and that if the Mayor is absent or unable to act, the Vice-Mayor shall serve until the Mayor returns or is able to act. The Vice-Mayor has all of the powers and duties of the Mayor.
3. The term of Vice-Mayor shall be for one year and, in accordance with Government Code Section 36801, selection of the Vice-Mayor shall occur upon certification of the election results. For purposes of this policy, the election assumes the general election held in November and ~~C~~certification of ~~t~~he ~~E~~election

CITY COUNCIL POLICY CITY OF NATIONAL CITY

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results generally occurring in December.

4. The Vice--Mayor shall be the Councilmember with the most seniority who has not been Vice--Mayor in the last three (3) consecutive years. In the event two (2) or more Councilmembers have equal seniority and have not been Vice--Mayor in the last three (3) consecutive years, the Councilmember with the most votes in their last regular general election shall serve as Vice--Mayor.
5. In the event of a vacancy on the City Council that is filled by appointment, the appointee shall not be included in the rotation for Vice--Mayor during the appointed term of office.

RELATED POLICY REFERENCES

California Government Code Sections 36801-36802

California Elections Code Sections 10262 - 10263

Prior Policy Amendments:

November 20, 2018 (Resolution No. 2018-204)

September 19, 2000 (Resolution No. 2000-120)

RESOLUTION NO. 2024-

**RESOLUTION OF CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA,
AMENDING CITY COUNCIL POLICY NOS. 101, 102, 103, 106, 113, 114, 116, 118, 119, AND
120**

WHEREAS, the City of National City (“City”) City Council Policy requires an annual review of the City’s City Council Policy Manual; and

WHEREAS, having completed the annual review of the City’s City Council Policy Manual, City staff requests that the City Council authorize updates as presented to Policy Nos. 101, 102, 103, 106, 113, 114, 116, 118, 119, and 120.

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

Section 1: Authorizes updates as presented to be made to the following City Council Policies:

Policy No. 101 – City Council Policy Manual; and

Policy No. 102 – City Council Meeting Times; and

Policy No. 103 – Special Council Meetings; and

Policy No. 106 – Preparation of City Council Meeting Minutes; and

Policy No. 113 – Unauthorized Disclosure of Information Revealed in Closed Session; and

Policy No. 114 – Grant Review Policy; and

Policy No. 116 – Procedures for Disclosure of Ex Parte Contacts; and

Policy No. 118 – City Council Attendance at Staff Level Working Groups; and

Policy No. 119 – Code of Ethics and Conduct for Elected Officials, Council Appointed Officials and Members of City Boards, Commissions and Committees; and

Policy No 120 – Selection of Vice-Mayor.

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 August, 2023

Ron Morrison, Mayor

ATTEST:

Shelley Chapel, MMC, City Clerk

APPROVED AS TO FORM

Barry J. Schultz, City Attorney



AGENDA REPORT

Department: Administrative Services - Finance
Prepared by: Molly Brennan, Administrative Services Director
Meeting Date: Tuesday, August 15, 2023
Approved by: Ben Martinez, Interim City Manager

SUBJECT:

Annual Update of Investment Policy, City Council Policy #203

RECOMMENDATION:

Adopt a Resolution entitled, "Resolution of the City Council of the City of National City, California, Adopting City Council Policy #203, "Investments," as amended.

BOARD/COMMISSION/COMMITTEE PRIOR ACTION:

Not Applicable.

EXPLANATION:

City Council Policy #203, Investments, states, "the Investment Policy will be reviewed at least annually and, as necessary, adopted, to ensure its consistency with the overall objectives of preservation of principal, liquidity, and return, and its relevance to current law and financial and economic trends."

After a review of the current policy, a few small adjustments are proposed to align National City's policy with recent changes in state law, achieve consistent terminology, and correct language that was inadvertently modified in the previous update. Exhibit A is a redlined version of the policy that reflects all proposed updates. In addition, the updates and the recent legislation are listed below.

- Section VIII(4) and (11) Authorized and Suitable Investments. SB 974 (2016): The code change clarified the rating requirements for CP, MTNs, MPS, and Supranationals.
- Section VIII(8) Authorized and Suitable Investments. SB 998 (2020): Added a provision that allows agencies to invest up to 40% in commercial paper if the AUM is > \$100 million, which expires 01/01/2026 unless extended.
- Section IX(A). Portfolio Risk Management. SB 1489 (2022): Investments are prohibited to have a forward settlement > 45 days from the date of investment.
- Section XII(B). Reporting and Review. SB 1489 (2022): Quarterly reporting is now required within 45 days, rather than 30 days.
- Section XII(C). Reporting and Review. Best practice to review annual investment policy within 120 days of fiscal year end.
- Glossary. SB 1489 (2022): Specifies the term to maturity is measured from the settlement date.
- Throughout. Replaced "designee" with "Financial Services Officer" to be consistent with section V.A.
- Throughout. Replaced "Director of Administrative Services" with "Administrative Services Director" to attain consistent terminology for the referenced position. Also in Section XXII(A), replaced "Director of Finance" with Administrative Services Director."

- Section VIII(1) Municipal Bonds. Restores the description of municipal bonds that are eligible for investment to that in use prior to the June 2022 update.

FINANCIAL STATEMENT:

The proposed policy changes will have no measurable impact on the City's investment portfolio or returns.

RELATED CITY COUNCIL 2020-2025 STRATEGIC PLAN GOAL:

Balanced Budget and Economic Development

ENVIRONMENTAL REVIEW:

This is not a project under CEQA and is therefore not subject to environmental review.CCR15378; PRC 21065.

PUBLIC NOTIFICATION:

Agenda Report posted within 72 hours of meeting date and time in accordance with Brown Act.

ORDINANCE:

Not Applicable

EXHIBITS:

Exhibit A – Council Policy #203, "Investments" Redlined Draft

Exhibit B – Council Policy #203, "Investments" Clean Draft

Exhibit C – Resolution

**CITY COUNCIL POLICY
CITY OF NATIONAL CITY**

TITLE: Investments	POLICY #203
ADOPTED: October 23, 1990	AMENDED: June 21, 2022 August 15, 2023

I. INTRODUCTION

The City of National City's investment program will conform to federal, state, and other legal requirements, including California Government Code Sections 16429.1-16429.4, 53600-53609, and 53630-53686. The following investment policy addresses the methods, procedures, and practices which must be exercised to ensure effective and judicious fiscal and investment management of the City's funds. It is the policy of the City to invest public funds in a manner that will provide a market rate of return, given its requirements for preserving principal and meeting the daily cash flow demands of the City. All investments will comply with this Investment Policy and governing laws.

~~This Investment Policy replaces any previous Investment Policy or Investment Procedures of the City.~~

II. SCOPE

This Investment Policy applies to all the City's financial assets and investment activities with the following exception(s):

Proceeds of debt issuance shall be invested in accordance with the City's general investment philosophy as set forth in this policy; however, such proceeds are invested in accordance with permitted investment provisions of their specific bond indentures.

Pooling of Funds: Except for cash in certain restricted and special funds, the City will consolidate cash and reserve balances from all funds to maximize investment earnings and to increase efficiencies with regard to investment pricing, safekeeping and administration. Investment income will be allocated to the various funds based on their respective participation and in accordance with generally accepted accounting principles.

III. GENERAL OBJECTIVES

The overriding objectives of the investment program are to preserve principal, provide sufficient liquidity, and manage investment risks.

1. *Safety:* Safety of principal is the foremost objective of the investment program. Investments will be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. The objective will be to mitigate credit risk and interest rate risk.
2. *Liquidity:* The investment portfolio will remain sufficiently liquid to meet all operating requirements

**CITY COUNCIL POLICY
CITY OF NATIONAL CITY**

TITLE: Investments	POLICY #203
ADOPTED: October 23, 1990	AMENDED: June 21, 2022 August 15, 2023

3. *Return:* The investment portfolio will be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints for safety and liquidity needs.

IV. PRUDENCE, INDEMNIFICATION, AND ETHICS

A. *Prudent Investor Standard:* Management of the City's investments is governed by the Prudent Investor Standard as set forth in California Government Code Section 53600.3:

"...all governing bodies of local agencies or persons authorized to make investment decisions on behalf of those local agencies investing public funds pursuant to this chapter are trustees and therefore fiduciaries subject to the prudent investor standard. When investing, reinvesting, purchasing, acquiring, exchanging, selling, or managing public funds, a trustee shall act with care, skill, prudence, and diligence under the circumstances then prevailing, including, but not limited to, the general economic conditions and the anticipated needs of the City, that a prudent person acting in a like capacity and familiarity with those matters would use in the conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the City. Within the limitations of this section and considering individual investments as part of an overall strategy, investments may be acquired as authorized by law."

B. *Indemnification:* The Administrative Services Director or City Manager designee, hereinafter designated as Financial Services Officer, and other authorized persons responsible for managing City funds, acting in accordance with written procedures and the Investment Policy and exercising due diligence, will be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported within 30 days and appropriate action is taken to control adverse developments.

C. *Ethics:* Officers and employees involved in the investment process will refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

V. DELEGATION OF AUTHORITY

A. Authority to manage the City's investment program is derived from California Government Code Section 53600 *et seq.* The City Council is responsible for the City's cash management, including the administration of this Investment Policy. Management responsibility for the cash management of City funds is hereby delegated to the Administrative Services Director and/or Financial Services Officer.

**CITY COUNCIL POLICY
CITY OF NATIONAL CITY**

TITLE: Investments	POLICY #203
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The Administrative Services Director or ~~Financial Services Officer designee~~ will be responsible for all transactions undertaken and will establish a system of procedures and controls to regulate the activities of subordinate employees.

B. The City may engage the services of one or more external investment managers to assist in the management of the City's investment portfolio in a manner consistent with the City's objectives. Such external managers may be granted discretion to purchase and sell investment securities in accordance with this Investment Policy. Such managers must be registered under the Investment Advisers Act of 1940.

VI. AUTHORIZED FINANCIAL INSTITUTIONS, DEPOSITORIES, AND BROKER/DEALERS

A list will be maintained of financial institutions and depositories authorized to provide investment services. In addition, a list will be maintained of approved security broker/dealers selected by conducting a process of due diligence described in the investment procedures manual. These may include "primary" dealers or regional dealers that qualify under Securities and Exchange Commission (SEC) Rule 15C3-1 (uniform net capital rule).

A. The City's Administrative Services Director or ~~Financial Services Officer designee~~ will determine which financial institutions are authorized to provide investment services to the City. Institutions eligible to transact investment business with the City include:

1. Primary government dealers as designated by the Federal Reserve Bank;
2. Nationally or state-chartered banks;
3. The Federal Reserve Bank; and
4. Direct issuers of securities eligible for purchase.

B. Selection of financial institutions and broker/dealers authorized to engage in transactions with the City will be at the sole discretion of the City.

C. All financial institutions which desire to become qualified bidders for investment transactions (and which are not dealing only with the investment adviser) must supply the Administrative Services Director or designee with a statement certifying that the institution has reviewed California Government Code Section 53600 *et seq.* and the City's Investment Policy.

D. Selection of broker/dealers used by an external investment adviser retained by the City will be at the sole discretion of the investment adviser.

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E. Public deposits will be made only in qualified public depositories as established by State law. Deposits will be insured by the Federal Deposit Insurance Corporation, or, to the extent the amount exceeds the insured maximum, will be collateralized in accordance with State law.

VII. DELIVERY, SAFEKEEPING AND CUSTODY, AND COMPETITIVE TRANSACTIONS

A. *Delivery-versus-payment:* Settlement of all investment transactions will be completed using standard delivery-vs.-payment procedures.

B. *Third-party safekeeping:* To protect against potential losses by collapse of individual securities dealers, and to enhance access to securities, interest payments and maturity proceeds, all securities owned by the City will be held in safekeeping by a third party bank custodian, acting as agent for the City under the terms of a custody agreement executed by the bank and the City.

C. *Competitive transactions:* All investment transactions will be conducted on a competitive basis which can be executed through a bidding process involving at least three separate brokers/financial institutions or through the use of a nationally recognized trading platform.

VIII. AUTHORIZED AND SUITABLE INVESTMENTS

All investments will be made in accordance with California Government Code Section 53600 *et seq.* and as described within this Investment Policy. Permitted investments under this policy will include:

1. Municipal Bonds. These include bonds of the City, the State of California, any other ~~municipality, state, and any local agency~~ within the state of California. The bonds will be registered in the name of the City or held under a custodial agreement at a bank.

- ~~1.~~
- a. ~~Are Bonds must be~~ rated in the category of "A" or better by at least two nationally recognized statistical rating organizations; and
 - b. No more than 5% ~~of the portfolio may be invested in any single per-~~ issuer.
 - c. No more than 30% of the total portfolio may be invested in municipal bonds.

2. **US Treasury** and other government obligations for which the full faith and credit of the United States are pledged for the payment of principal and interest. There are no limits on the dollar amount or percentage that the City may invest in US Treasuries.

3. **Federal Agency or United States government-sponsored enterprise obligations, participations, or other instruments**, including those issued by or fully guaranteed as to

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principal and interest by federal agencies or United States government-sponsored enterprises. There are no limits on the dollar amount or percentage that the City may invest in government-sponsored enterprises.

4. Banker's acceptances, provided that:

- a. They are issued by institutions with short term debt obligations rated "A1" or higher, or the equivalent, by at least two nationally recognized statistical-rating organizations (NRSRO); and have long-term debt obligations which are rated ~~in~~ ~~rating category~~ "A" or higher by at least two nationally recognized statistical rating organizations;
- b. The maturity does not exceed 180 days; and
- c. No more than 40% of the total portfolio may be invested in banker's acceptances and no more than 5% per issuer.

5. Federally insured time deposits (Non-negotiable certificates of deposit) in state or federally chartered banks, savings and loans, or credit unions, provided that:

- a. The amount per institution is limited to the maximum covered under federal insurance; and
- b. The maturity of such deposits does not exceed 5 years.

6. Certificate of Deposit Placement Service (CDARS)

- a. No more than 30% of the total portfolio may be invested in a combination of certificates of deposit including CDARS
- b. The maturity of CDARS deposits does not exceed 5 years.

7. Negotiable certificates of deposit (NCDs), provided that:

- a. They are issued by institutions which have long-term obligations which are rated "A" or higher by at least two nationally recognized statistical rating organizations; and/or have short term debt obligations rated "A1" or higher, or the equivalent, by at least two nationally recognized statistical rating organizations;
- b. The maturity does not exceed 5 years; and
- c. No more than 30% of the total portfolio may be invested in NCDs and no more than 5% per issuer.

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8. **Commercial paper**, provided that:
- a. The maturity does not exceed 270 days from the date of purchase;
 - b. The issuer is a corporation organized and operating in the United States with assets in excess of \$500 million;
 - c. They are issued by institutions whose short term obligations are rated "A-1" or higher, or the equivalent, by at least two nationally recognized statistical rating organizations; and whose long-term obligations are rated "A" or higher by at least two nationally recognized statistical rating organizations; and
 - d. No more than 25% of the portfolio is invested in commercial paper and no more than 5% per issuer. [Under a provision sunsetting on January 1, 2026, no more than 40% of the portfolio may be invested in Commercial Paper if the Agency's investment assets under management are greater than \\$100,000,000.](#)
9. **State of California Local Agency Investment Fund (LAIF)**, provided that:
- a. The City may invest up to the maximum permitted amount in LAIF; and
 - b. LAIF's investments in instruments prohibited by or not specified in the City's policy do not exclude it from the City's list of allowable investments, provided that the fund's reports allow the Administrative Services Director or Financial Services Officer ~~or designee~~ to adequately judge the risk inherent in LAIF's portfolio.
10. **Local government investment pools.**
- a. San Diego County Investment Pool
11. **Corporate medium term notes (MTNs)**, provided that:
- a. Such notes have a maximum maturity of 5 years;
 - b. Are issued by corporations organized and operating within the United States or by depository institutions licensed by the United States or any state and operating within the United States;
 - c. Are rated "A" ~~category~~ or better by at least ~~two-one~~ nationally recognized statistical rating organizations; and

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- d. Holdings of medium-term notes ~~may~~ not exceed 30% of the portfolio ~~and with~~ no 5% per issuer.

12. Mortgage pass-through securities, asset-backed securities, and collateralized mortgage obligations, provided that such securities:

- a. Have a maximum stated final maturity of 5 years.
- b. ~~Be Are rated~~ in a rating category of "AA" or its equivalent or better by a nationally recognized statistical rating organization.
- c. ~~Do Purchase of securities authorized by this subdivision may not~~ exceed 20% of the portfolio.

13. Money market mutual funds that are registered with the Securities and Exchange Commission under the Investment Company Act of 1940:

- a. Provided that such funds meet either of the following criteria:
 - 1. Attained the highest ranking or the highest letter and numerical rating provided by not less than two nationally recognized statistical rating organizations; or,
 - 2. Have retained an investment adviser registered or exempt from registration with the Securities and Exchange Commission with not less than five years' experience investing in the securities and obligations authorized by California Government Code Section 53601 (a through j) and with assets under management in excess of \$500 million.
- b. Purchase of securities authorized by this subdivision may not exceed 20% of the portfolio.

14. Supranationals, provided that:

- a. Issues are US dollar denominated senior unsecured unsubordinated obligations issued or unconditionally guaranteed by the International Bank for Reconstruction and Development, International Finance Corporation, or Inter-American Development Bank.
- b. The securities are rated in a category of "AA" or higher by a NRSRO.
- c. No more than 30% of the total portfolio may be invested in these securities.

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- d. No more than 10% of the portfolio may be invested in any single issuer.
- e. The maximum maturity does not exceed five (5) years.

IX. PORTFOLIO RISK MANAGEMENT

A. The following are prohibited investment vehicles and practices:

- 1. State law notwithstanding, any investments not specifically described herein are prohibited, including, but not limited to futures and options.
- 2. In accordance with California Government Code Section 53601.6, investment in inverse floaters, range notes, or mortgage derived interest-only strips is prohibited.
- 3. Investment in any security that could result in a zero interest accrual if held to maturity is prohibited. Under a provision sunsetting on January 1, 2026, securities backed by the U.S. Government that could result in a zero- or negative-interest accrual if held to maturity are permitted. ~~(AS2)~~
- 4. Trading securities for the sole purpose of speculating on the future direction of interest rates is prohibited.
- 5. Purchasing or selling securities on margin is prohibited.
- 6. The use of reverse repurchase agreements, securities lending or any other form of borrowing or leverage is prohibited.
- 7. The purchase of foreign currency denominated securities is prohibited.
- 7-8. The purchase of a security with a forward settlement date exceeding 45 days from the time of the investment is prohibited.

B. Mitigating credit risk in the portfolio

Credit risk is the risk that a security or a portfolio will lose some or all of its value due to a real or perceived change in the ability of the issuer to repay its debt. The City will mitigate credit risk by adopting the following strategies:

- 1. The diversification requirements included in [this](#) Section IX are designed to mitigate credit risk in the portfolio;

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2. No more than 5% of the total portfolio may be invested in securities of any single issuer, except as noted in Section VIII of this Investment Policy;
3. The City may elect to sell a security prior to its maturity and record a capital gain or loss in order to improve the quality, liquidity, or yield of the portfolio in response to market conditions or the City's risk preferences; and
4. If securities owned by the City are downgraded by one or more nationally recognized statistical rating organizations either Moody's or S&P to a level below the quality required by this Investment Policy, it will be the City's policy to review the credit situation and make a determination as to whether to sell or retain such securities in the portfolio.
 - a. If a security is downgraded, the Administrative Services Director or Financial Services Officer designee will use discretion in determining whether to sell or hold the security based on its current maturity, the economic outlook for the issuer, and other relevant factors.
 - b. If a decision is made to retain a downgraded security in the portfolio, its presence in the portfolio will be monitored and reported monthly to the City Council.

C. Mitigating market risk in the portfolio

Market risk is the risk that the portfolio value will fluctuate due to changes in the general level of interest rates. The City recognizes that, over time, longer-term portfolios have the potential to achieve higher returns. On the other hand, longer-term portfolios have higher volatility of return. The City will mitigate market risk by providing adequate liquidity for short-term cash needs, and by making longer-term investments only with funds that are not needed for current cash flow purposes. The City further recognizes that certain types of securities, including variable rate securities, securities with principal pay-downs prior to maturity, and securities with embedded options, will affect the market risk profile of the portfolio differently in different interest rate environments. The City, therefore, adopts the following strategies to control and mitigate its exposure to market risk:

1. The City will maintain a minimum of three months of budgeted operating expenditures in short term investments to provide sufficient liquidity for expected disbursements;
2. The maximum percent of callable securities (does not include "make whole call" securities as defined in the Glossary) in the portfolio will be 20%;
3. The maximum stated final maturity of individual securities in the portfolio will be

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five years, except as otherwise stated in this policy; and

4. The duration of the portfolio will at all times be approximately equal to the duration (typically plus or minus 20%) of a Market Benchmark Index selected by the City based on the City's investment objectives, constraints and risk tolerances. The City's current Benchmark will be documented in the investment procedures manual.

X. INVESTMENT OBJECTIVES (PERFORMANCE STANDARDS AND EVALUATION)

A. Overall objective: The investment portfolio will be designed with the overall objective of obtaining a total rate of return throughout economic cycles, commensurate with investment risk constraints and cash flow needs.

B. Specific objective: The investment performance objective for the portfolio will be to earn a total rate of return over a market cycle which is approximately equal to the return on the Market Benchmark Index as described in the City's investment procedures manual.

XI. PROCEDURES AND INTERNAL CONTROLS

A. Procedures: The ~~Director of~~ Administrative Services Director or ~~designee~~ Financial Services Officer will establish written investment policy procedures in a separate investment procedures manual to assist investment staff with day-to-day operations of the investment program consistent with this policy. Such procedures will include explicit delegation of authority to persons responsible for investment transactions. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the ~~Director of~~ Administrative Services Director or Financial Services Officer ~~designee~~.

B. Internal Controls: The ~~Director of~~ Administrative Services Director or Financial Services Officer ~~designee~~ is responsible for establishing and maintaining an internal control structure designed to ensure that the assets of the City are protected from loss, theft, or misuse. The internal control structure will be designed to provide reasonable assurance that these objectives are met. Internal controls will be documented in the City's investment procedures manual.

XII. REPORTING AND REVIEW

A. Monthly reports: The Administrative Services Director ~~Director of Finance~~ and/or Financial Services Officer must submit a monthly report to the legislative body accounting for transactions made during the reporting period.

B. Quarterly reports: Quarterly investment reports will be submitted by the Administrative

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Services Director or ~~Financial Services Officer designee~~ to the City Council, at an agendized within 45 days of the end of the quarter. Consistent with the requirements contained in California Government Code Section 53646, information in the quarterly investment reports shall include, but not be limited to, the following:

1. Type of investment
2. Name of issuer and/or financial institution
3. Date of purchase
4. Date of maturity
5. Current market value for all securities
6. Rate of interest
7. Purchase price of investment
8. Other data as ~~required by~~ deemed relevant by the ~~Administrative Services~~ Financial Services Officer ~~City~~

C. Annual Policy review: The Investment Policy will be reviewed at least annually within 120 days of the end of the fiscal year and, as necessary, amended and re-adopted, to ensure its consistency with the overall objectives of preservation of principal, liquidity, and return, and its relevance to current law and financial and economic trends.

Related Policy References

California Government Code Sections: 16429.1 – 16429.4, and 53600 – 53609 and 53630-53686
Investment Company Act of 1940
Investment Advisers Act of 1940
Securities and Exchange Commission Rule #15C3-1
Appendix I attached: "Authorized Personnel"
Appendix II attached: "Glossary of Investment Terms"

Prior Policy Amendments

October 23, 1990 – Established Policy
May 9, 1995 (Resolution No. 95-62) Updated Policy and Inclusion in the Policy Manual and Amend policy adopted October 23, 1990
August 6, 1996 (Resolution No. 96-130)
August 26, 1997 (Resolution No. 97-110)
October 6, 1998 (Resolution No. 98-136)
September 7, 1999 (Resolution No. 99-130)
October 2, 2001 (Resolution No. 2001-151)
October 1, 2002 (Resolution No. 2002-149)
October 7, 2003 (Resolution No. 2003-139)
June 7, 2005 (Resolution No. 2005-118)
October 4, 2005 (Resolution No. 2005-215)
August 21, 2007 (Resolution No. 2007-202)
February 19, 2008 (Resolution No. 2008-37)
February 19, 2008 (Resolution No. 2008-38) CDC
January 10, 2012 (Resolution No. 2012-09)

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December 10, 2013 (Resolution No. 2013-189)
December 16, 2014 (Resolution No. 2014-172)
December 15, 2015 (Resolution No. 2015-186)
December 6, 2016 (Resolution No. 2016-189)
October 17, 2017 (Resolution No. 2017-203)
November 20, 2018 (Resolution No. 2018-189)
August 18, 2020 (Resolution No. 2020-151)
[June 21, 2022 \(Resolution No. 2022-107\)](#)

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Appendix I

Authorized Personnel

The following positions are authorized to transact investment business and wire funds for investment purposes on behalf of the City of National City:

- City Manager
- Assistant City Manager
- Financial Services Officer
- ~~Director of~~ Administrative Services Director or designee

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**Appendix II
GLOSSARY OF INVESTMENT TERMS**

Agencies. Shorthand market terminology for any obligation issued by a *government-sponsored entity (GSE)*, or a *federally related institution*. Most obligations of GSEs are not guaranteed by the full faith and credit of the US government. Examples are:

FDIC. The Federal Deposit Insurance Corporation provides insurance backed by the full faith and credit of the US government to certain bank deposits and debt obligations.

FFCB. The Federal Farm Credit Bank System provides credit and liquidity in the agricultural industry. FFCB issues discount notes and bonds.

FHLB. The Federal Home Loan Bank provides credit and liquidity in the housing market. FHLB issues discount notes and bonds.

FHLMC. Like FHLB, the Federal Home Loan Mortgage Corporation provides credit and liquidity in the housing market. FHLMC, also called "Freddie Mac" issues discount notes, bonds and mortgage pass-through securities.

FNMA. Like FHLB and Freddie Mac, the Federal National Mortgage Association was established to provide credit and liquidity in the housing market. FNMA, also known as "Fannie Mae," issues discount notes, bonds and mortgage pass-through securities.

GNMA. The Government National Mortgage Association, known as "Ginnie Mae," issues mortgage pass-through securities, which are guaranteed by the full faith and credit of the US Government.

PEFCO. The Private Export Funding Corporation assists exporters. Obligations of PEFCO are not guaranteed by the full faith and credit of the US government.

TVA. The Tennessee Valley Authority provides flood control and power and promotes development in portions of the Tennessee, Ohio and Mississippi River valleys. TVA currently issues discount notes and bonds.

Asked. The price at which a seller offers to sell a security.

Asset-Backed Securities. Securities supported by pools of installment loans or leases or by pools of revolving lines of credit.

Average life. In mortgage-related investments, including CMOs, the average time to expected receipt of principal payments, weighted by the amount of principal expected.

Banker's acceptance. A money market instrument created to facilitate international trade transactions. It is highly liquid and safe because the risk of the trade transaction is transferred to the bank which "accepts" the obligation to pay the investor.

Benchmark. A comparison security or portfolio. A performance benchmark is a partial market index, which reflects the mix of securities allowed under a specific investment policy.

Bid. The price at which a buyer offers to buy a security.

Broker. A broker brings buyers and sellers together for a transaction for which the broker receives a commission. A broker does not sell securities from his own position.

Callable. A callable security gives the issuer the option to call it from the investor prior to its maturity. The main cause of a call is a decline in interest rates. If interest rates decline since an issuer issues securities, it will likely call its current securities and reissue them at a lower

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rate of interest. Callable securities have reinvestment risk as the investor may receive its principal back when rates are lower than when the investment was initially made.

Certificate of Deposit (CD). A time deposit with a specific maturity evidenced by a certificate. Large denomination CDs may be marketable.

Collateral. Securities or cash pledged by a borrower to secure repayment of a loan or repurchase agreement. Also, securities pledged by a financial institution to secure deposits of public monies.

Collateralized Mortgage Obligations (CMO). Classes of bonds that redistribute the cash flows of mortgage securities (and whole loans) to create securities that have different levels of prepayment risk, as compared to the underlying mortgage securities.

Commercial paper. The short-term unsecured debt of corporations.

Cost yield. The annual income from an investment divided by the purchase cost. Because it does not give effect to premiums and discounts which may have been included in the purchase cost, it is an incomplete measure of return.

Coupon. The rate of return at which interest is paid on a bond.

Credit risk. The risk that principal and/or interest on an investment will not be paid in a timely manner due to changes in the condition of the issuer.

Current yield. The annual income from an investment divided by the current market value. Since the mathematical calculation relies on the current market value rather than the investor's cost, current yield is unrelated to the actual return the investor will earn if the security is held to maturity.

Dealer. A dealer acts as a principal in security transactions, selling securities from and buying securities for his own position.

Debenture. A bond secured only by the general credit of the issuer.

Delivery vs. payment (DVP). A securities industry procedure whereby payment for a security must be made at the time the security is delivered to the purchaser's agent.

Derivative. Any security that has principal and/or interest payments which are subject to uncertainty (but not for reasons of default or credit risk) as to timing and/or amount, or any security which represents a component of another security which has been separated from other components ("Stripped" coupons and principal). A derivative is also defined as a financial instrument the value of which is totally or partially derived from the value of another instrument, interest rate or index.

Discount. The difference between the par value of a bond and the cost of the bond, when the cost is below par. Some short-term securities, such as T-bills and banker's acceptances, are known as discount securities. They sell at a discount from par, and return the par value to the investor at maturity without additional interest. Other securities, which have fixed coupons trade at a discount when the coupon rate is lower than the current market rate for securities of that maturity and/or quality.

Diversification. Dividing investment funds among a variety of investments to avoid excessive exposure to any one source of risk.

Duration. The weighted average time to maturity of a bond where the weights are the present values of the future cash flows. Duration measures the price sensitivity of a bond to

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changes in interest rates. (See modified duration).

Federal funds rate. The rate of interest charged by banks for short-term loans to other banks. The Federal Reserve Bank through open-market operations establishes it.

Federal Open Market Committee: A committee of the Federal Reserve Board that establishes monetary policy and executes it through temporary and permanent changes to the supply of bank reserves.

Haircut: The margin or difference between the actual market value of a security and the value assessed by the lending side of a transaction (i.e. a repo).

Leverage. Borrowing funds in order to invest in securities that have the potential to pay earnings at a rate higher than the cost of borrowing.

Liquidity: The speed and ease with which an asset can be converted to cash.

Local Agency Investment Fund (LAIF). A voluntary investment fund managed by the California State Treasurer's Office open to government entities and certain non-profit organizations in California.

Local Government Investment Pool. Investment pools including the Local Agency Investment Fund (LAIF), county pools, joint powers authorities (JPAs). These funds are not subject to the same SEC rules applicable to money market mutual funds.

Make Whole Call. A type of call provision on a bond that allows the issuer to pay off the remaining debt early. Unlike a call option, with a make whole call provision, the issuer makes a lump sum payment that equals the net present value (NPV) of future coupon payments that will not be paid because of the call. With this type of call, an investor is compensated, or "made whole."

Margin: The difference between the market value of a security and the loan a broker makes using that security as collateral.

Market risk. The risk that the value of securities will fluctuate with changes in overall market conditions or interest rates.

Market value. The price at which a security can be traded.

Marking to market. The process of posting current market values for securities in a portfolio.

Maturity. The final date upon which the principal of a security becomes due and payable. [The investment's term or remaining maturity is measured from the settlement date to final maturity.](#)

Medium term notes. Unsecured, investment-grade senior debt securities of major corporations which are sold in relatively small amounts either on a continuous or an intermittent basis. MTNs are highly flexible debt instruments that can be structured to respond to market opportunities or to investor preferences.

Modified duration. The percent change in price for a 100 basis point change in yields. Modified duration is the best single measure of a portfolio's or security's exposure to market risk.

Money market. The market in which short term debt instruments (T-bills, discount notes, commercial paper and banker's acceptances) are issued and traded.

Mortgage pass-through securities. A securitized participation in the interest and principal

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cash flows from a specified pool of mortgages. Principal and interest payments made on the mortgages are passed through to the holder of the security.

Municipal Securities. Securities issued by state and local agencies to finance capital and operating expenses.

Mutual fund. An entity which pools the funds of investors and invests those funds in a set of securities which is specifically defined in the fund's prospectus. Mutual funds can be invested in various types of domestic and/or international stocks, bonds, and money market instruments, as set forth in the individual fund's prospectus. For most large, institutional investors, the costs associated with investing in mutual funds are higher than the investor can obtain through an individually managed portfolio.

Nationally Recognized Statistical Rating Organization (NRSRO). A credit rating agency the United States Securities and Exchange Commission uses for regulatory purposes. Credit rating agencies provide assessments of an investment's risk. The issuers of investments, especially debt securities, pay credit rating agencies to provide them with ratings. The three most prominent NRSROs are Fitch, S&P, and Moody's.

Premium. The difference between the par value of a bond and the cost of the bond, when the cost is above par.

Prepayment speed. A measure of how quickly principal is repaid to investors in mortgage securities.

Prepayment window. The time period over which principal repayments will be received on mortgage securities at a specified prepayment speed.

Primary dealer. A financial institution (1) that is a trading counterparty with the Federal Reserve in its execution of market operations to carry out US monetary policy, and (2) that participates for statistical reporting purposes in compiling data on activity in the US Government securities market.

Prudent person (man) rule. A standard of responsibility which applies to fiduciaries. In California, the rule is stated as "Investments shall be managed with the care, skill, prudence and diligence, under the circumstances then prevailing, that a prudent person, acting in a like capacity and familiar with such matters, would use in the conduct of an enterprise of like character and with like aims to accomplish similar purposes."

Realized yield. The change in value of the portfolio due to interest received and interest earned and realized gains and losses. It does not give effect to changes in market value on securities, which have not been sold from the portfolio.

Regional dealer. A financial intermediary that buys and sells securities for the benefit of its customers without maintaining substantial inventories of securities, and that is not a primary dealer.

Repurchase agreement (RP, Repo). Short term purchases of securities with a simultaneous agreement to sell the securities back at a higher price. From the seller's point of view, the same transaction is a **reverse repurchase agreement**.

Safekeeping. A service to bank customers whereby securities are held by the bank in the customer's name.

Short Term. Less than one (1) years' time.

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Structured note. A complex, fixed income instrument, which pays interest, based on a formula tied to other interest rates, commodities or indices. Examples include inverse floating rate notes which have coupons that increase when other interest rates are falling, and which fall when other interest rates are rising, and “dual index floaters,” which pay interest based on the relationship between two other interest rates - for example, the yield on the ten-year Treasury note minus the Libor rate. Issuers of such notes lock in a reduced cost of borrowing by purchasing interest rate swap agreements.

Supranational. A Supranational is a multi-national organization whereby member states transcend national boundaries or interests to share in the decision making to promote economic development in the member countries.

Total rate of return. A measure of a portfolio’s performance over time. It is the internal rate of return, which equates the beginning value of the portfolio with the ending value; it includes interest earnings, realized and unrealized gains, and losses in the portfolio.

US Treasury obligations. Securities issued by the US Treasury and backed by the full faith and credit of the United States. Treasuries are considered to have no credit risk, and are the benchmark for interest rates on all other securities in the US and overseas. The Treasury issues both discounted securities and fixed coupon notes and bonds.

Treasury bills. All securities issued with initial maturities of one year or less are issued as discounted instruments, and are called Treasury bills. The Treasury currently issues three- and six-month T-bills at regular weekly auctions. It also issues “cash management” bills as needed to smooth out cash flows.

Treasury notes. All securities issued with initial maturities of two to ten years are called Treasury notes, and pay interest semi-annually.

Treasury bonds. All securities issued with initial maturities greater than ten years are called Treasury bonds. Like Treasury notes, they pay interest semi-annually.

Value. Principal plus accrued interest.

Volatility. The rate at which security prices change with changes in general economic conditions or the general level of interest rates.

Yield to Maturity. The annualized internal rate of return on an investment which equates the expected cash flows from the investment to its cost.

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I. INTRODUCTION

The City of National City's investment program will conform to federal, state, and other legal requirements, including California Government Code Sections 16429.1-16429.4, 53600-53609, and 53630-53686. The following investment policy addresses the methods, procedures, and practices which must be exercised to ensure effective and judicious fiscal and investment management of the City's funds. It is the policy of the City to invest public funds in a manner that will provide a market rate of return, given its requirements for preserving principal and meeting the daily cash flow demands of the City. All investments will comply with this Investment Policy and governing laws.

II. SCOPE

This Investment Policy applies to all the City's financial assets and investment activities with the following exception(s):

Proceeds of debt issuance shall be invested in accordance with the City's general investment philosophy as set forth in this policy; however, such proceeds are invested in accordance with permitted investment provisions of their specific bond indentures.

Pooling of Funds: Except for cash in certain restricted and special funds, the City will consolidate cash and reserve balances from all funds to maximize investment earnings and to increase efficiencies with regard to investment pricing, safekeeping and administration. Investment income will be allocated to the various funds based on their respective participation and in accordance with generally accepted accounting principles.

III. GENERAL OBJECTIVES

The overriding objectives of the investment program are to preserve principal, provide sufficient liquidity, and manage investment risks.

1. *Safety:* Safety of principal is the foremost objective of the investment program. Investments will be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. The objective will be to mitigate credit risk and interest rate risk.
2. *Liquidity:* The investment portfolio will remain sufficiently liquid to meet all operating requirements
3. *Return:* The investment portfolio will be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the

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investment risk constraints for safety and liquidity needs.

IV. PRUDENCE, INDEMNIFICATION, AND ETHICS

A. *Prudent Investor Standard:* Management of the City's investments is governed by the Prudent Investor Standard as set forth in California Government Code Section 53600.3:

"...all governing bodies of local agencies or persons authorized to make investment decisions on behalf of those local agencies investing public funds pursuant to this chapter are trustees and therefore fiduciaries subject to the prudent investor standard. When investing, reinvesting, purchasing, acquiring, exchanging, selling, or managing public funds, a trustee shall act with care, skill, prudence, and diligence under the circumstances then prevailing, including, but not limited to, the general economic conditions and the anticipated needs of the City, that a prudent person acting in a like capacity and familiarity with those matters would use in the conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the City. Within the limitations of this section and considering individual investments as part of an overall strategy, investments may be acquired as authorized by law."

B. *Indemnification:* The Administrative Services Director or City Manager designee, hereinafter designated as Financial Services Officer, and other authorized persons responsible for managing City funds, acting in accordance with written procedures and the Investment Policy and exercising due diligence, will be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported within 30 days and appropriate action is taken to control adverse developments.

C. *Ethics:* Officers and employees involved in the investment process will refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

V. DELEGATION OF AUTHORITY

A. Authority to manage the City's investment program is derived from California Government Code Section 53600 *et seq.* The City Council is responsible for the City's cash management, including the administration of this Investment Policy. Management responsibility for the cash management of City funds is hereby delegated to the Administrative Services Director and/or Financial Services Officer.

The Administrative Services Director or Financial Services Officer will be responsible for all transactions undertaken and will establish a system of procedures and controls to regulate

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the activities of subordinate employees.

B. The City may engage the services of one or more external investment managers to assist in the management of the City’s investment portfolio in a manner consistent with the City’s objectives. Such external managers may be granted discretion to purchase and sell investment securities in accordance with this Investment Policy. Such managers must be registered under the Investment Advisers Act of 1940.

VI. AUTHORIZED FINANCIAL INSTITUTIONS, DEPOSITORIES, AND BROKER/DEALERS

A list will be maintained of financial institutions and depositories authorized to provide investment services. In addition, a list will be maintained of approved security broker/dealers selected by conducting a process of due diligence described in the investment procedures manual. These may include “primary” dealers or regional dealers that qualify under Securities and Exchange Commission (SEC) Rule 15C3-1 (uniform net capital rule).

A. The City’s Administrative Services Director or Financial Services Officer will determine which financial institutions are authorized to provide investment services to the City. Institutions eligible to transact investment business with the City include:

1. Primary government dealers as designated by the Federal Reserve Bank;
2. Nationally or state-chartered banks;
3. The Federal Reserve Bank; and
4. Direct issuers of securities eligible for purchase.

B. Selection of financial institutions and broker/dealers authorized to engage in transactions with the City will be at the sole discretion of the City.

C. All financial institutions which desire to become qualified bidders for investment transactions (and which are not dealing only with the investment adviser) must supply the Administrative Services Director or designee with a statement certifying that the institution has reviewed California Government Code Section 53600 *et seq.* and the City’s Investment Policy.

D. Selection of broker/dealers used by an external investment adviser retained by the City will be at the sole discretion of the investment adviser.

E. Public deposits will be made only in qualified public depositories as established by State law. Deposits will be insured by the Federal Deposit Insurance Corporation, or, to the extent

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the amount exceeds the insured maximum, will be collateralized in accordance with State law.

VII. DELIVERY, SAFEKEEPING AND CUSTODY, AND COMPETITIVE TRANSACTIONS

A. *Delivery-versus-payment*: Settlement of all investment transactions will be completed using standard delivery-vs.-payment procedures.

B. *Third-party safekeeping*: To protect against potential losses by collapse of individual securities dealers, and to enhance access to securities, interest payments and maturity proceeds, all securities owned by the City will be held in safekeeping by a third party bank custodian, acting as agent for the City under the terms of a custody agreement executed by the bank and the City.

C. *Competitive transactions*: All investment transactions will be conducted on a competitive basis which can be executed through a bidding process involving at least three separate brokers/financial institutions or through the use of a nationally recognized trading platform.

VIII. AUTHORIZED AND SUITABLE INVESTMENTS

All investments will be made in accordance with California Government Code Section 53600 *et seq.* and as described within this Investment Policy. Permitted investments under this policy will include:

1. **Municipal Bonds**. These include bonds of the City, the State of California, any other state, and any local agency within the state of California. The bonds will be registered in the name of the City or held under a custodial agreement at a bank.

- a. Bonds must be rated in the category of "A" or better by at least two nationally recognized statistical rating organizations; and
- b. No more than 5% of the portfolio may be invested in any single issuer.
- c. No more than 30% of the total portfolio may be invested in municipal bonds.

2. **US Treasury** and other government obligations for which the full faith and credit of the United States are pledged for the payment of principal and interest. There are no limits on the dollar amount or percentage that the City may invest in US Treasuries.

3. **Federal Agency or United States government-sponsored enterprise obligations, participations, or other instruments**, including those issued by or fully guaranteed as to principal and interest by federal agencies or United States government-sponsored enterprises. There are no limits on the dollar amount or percentage that the City may invest

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in government-sponsored enterprises.

4. **Banker's acceptances**, provided that:

- a. They are issued by institutions with short term debt obligations rated "A1" or higher, or the equivalent, by at least two nationally recognized statistical-rating organizations (NRSRO); and have long-term debt obligations which are rated "A" or higher by at least two nationally recognized statistical rating organizations;
- b. The maturity does not exceed 180 days; and
- c. No more than 40% of the total portfolio may be invested in banker's acceptances and no more than 5% per issuer.

5. **Federally insured time deposits** (Non-negotiable certificates of deposit) in state or federally chartered banks, savings and loans, or credit unions, provided that:

- a. The amount per institution is limited to the maximum covered under federal insurance; and
- b. The maturity of such deposits does not exceed 5 years.

6. **Certificate of Deposit Placement Service (CDARS)**

- a. No more than 30% of the total portfolio may be invested in a combination of certificates of deposit including CDARS
- b. The maturity of CDARS deposits does not exceed 5 years.

7. **Negotiable certificates of deposit (NCDs)**, provided that:

- a. They are issued by institutions which have long-term obligations which are rated "A" or higher by at least two nationally recognized statistical rating organizations; and/or have short term debt obligations rated "A1" or higher, or the equivalent, by at least two nationally recognized statistical rating organizations;
- b. The maturity does not exceed 5 years; and
- c. No more than 30% of the total portfolio may be invested in NCDs and no more than 5% per issuer.

8. **Commercial paper**, provided that:

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- a. The maturity does not exceed 270 days from the date of purchase;
 - b. The issuer is a corporation organized and operating in the United States with assets in excess of \$500 million;
 - c. They are issued by institutions whose short term obligations are rated “A1” or higher, or the equivalent, by at least two nationally recognized statistical rating organizations; and whose long-term obligations are rated “A” or higher by at least two nationally recognized statistical rating organizations; and
 - d. No more than 25% of the portfolio is invested in commercial paper and no more than 5% per issuer. Under a provision sunseting on January 1, 2026, no more than 40% of the portfolio may be invested in Commercial Paper if the Agency’s investment assets under management are greater than \$100,000,000.
9. **State of California Local Agency Investment Fund (LAIF)**, provided that:
- a. The City may invest up to the maximum permitted amount in LAIF; and
 - b. LAIF’s investments in instruments prohibited by or not specified in the City’s policy do not exclude it from the City’s list of allowable investments, provided that the fund’s reports allow the Administrative Services Director or Financial Services Officer to adequately judge the risk inherent in LAIF’s portfolio.
10. **Local government investment pools.**
- a. San Diego County Investment Pool
11. **Corporate medium term notes (MTNs)**, provided that:
- a. Such notes have a maximum maturity of 5 years;
 - b. Are issued by corporations organized and operating within the United States or by depository institutions licensed by the United States or any state and operating within the United States;
 - c. Are rated “A” or better by at least one nationally recognized statistical rating organization; and
 - d. Holdings of medium-term notes not exceed 30% of the portfolio with no more than 5% per issuer.

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12. Mortgage pass-through securities, asset-backed securities, and collateralized mortgage obligations, provided that such securities:

- a. Have a maximum stated final maturity of 5 years.
- b. Are in a rating category of “AA” or its equivalent or better by a nationally recognized statistical rating organization.
- c. Do not exceed 20% of the portfolio.

13. Money market mutual funds that are registered with the Securities and Exchange Commission under the Investment Company Act of 1940:

- a. Provided that such funds meet either of the following criteria:
 1. Attained the highest ranking or the highest letter and numerical rating provided by not less than two nationally recognized statistical rating organizations; or,
 2. Have retained an investment adviser registered or exempt from registration with the Securities and Exchange Commission with not less than five years’ experience investing in the securities and obligations authorized by California Government Code Section 53601 (a through j) and with assets under management in excess of \$500 million.
- b. Purchase of securities authorized by this subdivision may not exceed 20% of the portfolio.

14. Supranationals, provided that:

- a. Issues are US dollar denominated senior unsecured unsubordinated obligations issued or unconditionally guaranteed by the International Bank for Reconstruction and Development, International Finance Corporation, or Inter-American Development Bank.
- b. The securities are rated in a category of “AA” or higher by a NRSRO.
- c. No more than 30% of the total portfolio may be invested in these securities.
- d. No more than 10% of the portfolio may be invested in any single issuer.
- e. The maximum maturity does not exceed five (5) years.

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IX. PORTFOLIO RISK MANAGEMENT

A. The following are prohibited investment vehicles and practices:

1. State law notwithstanding, any investments not specifically described herein are prohibited, including, but not limited to futures and options.
2. In accordance with California Government Code Section 53601.6, investment in inverse floaters, range notes, or mortgage derived interest-only strips is prohibited.
3. Investment in any security that could result in a zero interest accrual if held to maturity is prohibited. Under a provision sunseting on January 1, 2026, securities backed by the U.S. Government that could result in a zero- or negative-interest accrual if held to maturity are permitted
4. Trading securities for the sole purpose of speculating on the future direction of interest rates is prohibited.
5. Purchasing or selling securities on margin is prohibited.
6. The use of reverse repurchase agreements, securities lending or any other form of borrowing or leverage is prohibited.
7. The purchase of foreign currency denominated securities is prohibited.
8. The purchase of a security with a forward settlement date exceeding 45 days from the time of the investment is prohibited.

B. Mitigating credit risk in the portfolio

Credit risk is the risk that a security or a portfolio will lose some or all of its value due to a real or perceived change in the ability of the issuer to repay its debt. The City will mitigate credit risk by adopting the following strategies:

1. The diversification requirements included in this Section IX are designed to mitigate credit risk in the portfolio;
2. No more than 5% of the total portfolio may be invested in securities of any single issuer, except as noted in Section VIII of this Investment Policy;
3. The City may elect to sell a security prior to its maturity and record a capital gain

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or loss in order to improve the quality, liquidity, or yield of the portfolio in response to market conditions or the City's risk preferences; and

4. If securities owned by the City are downgraded by one or more nationally recognized statistical rating organizations to a level below the quality required by this Investment Policy, it will be the City's policy to review the credit situation and make a determination as to whether to sell or retain such securities in the portfolio.
 - a. If a security is downgraded, the Administrative Services Director or Financial Services Officer will use discretion in determining whether to sell or hold the security based on its current maturity, the economic outlook for the issuer, and other relevant factors.
 - b. If a decision is made to retain a downgraded security in the portfolio, its presence in the portfolio will be monitored and reported monthly to the City Council.

C. Mitigating market risk in the portfolio

Market risk is the risk that the portfolio value will fluctuate due to changes in the general level of interest rates. The City recognizes that, over time, longer-term portfolios have the potential to achieve higher returns. On the other hand, longer-term portfolios have higher volatility of return. The City will mitigate market risk by providing adequate liquidity for short-term cash needs, and by making longer-term investments only with funds that are not needed for current cash flow purposes. The City further recognizes that certain types of securities, including variable rate securities, securities with principal pay-downs prior to maturity, and securities with embedded options, will affect the market risk profile of the portfolio differently in different interest rate environments. The City, therefore, adopts the following strategies to control and mitigate its exposure to market risk:

1. The City will maintain a minimum of three months of budgeted operating expenditures in short term investments to provide sufficient liquidity for expected disbursements;
2. The maximum percent of callable securities (does not include "make whole call" securities as defined in the Glossary) in the portfolio will be 20%;
3. The maximum stated final maturity of individual securities in the portfolio will be five years, except as otherwise stated in this policy; and
4. The duration of the portfolio will at all times be approximately equal to the duration (typically plus or minus 20%) of a Market Benchmark Index selected by the City based on the City's investment objectives, constraints and risk tolerances. The City's

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current Benchmark will be documented in the investment procedures manual.

X. INVESTMENT OBJECTIVES (PERFORMANCE STANDARDS AND EVALUATION)

A. Overall objective: The investment portfolio will be designed with the overall objective of obtaining a total rate of return throughout economic cycles, commensurate with investment risk constraints and cash flow needs.

B. Specific objective: The investment performance objective for the portfolio will be to earn a total rate of return over a market cycle which is approximately equal to the return on the Market Benchmark Index as described in the City's investment procedures manual.

XI. PROCEDURES AND INTERNAL CONTROLS

A. Procedures: The Administrative Services Director or Financial Services Officer will establish written investment policy procedures in a separate investment procedures manual to assist investment staff with day-to-day operations of the investment program consistent with this policy. Such procedures will include explicit delegation of authority to persons responsible for investment transactions. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the Administrative Services Director or Financial Services Officer.

B. Internal Controls: The Administrative Services Director or Financial Services Officer is responsible for establishing and maintaining an internal control structure designed to ensure that the assets of the City are protected from loss, theft, or misuse. The internal control structure will be designed to provide reasonable assurance that these objectives are met. Internal controls will be documented in the City's investment procedures manual.

XII. REPORTING AND REVIEW

A. Monthly reports: The Administrative Services Director or Financial Services Officer must submit a monthly report to the legislative body accounting for transactions made during the reporting period.

B. Quarterly reports: Quarterly investment reports will be submitted by the Administrative Services Director or Financial Services Officer to the City Council at an agenda meeting within 45 days of the end of the quarter. Consistent with the requirements contained in California Government Code Section 53646, information in the quarterly investment reports shall include, but not be limited to, the following:

1. Type of investment

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2. Name of issuer and/or financial institution
3. Date of purchase
4. Date of maturity
5. Current market value for all securities
6. Rate of interest
7. Purchase price of investment
8. Other data as deemed relevant by the Administrative Services Director or Financial Services Officer

C. Annual Policy review: The Investment Policy will be reviewed at least annually within 120 days of the end of the fiscal year and, as necessary, amended and re-adopted, to ensure its consistency with the overall objectives of preservation of principal, liquidity, and return, and its relevance to current law and financial and economic trends.

Related Policy References

California Government Code Sections: 16429.1 – 16429.4, and 53600 – 53609 and 53630-53686
Investment Company Act of 1940
Investment Advisers Act of 1940
Securities and Exchange Commission Rule #15C3-1
Appendix I attached: “Authorized Personnel”
Appendix II attached: “Glossary of Investment Terms”

Prior Policy Amendments

October 23, 1990 – Established Policy
May 9, 1995 (Resolution No. 95-62) Updated Policy and Inclusion in the Policy Manual and Amend policy adopted October 23, 1990
August 6, 1996 (Resolution No. 96-130)
August 26, 1997 (Resolution No. 97-110)
October 6, 1998 (Resolution No. 98-136)
September 7, 1999 (Resolution No. 99-130)
October 2, 2001 (Resolution No. 2001-151)
October 1, 2002 (Resolution No. 2002-149)
October 7, 2003 (Resolution No. 2003-139)
June 7, 2005 (Resolution No. 2005-118)
October 4, 2005 (Resolution No. 2005-215)
August 21, 2007 (Resolution No. 2007-202)
February 19, 2008 (Resolution No. 2008-37)
February 19, 2008 (Resolution No. 2008-38) CDC
January 10, 2012 (Resolution No. 2012-09)
December 10, 2013 (Resolution No. 2013-189)
December 16, 2014 (Resolution No. 2014-172)
December 15, 2015 (Resolution No. 2015-186)
December 6, 2016 (Resolution No. 2016-189)
October 17, 2017 (Resolution No. 2017-203)

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November 20, 2018 (Resolution No. 2018-189)
August 18, 2020 (Resolution No. 2020-151)
June 21, 2022 (Resolution No. 2022-107)

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Appendix I

Authorized Personnel

The following positions are authorized to transact investment business and wire funds for investment purposes on behalf of the City of National City:

City Manager
Assistant City Manager
Financial Services Officer
Administrative Services Director

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Appendix II GLOSSARY OF INVESTMENT TERMS

Agencies. Shorthand market terminology for any obligation issued by a *government-sponsored entity (GSE)*, or a *federally related institution*. Most obligations of GSEs are not guaranteed by the full faith and credit of the US government. Examples are:

FDIC. The Federal Deposit Insurance Corporation provides insurance backed by the full faith and credit of the US government to certain bank deposits and debt obligations.

FFCB. The Federal Farm Credit Bank System provides credit and liquidity in the agricultural industry. FFCB issues discount notes and bonds.

FHLB. The Federal Home Loan Bank provides credit and liquidity in the housing market. FHLB issues discount notes and bonds.

FHLMC. Like FHLB, the Federal Home Loan Mortgage Corporation provides credit and liquidity in the housing market. FHLMC, also called “Freddie Mac” issues discount notes, bonds and mortgage pass-through securities.

FNMA. Like FHLB and Freddie Mac, the Federal National Mortgage Association was established to provide credit and liquidity in the housing market. FNMA, also known as “Fannie Mae,” issues discount notes, bonds and mortgage pass-through securities.

GNMA. The Government National Mortgage Association, known as “Ginnie Mae,” issues mortgage pass-through securities, which are guaranteed by the full faith and credit of the US Government.

PEFCO. The Private Export Funding Corporation assists exporters. Obligations of PEFCO are not guaranteed by the full faith and credit of the US government.

TVA. The Tennessee Valley Authority provides flood control and power and promotes development in portions of the Tennessee, Ohio and Mississippi River valleys. TVA currently issues discount notes and bonds.

Asked. The price at which a seller offers to sell a security.

Asset-Backed Securities. Securities supported by pools of installment loans or leases or by pools of revolving lines of credit.

Average life. In mortgage-related investments, including CMOs, the average time to expected receipt of principal payments, weighted by the amount of principal expected.

Banker’s acceptance. A money market instrument created to facilitate international trade transactions. It is highly liquid and safe because the risk of the trade transaction is transferred to the bank which “accepts” the obligation to pay the investor.

Benchmark. A comparison security or portfolio. A performance benchmark is a partial market index, which reflects the mix of securities allowed under a specific investment policy.

Bid. The price at which a buyer offers to buy a security.

Broker. A broker brings buyers and sellers together for a transaction for which the broker receives a commission. A broker does not sell securities from his own position.

Callable. A callable security gives the issuer the option to call it from the investor prior to its maturity. The main cause of a call is a decline in interest rates. If interest rates decline since an issuer issues securities, it will likely call its current securities and reissue them at a lower

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rate of interest. Callable securities have reinvestment risk as the investor may receive its principal back when rates are lower than when the investment was initially made.

Certificate of Deposit (CD). A time deposit with a specific maturity evidenced by a certificate. Large denomination CDs may be marketable.

Collateral. Securities or cash pledged by a borrower to secure repayment of a loan or repurchase agreement. Also, securities pledged by a financial institution to secure deposits of public monies.

Collateralized Mortgage Obligations (CMO). Classes of bonds that redistribute the cash flows of mortgage securities (and whole loans) to create securities that have different levels of prepayment risk, as compared to the underlying mortgage securities.

Commercial paper. The short-term unsecured debt of corporations.

Cost yield. The annual income from an investment divided by the purchase cost. Because it does not give effect to premiums and discounts which may have been included in the purchase cost, it is an incomplete measure of return.

Coupon. The rate of return at which interest is paid on a bond.

Credit risk. The risk that principal and/or interest on an investment will not be paid in a timely manner due to changes in the condition of the issuer.

Current yield. The annual income from an investment divided by the current market value. Since the mathematical calculation relies on the current market value rather than the investor's cost, current yield is unrelated to the actual return the investor will earn if the security is held to maturity.

Dealer. A dealer acts as a principal in security transactions, selling securities from and buying securities for his own position.

Debenture. A bond secured only by the general credit of the issuer.

Delivery vs. payment (DVP). A securities industry procedure whereby payment for a security must be made at the time the security is delivered to the purchaser's agent.

Derivative. Any security that has principal and/or interest payments which are subject to uncertainty (but not for reasons of default or credit risk) as to timing and/or amount, or any security which represents a component of another security which has been separated from other components ("Stripped" coupons and principal). A derivative is also defined as a financial instrument the value of which is totally or partially derived from the value of another instrument, interest rate or index.

Discount. The difference between the par value of a bond and the cost of the bond, when the cost is below par. Some short-term securities, such as T-bills and banker's acceptances, are known as discount securities. They sell at a discount from par, and return the par value to the investor at maturity without additional interest. Other securities, which have fixed coupons trade at a discount when the coupon rate is lower than the current market rate for securities of that maturity and/or quality.

Diversification. Dividing investment funds among a variety of investments to avoid excessive exposure to any one source of risk.

Duration. The weighted average time to maturity of a bond where the weights are the present values of the future cash flows. Duration measures the price sensitivity of a bond to

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changes in interest rates. (See modified duration).

Federal funds rate. The rate of interest charged by banks for short-term loans to other banks. The Federal Reserve Bank through open-market operations establishes it.

Federal Open Market Committee: A committee of the Federal Reserve Board that establishes monetary policy and executes it through temporary and permanent changes to the supply of bank reserves.

Haircut: The margin or difference between the actual market value of a security and the value assessed by the lending side of a transaction (i.e. a repo).

Leverage. Borrowing funds in order to invest in securities that have the potential to pay earnings at a rate higher than the cost of borrowing.

Liquidity: The speed and ease with which an asset can be converted to cash.

Local Agency Investment Fund (LAIF). A voluntary investment fund managed by the California State Treasurer's Office open to government entities and certain non-profit organizations in California.

Local Government Investment Pool. Investment pools including the Local Agency Investment Fund (LAIF), county pools, joint powers authorities (JPAs). These funds are not subject to the same SEC rules applicable to money market mutual funds.

Make Whole Call. A type of call provision on a bond that allows the issuer to pay off the remaining debt early. Unlike a call option, with a make whole call provision, the issuer makes a lump sum payment that equals the net present value (NPV) of future coupon payments that will not be paid because of the call. With this type of call, an investor is compensated, or "made whole."

Margin: The difference between the market value of a security and the loan a broker makes using that security as collateral.

Market risk. The risk that the value of securities will fluctuate with changes in overall market conditions or interest rates.

Market value. The price at which a security can be traded.

Marking to market. The process of posting current market values for securities in a portfolio.

Maturity. The final date upon which the principal of a security becomes due and payable. The investment's term or remaining maturity is measured from the settlement date to final maturity.

Medium term notes. Unsecured, investment-grade senior debt securities of major corporations which are sold in relatively small amounts either on a continuous or an intermittent basis. MTNs are highly flexible debt instruments that can be structured to respond to market opportunities or to investor preferences.

Modified duration. The percent change in price for a 100 basis point change in yields. Modified duration is the best single measure of a portfolio's or security's exposure to market risk.

Money market. The market in which short term debt instruments (T-bills, discount notes, commercial paper and banker's acceptances) are issued and traded.

Mortgage pass-through securities. A securitized participation in the interest and principal

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cash flows from a specified pool of mortgages. Principal and interest payments made on the mortgages are passed through to the holder of the security.

Municipal Securities. Securities issued by state and local agencies to finance capital and operating expenses.

Mutual fund. An entity which pools the funds of investors and invests those funds in a set of securities which is specifically defined in the fund's prospectus. Mutual funds can be invested in various types of domestic and/or international stocks, bonds, and money market instruments, as set forth in the individual fund's prospectus. For most large, institutional investors, the costs associated with investing in mutual funds are higher than the investor can obtain through an individually managed portfolio.

Nationally Recognized Statistical Rating Organization (NRSRO). A credit rating agency the United States Securities and Exchange Commission uses for regulatory purposes. Credit rating agencies provide assessments of an investment's risk. The issuers of investments, especially debt securities, pay credit rating agencies to provide them with ratings. The three most prominent NRSROs are Fitch, S&P, and Moody's.

Premium. The difference between the par value of a bond and the cost of the bond, when the cost is above par.

Prepayment speed. A measure of how quickly principal is repaid to investors in mortgage securities.

Prepayment window. The time period over which principal repayments will be received on mortgage securities at a specified prepayment speed.

Primary dealer. A financial institution (1) that is a trading counterparty with the Federal Reserve in its execution of market operations to carry out US monetary policy, and (2) that participates for statistical reporting purposes in compiling data on activity in the US Government securities market.

Prudent person (man) rule. A standard of responsibility which applies to fiduciaries. In California, the rule is stated as "Investments shall be managed with the care, skill, prudence and diligence, under the circumstances then prevailing, that a prudent person, acting in a like capacity and familiar with such matters, would use in the conduct of an enterprise of like character and with like aims to accomplish similar purposes."

Realized yield. The change in value of the portfolio due to interest received and interest earned and realized gains and losses. It does not give effect to changes in market value on securities, which have not been sold from the portfolio.

Regional dealer. A financial intermediary that buys and sells securities for the benefit of its customers without maintaining substantial inventories of securities, and that is not a primary dealer.

Repurchase agreement (RP, Repo). Short term purchases of securities with a simultaneous agreement to sell the securities back at a higher price. From the seller's point of view, the same transaction is a **reverse repurchase agreement**.

Safekeeping. A service to bank customers whereby securities are held by the bank in the customer's name.

Short Term. Less than one (1) years' time.

**CITY COUNCIL POLICY
CITY OF NATIONAL CITY**

TITLE: Investments	POLICY #203
ADOPTED: October 23, 1990	AMENDED: August 15, 2023

Structured note. A complex, fixed income instrument, which pays interest, based on a formula tied to other interest rates, commodities or indices. Examples include inverse floating rate notes which have coupons that increase when other interest rates are falling, and which fall when other interest rates are rising, and “dual index floaters,” which pay interest based on the relationship between two other interest rates - for example, the yield on the ten-year Treasury note minus the Libor rate. Issuers of such notes lock in a reduced cost of borrowing by purchasing interest rate swap agreements.

Supranational. A Supranational is a multi-national organization whereby member states transcend national boundaries or interests to share in the decision making to promote economic development in the member countries.

Total rate of return. A measure of a portfolio’s performance over time. It is the internal rate of return, which equates the beginning value of the portfolio with the ending value; it includes interest earnings, realized and unrealized gains, and losses in the portfolio.

US Treasury obligations. Securities issued by the US Treasury and backed by the full faith and credit of the United States. Treasuries are considered to have no credit risk, and are the benchmark for interest rates on all other securities in the US and overseas. The Treasury issues both discounted securities and fixed coupon notes and bonds.

Treasury bills. All securities issued with initial maturities of one year or less are issued as discounted instruments, and are called Treasury bills. The Treasury currently issues three- and six-month T-bills at regular weekly auctions. It also issues “cash management” bills as needed to smooth out cash flows.

Treasury notes. All securities issued with initial maturities of two to ten years are called Treasury notes, and pay interest semi-annually.

Treasury bonds. All securities issued with initial maturities greater than ten years are called Treasury bonds. Like Treasury notes, they pay interest semi-annually.

Value. Principal plus accrued interest.

Volatility. The rate at which security prices change with changes in general economic conditions or the general level of interest rates.

Yield to Maturity. The annualized internal rate of return on an investment which equates the expected cash flows from the investment to its cost.

RESOLUTION NO. 2023 -

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA,
ADOPTING CITY COUNCIL POLICY #203, "INVESTMENTS," AS AMENDED**

WHEREAS, City Council Policy #203, "Investments" states, "the Investment Policy will be reviewed at least annually and, as necessary, adopted, to ensure its consistency with the overall objectives of preservation of principal, liquidity, and return, and its relevance to current law and financial and economic trends."; and

WHEREAS, after a review of the current policy, a few small adjustments are proposed to align the National City policy with recent changes in state law; and

WHEREAS, the amended policy makes no significant changes to the City of National City investment goals, authorized investment instruments, or risk management.

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

Section 1: That the City Council hereby authorizes the adoption of City Council Policy #203, titled "Investments" as shown in Exhibit B.

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

PASSED and ADOPTED this 15th day of August, 2023.

Ron Morrison, Mayor

ATTEST:

Shelley Chapel, MMC, City Clerk

APPROVED AS TO FORM:

Barry J. Schultz, City Attorney



AGENDA REPORT

Department: Community Development
Prepared by: Ben Martinez, Director of Community Dev./Interim City Manager
Meeting Date: Tuesday, August 15, 2023
Approved by: Ben Martinez, Interim City Manager

SUBJECT:

Amendment of City Council Policy Numbers 704 "Limitation on City Approved Special Events within the City" and 802 "City Support for Special Events, Activities, Programs and Services".

RECOMMENDATION:

Consider adoption of the Resolution Entitled, "Resolution of the City Council of the City of National City, California, Authorizing the Amendment of City Council Policy Numbers 704 "Limitation on City Approved Special Events within the City" and 802 "City Support for Special Events, Activities, Programs and Services".

BOARD/COMMISSION/COMMITTEE PRIOR ACTION:

None.

EXPLANATION:

On October 7, 2008, the City Council adopted Resolution 2008-214 prohibiting special events by Temporary Use Permit (TUP) at El Toyon Park due to potential negative impacts associated with public events at the park. Adoption of the resolution presented today would allow non-City special events to occur at El Toyon Park by TUP.

In previous action, the City Council adopted Resolution 97-33 on March 18, 1997 limiting the number of participants to 50 or less by a TUP at El Toyon Park. On October 21, 1997, the City Council adopted Resolution 97-133 requiring 72 hours' notice prior to the start of an event approved by a TUP.

FINANCIAL STATEMENT:

Not Applicable.

RELATED CITY COUNCIL 2020-2025 STRATEGIC PLAN GOAL:

Not Applicable.

ENVIRONMENTAL REVIEW:

This is not a project under CEQA and is therefore not subject to environmental review.CCR15378; PRC 21065.

PUBLIC NOTIFICATION:

Agenda Report posted within 72 hours of meeting date and time in accordance with Brown Act.

ORDINANCE:

Not Applicable

EXHIBITS:

Exhibit A – City Council Policy No. 704

Exhibit B – City Council Policy No. 802

Exhibit C – City Council Policy No. 704 Draft - Redline

Exhibit D – City Council Policy No. 802 Draft - Redline

Exhibit E – Resolution

CITY COUNCIL POLICY CITY OF NATIONAL CITY

TITLE: Limitation on city approved Special events within the City	POLICY # 704
ADOPTED: November 15, 1988	AMENDED: October 7, 2008

Purpose

The City council recognized the potential impact of various special events within the City, specifically when held concurrently, upon Police Department resources and public safety. The purpose of this policy is to limit the number of such events held concurrently in recognition of that potential impact and provide guidelines to insure public safety.

Policy

Those City approved temporary use activities listed under "Class A Uses/Activities" in the attached sheet (with the exception of mobile home type structures," which are already limited to periods no longer that one year), shall be limited to no more than two occurring concurrently on a given day with the exception of city parks where special events shall be limited to one on a given day with a minimum of six weeks between special events in order to allow the grass and park to rejuvenate.

The Police Department shall indicate on the Temporary Use Permit application from prior to its submission to the City Council, the potential impact of a particular event upon Police resources or public safety. Each event will have necessary security as determined by the National City Police Department. This security can be a) private security, b) combination of private security and police officers, c) police officers and reserve officers. The Police Department must approve security arrangements prior to the issuance of a temporary Use Permit. The person or organization responsible for the event will be required to pay for officers assigned to the event. There will be no officers initially assigned to the event; further charge will be made to the operation or responsible organization. As an example, if an event is required to have four officers present and police activity increases and additional officers are required, there would be no charge for those additional officers.

Alcohol will be prohibited to reduce chances of violence and disorderly conduct.

A fence may be required , at the discretion of the Police Department, based upon, 1) event location, 2) past activity at the site, 3) estimated crowd and, 4) type of entertainment in order to control access to the activity by large groups of people.

Activities will not operate between the hours of 11pm and 8am on any day. There will be no sales of tickets for any activity one half hour before closing time. If there is an imminent danger to the well being of citizens, the Police Department shall adjust operations hours.

The City Council may, by its specific action, waive the subject limit for a particular event, if in its view, no adverse impact upon Police Department resources or public safety would

CITY COUNCIL POLICY CITY OF NATIONAL CITY

TITLE: Limitation on city approved Special events within the City	POLICY # 704
ADOPTED: November 15, 1988	AMENDED: October 7, 2008

result.

The Fire Department is to have absolute authority, control, and decisions over all fireworks and or pyrotechnic displays.

Outdoor Events at the Community Center

A Temporary Use Permit is required for events in the park or parking lot adjacent to the Community Center subject to the provisions of Chapter 15.60 of the NCMC and/or the "TUP Guidelines for Use of -City Parks" as established by the Community Services Director. In addition, a Temporary Use Permit is required for the use of the park or parking lot adjacent to the Community Center in conjunction with an event in the Community Center subject to the provisions of Chapter 15.60 of the NCMC and/or the "TUP Guidelines for Use of City Parks" as established by the Community Services Director.

Late T.U.P. Applications

At the discretion of the Building & Safety Director, Temporary Use Permit applications may be accepted for processing less than 15 working days prior to the date of the event provided the Building & Safety Director finds the size and scope of the event lends the application to expedited review by City departments and evaluation by the City Council. In no event shall a Temporary Use Permit application involving more than 500 participants receive expedited processing without prior approval of the City Council.

Photography/Motion Picture Permits

The Director of Building & Safety is designated as the individual to work directly with the film industry. The Director of Building & Safety shall develop administrative policies and procedures to implement the California Film Commission's Model Filming Permit Process to the greatest extent possible.

The following Temporary Use Permits are required for photography and/or motion picture filming:

Class A: Photography or filming on public or private property that requires street closures and/ or traffic control in excess of three minutes, or that involves stunts or special effects which may require City services.

Class B: Photography or filming on public or private property that does not involve street closures and/or traffic control in excess of three minute and does not involve stunts or special effects which may require City services.

Applications for a Temporary Use Permit for Photography/Filming shall be based on the model photography/filming developed by the California Film Commission.

CITY COUNCIL POLICY CITY OF NATIONAL CITY

TITLE: Limitation on city approved Special events within the City	POLICY # 704
ADOPTED: November 15, 1988	AMENDED: October 7, 2008

Applications shall be filed with the Building & Safety Department in the following Specified number of days prior to the date the filming is to occur:

- Class A: 10 working days
- Class B: 2 working days

The applicant may be required to reimburse the City for costs incurred in providing support services in conjunction with a Temporary Use Permit for Photography/Filming.

Class A and Class B applications shall be accompanied by a Certificate of Insurance and Neighborhood Notification Form when deemed appropriate by the Risk Manager and the Director of Building & Safety.

T.U.P Processing Fee Waivers

The City Council shall waive T.U.P. processing fees only in the case of a non-profit organization, and when such organization can demonstrate that the event for which the T. U.P is requested will not generate any income to the organization, or that the net proceeds of the event for which the T.U.P is requested result in:

- Direct financial benefit to an individual who resides or its employed in the city, and who is in dire financial need due to health reasons or a death in the family, or
- Direct financial benefit to city government, e.g. generation of sales tax; or
- Direct financial benefit to a service club, social services agency, or other secular non-profit organization located within the city, e.g. Kiwanis, Rotary, Lion, Boys and Girls Club; or
- Direct financial benefit to an organization which has been in the direct
- recipient of City or Community Development Block Grant (CDBG) funding.

T.U.P. Events at El Toyon Park

T.U.P. events at El Toyon Park are prohibited.

T.U.P. Event Notification Procedures

It shall be the responsibility of the T.U.P. applicant to provide written notification to occupants of property adjacent to a City park for events in the park which involve any of the following activities:

- 1) Live musical performances
- 2) Use of amplified sound systems other than hand-held portable systems.
- 3) Fireworks or similar pyrotechnic displays
- 4) Other activities or events or portable systems.

CITY COUNCIL POLICY CITY OF NATIONAL CITY

TITLE: Limitation on city approved Special events within the City	POLICY # 704
ADOPTED: November 15, 1988	AMENDED: October 7, 2008

The written notification shall include the name and telephone number of the sponsor of the event, the nature of the event, the date and hours of set-up and tear-down for the event, the date and hours of the event, and the name of the sponsor's representative who will be at the park on the day(s) of the event and how that individual may be contacted the need arise.

The written notification shall be mailed to the occupants of properties abutting City parks as reflected on maps prepared by the Building & Safety Department. The written notification shall be submitted to the Building & Safety Director for review and approval prior to mailing. The date of mailing of the notification shall be scheduled so that the notification will be received by property occupants no less than 72 hours prior to the start of set- up activities for the event.

Failure to provide notification as stated herein may be cause for the revocation of T.U.P. approval for the event, or denial of future T.U.P. applications submitted by the sponsoring organization.

Related Policy References

Municipal Code Chapter 18.118
Municipal Code Section 6.28
Municipal Code Section 6.52

Prior Policy Amendments:

None.

CITY COUNCIL POLICY

CITY OF NATIONAL CITY

TITLE: City Support for Special Events, Activities, Programs and Services POLICY 802	
ADOPTED: October 3, 2006	AMENDED: December 6, 2022

BACKGROUND:

The Council recognizes that special events are a lifestyle that defines National City's history and makes our City unique. However, City Council is also concerned with the increasing cost of City support of special events, examples of which are concerts, festivals, parades and sporting events which take place at City parks and facilities or in City streets and rights-of-way. The Council notes that City support of special events, be it police traffic service, fire standby service or other support, is not specifically budgeted and is provided through reductions in the level of service for budgeted programs.

DEFINITIONS:

1. "SPECIAL EVENT" as defined in Municipal Code Section 15.60.005 means any organized activity conducted for a common or collective purpose, use or benefit which involves the utilization of, or has an impact upon, public property or facilities and the need for providing municipal and public safety services in response to the event.

Examples of Special Events include, but are not limited to:

- a. Parades
 - b. Public concerts and other community cultural events
 - c. Demonstrations
 - d. Circuses
 - e. Fairs and festivals
 - f. Community or neighborhood block parties and street dances
 - g. Mass participation sports (marathons, bicycles races and tours)
 - h. Film making activities
 - i. Public speaker events
2. "CITY SUPPORT" means any City services required to maintain minimal interference and inconvenience to the general public resulting from a Special Event.

City Support includes, but is not limited to:

- a. Special Event permit processing
- b. Police services
- c. Sanitation and cleanup
- d. Maintaining access for emergency vehicles and provision of medical care
- e. Street closures
- f. Use of City Stage, PA equipment and/or Information Trailer

TITLE: City Support for Special Events, Activities, Programs and Services **POLICY 802**

ADOPTED: October 3, 2006

AMENDED: December 6, 2022

City Support does not include internal security, crowd control and other services considered the responsibility of the Special Event Sponsor.

3. "NON PROFIT" means a non-profit tax exempt organization (501(c)(3)) that is exempted from payment of income taxes by federal or state law and which has been in existence for a minimum of six (6) months preceding the date of application for a special event.
4. "PUBLIC FACILITY" means any property, building, or public access (street, park, theater, etc.) that lies within the City and which is owned or operated by the City for public benefit or usage.
5. "EVENT ORGANIZER" means any person, group, or corporation assuming responsibility for planning, promoting, and carrying out a Special Event.
6. "CITY MANAGER" means the City Manager or designee.
7. "CITY CO-SPONSORED EVENT" is defined as an annual event that occurs within the boundaries of National City. The co-sponsoring agency must be a National City non-profit or branch thereof and the event must benefit National City and its residents. Applications must be submitted as a special event application to the Neighborhood Services Department, deadlines are noted annually. The current City co-sponsorship events list (Attachment "A") are considered grandfathered and will not need to apply annually for approval.
8. "CITY SPONSORED EVENT" is defined as an annual community-wide event that is planned and managed by one or more City departments. The current City sponsored events list (Attachment "B") are considered grandfathered and will not need to apply annually for approval. These events will not require a secondary City Council approval through the TUP or Special Event process. City Staff will process event applications and City Council will be updated of these events annually and or on a quarterly basis.

PURPOSE:

It is the purpose of this policy to provide guidelines for the support of special events, consistent with the least possible disruption to normal City services.

POLICY:

A. Co-Sponsored Events

It is the policy of the City Council that:

TITLE: City Support for Special Events, Activities, Programs and Services **POLICY 802**

ADOPTED: October 3, 2006

AMENDED: December 6, 2022

1. To the extent that economic conditions and the City's resources allow, the City manager upon City Council notification, may provide reasonable City support of up to \$1,200 per event day to non-profit special events that benefit National City residents, are held wholly within City limits, and which are listed in Attachment "A" and are considered to be City co-sponsored annual events.
2. Any new non-profit applicant (not on Attachment "A") requesting co-sponsorship must apply to be considered for the City co-sponsored event list which will be reviewed annually by the 802 policy committee. The 802 policy committee will recommend changes to the co-sponsored event list only when required on an annual basis (per Section 7 of Definitions- page 2). As a City co-sponsored event, organizations shall prominently place the City's logo in all advertising materials promoting the event and provide space for the City to set up an information booth, per the City Council's discretion.
3. Any new Special Event or TUP applicant not currently on the approved co-sponsored list and requesting fee waivers, may only be considered to have fees waived up to the minimum level of \$500 per event day. Attachments "A" and "B" are the current list of approved co-sponsored and sponsored events respectively. Any new events considering co-sponsorship must apply through the annual process.
4. Any Special Event or TUP application is prohibited from engaging in any political election activities, including but not limited to campaign activities, campaign/political information booths, messaging, banners, or support of any political candidate during any Co-Sponsored event in the City.
5. Any Co-Sponsored organization on the event list that had not held an event in three (3) years shall be withdrawn from the Co-Sponsored list for the following year (Attachment "A").

B. Sponsored Events

It is the policy of the City Council that to the extent economic conditions and the City's resource allow, National City will sponsor and provide community-wide annual events which are listed in Attachment "B". Event fees that are incurred by City departments will be charged against an account designed for that purpose. The City Manager shall notify the City Council of upcoming events on a quarterly basis.

TITLE: City Support for Special Events, Activities, Programs and Services POLICY 802	
ADOPTED: October 3, 2006	AMENDED: December 6, 2022

C. Other Events, Activities, Programs and Services

It is the policy of the City Council that:

1. To the extent that economic conditions and the City's resources allow, the City Manager may provide City support for a special event conducted by a non-profit organization. City support would be limited to a waiver of permit processing fees and the event must benefit National City residents. Examples include an event where there is insufficient time for Council approval, such as in the event of a catastrophe or an emergency situation. The City Manager shall notify the City Council of any such support on a monthly basis.
2. The City Manager shall charge City costs for any special event of a commercial nature; also, the City Manager shall require organizers of commercial special events to pay the City a negotiated percentage of gross revenues or a flat fee. Such revenues will be deposited into the City's General Fund.
3. Proceeds from a special event of a commercial nature that benefits a local non-profit organization, shall show proof of donation within 10 business days. Such proof shall be submitted to the City's Department of Finance (Revenue & Recovery). Failure to provide proof of donation will result in loss of any deposit remitted and may jeopardize future use of City facilities.
4. To the extent economic conditions and the City's resources allow, funding support may be authorized in support of a program, service or activity, other than a special event, when found by the City Council to be of benefit to the community or the City.

Requests must include a specific purpose for the funding (i.e., to pay, in whole or in part, for the purchase or rental of specific supplies or equipment).

TITLE: City Support for Special Events, Activities, Programs and Services POLICY 802	
ADOPTED: October 3, 2006	AMENDED: December 6, 2022

D. Documentation of Expenses

A report detailing allowable incurred expenses must be submitted to the Department of Finance, in a format prescribed by the Director of Finance, for a special event, program, service, or activity receiving funding support from the City. The report must be accompanied by documentation, including receipts for all purchases, if requested.

This requirement shall not apply to programs, services, or activities for which the City is underwritten contractual agreement. Any such requirement shall be dictated by the terms of said agreement.

Failure of an organization or individual to provide a proper report and documentation of allowable incurred expenses may result in denial of future funding support requests.

E. El Toyon Park

The use of El Toyon Park for special events is prohibited.

F. Use of Mobile Stage

The mobile stage shall be used only on City parklands, and/or other public property within the limits of National City. Any events outside this purview and requesting use of the City stage must apply through the special event process. The USER of the stage shall be responsible for any damage to the unit resulting from carelessness or misuse.

TITLE: City Support for Special Events, Activities, Programs and Services **POLICY 802**

ADOPTED: October 3, 2006

AMENDED: December 6, 2022

RELATED POLICY REFERENCES:

City Council Policy# 704 - Limitation on City Approved Special Events within the City

City Council Policy# 801 - Field and Facility Rules and Regulations

TITLE: City Support for Special Events, Activities, Programs and Services **POLICY 802**

ADOPTED: October 3, 2006

AMENDED: December 6, 2022

ATTACHMENT "A"
NATIONAL CITY CO-SPONSORED EVENTS

<u>Event Title</u>	<u>Organizer</u>	<u>Timing</u>
National City International Mariachi Festival	National City Chamber of Commerce	March
Granger Jr. High Cultural Fair	Granger Jr. High	Spring
Job Fair	N.C. Chamber of Commerce	Spring
July 4 th Carnival	National City Host Lions Club	July
Mabuhay Festival	Mabuhay Festival	June
Las Palmas 5K and 1 Mile Walk	Las Palmas Elementary School	June
Blood Drive	American Red Cross	June
Auto Heritage Days	N.C. Chamber of Commerce	August
Relay for Life	American Cancer Society	July
Bayside Brew & Spirits Fest	N.C. Chamber of Commerce	September
OneSight Vision Clinic	N.C. Host Lions Club	October
Salute to Navy	N.C. Chamber of Commerce	October
Maytime Band Review	Maytime Band Association	October
Sweetwater High Homecoming	Sweetwater High School	Fall
Community Concert Band Series (up to 4 concerts annually/per year)	N.C. Community Concert Band	Quarterly
Spirit of the Holidays	N.C. Fire Department Local 2744	December
Christmas with Kids	Christmas with Kids	December

Note: Co-sponsored events that reoccur on the same date, or weekend, each year will maintain, "first rights" to their date if the special event permit application is received within five months of the recurring event date. After the five month application deadline, other interested parties will be able to apply. Events scheduled on recurring weekends (such as the J St., 2nd, 3rd, 4th, or 5th weekend of a month) will be defined by the first date of the event is open to the public.

TITLE: City Support for Special Events, Activities, Programs and Services **POLICY 802**

ADOPTED: October 3, 2006

AMENDED: December 6, 2022

ATTACHMENT "B"
NATIONAL CITY SPONSORED EVENTS

<u>Event Title</u>	<u>Organizer</u>	<u>Timing</u>
Movies in the Park	Community Services	Summer
NC Gets Active	Community Services	Quarterly
Summer Concerts	Community Services	Summer
Miss. National City Pageant	Community Services	July
National Night Out	Police Department, Community Services, FFA	August
9/11 Remembrance Ceremony	Fire Department	September
Fiestas Patrias	Community Service	September
National City Birthday Celebration	Community Services	September
National City Cruising Event(s)	City Manager's Office	TBD
State of the City	Mayor's Office	Fall
Family Tennis Day	Community Services	October
Annual Volunteer Dinner	Community Services	Fall
Dia de los Muertos	Mayor's Office	Oct/Nov
Veteran's Day	City Manager's Office	November
Turkey Giveaway	Mayor's Office	November
A Kimball Holiday	Community Services	December
Community Service Day	Community Services	April

CITY COUNCIL POLICY CITY OF NATIONAL CITY

TITLE: Limitation on City Approved Special Events within the City **POLICY # 704**

ADOPTED: ~~November 15, 1988~~ December 12,
1995

AMENDED: ~~October 7, 2008~~
August 15, 2023

Purpose

The City Council recognized the potential impact of various special events within the City, specifically when held concurrently, upon Police Department resources and public safety. The purpose of this policy is to limit the number of such events held concurrently in recognition of that potential impact and provide guidelines to insure public safety.

Policy

Those City approved temporary use activities listed under "Class A Uses/Activities" in the attached sheet (with the exception of mobile home type structures," which are already limited to periods no longer that one —year), shall be limited to no more than two (2) occurring concurrently on a given day with the exception of City Parks where special events shall be limited to one (1) on a given day with a minimum of six weeks between special events in order to allow the grass and park to rejuvenate.

The Police Department shall indicate on the Temporary Use Permit (TUP) Application ~~for~~ prior to its submission to the City Council, the potential impact of a particular event upon Police resources or public safety. Each event will have necessary security as determined by the National City Police Department.

This security can be:

- — a) Pprivate Ssecurity,
- b) Combination of Pprivate Ssecurity and Police Officers,
- c) Police Officers and Reserve Officers.

The Police Department must approve security arrangements prior to the issuance of a Temporary Use Permit. The person or organization responsible for the event will be required to pay for officers assigned to the event. There will be no officers initially assigned to the event; further charge will be made to the operation or responsible organization.

As an example, if an event is required to have four officers present and police activity increases and additional officers are required, there would be no charge for those additional officers.

Alcohol will be prohibited to reduce chances of violence and disorderly conduct.

A fence may be required-, at the discretion of the Police Department, based upon the following:-

- 1) Event location,
- 2) Past activity at the —site,

CITY COUNCIL POLICY CITY OF NATIONAL CITY

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ADOPTED: ~~November 15, 1988~~December 12,
1995

AMENDED: ~~October 7, 2008~~
August 15, 2023

- 3) Estimated crowd and,
- 4) Type of entertainment in order to control access to the activity by large groups of people.

Activities will not operate between the hours of 11:00 p.m.~~pm~~ and 8:00 a.m. on any day. There will be no sales of tickets for any activity one-half hour before closing time. If there is an imminent danger to the well-being~~well-being~~ of citizens, the Police Department shall adjust operations hours.

The City Council may, by its specific action, waive the subject limit for a particular event, if in its view, ~~no adverse~~no adverse impact upon Police Department resources or public safety would result.

The Fire Department is to have absolute authority, control, and decisions over all fireworks and or pyrotechnic displays.

Outdoor Events at the Community Center

A Temporary Use Permit is required for events in the park or parking lot adjacent to the Community Center subject to the provisions of Chapter 15.60 of the NCMC and/or the "TUP Guidelines for Use of -City Parks" as established by the Community Services Director. In addition, a Temporary Use Permit is required for the use of the park or parking lot adjacent to the Community Center in conjunction with an event in the Community Center subject to the provisions of Chapter 15.60 of the NCMC and/or the "TUP Guidelines for Use of City Parks" as established by the Community Services Director.

Late T.U.P. Applications

At the discretion of the City Manager or designee, ~~Building & Safety Director~~, Temporary Use Permit Applications may be accepted for processing less than 15 working days prior to the date of the event provided the City Manager or designee ~~Building & Safety Director~~ finds the size and scope of the event lends the application to expedited review by City departments and evaluation by the City Council. In no event shall a Temporary Use Permit Application involving more than 500 participants receive expedited processing without prior approval of the City Council.

Photography/Motion Picture Permits

The City Manager or designee ~~Director of Building & Safety~~ is designated as the individual to work directly with the film industry. The City Manager or designee ~~Director of Building & Safety~~ shall develop administrative policies and procedures to implement the California Film Commission's Model Filming Permit Process to the greatest extent possible.

The following Temporary Use Permits are required for photography and/or motion picture

CITY COUNCIL POLICY CITY OF NATIONAL CITY

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August 15, 2023

filming:

Class A: Photography or filming on public or private property that requires street closures and/ or traffic control in excess of three minutes, or that involves stunts or special effects which may require City services.

Class B: Photography or filming on public or private property that does not involve street closures and/or traffic control in excess of three minutes and does not involve stunts or special effects which may require City services.

Applications for a Temporary Use Permit for Photography/Filming shall be based on the model photography/filming developed by the California Film Commission.

Applications shall be filed with the City Manager's Office or designee's department Building & Safety Department in the following Specified number of days prior to the date the filming is to occur:

Class A: 10 working days

Class B: 2 working days

The applicant may be required to reimburse the City for costs incurred in providing support services in conjunction with a Temporary Use Permit for Photography/Filming.

Class A and Class B applications shall be accompanied by a Certificate of Insurance and Neighborhood Notification Form when deemed appropriate by the Risk Manager and the City Manager or designee Director of Building & Safety.

T.U.P Processing Fee Waivers

The City Council shall waive T.U.P. processing fees only in the case of a non-profit organization, and when such organization can demonstrate that the event for which the T. U.P is requested will not generate any income to the organization, or that the net proceeds of the event for which the T.U.P is requested result in:

- Direct financial benefit to an individual who resides or is employed in the Ceity, and who is in dire financial need due to health reasons or a death in the family, or
- Direct financial benefit to Ceity government, e.g. generation of Sales Tax; or
- Direct financial benefit to a service club, social services agency, or other secular non-profit organization located within the Ceity, e.g. Kiwanis, Rotary Club, Lions Club, Boys and Girls Club; or
- Direct financial benefit to an organization which has been in the direct
- recipient of City or Community Development Block Grant (CDBG) funding.

CITY COUNCIL POLICY CITY OF NATIONAL CITY

TITLE: Limitation on ~~C~~city ~~A~~pproved Special ~~E~~vents within the City **POLICY # 704**

ADOPTED: ~~November 15, 1988~~December 12,
1995

AMENDED: ~~October 7, 2008~~
August 15, 2023

~~T.U.P. Events at El Toyon Park~~

~~T.U.P. events at El Toyon Park are prohibited.~~

~~T.U.P. Event Notification Procedures~~

It shall be the responsibility of the ~~T.U.P.~~ applicant to provide written notification to occupants of property adjacent to a City park for events in the park which involve any of the following activities:

- 1) Live musical performances
 - 2) Use of amplified sound _____
 - 3) ~~Fireworks or similar pyrotechnic displays~~
 - 4) ~~Other activities or events or portable systems.~~
- _____ systems other than hand-held portable systems.
- 3) Fireworks or similar pyrotechnic display
- 3)4) _____ Other activities or events or portable systems.

The written notification shall include the name and telephone number of the sponsor of the event, the nature of the event, the date and hours of set-up and tear-down for the event, the date and hours of the event, and the name of the sponsor's representative who will be at the park on the day(s) of the event and how that individual may be contacted if the need arises.

The written notification shall be mailed to the occupants of properties abutting City parks as reflected on maps prepared by the City Manager's Office or designee's department~~Building & Safety Department~~. The written notification shall be submitted to the City Manager or designee~~Building & Safety Director~~ for review and approval prior to mailing. The date of mailing of the notification shall be scheduled so that the notification will be received by property occupants no less than 72 hours prior to the start of set-up activities for the event.

Failure to provide notification as stated herein may be cause for the revocation of T.U.P. approval for the event, or denial of future ~~T.U.P.~~ Applications submitted by the sponsoring organization.

Related Policy References

~~Municipal Code Chapter 18.118~~

~~Municipal Code Section 6.28~~

~~Municipal Code Section 6.52~~

Prior Policy Amendments:

None.

December 12, 1995 (Resolution No. 95-182) Established Policy

June 18, 1996 (Resolution No. 96-99)

March 18, 1997 (Resolution No. 97-33)

October 21, 1997 (Resolution No. 97-133)

September 26, 2000 (Resolution No. 2000-125)

**CITY COUNCIL POLICY
CITY OF NATIONAL CITY**

TITLE: Limitation on Ceity Approved Special Events within the City **POLICY # 704**

ADOPTED: ~~November 15, 1988~~ December 12,
1995

AMENDED: ~~October 7, 2008~~
August 15, 2023

January 7, 2003 (Resolution No. 2003-4)
October 7, 2008 (Resolution No. 2008-214)

CITY COUNCIL POLICY CITY OF NATIONAL CITY

TITLE: City Support for Special Events, Activities, Programs and Services

POLICY # 802

ADOPTED: October 3, 2006

AMENDED: ~~February 4, 2020~~
August 15, 2023

BACKGROUND:

The Council recognizes that special events are a lifestyle that defines National City's history and makes our City unique. However, City Council is also concerned with the increasing cost of City support of special events, examples of which are concerts, festivals, parades and sporting events which take place at City parks and facilities or in City streets and rights-of-way. The Council notes that City support of special events, be it police traffic service, fire standby service or other support, is not specifically budgeted and is provided through reductions in the level of service for budgeted programs.

DEFINITIONS:

1. "SPECIAL EVENT" as defined in Municipal Code Section 15.60.005 means any organized activity conducted for a common or collective purpose, use or benefit ~~which involves~~ which involves the the utilization of, or has an impact upon, public property or facilities and the need for providing municipal and public safety services in response to the event.

Examples of Special Events include, but are not limited to:

- a. Parades
 - b. Public concerts and other community cultural events
 - c. Demonstrations
 - d. Circuses
 - e. Fairs and festivals
 - f. Community or neighborhood block parties and street dances
 - g. Mass participation sports (marathons, bicycles races and tours)
 - h. Film making activities
 - i. Public speaker events
2. "CITY SUPPORT" means any City services required to maintain minimal interference and inconvenience to the general public resulting from a Special Event.

City Support includes, but is not limited to:

- a. Special Event permit processing
- b. Police services
- c. Sanitation and cleanup
- d. Maintaining access for emergency vehicles and provision of medical care
- e. Street closures
- f. Use of City Stage, PA equipment and/or Information Trailer

CITY COUNCIL POLICY CITY OF NATIONAL CITY

TITLE: City Support for Special Events, Activities, Programs and Services

POLICY # 802

ADOPTED: October 3, 2006

AMENDED: ~~February 4, 2020~~
August 15, 2023

City Support does not include internal security, crowd control and other services considered the responsibility of the Special Event Sponsor.

3. "NON PROFIT" means a non-profit tax exempt organization (501(c)(3)) that is exempted from payment of income taxes by federal or state law and which has been in existence for a minimum of six (6) months preceding the date of application for a special event.
4. "PUBLIC FACILITY" means any property, building, or public access (street, park, theater, etc.) that lies within the City and which is owned or operated by the City for public benefit or usage.
5. "EVENT ORGANIZER" means any person, group, or corporation assuming responsibility for planning, promoting, and carrying out a Special Event.
6. "CITY MANAGER" means the City Manager or designee.
7. "CITY CO-SPONSORED EVENT" is defined as an annual event that occurs within the boundaries of National City. The co-sponsoring agency must be a National City non-profit or branch thereof and the event must benefit National City and its residents. Applications must be submitted as a special event application to the Neighborhood Services Department, deadlines are noted annually. The current City co-sponsorship events list (Attachment "A") are considered grandfathered and will not need to apply annually for approval.
8. "CITY SPONSORED EVENT" is defined as an annual community-wide event that is planned and managed by one or more City departments. The current City sponsored events list (Attachment "B") are considered grandfathered and will not need to apply annually for approval. These events will not require a secondary City Council approval through the TUP or Special Event process. City Staff will process event applications and City Council will be updated of these events annually and or on a quarterly basis.

PURPOSE:

It is the purpose of this policy to provide guidelines for the support of special events, consistent with the least possible disruption to normal City services.

POLICY:

A. Co-Sponsored Events

It is the policy of the City Council that:

CITY COUNCIL POLICY CITY OF NATIONAL CITY

TITLE: City Support for Special Events, Activities, Programs and Services

POLICY # 802

ADOPTED: October 3, 2006

AMENDED: ~~February 4, 2020~~
August 15, 2023

1. To the extent that economic conditions and the City's resources allow, the City manager upon City Council notification, may provide reasonable City support of upto \$1,200 per event day to non-profit special events that benefit National City residents, are held wholly within City limits, and which are listed in Attachment "A" and are considered to be City co-sponsored annual events.
2. Any new non-profit applicant (not on Attachment "A") requesting co-sponsorship must apply to be considered for the City co-sponsored event list which will be reviewed annually by the 802 policy committee. The 802 policy committee will recommend changes to the co-sponsored event list only when required on an annual basis (per Section 7 of Definitions-page 2). As a City co-sponsored event, organizations shall prominently place the City's logo in all advertising materials promoting the event and provide space for the City to set up an information booth, per the City Council's discretion.
3. Any new Special Event or TUP applicant not currently on the approved co-sponsored list and requesting fee waivers, may only be considered to have fees waived up to the minimum level of \$500 per event day. Attachments "A" and "B" are the current list of approved co-sponsored and sponsored events respectively. Any new events considering co-sponsorship must apply through the annual process.
4. Any Special Event or TUP application is prohibited from engaging in any political election activities, including but not limited to campaign activities, campaign/political information booths, messaging, banners, or support of any political candidate during any Co-Sponsored event in the City.
5. Any Co-Sponsored organization on the event list that had not held an event in three (3) years shall be withdrawn from the Co-Sponsored list for the following year (Attachment "A").

B. Sponsored Events

It is the policy of the City Council that to the extent economic conditions and the City's resource allow, National City will sponsor and provide community-wide annual events which are listed in Attachment "B". Event fees that are incurred by City departments will be charged against an account designed for that purpose. The City Manager shall notify the City Council of upcoming events on a quarterly basis

CITY COUNCIL POLICY CITY OF NATIONAL CITY

TITLE: City Support for Special Events, Activities, Programs and Services	POLICY # 802
ADOPTED: October 3, 2006	AMENDED: February 4, 2020 <u>August 15, 2023</u>

C. Other Events, Activities, Programs and Services

It is the policy of the City Council that:

1. To the extent that economic conditions and the City's resources allow, the City Manager may provide City support for a special event conducted by a non-profit organization. City support would be limited to a waiver of permit processing fees and the event must benefit National City residents. Examples include an event where there is insufficient time for Council approval, such as in the event of a catastrophe or an emergency situation. The City Manager shall notify the City Council of any such support on a monthly basis.
2. The City Manager shall charge City costs for any special event of a commercial nature; also, the City Manager shall require organizers of commercial special events to pay the City a negotiated percentage of gross revenues or a flat fee. Such revenues will be deposited into the City's General Fund.
3. Proceeds from a special event of a commercial nature that benefits a local non-profit organization, shall show proof of donation within 10 business days. Such proof shall be submitted to the City's Department of Finance (Revenue & Recovery). Failure to provide proof of donation will result in loss of any deposit remitted and may jeopardize future use of City facilities.
4. To the extent economic conditions and the City's resources allow, funding support may be authorized in support of a program, service or activity, other than a special event, when found by the City Council to be of benefit to the community or the City.

Requests must include a specific purpose for the funding (i.e., to pay, in whole or in part, for the purchase or rental of specific supplies or equipment).

D. Documentation of Expenses

A report detailing allowable incurred expenses must be submitted to the Department of Finance, in a format prescribed by the Director of Finance, for a special event, program, service, or activity receiving funding support from the City. The report must be accompanied by documentation, including receipts for all purchases, if requested.

This requirement shall not apply to programs, services, or activities for which the City is under written contractual agreement. Any such requirement shall be dictated by the terms of said agreement.

Failure of an organization or individual to provide a proper report and documentation of allowable

CITY COUNCIL POLICY CITY OF NATIONAL CITY

TITLE: City Support for Special Events, Activities, Programs and Services

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incurred expenses may result in denial of future funding support requests.

~~E. El Toyon Park~~

~~The use of El Toyon Park for special events is prohibited.~~

F.E. Use of Mobile Stage

The mobile stage shall be used only on City parklands, and/or other public property within the limits of National City. Any events outside this purview and requesting use of the Citystage must apply through the special event process. The USER of the stage shall be responsible for any damage to the unit resulting from carelessness or misuse.

RELATED POLICY REFERENCES:

City Council Policy # 704 – Limitation on City Approved Special Events within the City
City Council Policy # 801 – Field and Facility Rules and Regulations

Prior Policy Amendments:

[April 5, 2016 \(Resolution No. 2016-47\)](#)

[January 17, 2017 \(Resolution No. 2017-10\)](#)

[January 16, 2018 \(Resolution No. 2018-4\)](#)

[February 4, 2020 \(Resolution No. 2020-17\)](#)

[January 19, 2021 \(Resolution No. 2021-01\)](#)

CITY COUNCIL POLICY CITY OF NATIONAL CITY

TITLE: City Support for Special Events, Activities, Programs and Services	POLICY # 802
ADOPTED: October 3, 2006	AMENDED: February 4, 2020 <u>August 15, 2023</u>

ATTACHMENT “A” NATIONAL CITY CO-SPONSORED EVENTS

<u>Event Title</u>	<u>Organizer</u>	<u>Timing</u>
National City International Mariachi Festival	National City Chamber of Commerce	March
Granger Jr. High Cultural Fair	Granger Jr. High	Spring
Job Fair	N.C. Chamber of Commerce	Spring
July 4 th Carnival	National City Host Lions Club	July
Mabuhay Festival	Mabuhay Festival	June
Las Palmas 5K and 1 Mile Walk	Las Palmas Elementary School	June
Blood Drive	American Red Cross	June
Auto Heritage Days	N.C. Chamber of Commerce	August
Relay for Life	American Cancer Society	July
Bayside Brew & Spirits Fest	N. C. Chamber of Commerce	September
One Sight Vision Clinic	N.C. Host Lions Club	October
Salute to Navy	N.C. Chamber of Commerce	October
Maytime Band Review	Maytime Band Association	October
Sweetwater High Homecoming	Sweetwater High School	Fall
Community Concert Band Series (up to 4 concerts annually/per year)	N.C. Community Concert Band	Quarterly
Spirit of the Holidays	N.C. College Campus Lions	December
Christmas with Kids	Christmas with Kids	December

Note: Co-sponsored events that reoccur on the same date, or weekend, each year will maintain “first rights” to their date if the special event permit application is received within five months of the recurring event date. After the five- month application deadline, other interested parties will be able to apply. Events scheduled on recurring weekends (suchas the 1st, 2nd, 3rd, 4th, or 5th weekend of a month) will be defined by the first date of the event is open to the public.

CITY COUNCIL POLICY CITY OF NATIONAL CITY

TITLE: City Support for Special Events, Activities, Programs and Services **POLICY # 802**

ADOPTED: October 3, 2006

AMENDED: ~~February 4, 2020~~
August 15, 2023

ATTACHMENT “B” NATIONAL CITY SPONSORED EVENTS

<u>Event Title</u>	<u>Organizer</u>	<u>Timing</u>
Movies in the Park	Community Services	Summer
NC Gets Active	Community Services	Quarterly
Summer Concerts	Community Services	Summer
Miss. National City Pageant	Community Services	July
National Night Out	Police, Community Services, FFA	August
9/11 Remembrance Ceremony	Fire	September
State of the City	Mayor's Office	Fall
Family Tennis Day	Community Services	October
Annual Volunteer Dinner	Community Services	Fall
Dia de los Muertos	Community Services	Oct/Nov
Veteran's Day	Community Services	November
Turkey Giveaway	Mayor's Office	November
A Kimball Holiday	Mayor's Office	December
Community Service Day	Community Services	April

RESOLUTION NO. 2023 -

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, APPROVING AN AMENDMENT TO POLICY NUMBERS 704 “LIMITATION ON CITY APPROVED SPECIAL EVENTS WITHIN THE CITY” AND 802 “CITY SUPPORT FOR SPECIAL EVENTS, ACTIVITIES, PROGRAMS AND SERVICES” OF THE CITY COUNCIL POLICY MANUAL

WHEREAS, the City Council of the City of National City has approved a Policy Manual, setting forth administrative and operating policies; and,

WHEREAS, it is the desire of the City Council to amend Policy Numbers 704 and 802 of said Policy Manual to allow events by Temporary Use Permit in El Toyon Park.

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

Section 1: That the City Council hereby authorizes the amendment of Policy Numbers 704 and 802 of the City Council Policy Manual as set forth in the attached Exhibits “C” and “D” of the report.

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

PASSED and ADOPTED this 15th day of August, 2023.

Ron Morrison, Mayor

ATTEST:

Shelley Chapel, MMC, City Clerk

APPROVED AS TO FORM:

Barry J. Schultz, City Attorney



AGENDA REPORT

Department: Community Development - Neighborhood Services
Prepared by: Dionisia Trejo, Administrative Secretary
Meeting Date: Tuesday, August 15, 2023
Approved by: Ben Martinez, Interim City Manager

SUBJECT:

Temporary Use Permit – Rosarito Beach Motorcycle Run hosted by Coronado Beach Harley Davidson on September 8, 2023 from 8 a.m. to 12 p.m. at 3201 Hoover Avenue with No Waiver of Fees.

RECOMMENDATION:

Approve the Application for a Temporary Use Permit Subject to Compliance with all Conditions of Approval with No Waiver of Fees and in Accordance with City Council Policy 802.

BOARD/COMMISSION/COMMITTEE PRIOR ACTION:

Not Applicable.

EXPLANATION:

This is a request from Coronado Beach Harley Davidson to conduct the Rosarito Beach Motorcycle Run on September 8, 2023, from 8 a.m. to 12 p.m. at 3201 Hoover Avenue. The purpose of this event is to raise money for local and national charities and bring patrons to National City. This event will consist of a motorcycle ride from Coronado Beach Harley Davidson to Rosarito. This event is open to the public and free of charge.

The applicant is also requesting to close off the west curb line (minus the driveways) from 30th Street until 33rd Street for motorcycle parking anticipated to be as much as 900 participants.

NOTE: This event was approved by Council in 2021 with no waiver of fees.

FINANCIAL STATEMENT:

City fee of \$312.00 for processing the TUP through the various City departments, plus \$1,435.99 for Public Works and \$1,566.90 for Police Department.
Total fees: \$3,314.89

RELATED CITY COUNCIL 2020-2025 STRATEGIC PLAN GOAL:

Not Applicable

ENVIRONMENTAL REVIEW:

This is not a project under CEQA and is therefore not subject to environmental review.CCR15378; PRC 21065.

PUBLIC NOTIFICATION:

Agenda Report posted within 72 hours of meeting date and time in accordance with Brown Act.

ORDINANCE:

Not Applicable

EXHIBITS:

Exhibit A – TUP Rosarito Beach Motorcycle Run
Exhibit B – Conditions of Approval Rosarito Beach Motorcycle Run



City of National City ■ Neighborhood Services Department
1243 National City Boulevard ■ National City, CA 91950
(619) 336-4364 ■ fax (619) 336-4217
www.nationalcityca.gov

Special Event Application

Type of Event

- Fair/Festival
 Parade/March
 Walk or Run
 Concert/Performance
 TUP
 Sporting Event
 Other (specify) Charity Ride starting Point

Event Name & Location

Event Title RD4L-Aosarito Beach Motorcycle Run
 Event Location (list all sites being requested) 3201 Hoover Ave, National City, Ca 91950

Event Times

Set-Up Starts
 Date 9/8/23 Time 7:30 am Day of Week Friday

Event Starts
 Date 9/8/23 Time 8:00 am Day of Week Friday

Event Ends
 Date 9/8/23 Time 12:00 pm Day of Week Friday

Breakdown Ends
 Date 9/8/23 Time 12:30 pm Day of Week Friday

Applicant Information

Applicant (Your name) Alie Clark Sponsoring Organization Coronado Beach H.O.D
 Event Coordinator (if different from applicant) _____
 Mailing Address 3201 Hoover Ave, National City, Ca 91950
 Day Phone 619-477-4477 After Hours Phone " " Cell N/A Fax 619-477-4470
 Public Information Phone 619-477-4477 E-mail aclark@wisesiders.com

Applicant agrees to investigate, defend, indemnify and hold harmless the City, its officers, employees and agents from and against any and all loss, damage, liability, claims, demands, detriments, costs, charges, expense (including attorney's fees) and causes of action of any character which the City, its officers, employees and agents may incur, sustain or be subjected to on account of loss or damage to property or the loss of use thereof and for bodily injury to or death of any persons (including but not limited to the employees, subcontractors, agents and invitees of each party hereto) arising out of or in any way connected to the occupancy, enjoyment and use of any City premises under this agreement to the extent permitted by law.

Applicant understands this TUP/special event may implicate fees for City services, which will have to be paid in the City's Finance Department 48 hours prior to the event set-up. The undersigned also understands and accepts the City's refund policy for application processing and facility use and that fees and charges are adjusted annually and are subject to change.

Signature of Applicant _____ Date 6/15/23

Special Event Application (continued)

Please complete the following sections with as much detail as possible since fees and requirements are based on the information you provide us.

Fees/Proceeds/Reporting

Is your organization a "Tax Exempt, nonprofit" organization? Yes No

Are admission, entry, vendor or participant fees required? Yes No

If YES, please explain the purpose and provide amount (s):

\$ Estimated Gross Receipts including ticket, product and sponsorship sales from this event.

\$ 0 Estimated Expenses for this event.

\$ 0 What is the projected amount of revenue that the Nonprofit Organization will receive as a result of this event?

Description of Event

First time event Returning Event include site map with application

Note that this description may be published in our City Public Special Events Calendar:

Starting point for a Charity ride going to
Rosarito - 18th Anniversary

Estimated Attendance

Anticipated # of Participants: 450-900 Anticipated # of Spectators: 50-100

Traffic Control, Security, First Aid and Accessibility

Requesting to close street(s) to vehicular traffic? Yes No

List any streets requiring closure as a result of the event (provide map): see attached

Date and time of street closure: 9/8/23 7am Date and time of street reopening: 9/8/23 1pm

Other (explain) Request 2 officers - traffic control - same as last year's permit

Requesting to post "no parking" notices? Yes No

Requested "No Parking" on city streets and/or parking lots (list streets/parking lots) (provide map):

See attached

Other (explain) _____

Security and Crowd Control

Depending on the number of participants, your event may require Police services.

Please describe your procedures for both Crowd Control and Internal Security: Coronado Beach H-D staff, BDI Charities Volunteers, police services requested for traffic control

Have you hired Professional Security to handle security arrangements for this event?

Yes No If YES, name and address of Security Organization _____

Security Director (Name): _____ Phone: _____

If using the services of a professional security firm and the event will occur on City property, please provide a copy of its insurance certificate, evidencing liability with limits of at least \$1 Million dollars per occurrence/\$2 Million dollars aggregate, as well as an additional insured endorsement naming the City of National City, its officers, employees, and agents as additional insureds. Evidence of insurance must be provided by the vendor or its insurer to the Neighborhood Services Department at the time of submission.

Is this a night event? Yes No If YES, please state how the event and surrounding area will be illuminated to ensure safety of the participants and spectators: _____

First Aid

Depending on the number of participants, your event may require specific First Aid services. First aid station to be staffed by event staff? Yes No First aid/CPR certified? Yes No

First aid station to be staffed by professional company. ▶ Company _____

If using the services of a professional medical organization/company and the event will occur on City property, please provide a copy of its insurance certificate, evidencing liability with limits of at least \$1 Million dollars per occurrence/\$2 Million dollars aggregate, as well as and additional insured endorsement naming the City of National City, its officers, employees, and agents as additional insureds. Evidence of insurance must be provided by the vendor or its insurer to the Neighborhood Services Department at the time of submission.

Accessibility

Please describe your Accessibility Plan for access at your event by individuals with disabilities:

Handicap parking spots will be designated

Elements of your Event

Setting up a stage? Yes No

Requesting City's PA system

Requesting City Stage; if yes, which size? Dimensions (13x28) Dimensions (20x28)

Applicant providing own stage ▶ _____ (Dimensions)

Setting up canopies or tents?

_____ # of canopies size _____

_____ # of tents size _____

No canopies/tents being set up

Setting up tables and chairs?

Furnished by Applicant or Contractor

4 # of tables No tables being set up

10 # of chairs No chairs being set up

(For City Use Only) Sponsored Events – Does not apply to co-sponsored events

_____ # of tables No tables being set up

_____ # of chairs No chairs being set up

Contractor Name _____

Contractor Contact Information _____
Address City/State Phone Number

Setting up other equipment?

Sporting Equipment (explain) _____

Other (explain) _____

Not setting up any equipment listed above at event

Having amplified sound and/or music? Yes No

PA System for announcements CD player or DJ music

Live Music ▶ Small 4-5 piece live band ▶ Large 6+ piece live band

Other (explain) _____

If using live music or a DJ. ▶ Contractor Name _____

▶ _____
Address City/State Phone Number

Using lighting equipment at your event? Yes No

Bringing in own lighting equipment

Using professional lighting company ▶ Company Name _____

_____ Address City/State Phone Number

Using electrical power? Yes No

Using Kimball Park Bowl Lighting (from _____ to _____)

Using on-site electricity For sound and/or lighting

For food and/or refrigeration

Bringing in generator(s) For sound and/or lighting

For food and/or refrigeration

Vendor Information

PLEASE NOTE: You may be required to apply for a temporary health permit if food or beverages are sold or given away during your special event. Also see 'Permits and Compliance' on page 8 in the Special Event Guide. For additional information on obtaining a temporary health permit, please contact the County of San Diego Environmental Health at (619) 338-2363.

Having food and non-alcoholic beverages at your event? Yes No

Vendors preparing food on-site ▶ # _____ ▶ Business License # _____

If yes, please describe how food will be served and/or prepared: _____

If you intend to cook food in the event area please specify the method:

GAS ELECTRIC CHARCOAL OTHER (Specify): _____

Vendors bringing pre-packaged food ▶ # _____ ▶ Business License # _____

Vendors bringing bottled, non-alcoholic beverages (i.e., bottled water, can soda, etc.) ▶ # _____

Vendors selling food # _____ ▶ Business License #(s) _____

Vendors selling merchandise # _____ ▶ Business License #(s) _____

Food/beverages to be handled by organization; no outside vendors

Vendors selling services # _____ ▶ Business License #(s) _____

▶ Explain services _____

Vendors passing out information only (no business license needed) # _____

▶ Explain type(s) of information _____

No selling or informational vendors at event

Having children activities? Yes No

PLEASE NOTE: In the event inflatable jumps are provided at the event, The City of National City requires commercial liability insurance with limits of at least \$1 Million dollars per occurrence/\$2 Million dollars aggregate. In addition, the City of National City must be named as an Additional Insured pursuant to a separate endorsement, which shall be provided by the vendor or its insurer to the City's Risk Manager, along with the Certificate of Insurance, for approval prior to the event. The application should be filed out at least one week prior to the event. For questions or to obtain a copy of the "Facility Use Application", please contact the Engineering/Public Works Department at (619) 336-4580.

Inflatable bouncer house # _____ Rock climbing wall Height _____

Inflatable bouncer slide # _____ Arts & crafts (i.e., craft making, face painting, etc.)

Carnival Rides _____ Other _____

Having fireworks or aerial display? Yes No

Vendor name and license # _____

Dimensions _____ Duration _____

Number of shells _____ Max. size _____

PLEASE NOTE: In the event fireworks or another aerial display is planned for your event, The City of National City requires commercial liability insurance with limits of at least \$2 Million dollars per occurrence/ \$4 Million dollars aggregate. In addition, the City of National City must be named as an Additional Insured pursuant to a separate endorsement, which shall be provided by the vendor or its insurer to the City's Risk Manager, along with the Certificate of Insurance, for approval prior to the event. Depending on the size and/or nature of the fireworks display, the City reserves the right to request higher liability limits. The vendor must also obtain a fireworks permit from the National City Fire Department and the cost is \$545.00

Arranging for media coverage? Yes No

Yes, but media will not require special set-up

Yes, media will require special set-up. Describe _____

Event Signage

PLEASE NOTE: For City sponsored or co-sponsored events, banners publicizing the event may be placed on the existing poles on the 1800 block and 3100 block of National City Boulevard. The banners must be made to the City's specifications. Please refer to the City's Special Event Guidebook and Fee Schedule for additional information.

Are you planning to have signage at your event? Yes No

Yes, we will post signage # _____ Dimensions _____

Yes, having inflatable signage # _____ ▶ (complete Inflatable Signage Request form)

Yes, we will have banners # _____

What will signs/banners say? _____

How will signs/banners be anchored or mounted? _____

Location of banners/signage _____

Waste Management

PLEASE NOTE: One toilet for every 250 people is required, unless the applicant can show that there are sufficient facilities in the immediate area available to the public during the event.

Are you planning to provide portable restrooms at the event? Yes No

If yes, please identify the following:

▶ Total number of portable toilets: _____

▶ Total number of ADA accessible portable toilets: _____

Contracting with portable toilet vendor. ▶ _____
Company Phone

▶ Load-in Day & Time _____ ▶ Load-out Day & Time _____

Portable toilets to be serviced. ▶ Time _____

Set-up, Breakdown, Clean-up

Setting up the day before the event?

Yes, will set up the day before the event. ▶ # of set-up day(s) _____

No, set-up will occur on the event day

Requesting vehicle access onto the turf?

Yes, requesting access onto turf for set-up and breakdown (complete attached Vehicle Access Request form)

No, vehicles will load/unload from nearby street or parking lot.

NPDES-Litter Fence

City to install litter fence

Applicant to install litter fence

N/A

Breaking down set-up the day after the event?

Yes, breakdown will be the day after the event. ▶ # of breakdown day(s) _____

No, breakdown will occur on the event day.

How are you handling clean-up?

Using City crews

Using volunteer clean-up crew during and after event.

Using professional cleaning company during and after event.

Miscellaneous

Please list anything important about your event not already asked on this application:

**Please make a copy of this application for your records.
We do not provide copies.**



Special Events

Pre-Event Storm Water Compliance Checklist

I. Special Event Information

Name of Special Event: <u>RD4C - Rosarito Beach Motorcycle Run</u>	
Event Address: <u>3201 Hoover Ave, National City, CA, 91950</u>	Expected # of Attendees: <u>450 - 700</u>
Event Host/Coordinator: <u>Comado Beach H-D</u>	Phone Number: <u>619-477-4477</u>

II. Storm Water Best Management Practices (BMPs) Review

	YES	NO	N/A
Will enough trash cans provided for the event? Provide number of trash bins: <u>4</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Will enough recycling bins provided for the event? Provide number of recycle bins: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will all portable toilets have secondary containment trays? (exceptions for ADA compliant portable toilets)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Do all storm drains have screens to temporarily protect trash and debris from entering?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are spill cleanup kits readily available at designated spots?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

* A Post-Event Storm Water Compliance Checklist will be completed by City Staff.

City of National City

PUBLIC PROPERTY USE HOLD HARMLESS AND INDEMNIFICATION AGREEMENT


Persons requesting use of City property, facilities or personnel are required to provide a minimum of \$1,000,000 combined single limit insurance for bodily injury and property damage which includes the City, its officials, agents and employees named as additional insured and to sign the Hold Harmless Agreement. Certificate of insurance must be attached to this permit. The insurance company issuing the insurance policy must have a A.M. Best's Guide Rating of A:VII and that the insurance company is a California admitted company; if not, then the insurance policy to the issuance of the permit for the event. The Certificate Holder must reflect:

City of National City
Risk Management Department
1243 National City Boulevard
National City, CA 91950

Organization: Coronado Beach Harley-Davidson
Person in Charge of Activity: Alie Clark
Address: 3201 Hoover Ave, National City, Ca 91950
Telephone: 619-477-4477 Date(s) of Use: 9/8/23

HOLD HARMLESS AGREEMENT

As a condition of the issuance of a temporary use permit to conduct its activities on public or private property, the undersigned hereby agree(s) to defend, indemnify and hold harmless the City of National City and the Parking Authority and its officers, employees and agents from and against any and all claims, demands, costs, losses, liability or, for any personal injury, death or property damage, or both, or any litigation and other liability, including attorney's fees and the costs of litigation, arising out of or related to the use of public property or the activity taken under the permit by the permittee or its agents, employees or contractors.

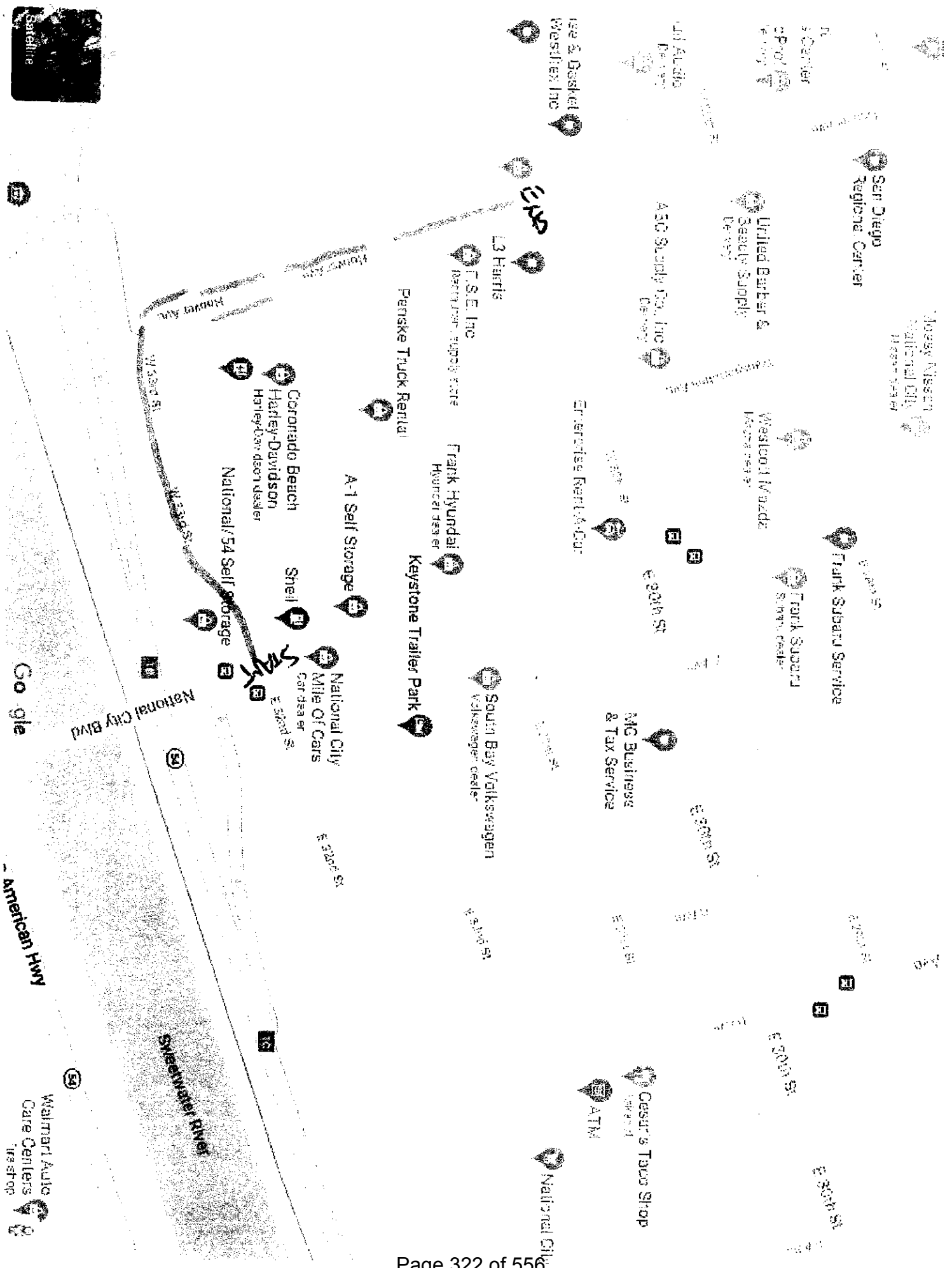
Signature of Applicant: 

Official Title: Marketing Director

Date: 6/15/23

For Office Use Only

Certificate of Insurance Approved _____ Date _____



Please see map for parking/staging.

From 30th st southbound up thru 33rd National City Blvd.\

Parking lanes will be closed for motorcycles. Entry/exits to existing buildings will be open and available.

Directly in front of CB Harley Parking lane will be closed for motorcycles.

Please let me know if you have any other questions.

Thank you,
Alie Clark
Coronado Beach H-D, Marketing Director
707-330-3984
aclark@wiseriders.com



CERTIFICATE OF GARAGE INSURANCE

DATE (MM/DD/YYYY)
06/16/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Sentry Insurance 1800 North Point Drive Stevens Point, WI 54481	CONTACT NAME: Sentry Customer Service
	PHONE (A/C, No., Ext): 800-473-6879 FAX (A/C, No.): 800-514-7191
	EMAIL ADDRESS: businessproducts_direct@sentry.com
INSURER(S) AFFORDING COVERAGE	
INSURER A: Sentry Select Insurance Company	NAIC # 21180
INSURED Coronado Beach Wise Riders, Inc. DBA Coronado Beach Harley-Davidson 3201 Hoover Ave National City, CA 91950	INSURER B:
	INSURER C:
	INSURER D:
	INSURER E:
	INSURER F:

COVERAGES PROD / CUSTOMER ID: CERTIFICATE #: 2317029 REVISION #:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSRD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GARAGE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> Scheduled Autos <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS USED IN GARAGE BUSINESS	X		2526167004	07/01/2023	07/01/2024	AUTO ONLY (Ea accident) \$ 500,000
							OTHER THAN AUTO ONLY
A	GARAGE KEEPERS LIABILITY <input type="checkbox"/> LEGAL LIABILITY <input type="checkbox"/> DIRECT BASIS <input type="checkbox"/> PRIMARY <input type="checkbox"/> EXCESS	X		2526167004	07/01/2023	07/01/2024	<input checked="" type="checkbox"/> COMP / OTC SPECIFIED PERILS LOC 1 \$ 500,000
							<input checked="" type="checkbox"/> COLLISION LOC 1 \$ 500,000
	COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC <input type="checkbox"/> OTHER			2526167004	07/01/2023	07/01/2024	EACH OCCURRENCE \$ 500,000
							DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000
							MED EXP (Any one person) \$ 5,000
							PERSONAL & ADV INJURY \$ 500,000
							GENERAL AGGREGATE \$ 2,500,000
							PRODUCTS - COMP/OP AGG \$ 2,500,000
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$			2526167005	07/01/2023	07/01/2024	EACH OCCURRENCE \$ 15,000,000
							AGGREGATE \$ 45,000,000
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? Y / N (Mandatory in NH) <input type="checkbox"/> If yes, describe under REMARKS below	N / A					<input type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER
							E.L. EACH ACCIDENT \$
							E.L. DISEASE - EA EMPLOYEE \$
A	ERRORS & OMISSIONS			2526167007	07/01/2023	07/01/2024	Employee Benefits Occurrence Limit \$ 500,000
							Errors & Omissions Annual Aggregate Limit Deductible \$ 1,000,000 \$ 1,000

REMARKS (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Refer to attached

CERTIFICATE HOLDER City of National City c/o Risk Manager 1243 National City Blvd National City, CA 91950-4301	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
---	---

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

**ADDITIONAL INSURED - DESIGNATED
PERSON OR ORGANIZATION**

This endorsement modifies insurance provided under the following:

AUTO DEALERS COVERAGE FORM

With respect to coverage provided by this endorsement, the provisions of the Coverage Form apply unless modified by the endorsement.

SCHEDULE

Name of Person or Organization:

City of National City
c/o Risk Manager

Start Date of Show:
09/08/2023

End Date of Show:
09/08/2023

Event Name:
Rosarito Beach Motorcycle Run

Event Location:
National City, CA

(If no entry appears above, information required to complete this endorsement will be shown in the Declarations as applicable to this endorsement.)

Section II - General Liability Coverages, Paragraph D. Who Is An Insured is amended by the addition of the following:

The following are "insureds" for "auto dealer operations";

The person or organization listed in the Schedule above, but only with respect to liability arising out of your "auto dealer operations" or premises owned by or rented to you.

All other terms and provisions of the policy remain unchanged.

Change effective 07/01/2023

CA 88 04 10 13

2526167
Sentry Select Insurance Company

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with its permission
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ADDITIONAL REMARKS SCHEDULE

AGENCY Bruce Johansen		NAMED INSURED Coronado Beach Wise Riders, Inc. DBA Coronado Beach	
POLICY NUMBER 2526167004			
CARRIER Sentry Select Insurance Company	NAIC CODE	EFFECTIVE DATE: 07/01/2023	

ADDITIONAL REMARKS

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM.

FORM NUMBER: ACORD 30 FORM TITLE: Certificate Of Garage Insurance

48	CA	Natural Disasters Legal Liability	\$	360,000	\$	360,000
49	CA	Natural Disasters Legal Liability	\$	360,000	\$	360,000
52	CA	Natural Disasters Legal Liability	\$	250,000	\$	250,000
55	CA	Natural Disasters Legal Liability	\$	100,000	\$	100,000

Errors and Omissions Liability Coverage:

Policy Number: 2526167007 Effective date: 07/01/2023 Expiration Date: 07/01/2024
Per Occurrence Limit: \$250,000 General Aggregate Limit: \$500,000
Truth-In-Lending and Truth-In-Leasing
Odometer Hour Meter and Prior Damage Disclosure Errors and Omissions
Title Errors and Omissions

**ADDITIONAL REMARKS SCHEDULE**

AGENCY Bruce Johansen		NAMED INSURED Coronado Beach Wise Riders, Inc. DBA Coronado Beach	
POLICY NUMBER 2526167004			
CARRIER Sentry Select Insurance Company	NAIC CODE 21180	EFFECTIVE DATE: 07/01/2023	

ADDITIONAL REMARKS

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,

FORM NUMBER: ACORD 30 FORM TITLE: Certificate Of Garage Insurance

Auto Dealers

The City of National City, its Officials, Agents, Employees and Volunteers are named as additional insureds.

Garagekeepers Liability

Location #	State	Basis	Collision Limit	Comp/OTC/Specified Perils Limit
4	CA	Natural Disasters Legal Liability	\$ 350,000	\$ 350,000
9	CA	Natural Disasters Legal Liability	\$ 400,000	\$ 400,000
11	CA	Natural Disasters Legal Liability	\$ 500,000	\$ 500,000
12	CA	Natural Disasters Legal Liability	\$ 350,000	\$ 350,000
14	CA	Natural Disasters Legal Liability	\$ 350,000	\$ 350,000
16	CA	Natural Disasters Legal Liability	\$ 200,000	\$ 200,000
17	NV	Natural Disasters Legal Liability	\$ 360,000	\$ 360,000
18	NV	Natural Disasters Legal Liability	\$ 300,000	\$ 300,000
20	CA	Natural Disasters Legal Liability	\$ 360,000	\$ 360,000
26	CA	Natural Disasters Legal Liability	\$ 250,000	\$ 250,000
27	CA	Natural Disasters Legal Liability	\$ 500,000	\$ 500,000
30	CA	Natural Disasters Legal Liability	\$ 750,000	\$ 750,000
32	AZ	Natural Disasters Legal Liability	\$ 750,000	\$ 750,000
33	CA	Natural Disasters Legal Liability	\$ 500,000	\$ 500,000
38	CA	Natural Disasters Legal Liability	\$ 75,000	\$ 75,000
40	CA	Natural Disasters Legal Liability	\$ 200,000	\$ 200,000
42	CA	Natural Disasters Legal Liability	\$ 60,000	\$ 60,000
45	CA	Natural Disasters Legal Liability	\$ 250,000	\$ 250,000

City of National City BUSINESS TAX CERTIFICATE



2023

TO BE POSTED IN A CONSPICUOUS PLACE
AND
NOT TRANSFERABLE OR ASSIGNABLE

"For Services Provided in National City, California Only"

Business Name CORONADO BEACH HARLEY-DAVIDSON
Business Location 3201 HOOVER AVE
NATIONAL CITY, CA 91950-7223
Business Owner(s) CORONADO BEACH WISE RIDERS, INC.

Business Type Retail Sales - General
Account Number 09049107
Effective Date January 01, 2023
Expiration Date December 31, 2023

SOFIA HINOJOSA
CORONADO BEACH HARLEY-DAVIDSON
641 ORANGE DR
VACAVILLE, CA 95687-3100

City Manager

**NOTE: IT IS YOUR OBLIGATION TO RENEW THIS
CERTIFICATE WHETHER OR NOT YOU RECEIVE A
RENEWAL NOTICE**

For all inquiries regarding this certificate, contact HdL
Business Tax Support Center at (619) 382-2596.

**THIS BUSINESS TAX CERTIFICATE DOES NOT PERMIT A BUSINESS
THAT IS OTHERWISE PROHIBITED.**

CORONADO BEACH HARLEY-DAVIDSON

Thank you for your payment on your National City Business Tax Certificate. **ALL CERTIFICATES MUST BE AVAILABLE FOR INSPECTION UPON REQUEST.** If you have questions concerning your business license, contact the Business Support Center via email at: NationalCity@HdLgov.com or by telephone at: (619) 382-2596

Keep this portion for your license separate in case you need a replacement for any lost, stolen, or destroyed license. A fee may be charged for a replacement or duplicate certificate.

This certificate does not entitle the holder to conduct business before complying with all requirements of the National City Municipal code and other applicable laws, nor to conduct business in a zone where conducting such business violates law.

If you have a fixed place of business within the National City, please display the Business Tax Certificate below in a conspicuous place at the premises. Otherwise, every Business Tax Certificate holder not having a fixed place of business in the City shall keep the Business Tax Certificate upon his or her person, or affixed in plain view any cart, vehicle, van or other movable structure or device at all times if required by the Collector.

Starting January 1, 2021, Assembly Bill 1607 requires the prevention of gender-based discrimination of business establishments. A full notice is available in English or other languages by going to: <https://www.dca.ca.gov/publications/>



BUSINESS TAX SUPPORT CENTER
8839 N CEDAR AVE #212
FRESNO, CA 93720-1832



City of National City BUSINESS TAX CERTIFICATE

SOFIA HINOJOSA
CORONADO BEACH HARLEY-DAVIDSON
641 ORANGE DR
VACAVILLE, CA 95687-3100

Account Number: 09049107
Date of Issue: 01/01/2023

**CITY OF NATIONAL CITY
 NEIGHBORHOOD SERVICES DEPARTMENT
 APPLICATION FOR A TEMPORARY USE PERMIT
 CONDITIONS OF APPROVAL**

SPONSORING ORGANIZATION: Coronado Beach H.D.

EVENT: RD4L-Rosarito Beach Motorcycle Run

DATE OF EVENT: September 8, 2023

APPROVALS:

COMMUNITY SERVICES	YES [x]	NO []	SEE CONDITIONS []
RISK MANAGER	YES [x]	NO []	SEE CONDITIONS [x]
PUBLIC WORKS	YES [x]	NO []	SEE CONDITIONS [x]
FINANCE	YES [x]	NO []	SEE CONDITIONS []
FIRE	YES [x]	NO []	SEE CONDITIONS [x]
POLICE	YES [x]	NO []	SEE CONDITIONS [x]
ENGINEERING	YES [x]	NO []	SEE CONDITIONS []
COMMUNITY DEVELOPMENT	YES [x]	NO []	SEE CONDITIONS [x]

CONDITIONS OF APPROVAL:

RISK MANAGER (619) 336-4370

Risk Management has reviewed the above-captioned request for the issuance of a Temporary Use Permit. In order to satisfy the City’s insurance requirements it will be necessary that the applicant must provide the following:

- Applicant has provided a valid copy of the Certificate of Liability Insurance.
- The applicant must provide a Commercial General Liability Insurance policy that must have a combined single limit of no less than \$1,000,000.00 (ONE MILLION DOLLARS) that would cover the date and location of the event.
- The applicant must provide a separate additional insured endorsement for the Commercial General Liability Insurance wherein it notes the additional insured as “The City of National City, its officials, agents, employees, and volunteers”.
- The insurance company issuing the insurance policy has an A.M. Best’s Guide Rating of A: VII; the insurance company is a California-admitted company.
- The Certificate Holder must reflect:
 City of National City
 c/o Risk Manager
 1243 National City Boulevard
 National City, CA. 91950-4301

It should be noted that the Indemnification and Hold Harmless Agreement were properly executed by the applicant at the time the Special Event Application was submitted.

PUBLIC WORKS (619)366-4580

Streets Division

- 100 traffic cones = \$25.00
- 35 No parking signs with barricades \$1.49 each = \$52.15
- 4 man working signs \$3.70 each = \$14.80
- 2 man crew 4 hrs. OT :\$113.20 x person = \$905.60
- 2 man crew 2 hrs. reg. time \$75.47 x hr. = \$301.88
- 1 Ton dump truck 6 hrs.: \$22.76 x hr.= \$136.56

Total fee: \$1,435.99

Facilities Division

No comments received

Parks Division

No involvement

COMMUNITY DEVELOPMENT

Planning

No comments

Building

No comments

Neighborhood Services

Neighborhood Notifications – Events are required to notify residents and/or businesses of the surrounding impacted areas by the event. The notice shall include the name of the event, name and phone number of the company/organization producing the event, the dates and times of the event (including set-up and breakdown) and a detailed description of how the residents and/or businesses may be affected, such as by street closures, “No Parking” signs being posted, music at the event, etc.

Display of banners -- Banners are allowed on site for event but must be removed immediately thereafter event completion. If you wish to place banners in any location other than on-site, you must get approval from the property/business owner where you intend to display the banner.

POLICE DEPARTMENT

(3) Police Officers x (6) hours each at a rate of \$87.05 per hour (Loaded OT Hourly). The total for Police Officers is \$1,566.90.

Officers will be in at the location from 0700-1300 hrs. This includes their donning and doffing time.

ENGINEERING

No comments

COMMUNITY SERVICES

No comments from Library & Community Services

FINANCE

Coronado Beach HD has a current business license. No comments/stipulations.

FIRE (619) 336-4550

NO SITE INSPECTION REQUIRED AT THIS TIME

Stipulations required by the Fire Department for this event are as follows:

- 1) Access to the street to be maintained at all times, to both entrances and Fire Department connections for fire sprinkler systems, standpipes, etc.
- 2) Access to Coronado Beach Harley Davidson to be maintained at all times, to both entrances and Fire Department connections for fire sprinkler systems, standpipes, etc
- 3) Fire Department access into and through the event areas are to be maintained at all times. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 14 feet

- 4) Fire Hydrants shall not be blocked or obstructed to be maintained at all times, to all streets driveways and entrances and Fire Department connections for fire sprinkler systems, standpipes, etc.
- 5) Participants on foot are to move immediately to the sidewalk upon approach of emergency vehicle(s)
- 6) Vehicles in roadway are to move immediately to the right upon approach of emergency vehicle(s).
- 7) Provide access to all driveways streets
- 8) If cooking booths are used, (additional fees may apply) booths to have one 2A:10BC on site. If grease or oil is used for cooking, a 40:BC or class "K" fire extinguisher will be required. **All fire extinguishers to have a current State Fire Marshal Tag attached. Please see attached example.**
- 9) If tents or canopies are used, tents having an area in excess of 200 square feet and or canopies in excess of 400 square feet or multiple tents and or canopies placed together equaling or greater than the above stated areas, are to be used, they shall be flame-retardant treated with an approved State Fire Marshal seal attached. **A ten feet separation distance must be maintained between tents and canopies.** A permit from the Fire Department must be obtained. ***Cooking shall not be permitted under tents or canopies unless the tents or canopies meet "State Fire Marshal approval for cooking. Please see Fire Department for direction.*** Certificate of State Fire Marshal flame resistancy shall be provided to the National City Fire Department if applicable. A permit for the projected canopies/tents shall be per the below fee schedule, fees can only be waived by City Council.

Canopies:

0 – 400 sf -	\$0
401 – 500 sf -	\$391.00
501 – 600 sf -	\$426.00
601 – 700 sf -	\$571.00

Tents:

0 –200 sf -	\$391.00
201 – (+) sf -	\$751.00.

- 10) Fire Department access into and through the booth areas are to be maintained at all times.
- 11) If a fire safety inspection is required it shall be conducted by the Fire Department prior to operations of the entire event. Fee for after hour/weekend inspection

shall be \$191.00 dollars for the first two hours. A fee shall be charged for every hour (or part) after the first two hours.

If you have any questions please feel free to contact me.



AGENDA REPORT

Department: City Clerk's Office
Prepared by: Shelley Chapel, MMC, City Clerk
Meeting Date: Tuesday, August 15, 2023
Approved by: Ben Martinez, Interim City Manager

SUBJECT:

Semi-Annual Report – Boards, Commissions, and Committee Attendance Report – Includes First and Second Quarter of 2023.

RECOMMENDATION:

Receive and file.

BOARD/COMMISSION/COMMITTEE PRIOR ACTION:

Not Applicable.

EXPLANATION:

On November 16, 2021, the City Council adopted updates to City Council Policy #107 Appointments to Boards, Commissions, and Committees (BCC). Section D, 14 Resignations, Attendance, Training and Removals provides for the City Clerk to prepare a report to Council on the attendance of BCC members. This report of attendance is prepared in February and August prior to the end of term rotation and expirations. The attendance is evaluated as follows:

1. A Commissioner or Member of a BCC with unexcused absences from three (3) consecutive regularly scheduled meetings.
2. A Commissioner or Member of a BCC misses more than 25% of the advisory body's meetings in a calendar year.
3. A Commissioner or Member of a BCC 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 are considered under certain circumstances.

FINANCIAL STATEMENT:

Not applicable.

RELATED CITY COUNCIL 2020-2025 STRATEGIC PLAN GOAL:

Not Applicable

ENVIRONMENTAL REVIEW:

This is not a project under CEQA and is therefore not subject to environmental review.CCR15378; PRC 21065.

PUBLIC NOTIFICATION:

Agenda Report posted within 72 hours of meeting date and time in accordance with Brown Act.

ORDINANCE:

Not Applicable

EXHIBITS:

Exhibit A – Attendance Report
Exhibit B – City Council Policy No. 107

EXPLANATION

On November 16, 2021, the City Council adopted Updates to City Council Policy #107 Appointments to Boards, Commissions, and Committees (BCC). Section D, 14 Resignations, Attendance, Training and Removals provides for the City Clerk to prepare a report to Council on the attendance of BCC members.

Attendance is evaluated as follows:

1. A Commissioner or Member of a BCC with unexcused absences from three consecutive regularly scheduled meetings.
2. A Commissioner or Member of a BCC misses more than 25% of the advisory body's meetings in a calendar year.
3. A Commissioner or Member of a BCC 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 are considered under certain circumstances.

SUMMARY OF BCC ATTENDANCE
First and Second Quarter (January – June) Calendar Year 2023 Totals

Board of Library Trustees consists of five (5) members, and one (1) alternate (currently three vacancies). Their meetings are held the First Wednesday of every month at 5:30 p.m. in the Large Conference Room at City Hall.

First and Second Quarter of 2023 the Board scheduled seven (7) meetings, one (1) was a Special Meeting and two (2) meetings were cancelled due to lack of a quorum.

Members:	First & Second Quarter Present	First & Second Quarter Absent	Status of Mandatory Training
Margaret Godshalk - President	5	0	Completed
H. Bradley Bang, Vice-President	5	0	Completed
Cindy Lopez (Appointed 4/18/23)	2	0	Completed

Civil Service Commission consists of 5 members. Their meetings are held the Second Wednesday of every other month at 5:30 p.m. in the Large Conference Room at City Hall.

First and Second Quarter of 2023 the Commission scheduled a total of six (6) meetings, with three (3) of those being Special Meetings. One (1) meeting was cancelled due to a scheduling conflict.

Members:	First & Second Quarter Present	First & Second Quarter Absent	Status of Mandatory Training
Paul Wapnowski, Chair	5	0	Overdue
Rafael Courtney, Vice-Chair	4	1	Completed
Leslie Coyote	5	0	Completed
Thomas Luna	4	1	Completed
Sean Sampsell (Appointed 4/18/23)	0	1	Overdue

Community & Police Relations Committee consists of eight (8) members with one (1) being a staff member. Their meetings are held the Third Thursday of February, May, August and November at 6:00 p.m. in the Council Chamber at City Hall.

First and Second Quarter of 2023 the Committee scheduled two (2) meetings.

Members:	First & Second Quarter Present	First & Second Quarter Absent	Status of Mandatory Training
Michael Lesley, Chair	2	0	Completed
Daniel Orth, Vice Chair	2	0	One Overdue
Zachary Francisco-Gomez	2	0	Completed
Andy Y. Sanchez	1	1	Overdue
Darin Dorsey (Appointed 3/7/23)	0	1	Completed
Jacqueline Ellis	2	0	Completed
William Phillips	2	0	Completed

Housing Advisory Committee consists of nine (9) members of the Planning Commission and two (2) additional members. Their meetings are held the Third Monday of every month at 6:00 p.m. in the Council Chamber at City Hall.

First and Second Quarter of 2023 the Committee scheduled two (2) meetings, one (1) meeting was cancelled due to a lack of agenda items.

Members:	First & Second Quarter Present	First & Second Quarter Absent	Status of Mandatory Training
Richard Martin Miller, Chair	1	0	Completed
Randi Marie Castle, Vice Chair	1	0	Completed
Ricardo Sanchez	1	0	Overdue
Claudia E. Valenzuela	1	0	Completed
William J. Sendt	1	0	Completed
Mayra A. Valdez	1	0	Overdue
Pearl Quinones (Appointed 4/18/23)	n/a	n/a	Completed
Liliana Armenta (Appointed 4/18/23)	n/a	n/a	Completed
Denise Kosterlistzky (Appointed 4/18/23)	n/a	n/a	Completed

Park, Recreation & Senior Citizens Advisory Committee consists of seven (7) members (currently one vacancy). Their meetings are held the Third Thursday of every month at 4:00 p.m. in the Large Conference Room at City Hall.

First and Second Quarter of 2023 the Committee scheduled six (6) meetings, one (1) meeting was cancelled due to a lack of agenda items.

Members:	First & Second Quarter Present	First & Second Quarter Absent	Status of Mandatory Training
Nora McMains, Chair	5	0	Overdue
Jennelyn de Mesa Luna	5	0	Completed
Joseph Crawford	4	1	Completed
Reuben Felizardo	4	1	Completed
Ignacio Navarro Jr.	0	5	Overdue
Alexander Fernandez (Appointed 3/7/2023)	0	2	Completed

Planning Commission consists of seven (7) members. Their meetings are held the First and Third Monday of every month at 6:00 p.m. in the Council Chamber at City Hall.

First and Second Quarter of 2023 the Commission scheduled ten (10) meetings, one of which was a special meeting, and three (3) meetings were cancelled. One (1) meeting was cancelled after the meeting was called to order, due to lack of a quorum and two (2) meetings were cancelled due to a lack of agenda items.

Members:	First & Second Quarter Present	First & Second Quarter Absent	Status of Mandatory Training
Richard Martin Miller, Chair	8	0	Completed
Randi Marie Castle, Vice Chair	8	0	Completed
Ricardo Sanchez	5	3	Overdue
Claudia E. Valenzuela	6	2	Completed
William J. Sendt	7	1	Completed
Pearl Quinones (Appointed 4/18/23)	2	0	Completed
Liliana Armenta (Appointed 4/18/23)	2	0	Completed

Public Art Committee consists of five (5) members and one (1) alternate. Their meetings are held the Fourth Tuesday of January, April, July and October at 3:00 p.m. in the Large Conference Room in City Hall.

First and Second Quarter of 2023 the Committee scheduled two (2) meetings.

Members:	First & Second Quarter Present	First & Second Quarter Absent	Status of Mandatory Training
William A. Virchis, Chair	2	0	Completed
Ryan Johnson	2	0	Completed
Jose A Lopez	2	0	Completed
Charles Reilly	1	1	Completed
Jacqueline Schliapnik	2	0	Completed
Catrina Bush (Alternate) (Appointed 4/18/23)	n/a	n/a	Completed

Traffic Safety Committee consists of five (5) members (currently one vacancy). Their meetings are held the Second Wednesday of every month at 1:00 p.m. in the Large Conference Room in City Hall.

First and Second Quarter of 2023 the Committee scheduled six (6) meetings, three (3) meetings were canceled due to a lack of agenda items.

Members:	First & Second Quarter Present	First & Second Quarter Absent	Status of Mandatory Training
Marisa Rosales	3	0	Completed
Kelly Piper	3	0	Overdue
Christopher Coyote	2	1	Overdue
Cynthia Fuller Quinonez	2	1	Completed

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

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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

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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

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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.

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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.

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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

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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)



AGENDA REPORT

Department: Finance
Prepared by: Karla Apalategui, Sr. Accounting Assistant
Meeting Date: Tuesday, August 15, 2023
Approved by: Ben Martinez, Interim City Manager

SUBJECT:

Warrant Register #49 for the period of 6/2/23 through 6/8/23 in the amount of \$828,042.32

RECOMMENDATION:

Ratify Warrants Totaling \$828,042.32

BOARD/COMMISSION/COMMITTEE PRIOR ACTION:

Not Applicable.

EXPLANATION:

Per Government Section Code 37208, below are the payments issued for the period 6/2/23 – 6/8/23. 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>
California Commercial Pool	363728	211,680.33	Las Palmas Pool Renovation
Tri-Group Construction & Dev	363786	65,032.32	Citywide Safe Routes to School
Kaiser Foundation HP	363747	240,505.17	Group No. 104220 – July 2023

FINANCIAL STATEMENT:

Warrant total \$828,042.32

RELATED CITY COUNCIL 2020-2025 STRATEGIC PLAN GOAL:

Not Applicable

ENVIRONMENTAL REVIEW:

This is not a project under CEQA and is therefore not subject to environmental review.CCR15378; PRC 21065.

PUBLIC NOTIFICATION:

Agenda Report posted within 72 hours of meeting date and time in accordance with Brown Act.

ORDINANCE:

Not Applicable

EXHIBIT:

Warrant Register No. 49



WARRANT REGISTER # 49
6/8/2023

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
<u>City Attorney</u>				
SHER EDLING LLP	NON DEPARTMENTAL	363770	6/8/23	1,593.00
SILVER & WRIGHT LLP	NON DEPARTMENTAL	363771	6/8/23	4,041.16
		Total for Department		5,634.16
<u>Police</u>				
LASER SAVER INC	MOP 04840 TELETYPE REPAIR PD	363750	6/8/23	743.57
NCPOA	REIMB: NCPOA FOR 1/2 THE COST OF OFFICE	363755	6/8/23	600.00
PRO BUILD COMPANY	MOP 45707 GENERAL SUPPLIES-PD	363760	6/8/23	46.31
SAN DIEGO PET SUPPLY	MOP 02975 K9 SUPPLIES PD	363765	6/8/23	320.11
SMART SOURCE OF CALIFORNIA LLC	MOP 24302 BUSINESS CARDS SOSA	363774	6/8/23	53.48
TARGET	GIFT CARDS FOR GUN BUY BACK PROGRAM	363783	6/8/23	3,000.00
		Total for Department		4,763.47
<u>Engineering / PW's</u>				
BOOT WORLD	WORK BOOTS FY23-PW/PARKS&SEWER	363727	6/8/23	869.03
DANIELS TIRE SERVICE	TIRES FOR CITY FLEET FOR FY23-PW/EQUIPME	363738	6/8/23	9,991.82
FERGUSON ENTERPRISES 1350	MOP 45723 GENERAL SUPPLIES-PW	363741	6/8/23	125.18
HAAKER EQUIPMENT COMPANY	PARTS AND SMALL EQUIPMENT FY23-PW/EQUIP	363744	6/8/23	5,290.27
LEFORT'S SMALL ENGINE REPAIR	MOP 80702 AUTO SUPPLIES-PW	363751	6/8/23	115.32
LOUIES GARAGE CORPORATION	VEHICLE PAINT WORK FY23-PW/EQUIPMENT	363752	6/8/23	2,509.00
NATIONAL CITY ELECTRIC	CITYWIDE ON-SITE ELECTRICAL FY23-PW/FACI	363754	6/8/23	6,910.00
PACIFIC STATES PETROLEUM INC	HYDRAULIC OIL, ENGINE OIL, FY23-PW/EQUIP	363756	6/8/23	5,642.12
PARTS AUTHORITY METRO	MOP 75943 AUTO SUPPLIES- PW	363757	6/8/23	95.49
PARTS AUTHORITY METRO	MOP 75943 AUTO SUPPLIES-PW	363758	6/8/23	44.03
POWERSTRIDE BATTERY CO INC	MOP 67839 GENERAL SUPPLIES-PW	363759	6/8/23	275.57
PRO BUILD COMPANY	MOP 45707 GENERAL SUPPLIES-PW	363760	6/8/23	383.28
PRUDENTIAL OVERALL SUPPLY	LAUNDRY SERVICES / PW	363761	6/8/23	311.71
R & R CONTROLS, INC	CITYWIDE ON-SITE ENVIRONMENTAL CONTROL F	363762	6/8/23	5,125.00
SAM'S ALIGNMENT	WHEEL ALIGNMENT SERVICE FOR CITY FY23-PW	363763	6/8/23	270.00
SAN DIEGO HYDRAULICS	HOSE ASSEMBLY FY23-PW/EQUIPMENT	363764	6/8/23	971.94
SEDANO FORD OF LM, INC.	VEHICLE CONVERTER FY23-PW/EQUIPMENT	363769	6/8/23	1,259.56
SITEONE LANDSCAPE SUPPLY LLC	MOP 69277 LANDSCAPE SUPPLIES-PW	363772	6/8/23	710.20
SOUTH COAST EMERGENCY	INVOICE #513189~	363775	6/8/23	3,520.79
SOUTHWEST SIGNAL SERVICE	82518 MARKOUT REPORTS FY23- PW/STREETS	363776	6/8/23	14,336.71
SUPERIOR READY MIX	CONCRETE FOR FY23- PW/STREETS	363778	6/8/23	1,396.71
SWEETWATER AUTHORITY	WATER BILL FOR PARKS DIVISION FY23 MAR-M	363780	6/8/23	14,196.34
T MAN TRAFFIC SUPPLY	ITEM #64-8130103A PREMARK FY23-PW/STREET	363782	6/8/23	8,083.96
TERMINIX INTERNATIONAL	CITY OWNED FACILITIES ONGOING PEST FY23-	363784	6/8/23	1,281.00
T'S & SIGNS INC	SAFETY WEARING APPAREL FY23- PW/PARKS	363787	6/8/23	405.64
UNDERGROUND SERVICE ALERT	UNDERGROUND SERVICE ALERT FY 2023	363789	6/8/23	598.83
WEST COAST ARBORISTS	ONGOING TREE TRIMMING SERVICE FY23-PW/PA	363791	6/8/23	14,049.00
CALIFORNIA COMMERCIAL POOL	CIP 22-01 LAS PALMAS POOL RENOVATION - E	363728	6/8/23	211,680.33
CANON SOLUTIONS AMERICA INC.	CANON PLOTTER MAINTENANCE EQUIQ USAGE FE	363729	6/8/23	397.92
CHEN RYAN ASSOCIATES INC	CIP 19-24 BAYSHORE BIKEWAY SEGMENT 5 -EN	363730	6/8/23	31,979.33
COUNTY OF SAN DIEGO	NATIONAL CITY DUMP - BAYSHORE BIKEWAY PR	363734	6/8/23	113.50



**WARRANT REGISTER # 49
6/8/2023**

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
INNOVATIVE CONSTRUCTION	CIP 22-01 LAS PALMAS POOL - ENG/PW	363746	6/8/23	21,807.00
TRI-GROUP CONSTRUCTION AND DEV	CIP 19-04 CITYWIDE SAFE ROUTES TO SCHOOL	363786	6/8/23	65,032.32
Total for Department				429,778.90
 CMO				
GARCIA	REIMBURSEMENT - COFFEE CULTURE CLUB	363742	6/8/23	319.57
STAPLES BUSINESS ADVANTAGE	MOP 45704 SUPPLIES / CMO	363777	6/8/23	86.86
Total for Department				406.43
 Finance				
HINDERLITER DE LLAMAS	CONTRACT SVCS SALES TAX JANUARY - MARCH	363745	6/8/23	4,715.91
KAISER FOUNDATION HEALTH PLAN	GROUP NO. 104220 JULY 2023 KAISER INS	363747	6/8/23	240,505.17
Total for Department				245,221.08
 Community Services/Nutrition/Library				
DELGADO	REIMBURSEMENT / SUPPLIES FOR CSD	363739	6/8/23	79.39
GEORGE H WATERS NUTRITION CTR	SENIOR SATURDAY EVENT 04.08.23	363743	6/8/23	212.50
SMART & FINAL	MOP 45756 SENIOR PROGRAMMING SNACKS	363773	6/8/23	123.93
STAPLES BUSINESS ADVANTAGE	MOP 45704 SUPPLIES / CSD	363777	6/8/23	369.48
COZZINI BROS., INC.	KNIFE CLEAN SERVICE	363737	6/8/23	36.00
PRUDENTIAL OVERALL SUPPLY	LAUNDRY SERVICES / NUTRITION	363761	6/8/23	811.06
SDG&E	ELECTRICITY	363767	6/8/23	3,014.61
SEAPORT MEAT COMPANY	FOOD	363768	6/8/23	556.40
STAPLES BUSINESS ADVANTAGE	MOP 45704 SUPPLIES / NUTRITION	363777	6/8/23	170.12
SYSCO SAN DIEGO INC	FOOD	363781	6/8/23	7,258.79
Total for Department				12,632.28
 Fire				
L N CURTIS & SONS	FIRE EQUIPMENT	363749	6/8/23	5,076.86
Total for Department				5,076.86
 Human Resources				
AETNA BEHAVIORAL HEALTH	EMPLOYEE ASSISTANCE PROGRAM - JUNE	363724	6/8/23	774.00
CONCENTRA MEDICAL CENTERS	PRE-EMPLOYMENT PHYSICAL	363732	6/8/23	594.00
CONCENTRA MEDICAL CENTERS	DOT EXAMS & HEP B VACCINE	363733	6/8/23	257.00
Total for Department				1,625.00
 Police				
CISNEROS	TRAINING ADV SUB POST BCKGRD INV	363731	6/8/23	512.00
NAGLE	TRAINING POST MEAL REIM SDCRLI	363753	6/8/23	120.00
VASQUEZ	TRAINING ADV LDG UAS CRWD MANGMNT	363790	6/8/23	131.03



**WARRANT REGISTER # 49
6/8/2023**

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
Total for Department				763.03
<u>Housing</u>				
ALPHA PROJECT FOR THE HOMELESS	ALPHA PROJECT IS TO PROVIDE SERVICES	363725	6/8/23	18,369.07
EPIC LAND SOLUTIONS INC	APPRAISAL OF 921-929 NATIONAL CITY BLVD	363740	6/8/23	3,750.00
KIMLEY HORN	4/11/22 ADD ACCT & INCREASE BY \$38,000	363748	6/8/23	1,357.50
SBCS CORPORATION	AGREEMENT FOR \$557,940.99 BY AND	363766	6/8/23	5,608.99
Total for Department				29,085.56
<u>MIS</u>				
AT&T	AT&T & SBC ANNUAL PHONE SERVICE FOR FY23	363726	6/8/23	2,109.42
COUNTY OF SAN DIEGO	NEXTGEN REGIONAL COMMUNICATIONS SYSTEM	363735	6/8/23	8,037.00
COX COMMUNICATIONS	COX DATA, VIDEO SERVICES FY23	363736	6/8/23	537.28
TYLER TECHNOLOGIES INC	TYLER MUNIS / CAD	363788	6/8/23	20,346.54
Total for Department				31,030.24
<u>City Clerk</u>				
STAPLES BUSINESS ADVANTAGE	MOP 45704 SUPPLIES / CITY CLERK	363777	6/8/23	275.77
TRANS-LANG	TRANSLATION SERVICES FOR COUNCIL MTG. -	363785	6/8/23	5,109.25
Total for Department				5,385.02
WIRED PAYMENTS				A/P Warrant Total 771,402.03
<u>Police</u>				
U S BANK	TRAINING CREDIT CARD	107680	6/6/23	5,126.85
<u>Human Resources</u>				
U S BANK	CREDIT CARD EXPENSES / HR	107680	6/6/23	2,203.55
<u>Fire</u>				
U S BANK	CREDIT CARD EXPENSES / FIRE	107680	6/6/23	1,377.48
U S BANK	CREDIT CARD EXPENSES / FIRE	565080	6/2/23	3,385.10
<u>Community Services/Nutrition/Library</u>				
U S BANK	CREDIT CARD EXPENSES / CSD	565080	6/2/23	375.42
<u>Planning / Building</u>				
U S BANK	CREDIT CARD EXPENSES / PLANNING	565080	6/2/23	563.27
<u>Council</u>				
U S BANK	CREDIT CARD EXPENSES / RODRIGUEZ	107680	6/6/23	88.80
<u>Finance</u>				
ARCO BUSINESS SOLUTIONS	ACTIVITY FROM 05/01/23-05/31/23	341885	6/8/23	43,519.82



WARRANT REGISTER # 49

6/8/2023

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
	GRAND TOTAL			828,042.32



AGENDA REPORT

Department: Finance
Prepared by: Karla Apalategui, Sr. Accounting Assistant
Meeting Date: Tuesday, August 15, 2023
Approved by: Ben Martinez, Interim City Manager

SUBJECT:

Warrant Register #50 for the period of 6/9/23 through 6/15/23 in the amount of \$2,065,505.97

RECOMMENDATION:

Ratify Warrants Totaling \$2,065,505.97

BOARD/COMMISSION/COMMITTEE PRIOR ACTION:

Not Applicable.

EXPLANATION:

Per Government Section Code 37208, below are the payments issued for the period 6/9/23 – 6/15/23. 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>
Ortiz Corporation	363871	135,254.29	Sewer Upsize Project Phase
County of SD RCS	363805	147,379.98	Nextgen RCS Backbone Infrastructure

FINANCIAL STATEMENT:

Warrant total \$ 2,065,505.97

RELATED CITY COUNCIL 2020-2025 STRATEGIC PLAN GOAL:

Not Applicable

ENVIRONMENTAL REVIEW:

This is not a project under CEQA and is therefore not subject to environmental review.CCR15378; PRC 21065.

PUBLIC NOTIFICATION:

Agenda Report posted within 72 hours of meeting date and time in accordance with Brown Act.

ORDINANCE:

Not Applicable

EXHIBIT:

Warrant Register No. 50



**WARRANT REGISTER # 50
6/15/2023**

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
<u>Mayor / Council</u>				
SMART SOURCE OF CALIFORNIA LLC	MOP SMART SOURCE NATIONAL CITY BUSINESS	363890	6/15/23	103.75
STAPLES BUSINESS ADVANTAGE	MOP 20468 SUPPLIES FOR COUNCIL	363892	6/15/23	165.66
FIT TO WORK INC	ERGONOMIC WORKSTATION - JOSIE FLORES	363857	6/15/23	640.00
Total for Department				909.41
<u>City Attorney</u>				
BURKE WILLIAMS & SORENSEN LLP	LEGAL SERVICES	363798	6/13/23	4,652.70
DEVANEY PATE MORRIS & CAMERON	LEGAL SERVICES	363807	6/13/23	39,174.93
MEYERS, NAVE, RIBACK, SILVER	LEGAL SERVICES	363817	6/13/23	4,412.00
STAPLES BUSINESS ADVANTAGE	MOP 20468 SUPPLIES / CAO	363831	6/13/23	208.54
Total for Department				48,448.17
<u>City Clerk</u>				
COUNTY OF SAN DIEGO	COUNTY MAIL POSTAGE BILLING	363846	6/15/23	2,948.86
Total for Department				2,948.86
<u>Police</u>				
DEPT OF JUSTICE	DOJ FINGERPRINTING	363806	6/13/23	66.00
EXPERIAN	CREDIT CHECKS	363809	6/13/23	27.24
FARO TECHNOLOGIES INC	FARO SCANNER	363810	6/13/23	7,760.50
FEDERAL EASTERN	SWAT COMMS	363811	6/13/23	20,880.00
FON JON PET CARE CENTER	K9 DOG FOOD	363812	6/13/23	366.35
MAN K9 INC	MONTHLY TRAINING FOR K9S	363816	6/13/23	1,376.00
PALOMAR HEALTH	SART FORENSIC EXAM	363821	6/13/23	1,350.00
RADY CHILDREN'S HOSPITAL SAN D	FORENSIC INTERVIEW EXAMS	363823	6/13/23	1,650.00
S D COUNTY SHERIFF'S DEPT	RANGE 1 TRAINING	363826	6/13/23	200.00
SAN DIEGO PET SUPPLY	MOP 02975 K9 SUPPLIES	363827	6/13/23	232.70
SMART SOURCE OF CALIFORNIA LLC	MOP 24302 PRINTING PD	363829	6/13/23	53.48
STAPLES BUSINESS ADVANTAGE	MOP 20468 SUPPLIES PD	363831	6/13/23	1,037.80
TYLER TECHNOLOGIES INC	CAD INSTALL FEE	363833	6/13/23	10,984.00
WEST PAYMENT CENTER	INVESTIGATIVE SERVICE	363834	6/13/23	659.00
ACE UNIFORMS & ACCESSORIES INC	UNIFORMS ALMOSAWI / CLIMMONS	363836	6/15/23	4,672.86
CYRACOM INTERNATIONAL, INC	LANGUAGE LINE SERVICE	363847	6/15/23	71.50
DATA DETECTION GROUP	DATA CONVERSION FOR P&E	363849	6/15/23	148.75
EXPERIAN	CREDIT CHECKS	363854	6/15/23	27.48
GOVCONNECTION INC	2 DISPATCH KEYBOARDS	363859	6/15/23	507.34
LASER SAVER INC	MOP 04840 PRINTER REPAIR PD	363864	6/15/23	149.93
MAN K9 INC	JUNE MANDATORY TRAINING	363866	6/15/23	1,376.00
PC SPECIALISTS INC	INVOICES 5506758\5508128\5508349	363875	6/15/23	1,311.26
PROFORCE LAW ENFORCEMENT	LESS LETHAL REMINGTON	363878	6/15/23	562.34
S D COUNTY SHERIFF'S DEPT	APRIL RANGE TRAINING	363881	6/15/23	1,600.00
SAN DIEGO PET SUPPLY	MOP 02975 CANINE FOOD PD	363882	6/15/23	466.14
SAN DIEGO POLICE EQUIPMENT	BALLISTIC VESTS SAKAMOTO/TAYLOR/STINNETT	363883	6/15/23	4,506.08



**WARRANT REGISTER # 50
6/15/2023**

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
STAPLES BUSINESS ADVANTAGE	MOP 20468 SUPPLIES PD	363892	6/15/23	308.54
T-MOBILE MOBILE USA INC.	GPS LOCATE 11/24/22-11/30/22	363896	6/15/23	25.00
VCA EMERGENCY ANIMAL HOSPITAL	STRAY ANIMAL CARE	363898	6/15/23	2,089.37
Total for Department				64,465.66

Engineering / PW's

APS LIGHTING & SAFETY PRODUCTS	AUTO SUPPLIES FY23-PW/EQUIPMENT	363843	6/15/23	208.77
BROADWAY AUTO GLASS	OFF-SITE WINDOW TINT FY23-PW/EQUIPMENT	363844	6/15/23	204.73
DANIELS TIRE SERVICE	TIRES FOR CITY FLEET FOR FY23-PW/EQUIPME	363848	6/15/23	1,051.36
DEPARTMENT OF TRANSPORTATION	HIGHWAY LIGHTING FOR FY23-PW/STREETS	363850	6/15/23	14,306.70
FERGUSON ENTERPRISES 1350	MOP 45723 GENERAL SUPPLIES-PW	363855	6/15/23	167.62
GRAINGER	MOP 65179 GENERAL SUPPLIES-PW	363860	6/15/23	303.42
MCI AUTO REPAIR	VEHICLE REPAIRS FY23-PW/EQUIPMENT	363867	6/15/23	1,560.55
MIRAMAR BOBCAT INC	ELECTRICAL REPAIRS FY23-PW/EQUIPMENT	363868	6/15/23	1,548.80
NATIONAL CITY ELECTRIC	CITYWIDE ON-SITE ELECTRICAL FY23-PW/FACI	363869	6/15/23	1,300.00
PARTS AUTHORITY METRO	MOP 75943 AUTO SUPPLIES-PW	363874	6/15/23	11.43
PRO BUILD COMPANY	MOP 45707 GENERAL SUPPLIES-PW	363877	6/15/23	1,554.46
PRUDENTIAL OVERALL SUPPLY	MOP 45742 LAUNDRY SERVICES-PW	363879	6/15/23	598.15
RDO EQUIPMENT CO	CHAINSAW SCABBA FY23- PW/PARKS	363880	6/15/23	689.59
SDG&E	GAS AND ELECTRIC FOR FACILITIES FOR FY23	363884	6/15/23	5,790.03
SDG&E	GAS AND ELECTRIC FOR FACILITIES FOR FY23	363885	6/15/23	260.76
SEDANO FORD OF LM, INC.	AUTO SUPPLIES FY23-PW/EQUIPMENT	363886	6/15/23	492.19
SITEONE LANDSCAPE SUPPLY LLC	MOP 69277 LANDSCAPE SUPPLIES-PW	363887	6/15/23	1,148.96
SMART SOURCE OF CALIFORNIA LLC	MOP #63845 10 WINDOW ENVELOPE/PW	363889	6/15/23	95.96
SOUTHERN CALIF TRUCK STOP	MOP 45758 GENERAL AUTO SUPPLIES-PW	363891	6/15/23	114.31
SWEETWATER AUTHORITY	WATER BILL FOR PARKS DIVISION FY23	363894	6/15/23	143.78
T MAN TRAFFIC SUPPLY	MOP 76666 TRAFFIC SUPPLIES-PW	363895	6/15/23	473.06
VULCAN MATERIALS COMPANY	ASPHALT, TACK, 3/8 SHEET FY23-PW	363899	6/15/23	5,373.43
WAXIE SANITARY SUPPLY	JANITORIAL SUPPLIES / PW'S	363901	6/15/23	1,762.10
WESTFLEX INDUSTRIAL	MOP 63850 AUTO SUPPLIES-PW	363904	6/15/23	215.98
ACOSTA	VACOSTA- REIMB FOR PESTICIDE LICENSE.	363792	6/13/23	60.00
HOME DEPOT CREDIT SERVICES	GENERAL SUPPLIES AS NEEDED FOR BUILDING	363862	6/15/23	2,209.63
COTTONWOOD NORTH INC	TRENCHER TRAILER FOR PUBLIC WORKS PARKS	363802	6/13/23	4,607.42
D-MAX ENGINEERING INC	T&A 90617 - 837 W 19TH - ENG/PW	363808	6/13/23	71.14
NV5 INC	T&A 90638 - 2039 E 8TH ST - ENG/PW	363820	6/13/23	7,833.16
D-MAX ENGINEERING INC	T&A 90184 - NC COURTYARDS AT KIMBALL APA	363851	6/15/23	1,643.80
IPS GROUP INC	PARKING PERMIT NOTICING - MAY 2023- ENG/	363863	6/15/23	211.14
NINYO & MOORE	T&A 90552 - 233 ROOSEVELT AVE - ENG/PW	363870	6/15/23	562.87
ORTIZ CORPORATION	CIP 20-01 P1 SEWER UPSIZE PROJECT PHASE	363871	6/15/23	135,254.29
WEST COAST ARBORISTS	22-23 TREE MAINTENANCE 5/1/23-5/31/23 -	363903	6/15/23	28,984.95
Total for Department				220,814.54

CMO

COUNTY OF SAN DIEGO	COUNTY MAIL POSTAGE BILLING	363846	6/15/23	2,729.05
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**WARRANT REGISTER # 50
6/15/2023**

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
Total for Department				2,729.05
<u>Planning/Building</u>				
REEDER	RFW MARTIN REEDER SD COUNTY VITAL RECORD	363825	6/13/23	3,891.75
TXRH NATIONAL CITY LLC	BUILDING DIVISION/RFW FOR TXRH NATIONAL	363897	6/15/23	2,870.00
WELCH	PRC T2835 RFW DAVID WELCH CNU TRAINING	363902	6/15/23	180.37
Total for Department				6,942.12
<u>Finance</u>				
AMAZON	STANDING DESK	363794	6/13/23	194.65
BRINK'S INCORPORATED	TRANSPORTATION PERIOD 03/01/23 TO 03/31/23	363797	6/13/23	14.73
CITY OF NATIONAL CITY	RSWA EQUITY ADJUSTMENT PAYMENT FY 22/23	363799	6/13/23	19,552.00
CITY OF POWAY	RSWA EQUITY ADJUSTMENT PAYMENT FY 22/23	363800	6/13/23	23,207.00
COUNTY OF SAN DIEGO	PARKING CITATION REVENUE - FEBRUARY 23	363803	6/13/23	6,113.50
COUNTY OF SAN DIEGO	PARKING CITATION REVENUE - MARCH 23	363804	6/13/23	5,667.00
COUNTY OF SAN DIEGO RCS	NEXTGEN RCS BACKBONE INFRASTRUCTURE	363805	6/13/23	147,379.98
HAMLIN WILLIAMS INC	TEMP SVS FRO CLEGG, ONNA 14 MAY 2023	363814	6/13/23	1,698.50
RAULSTON	HEALTHCARE CONTRIBUTION SEVERANCE PAY	363824	6/13/23	1,200.00
SOLANA CENTER	RSWA SB 1383 COMPLIANCE SUPPORT SVS 04/0	363830	6/13/23	8,209.96
WOODRUFF & SMART	RSWA GENERAL MANAGER MONTHLY	363835	6/13/23	2,771.25
AMAZON	LAPTOP PRIVACY SCREEN 15.6 INCH	363840	6/15/23	31.51
Total for Department				216,040.08
<u>Community Services/Nutrition/Library</u>				
AMAZON	SUPPLIES FOR COMMUNITY SERVICE DAY	363794	6/13/23	601.37
AMAZON	A KIMBALL HOLIDAY SUPPLIES FOR WHO-VILLE	363795	6/13/23	383.34
GEORGE H WATERS NUTRITION CTR	SENIOR PROGRAMMING~	363813	6/13/23	803.08
HOME DEPOT CREDIT SERVICES	SUPPLIES FOR SENIOR PROGRAMMING	363815	6/13/23	9.67
SMART & FINAL	MOP 45756 SNACKS FOR YOUTH AT CASA	363828	6/13/23	287.93
STAPLES BUSINESS ADVANTAGE	MOP 20468 SUPPIES / CSD	363831	6/13/23	47.52
SMART & FINAL	MOP 45756 CASA YOUTH SNACKS	363888	6/15/23	192.85
HERNANDEZ	ZUMBA MAY CONTRACT INSTRUCTOR PAYMENT	363861	6/15/23	86.80
PRUDENTIAL OVERALL SUPPLY	LAUNDRY SERVICES FOR NUTRITION STAFF	363822	6/13/23	390.19
ALDEMCO	FOOD	363793	6/13/23	5,536.30
AMAZON CAPITAL SERVICES, INC.	AMAZON/MEMORY LAB GRANT/SUPPLIES/FY23	363796	6/13/23	123.04
MIDWEST TAPE, LLC	MIDWEST TAPE/BLU-RAYS/FY23	363818	6/13/23	361.15
ALLSTATE SECURITY	INVICTA DBA ALLSTATE/SECURITY GUARD/LIBR	363837	6/15/23	3,352.25
AMAZON CAPITAL SERVICES, INC.	AMAZON/PRIVACY SCREEN LAPTOP/FY23	363841	6/15/23	47.82
EXOS WORKS, INC	EXOS WORKS/LAS PALMAS POOL/PROF SERVICES	363853	6/15/23	36,497.98
PACIFIC REFRIGERATION INC	PACIFIC REFRIGERATION/MAINTENANCE/FY23	363873	6/15/23	1,488.00
STAPLES BUSINESS ADVANTAGE	MOP 20468 SUPPLIES / LIBRARY	363892	6/15/23	142.38
Total for Department				50,351.67



**WARRANT REGISTER # 50
6/15/2023**

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
<u>Fire</u>				
CITY OF SAN DIEGO	FIRE&EMERGNCY MED DISPATCH SVCS FY22-23	363801	6/13/23	355.00
HOME DEPOT CREDIT SERVICES	SUPPLIES FOR FIRE	363815	6/13/23	8.52
MORA	REIMBURSMENT, CHIEF MORA EXPENSES/FIRE	363819	6/13/23	70.00
THE SHERWIN WILLIAMS CO	MOP 77816, SPR INT SA ULTRA / FIRE	363832	6/13/23	199.40
AMEDEE	REIMBRSMT, MEAL&PARKING EXPENSES/W. AMED	363842	6/15/23	82.45
CESNAUSKAS	REIMBURSMNT, EMT-B LICENSE EXPNSSES/S. CE	363845	6/15/23	165.50
ESGIL LLC	PLAN CHECKS FOR FIRE DEPT, FY 2023	363852	6/15/23	4,238.40
FIRE ETC	4" OR LARGER FIREHOSE LABOR \$60.00/HR/FIRE	363856	6/15/23	145.73
OSUNA	REIMBRSMNT, EMT-B LICENSE EXPNSSES/A. OSU	363872	6/15/23	165.50
PRECISION	S-230 CREW BOSS COURSE (STATE CERT FEES)	363876	6/15/23	2,775.00
PRO BUILD COMPANY	MOP 45707 GENERAL SUPPLIES-FIRE	363877	6/15/23	8.90
PRUDENTIAL OVERALL SUPPLY	MOP 45742 LAUNDRY SERVICES-FIRE	363879	6/15/23	25.00
SMART SOURCE OF CALIFORNIA LLC	MOP #63845 10 WINDOW ENVELOPE/FIRE	363889	6/15/23	393.40
WAXIE SANITARY SUPPLY	88047 LIQUID GOLD /FIRE	363900	6/15/23	85.51
WAXIE SANITARY SUPPLY	WAXIE 3600 CLEAN & SOFT WHITE/FIRE	363901	6/15/23	2,030.92
ZOLL MEDICAL CORP	PART #8000-0330 RED LNC-4,4FT /FIRE	363905	6/15/23	2,091.53
			Total for Department	12,840.76
<u>Human Resources</u>				
ALTA LANGUAGE SERVICES INC	EMPLOYEE BILINGUAL TESTING	363839	6/15/23	66.00
G2SOLUTIONS, INC	NEW EMPLOYEE FINGERPRINT TEST SUBMISSION	363858	6/15/23	6.00
LIEBERT CASSIDY WHITMORE	PERSONNEL MATTER	363865	6/15/23	2,005.35
STILES	EDUCATION REIMBURSEMENT	363893	6/15/23	175.00
			Total for Department	2,252.35
<u>Housing</u>				
ALPHA PROJECT FOR THE HOMELESS	ALPHA PROJECT IS TO PROVIDE SERVICES	363838	6/15/23	7,237.13
			Total for Department	7,237.13
			A/P Total	635,979.80
WIRED PAYMENTS				
<u>MIS</u>				
U S BANK	LINKSYS NETWORK HUB	421328	6/9/23	5,666.04
<u>CMO</u>				
U S BANK	CREDIT CARD EXPENSES / CMO	59387	6/9/23	784.96
<u>Police</u>				
U S BANK	CREDIT CARD EXPENSES / PD	59387	6/9/23	3,540.54
<u>City Clerk</u>				
U S BANK	CREDIT CARD EXPENSES / CITY CLERK	421328	6/9/23	1,500.00



**WARRANT REGISTER # 50
6/15/2023**

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
Mayor / Council				
U S BANK	CREDIT CARD EXPENSES / MAYOR	59387	6/9/23	29.35
PAYROLL				
Pay period	Start Date	End Date	Check Date	
13	5/30/2023	6/12/2023	6/21/2023	1,418,005.28
		GRAND TOTAL		<u>2,065,505.97</u>



AGENDA REPORT

Department: Community Development
Prepared by: David Welch, Associate Planner
Meeting Date: Tuesday, August 15, 2023
Approved by: Ben Martinez, Interim City Manager

SUBJECT:

Public Hearing – Approval of Tentative Subdivision Map of an Existing Parcel into Nine (9) Separate Lots on Property Located at 2121 Grove Street.

RECOMMENDATION:

Adopt a Resolution Entitled, “Resolution of the City Council of the City of National City, California, Determining that the Project is Categorically Exempt from the California Environmental Quality Act (CEQA) Under Class 32 of the CEQA Guidelines Section 15332 (In-Fill Development Projects) and Approving the Tentative Subdivision Map for the Division of One (1) Lot into Nine (9) on Property Located at 2121 Grove Street (APN: 561-380-24)”

BOARD/COMMISSION/COMMITTEE PRIOR ACTION:

On July 17, 2023, the Planning Commission recommended approval of the Tentative Subdivision Map by a majority vote.

Ayes: Armenta, Castle, Miller, Quinones, Sendt, Valenzuela Nays: Sanchez

EXPLANATION:

Executive Summary

The application requests the approval of a Tentative Subdivision Map (TSM) to subdivide an existing parcel into nine (9). One existing single-family home would be demolished and replaced with nine (9) single-family residences, of which one will be income-restricted. The four (4) parcels on the eastern portion of the site would take access from Prospect Street via a shared driveway and the five (5) parcels on the west portion would have individual driveway access to Grove Street. Lot sizes range from 2,288 to 6,286 square feet. The proposed units would be 3-stories in height and 2,182-2,641 square feet in living area.

In order to construct the project at the proposed density, the applicant is requesting a density bonus by providing one unit that is affordable to very-low income households. California Government Code Section 65915 permits a 20% density bonus for this project as well as modifications to required development standards.

Site Characteristics

The approximately 0.7-acre property is located on the east side of Grove Street in the RS-2 Zone, between East 21st and East 22nd Streets. The eastern portion of the property also has frontage on Prospect Street. The property is approximately 125 feet wide along Grove Street. The northern 63-

foot portion of the property continues through to Prospect Street with an approximate depth of 295 feet and the southern portion has a depth of approximately 195 feet. The property varies in elevation by about 10 feet sloping up from both Grove Street and Prospect Street. There is no natural habitat or body of water present on-site, which is surrounded by urban development on three sides and Caltrans right-of-way for Interstate 805 on the west.

There is one existing single-family home in the middle of the property, which faces Grove Street. There is an existing retaining wall along the Grove Street frontage and chain link fencing along the side and rear property lines.

Proposed Use

The applicant is proposing to subdivide the existing 30,797 square-foot lot into nine lots with a density bonus request pursuant to California Government Code Section 65915. The project is eligible for a 20% bonus in density with the provision of one unit affordable to low income households.

Lots 1 through 5 have frontage on Grove Street and range in size from 2,288 to 2,584 square feet. Each lot would house a 2,182 square-foot two-story townhouse with a two-car garage underneath. Lots 6 through 9 take access from Prospect Street via a 20-foot wide shared driveway and range in size from 4,058 to 6,286 square feet. Each lot would house a 2,641 square-foot, three-story townhouse with garage parking on the first floor.

The developer is requesting incentives and waivers for the required building height, minimum lot size, minimum lot width, minimum street frontage, setbacks, driveway width, and driveway separation for the RS-2 zone.

Subdivision of the property into nine lots is proposed as follows:

Lot 1 would have approximately 27 feet of frontage on Grove Street. It will be approximately 94 feet deep. The net size is 2,584 square feet. The proposed setbacks are 16.5 feet in the front, 20 feet in the rear, and 3 feet and 4 feet on the sides.

Lots 2-4 would have approximately 24 feet of frontage on Grove Street. They will be approximately 94 feet deep. The net size is 2,288 square feet (discounting the driveway access easement). The proposed setbacks are 16.5 feet in the front, 20 feet in the rear, and 1 foot and 3 feet on the sides. At least a four foot separation will exist between each proposed unit.

Lot 5 would have approximately 25 feet of frontage on Grove Street. It will be approximately 94 feet deep. The net size is 2,372 square feet. The proposed setbacks are 16.5 feet in the front, 20 feet in the rear, and 1 foot and 4 feet on the sides.

Lot 6 has no street frontage and would take access from Prospect Street through a 20-foot private access driveway. The lot is approximately 62 feet wide by 101 feet deep. The net size is 6,286 square feet. The proposed lot would comply with the minimum interior yard setback of 5 feet.

Lot 7 has no street frontage and would take access from Prospect Street through a 20-foot private access driveway. The lot is approximately 63 feet wide by 64 feet deep. The gross size is 4,058 square feet and the net size is 2,770 square feet, which accounts for the shared driveway. The proposed lot would comply with the minimum interior yard setback of 5 feet.

Lot 8 has no street frontage and would take access from Prospect Street through a 20-foot private access driveway. The lot is approximately 63 feet wide by 65 feet deep. The gross size is 4,092 square feet and the net size is 2,798 square feet, which accounts for the shared driveway. The proposed lot would comply with the minimum interior yard setback of 5 feet.

Lot 9 would have approximately 63 feet of frontage on Prospect Street, of which 20 feet would be dedicated to a private access driveway for lots 6-8. It will be approximately 72 feet deep. The gross size is 4,540 square feet and the net size is 3,115 square feet, which accounts for the shared driveway. The proposed setbacks are 12 feet in the front, 10 feet in the rear, and 10 or more feet on the sides. A retaining wall is proposed for portions of the north and west sides of the lot.

Analysis

General Plan

This project contributes to infill development, which is encouraged by the General Plan:

Policy LU 4.3: Promote infill development, redevelopment, rehabilitation, and reuse efforts that contribute positively to existing neighborhoods and surrounding areas.

The proposal also provides an additional home ownership opportunity and one unit affordable to low income households, which is consistent with the City's Housing Element.

The land use designation for the subject property is Low-Medium Density Residential, which allows for a density of up to nine dwelling units per acre. While the proposed project has a density of over 12 dwelling units per acre, the density is achieved through the provisions of Section 65915, which permits projects to exceed the maximum allowable residential density established by the General Plan and Zoning.

Subdivision Ordinance

The Subdivision Ordinance has requirements for dedications, improvements, design standards, and conformance with the Land Use Code. The proposed subdivision is on an established block where existing development fronts either Grove Street or Prospect Street. No additional public streets are required to be dedicated for the proposed lot configuration, which can be adequately served with frontage along Grove Street and the proposed access driveway on Prospect Street. The proposed subdivision design successfully avoids the creation of irregular lots. Any required improvements where provided in the comments from the Engineering Department and included in the condition of approval in the attached resolution. The proposed lots are regular in shape, as required by the Subdivision Ordinance.

Land Use Code

The Land Use Code establishes a maximum density of 9 units per acre in the RS-2 Zone. The typical single-family residential lots on the block range in size from 5,000 to 6,000 square feet in size, which is slightly below the maximum density. However, three of the properties on the block are occupied by legal, non-conforming multi-family residential uses. The proposed future density of the property would be more than 12 units per acre, which is allowed pursuant to the Density Bonus Law.

In order to exceed the maximum allowable density in the RS-2 zone, the project requires several development standards to be waived. Logically, a subdivision with additional density will not be able to meet the required minimum lot size, which in turn creates conflict with other minimum standards such as minimum lot width, minimum street frontages, and setbacks.

Density Bonus Law

California Government Code Section 65915, also known as the Density Bonus Law, is a state law that provides incentives for developers to build projects that included affordable income-restricted units. The main incentive is the ability to construct more units than the maximum allowable density of the underlying zoning and General Plan designation. Density bonus projects are also granted requests for incentives, concessions, and waivers of development standards, which help projects achieve the additional density without physical and regulatory limitations that could make an ordinary project unviable.

Density

The project is requesting a density bonus for a subdivision, which is allowed when units will be sold at a reduced cost to households with incomes below the median area income. The applicant proposes to provide one unit affordable to households in the lower income range, which is between 30 and 70 percent of the area median income (AMI). The Density Bonus Law outlines the bonus density permitted for projects passed on the percentage of affordable units proposed within the project and the level of affordability. The proposed project qualifies for a 20% bonus under the law. The number of units achieved with the bonus is required by the law to be liberal in interpretation. For example, the number of units allowed is required to be rounded up in the calculation so the base density for the property is seven units rather than six (the base density based on a maximum dwelling units per acre of nine is 6.3). Therefore, the number of units allowed with the 20% bonus is 8.4, which rounds up to the proposed 9 units.

Incentives and Waivers Requested

An incentive or concession allowed under the Density Bonus Law is a reduction in development standards or modification in zoning code requirements. Projects are permitted a certain number of incentives or concession based on the percentage of affordable units and the proposed level of affordability. The proposed project qualifies for one incentive and the applicant has requested a modification of the building height requirements in the RS-2 zone to allow for three-story units instead of the maximum height of two stories.

The applicant is also permitted to request an unlimited number of waivers or reductions in development standards that would physically preclude the construction of the number of units

permitted by the density bonus in addition to the requested incentive. For a subdivision, the bonus density ultimately results in lot sizes that are smaller than anticipated in the underlying zone and conflict with some of the requirements are reasonably expected. The applicant has made the following waiver requests:

- Reduction in the minimum lot size
- Reduction in the minimum lot width
- Reduction in the minimum street frontage
- Reduction in the minimum side yard setback
- Reduction in the minimum rear yard setback
- Reduction in the minimum front yard setback
- Increase in the minimum driveway width as a percentage of street frontage
- Reduction in minimum driveway separation

Staff has determined that the requested waivers are reasonable requests due to the reduced lot size required to build the project at the permitted density. In addition, the individual units could potentially require further waiver considerations when plans are submitted for building permits.

Required Findings

The Subdivision Map Act contains nine required findings for Tentative Subdivision Maps:

1. The proposed map is consistent with the National City General Plan.

The proposed single-family subdivision, at a base density of 12.7 units per acre, is consistent with the Small Lot Residential land use designation, which specifies a maximum density of 9 units per acre. The proposed density of 12.7 units per acre is allowable pursuant to California Government Code Section 65915, which permits a 20 percent density bonus.

2. The site is physically suitable for the proposed type of development.

The nine single-family homes can be located on level building pads on the site with a minor amount of grading.

3. The site is physically suitable for the proposed density of development.

The proposed parcels can accommodate single family residences with yard areas with reasonable incentive and waiver request for reduced development standards and an increase in permitted density pursuant to California Government Code Section 65915.

4. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

There is no natural habitat or body of water present nearby or on-site. The property is surrounded by urban development.

5. The design of the subdivision and the proposed/required improvements are not likely to cause serious public health problems.

All necessary public services will be provided, as required by approvals required for new construction.

6. The design of the subdivision and the proposed/required improvements will not conflict with easements, acquired by the public at large, for access through or use of the property within the proposed subdivision.

Existing easements will be maintained and not be encroached upon.

7. The discharge of sewerage waste from the subdivision into the City of National City sewer system will not result in violation of existing requirements prescribed by the California Regional Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the Water Code, as specified by Government Code Section 66474.6.

Discharge of sewerage waste will be addressed through a sewer permit, which is required as part of construction of a future home.

8. The subdivision has been considered by the Planning Commission with regard to its effect on the housing needs of the region, and these needs are balanced by the public service needs of the residents and available fiscal and environmental resources.

The project will provide additional homeownership opportunities for households of mixed incomes, which is consistent with and encouraged by the City's Housing Element.

9. The design of the subdivision provides, to the extent feasible, for future passive and natural heating and cooling opportunities in the subdivision, based on consideration of local climate, topography, property configuration and other design and improvement requirements without requiring reduction in allowable density or lot coverage.

All new construction proposed in the future will be in compliance with the California Building Code, which takes such factors into consideration.

An additional finding has been included with regard to compliance with the California Environmental Quality Act (CEQA), which is as follows:

1. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and the project has been determined to be categorically exempt from environmental review pursuant to Class 32, Section 15332 (In-fill Development Projects) for which a Notice of Exemption will be filed subsequent to approval of this Tentative Subdivision Map.

Public Notice

All property owners and occupants within a distance of 300 feet are required to be notified of a public hearing for TSM applications. Notice of this public hearing was sent to 85 occupants and owners.

Department Comments

Comments were received from the Building, Engineering, and Fire departments. The comments have been included as Conditions of Approval. The Engineering Department provided comments related to improvements, storm water requirements, engineering and land development requirements, right-of-way requirements, and Final Map requirements; the Fire Department is requiring compliance with codes related to fire protection and access for future housing. No comments were received from utility and service providers.

Summary

The subject property is a large lot, which is more than six times the minimum lot size required in the RS-2 zone. As such, it is suitable for subdividing. The applicant is requesting additional density pursuant to Density Bonus Law and reductions in development standards. This will provide an opportunity for home ownership for one lower income household. If approved, the proposed subdivision will result in an additional home ownership opportunities, and can be found consisted with all Land Use Code requirements and the General Plan. Conditions of Approval will ensure that the property is appropriately developed and will meet all requirements of the Land Use Code and pertinent construction codes at the time of future construction.

FINANCIAL STATEMENT:

The applicant has paid all required fees to the City for processing this TSM and will pay any future City fees associated with the development of this project.

RELATED CITY COUNCIL 2020-2025 STRATEGIC PLAN GOAL:

Housing and Community Development

ENVIRONMENTAL REVIEW:

This is a project under CEQA subject to a Categorical Exemption. Class 32 – In-fill Development Projects 14 CCR § 15332. This project qualifies for a Notice of Exemption. CCR § 15374.

PUBLIC NOTIFICATION:

Agenda Report posted within 72 hours of meeting date and time in accordance with Brown Act.

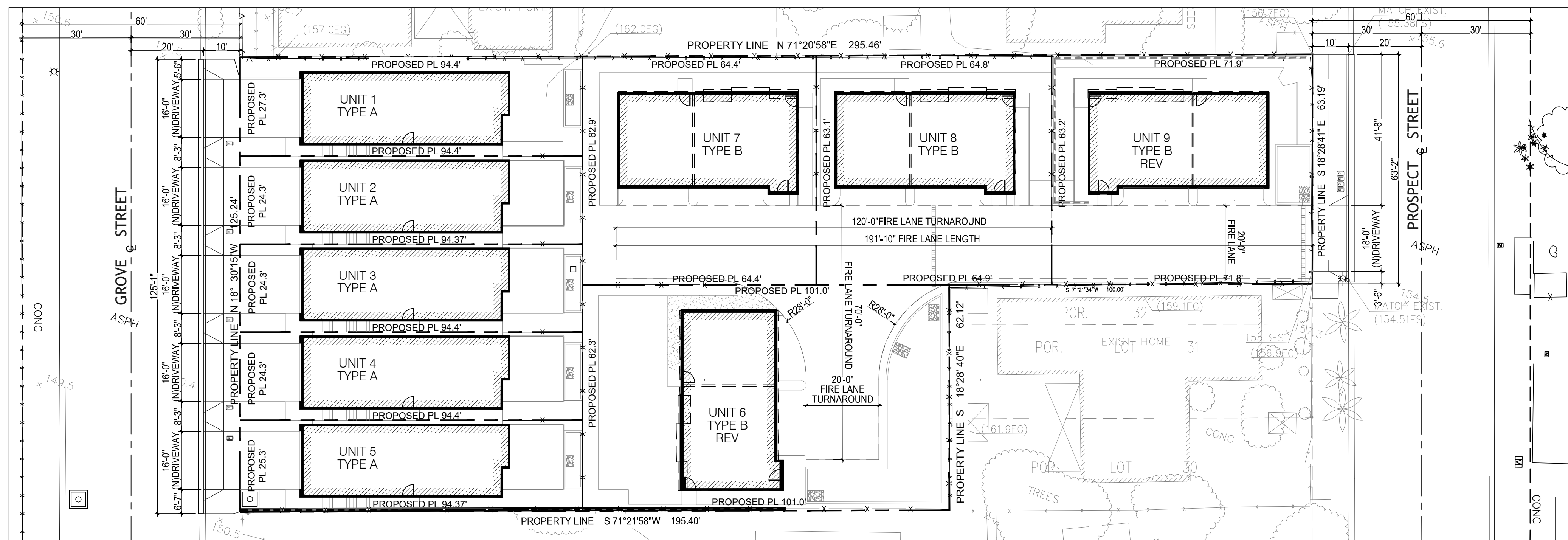
ORDINANCE:

Not Applicable

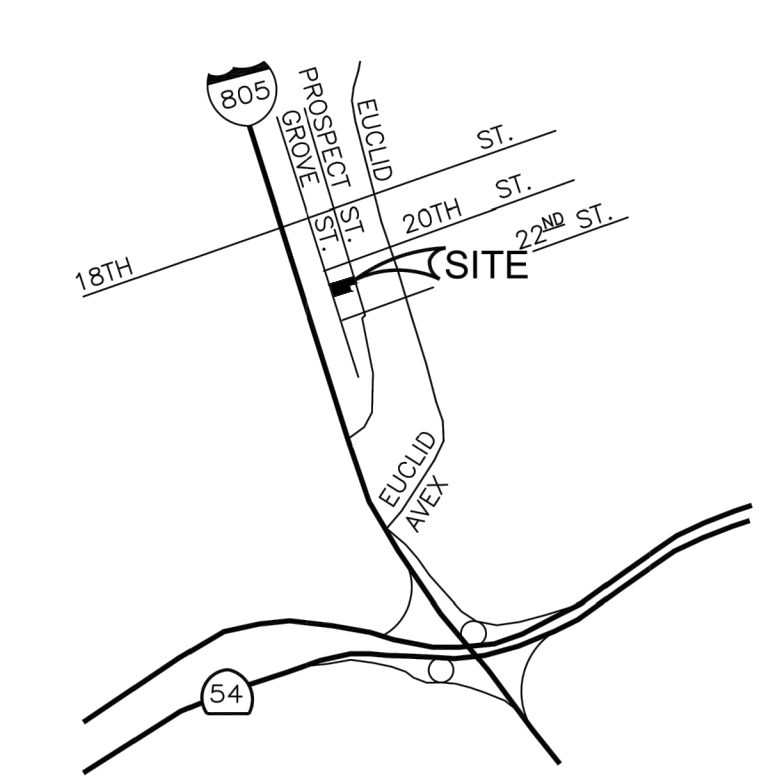
EXHIBITS:

- Exhibit A - Plans
- Exhibit B - Overhead
- Exhibit C - Site Photos
- Exhibit D - PowerPoint Slides
- Exhibit E - Resolution

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VICINITY MAP

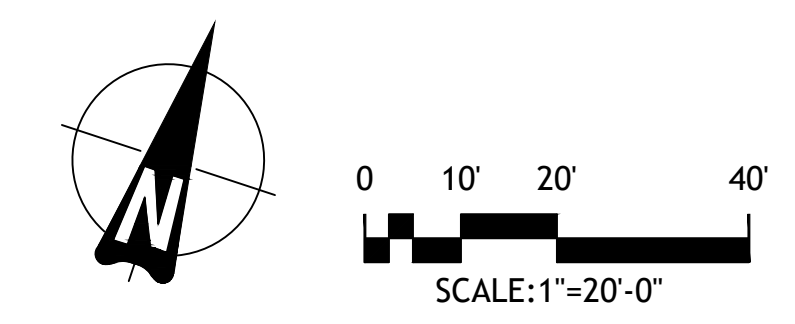


SHEET INDEX

- CS COVER SHEET
- SP PLOT PLAN
- A01 UNIT TYPE A DESIGN
- A02 UNIT TYPE B DESIGN
- A03 ROOF PLANS
- A04 UNIT TYPE A ELEVATIONS
- A05 UNIT TYPE B ELEVATIONS
- A06 SITE BUILDING ELEVATIONS
- A07 RENDERINGS
- TM1 TENTATIVE MAP
- TM2 TENTATIVE MAP
- PG1 CONCEPTUAL GRADING AND DRAINAGE PLAN
- L1.0 LANDSCAPE CONCEPT PLAN

GROVE DEVELOPMENT

2121 GROVE ST. NATIONAL CITY, CA 91950



PROJECT DATA

PROJECT OWNER : ARNOLD SCHMIDT
3175 CAUBY STREET, # 90
SAN DIEGO, CA 92110
619 224 0386

PROJECT ADDRESS: 2121 GROVE ST.
NATIONAL CITY, CA 91950

APN: 561-380-24-00

LEGAL DESCRIPTION: BLK 1*LOTS 15 THRU 19*(EX
DOC71-285422)LOTS 30 THRU
34&ALL OF

SITE AREA: 30,797 SQUARE FEET (0.707 ACRES)

ZONE: RS-2 (SMALL LOT RESIDENTIAL)

STANDARD MAX. HEIGHT: 35 FEET MAX. (2) STORIES

STANDARD BLDG SETBACKS: FRONT: 20 FEET
SIDE-INTERIOR: 5 FEET
SIDE-EXTERIOR: 10 FEET
REAR: 25 FEET

STANDARD MAX. LOT COVERAGE: 75%

STANDARD MIN. LOT AREA: 5,000 SF

STANDARD MIN. STREET FRONTAGE: 50 FEET

STANDARD MAX. DENSITY: (1) DU PER LOT

EXISTING OCCUPANCY: R3

PROPOSED OCCUPANCY: R3

PROPOSED DENSITY: 9 DWELLING UNITS
1 DWELLING UNIT PER LOT
DENSITY : 12.7 DU/AC

TYPE OF CONSTRUCTION: VA - SPRINKLED

PROPOSED BUILDING AREA: LIVING: 21,469 SF
GARAGE: 7,370 SF

PROJECT DESCRIPTION

A NEW MULTI-UNIT RESIDENTIAL DEVELOPMENT WITH (5) TOWNHOUSES AND (4) 3-STORY RESIDENCES. (9) TOTAL DWELLING UNITS, EACH DWELLING INCLUDES 2-CAR PRIVATE GARAGE AND RELATED SITE WORK.

PROJECT TEAM

DESIGNER:
ENE-TE STUDIO
ATTN: DANIEL TAMES
925 B STREET SUITE 300
SAN DIEGO, CA 92101
BRUNOV@PACDESIGNCONCEPTS.COM
(619) 760-4422

CIVIL ENGINEER:
AP CONSULTING
ATTN : ALEX PARRA
2371 FENTON STREET, OFFICE B
CHULA VISTA, CA 91914
(619) 227-8941

LANDSCAPE ARCHITECT:
SOTELO LANDSCAPE ARCHITECTS
ANGELINA SOTELO
ASLA Principal, RLA, LEED AP
2643 FOURTH AVENUE
SAN DIEGO, CA 92103
ANGELINA@ASOTELO.COM
(619) 544-1977

MODIFICATION / WAIVERS, INCENTIVES / CONCESSIONS PER GOV. CODE 65915				
ITEM	DEVELOPMENT STANDARD	NATIONAL CITY MUNICIPAL CODE	DEVIATION	JUSTIFICATION
1	INCREASE OF RESIDENTIAL DENSITY	NCMC TITLE 18-ZONING RS-2 ZONE ALLOWS 9 DU PER ACRE SITE: .70 AC = 6.36	DENSITY BONUS OF 20% LOW INCOME DWELLING UNITS FOR A TOTAL UNITS 9 (ROUNDED UP)	CALIFORNIA GOVERNMENT CODE 65915
2	BUILDING HEIGHT	NCMC TITLE 18-ZONING RS-2 ZONE MAXIMUM BUILDING HEIGHT 35' / 2 STORIES	PROPOSED BUILDING HEIGHT 35' WITH 3 STORIES	INCENTIVE OR CONCESSION PER GOV CODE 65915
3	MINIMUM LOT SIZE	NCMC TITLE 18-ZONING RS-2 ZONE : 5000 SF	PROPOSED MINIMUM LOT SIZE: 2,288 SF	MODIFICATION OR WAIVER PER GOV CODE 65915
4	MINIMUM LOT WIDTH	NCMC TITLE 18-ZONING RS-2 ZONE: 50 FEET	PROPOSED MINIMUM LOT WIDTH: 24.3 FEET	MODIFICATION OR WAIVER PER GOV CODE 65915
5	MINIMUM STREET FRONTAGE	NCMC TITLE 18-ZONING RS-2 ZONE 50 FEET	PROPOSED MINIMUM STREET FRONTAGE: 24.3 FEET	MODIFICATION OR WAIVER PER GOV CODE 65915
6	MINIMUM SIDE YARD SETBACK	NCMC TITLE 18-ZONING RS-2 ZONE 5 FEET	PROPOSED MINIMUM SIDE YARD SETBACK 1' INTERIOR 4' EXTERIOR	MODIFICATION OR WAIVER PER GOV CODE 65915
7	MINIMUM REAR YARD SETBACK	NCMC TITLE 18-ZONING RS-2 ZONE 25 FEET	PROPOSED MINIMUM REAR YARD SETBACK 5.58 FEET	MODIFICATION OR WAIVER PER GOV CODE 65915
8	MINIMUM FRONT YARD SETBACK	NCMC TITLE 18-ZONING RS-2 ZONE 20 FEET	PROPOSED MINIMUM FRONT YARD SETBACK: 6.83 FEET	MODIFICATION OR WAIVER PER GOV CODE 65915
9	MAXIMUM DRIVEWAY WIDTH	NCMC TITLE 18-ZONING RS-2 ZONE: 40% OF STREET FRONTAGE	PROPOSED MAXIMUM DRIVEWAY WIDTH: 64 % OF FRONTAGE	MODIFICATION OR WAIVER PER GOV CODE 65915
10	MINIMUM DRIVEWAY SEPERATION	NCMC TITLE 18-ZONING RS-2 ZONE: 20 FEET	PROPOSED MINIMUM DRIVEWAY SEPERATION: 8.25 FEET	MODIFICATION OR WAIVER PER GOV CODE 65915

UNIT 1: 2,182 SF LIVING GFA
562 SF GARAGE GFA

UNIT 2: 2,182 SF LIVING GFA
562 SF GARAGE GFA

UNIT 3: 2,182 SF LIVING GFA
562 SF GARAGE GFA

UNIT 4: 2,182 SF LIVING GFA
562 SF GARAGE GFA

UNIT 5: 2,182 SF LIVING GFA
562 SF GARAGE GFA

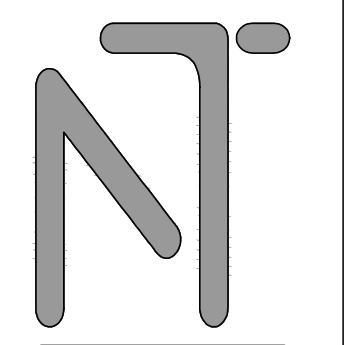
UNIT 6: 2,641 LIVING SF GFA
1,140 SF GARAGE GFA

UNIT 7: 2,641 LIVING SF GFA
1,140 SF GARAGE GFA

UNIT 8: 2,641 LIVING SF GFA
1,140 SF GARAGE GFA

UNIT 9: 2,641 LIVING SF GFA
1,140 SF GARAGE GFA

EXHIBIT A, Case File No. 2018-33 S, SPR, dated 4/18/2023



ene-te studio
Agustin Navarro/Daniel Tames
Directors/Designers
925 B STREET SUITE 300
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GROVE DEVELOPMENT

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DESIGNER:
ENE-TE STUDIO

PHASE:

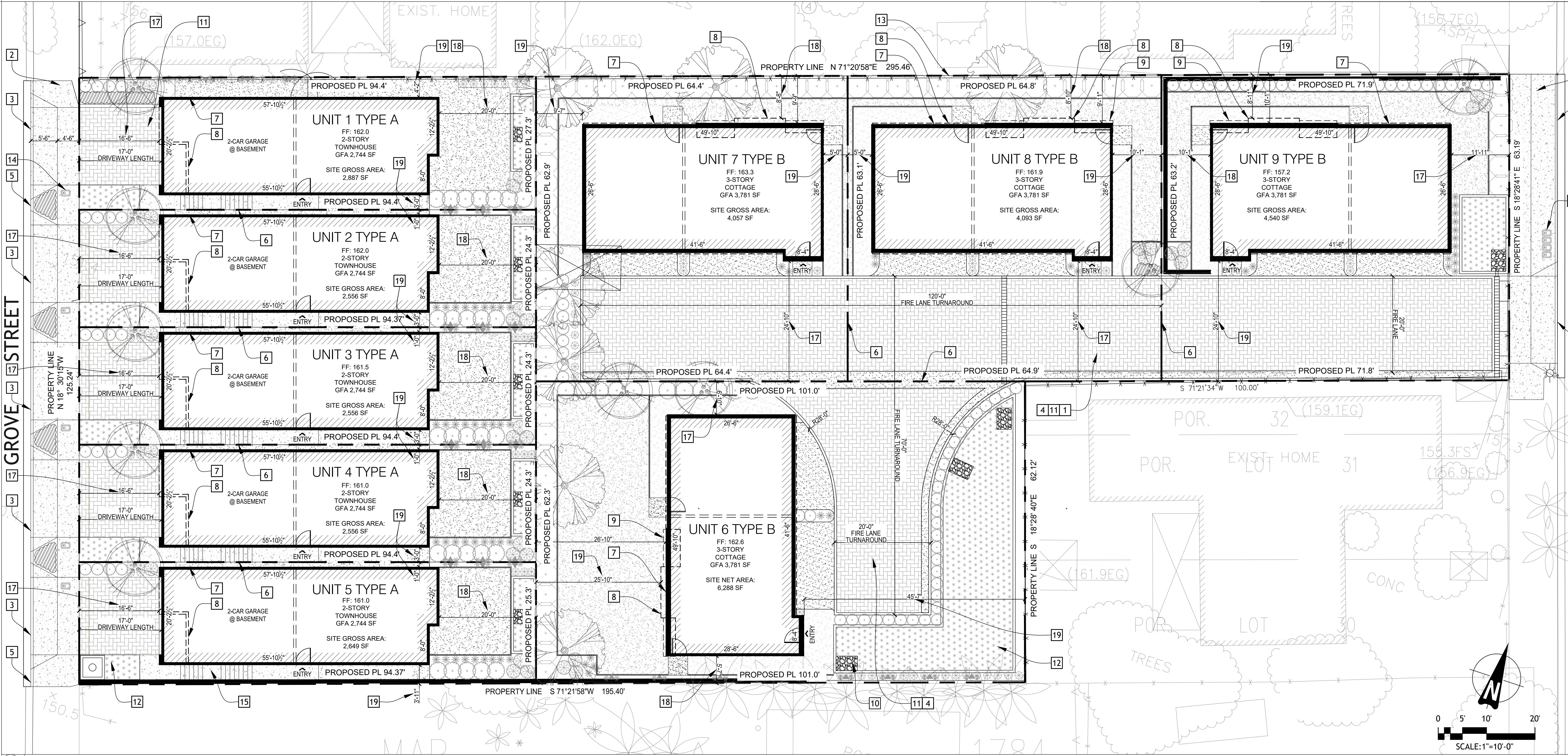
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TITLE PAGE:
PROPOSED PLOT PLAN

DATE:
7/12/22

SHEET NO.
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1 PROPOSED PLOT PLAN

KEY LEGEND	
1	PROPOSED PRIVATE ROAD AND UTILITIES EASEMENT PER CIVIL PLANS.
2	PROPOSED 10' CONCRETE SIDEWALK PER CIVIL PLANS.
3	PROPOSED 16' CONCRETE DRIVEWAY PER CIVIL PLANS.
4	PROPOSED 20' WIDE FIRE LANE.
5	PROPOSED 6" CONCRETE CURB AND GUTTER PER CIVIL PLANS.
6	PROPOSED SUBDIVISION PROPERTY LINE.
7	PROPOSED BUILDING OUTLINE.
8	PROPOSED BUILDING OUTLINE ABOVE.
9	PROPOSED ROOF OUTLINE ABOVE.
10	PROPOSED RIP RAP MAT PER CIVIL PLANS.
11	PROPOSED HEAVY LOAD CAPACITY PERMEABLE PAVERS PER LANDSCAPE PLANS.
12	PROPOSED LANDSCAPE AREA PER LANDSCAPE PLANS.
13	PROPOSED 5' HEIGHT WOOD FENCE, TYPICAL.
14	PROPOSED WATER METER LOCATION PER CIVIL PLANS, TYPICAL.
15	CONCRETE STAIRS.
16	PROPOSED 18' CONCRETE DRIVEWAY PER CIVIL PLANS.
17	PROPOSED FRONT YARD SETBACK.
18	PROPOSED REAR YARD SETBACK.
19	PROPOSED SIDE YARD SETBACK.

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 Directors/Designers
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 619-888-7502
 Email: enestudio@gmail.com

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DESIGNER:
 ENE-TE STUDIO

PHASE:

REVISIONS: **DATE:**

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UTILITY NOTES

1. LOCAL EXHAUST FANS TO EXTERIOR TO PROVIDE MINIMUM 50 CFM INTERMITTENT OR 20 CFM CONTINUOUS VENTILATION.
2. SMOKE DETECTORS TO BE INTERCONNECTED PER CRC R314.4 AND HARD-WIRED WITH BATTERY BACK-UP PER CRC R314.6
3. CARBON MONOXIDE ALARMS TO BE INTERCONNECTED PER CRC R315.7 AND HARD-WIRED WITH BATTERY BACK-UP PER CRC R315.5
4. 4" Ø DRYER VENT WITH MAXIMUM 14 FOOT COMBINED HORIZONTAL AND VERTICAL LENGTH WITH TWO 90 DEGREE ELBOWS.
5. A MECHANICAL EXHAUST VENTILATION SYSTEM, SUPPLY VENTILATION SYSTEM, OR COMBINATION THEREOF SHALL BE INSTALLED FOR EACH DWELLING UNIT TO PROVIDE WHOLE-BUILDING VENTILATION WITH OUTDOOR AIR IN COMPLIANCE WITH ASHRAE STANDARD 62.2 AS ADOPTED BY THE CALIFORNIA ENERGY COMMISSION.
6. AN INTERMITTENTLY OR CONTINUOUSLY OPERATING LOCAL MECHANICAL EXHAUST VENTILATION SYSTEM SHALL BE INSTALLED IN EACH BATHROOM WITH A BATHTUB, SHOWER, OR SIMILAR MOISTURE SOURCE AND IN EACH KITCHEN IN COMPLIANCE WITH ASHRAE STANDARD 62.2 AS ADOPTED BY THE CALIFORNIA ENERGY COMMISSION. INTERMITTENT LOCAL EXHAUST VENTILATION AIRFLOW RATES SHALL BE 50 CFM IN BATHROOMS AND 100 CFM IN KITCHENS. CONTINUOUS LOCAL EXHAUST VENTILATION AIRFLOW RATES SHALL BE 20 CFM IN BATHROOMS AND 5 AIR CHANGES PER HOUR IN KITCHENS BASED ON KITCHEN VOLUME.
7. WATER HEATER OR FURNACE SHALL BE A DIRECT-VENT APPLIANCE
8. LISTED GASKETED SELF CLOSING DOOR REQUIRED FOR GAS FAU

LIGHTING NOTES

1. ALL LUMINAIRES SHALL BE HIGH-EFFICACY IN ACCORDANCE WITH CBEES TABLE 150.0-A
2. ALL LED LUMINAIRES AND LAMPS SHALL BE MARKED "JA8-2019" AND LISTED IN THE CALIFORNIA ENERGY COMMISSION DATABASE AT [HTTPS://CACERTAPPLIANCES.ENERGY.CA.GOV/PAGES/APPLIANCESEARCH.ASPX](https://cacertappliances.energy.ca.gov/pages/appliancesearch.aspx)
3. ALL RECESSED DOWNLIGHT AND ENCLOSED LUMINAIRES SHALL BE MARKED "JA8-2019-E" AND LISTED IN THE CALIFORNIA ENERGY COMMISSION DATABASE AT [HTTPS://CACERTAPPLIANCES.ENERGY.CA.GOV/PAGES/APPLIANCESEARCH.ASPX](https://cacertappliances.energy.ca.gov/pages/appliancesearch.aspx)
4. RECESSED DOWNLIGHT LUMINAIRES IN CEILINGS SHALL NOT BE SCREW-BASED
5. BATHROOMS, GARAGES, LAUNDRY ROOMS, AND UTILITY ROOMS: AT LEAST ONE LUMINAIRE IN EACH SPACE SHALL BE CONTROLLED BY A VACANCY SENSOR
6. ALL LUMINAIRES REQUIRING "JA8-2019" OR "JA8-2019-E" MARKING SHALL BE CONTROLLED BY A DIMMER OR VACANCY SENSOR
EXCEPTION: CLOSETS LESS THAN 70 S.F. & HALLWAYS
7. OUTDOOR LIGHTING PERMANENTLY MOUNTED TO BUILDINGS SHALL BE CONTROLLED BY ONE OF THE FOLLOWING:
 - PHOTOCONTROL AND MOTION SENSOR
 - PHOTOCONTROL AND AUTOMATIC TIME-SWITCH CONTROL
 - ASTRONOMICAL TIME CLOCK
 - ENERGY MANAGEMENT CONTROL SYSTEM PER CBEES 150.0(K)3AIIIC

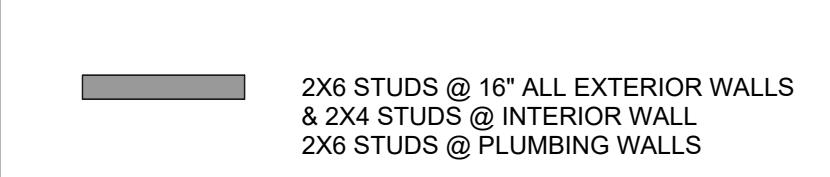
FLOOR PLAN NOTES

1. EXTERIOR WALLS WITHIN 3 FEET OF PROPERTY LINE (SPRINKLERS) OR 5 FEET OF PROPERTY LINE (WITHOUT SPRINKLERS) REQUIRE 1-HOUR FIRE RATING FOR EXPOSURE TO BOTH SIDES
2. PENETRATIONS:
 - 1-HOUR FIRE-RATED PENETRATIONS OF WALLS WITHIN 3FT OF PROPERTY LINE (SPRINKLERS)
 - 1-HOUR FIRE-RATED PENETRATIONS OF WALLS WITHIN 5FT OF PROPERTY LINE (WITHOUT SPRINKLERS)
3. CONCRETE LANDING WITH MIN 36" DEPTH AND A MAXIMUM OF 1-1/2" LOWER THAN TOP OF DOOR THRESHOLD

KEYNOTES

- | | |
|----|--------------|
| 1 | KITCHEN SINK |
| 2 | RANGE |
| 3 | RANGE HOOD |
| 4 | REFRIGERATOR |
| 5 | DISHWASHER |
| 6 | LAVATORY |
| 7 | WATER CLOSET |
| 8 | BATHTUB |
| 9 | WASHER |
| 10 | DRYER |

WALL LEGEND



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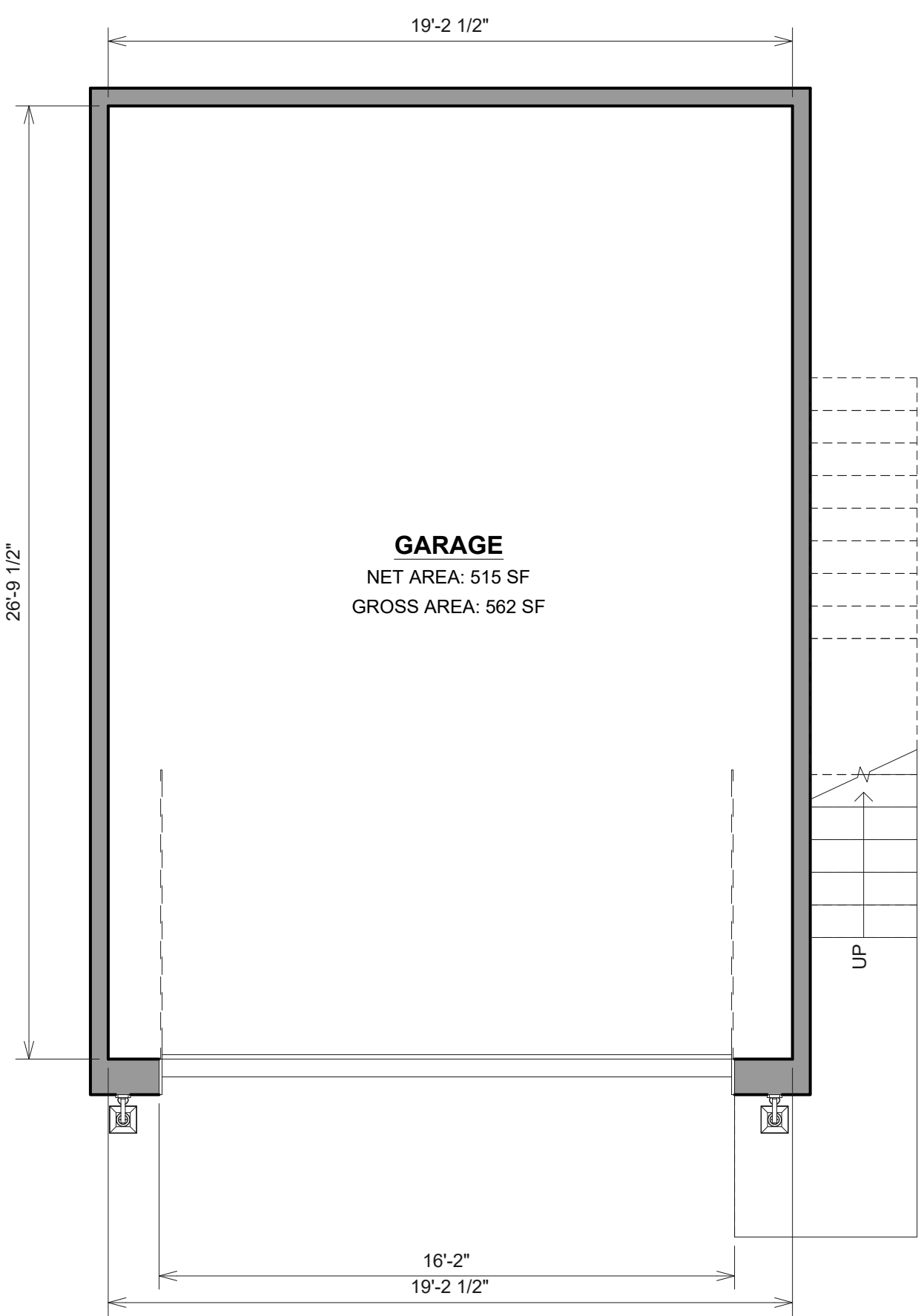
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ADDRESS:
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DESIGNER:
 ENE-TE STUDIO

PHASE:

REVISIONS: DATE:

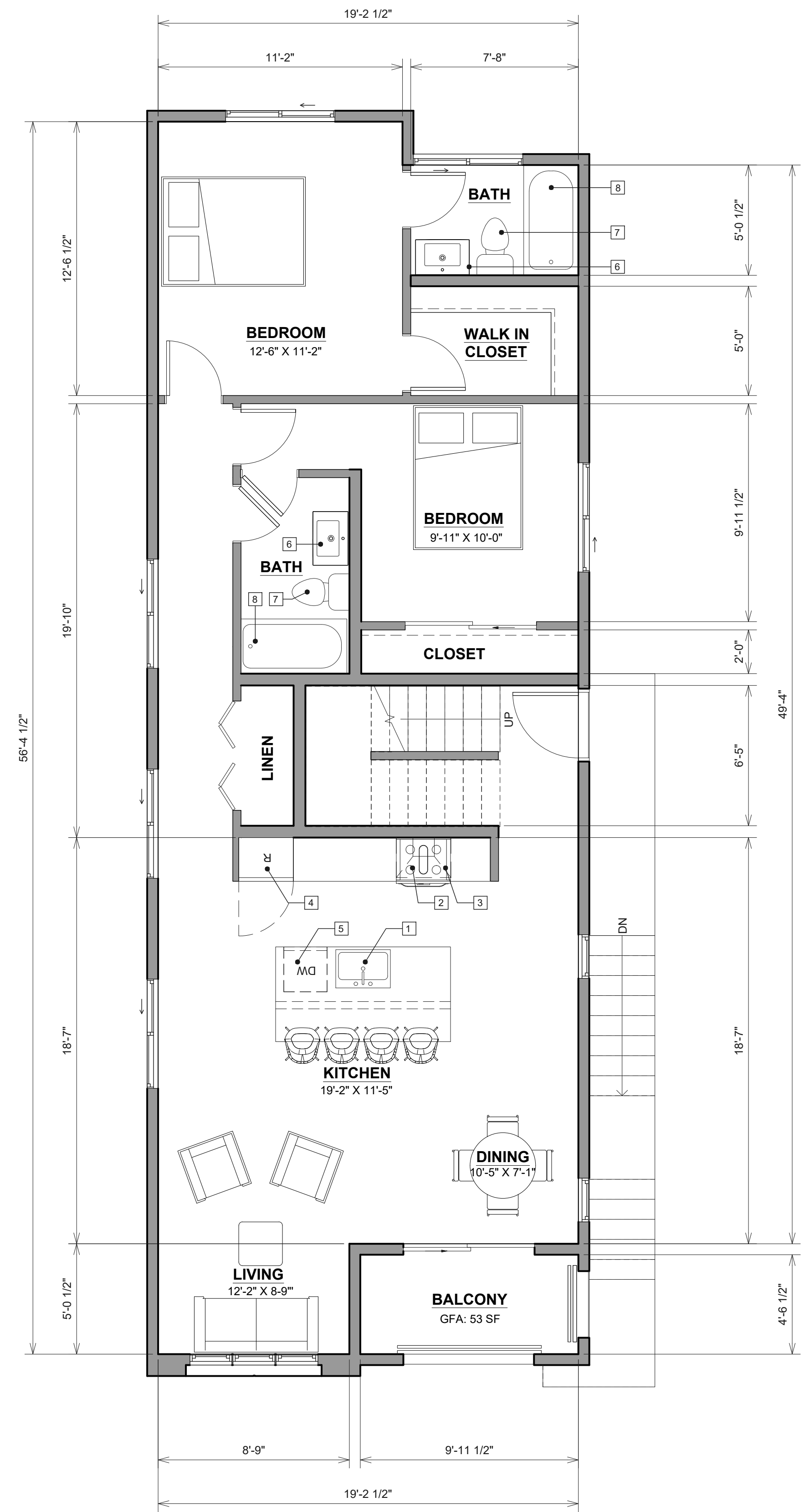
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DATE:
 06/22/22

SHEET NO.
A01



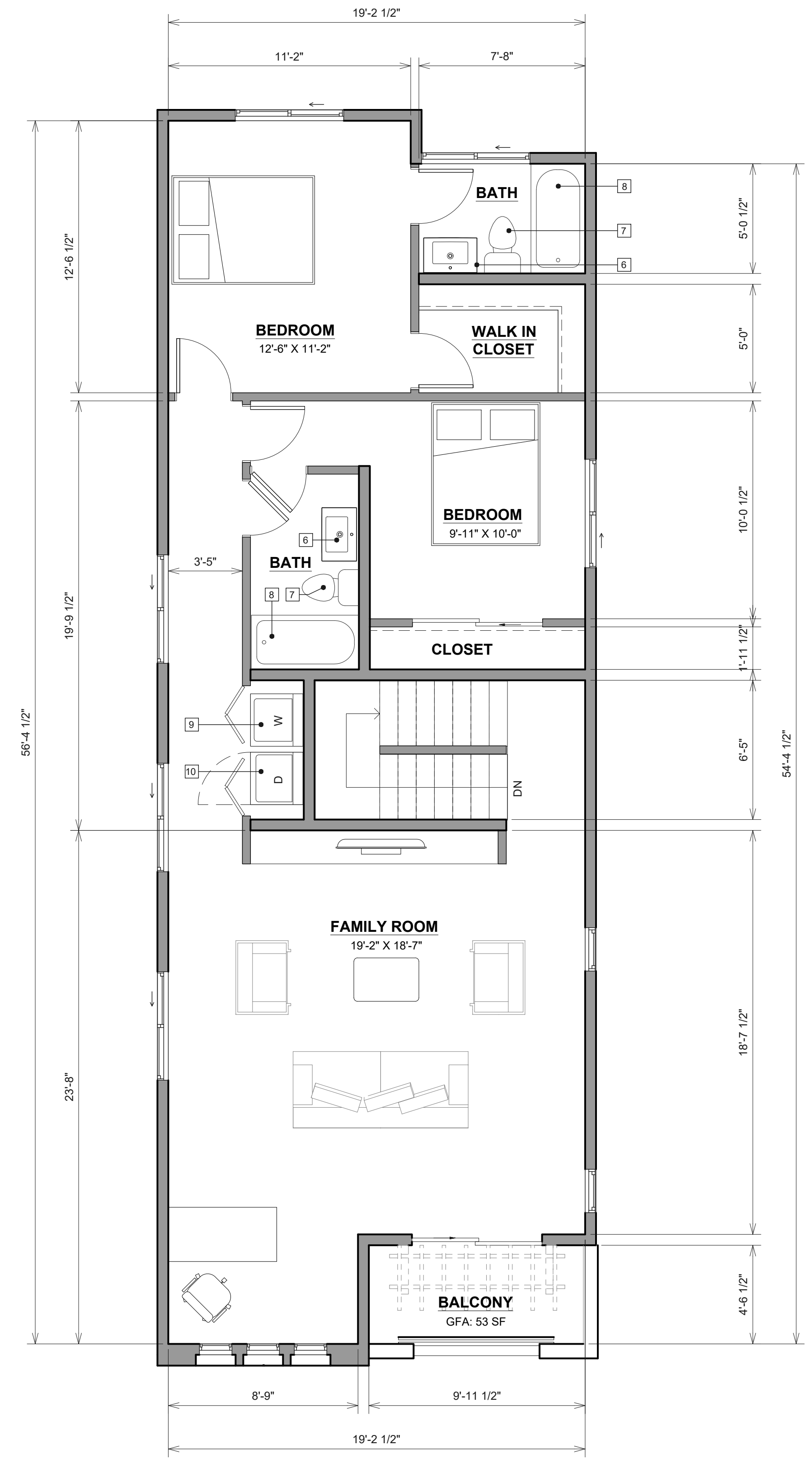
1 UNIT TYPE A - GARAGE - GFA = 562 SF

SCALE: 1/4" = 1' - 0"



2 UNIT TYPE A - FIRST FLOOR - GFA = 1,091 SF

SCALE: 1/4" = 1' - 0"



3 UNIT TYPE A - SECOND FLOOR - GFA = 1,091 SF

SCALE: 1/4" = 1' - 0"

ALL IDEAS, DESIGN ARRANGEMENTS AND PLANS INDICATED OR REPRESENTED BY THIS DRAWING ARE OWNED BY AND THE PROPERTY OF ENE-TE STUDIO AND WERE CREATED, EVOLVED AND DEVELOPED FOR USE ON AND IN CONNECTION WITH THE SPECIFIED PROJECT. NONE OF SUCH IDEAS, ARRANGEMENTS OR PLANS SHALL BE USED BY OR DISCLOSED TO ANY PURPOSE WHATSOEVER WITHOUT THE WRITTEN PERMISSION OF ENE-TE STUDIO.

UTILITY NOTES

- LOCAL EXHAUST FANS TO EXTERIOR TO PROVIDE MINIMUM 50 CFM INTERMITTENT OR 20 CFM CONTINUOUS VENTILATION.
- SMOKE DETECTORS TO BE INTERCONNECTED PER CRC R314.4 AND HARD-WIRED WITH BATTERY BACK-UP PER CRC R314.6
- CARBON MONOXIDE ALARMS TO BE INTERCONNECTED PER CRC R315.7 AND HARD-WIRED WITH BATTERY BACK-UP PER CRC R315.5
- 4" Ø DRYER VENT WITH MAXIMUM 14 FOOT COMBINED HORIZONTAL AND VERTICAL LENGTH WITH TWO 90 DEGREE ELBOWS.
- A MECHANICAL EXHAUST VENTILATION SYSTEM, SUPPLY VENTILATION SYSTEM, OR COMBINATION THEREOF SHALL BE INSTALLED FOR EACH DWELLING UNIT TO PROVIDE WHOLE-BUILDING VENTILATION WITH OUTDOOR AIR IN COMPLIANCE WITH ASHRAE STANDARD 62.2 AS ADOPTED BY THE CALIFORNIA ENERGY COMMISSION.
- AN INTERMITTENTLY OR CONTINUOUSLY OPERATING LOCAL MECHANICAL EXHAUST VENTILATION SYSTEM SHALL BE INSTALLED IN EACH BATHROOM WITH A BATHTUB, SHOWER, OR SIMILAR MOISTURE SOURCE AND IN EACH KITCHEN IN COMPLIANCE WITH ASHRAE STANDARD 62.2 AS ADOPTED BY THE CALIFORNIA ENERGY COMMISSION. INTERMITTENT LOCAL EXHAUST VENTILATION AIRFLOW RATES SHALL BE 50 CFM IN BATHROOMS AND 100 CFM IN KITCHENS. CONTINUOUS LOCAL EXHAUST VENTILATION AIRFLOW RATES SHALL BE 20 CFM IN BATHROOMS AND 5 AIR CHANGES PER HOUR IN KITCHENS BASED ON KITCHEN VOLUME.
- WATER HEATER OR FURNACE SHALL BE A DIRECT-VENT APPLIANCE
- LISTED GASKETED SELF CLOSING DOOR REQUIRED FOR GAS FAU

LIGHTING NOTES

- ALL LUMINAIRES SHALL BE HIGH-EFFICACY IN ACCORDANCE WITH CBEES TABLE 150.0-A
- ALL LED LUMINAIRES AND LAMPS SHALL BE MARKED "JA8-2019" AND LISTED IN THE CALIFORNIA ENERGY COMMISSION DATABASE AT [HTTPS://CACERTAPPLIANCES.ENERGY.CA.GOV/PAGES/APPLIANCESSEARCH.ASPX](https://cacertappliances.energy.ca.gov/pages/appliancesearch.aspx)
- ALL RECESSED DOWNLIGHT AND ENCLOSED LUMINAIRES SHALL BE MARKED "JA8-2019-E" AND LISTED IN THE CALIFORNIA ENERGY COMMISSION DATABASE AT [HTTPS://CACERTAPPLIANCES.ENERGY.CA.GOV/PAGES/APPLIANCESSEARCH.ASPX](https://cacertappliances.energy.ca.gov/pages/appliancesearch.aspx)
- RECESSED DOWNLIGHT LUMINAIRES IN CEILINGS SHALL NOT BE SCREW-BASED
- BATHROOMS, GARAGES, LAUNDRY ROOMS, AND UTILITY ROOMS: AT LEAST ONE LUMINAIRE IN EACH SPACE SHALL BE CONTROLLED BY A VACANCY SENSOR
- ALL LUMINAIRES REQUIRING "JA8-2019" OR "JA8-2019-E" MARKING SHALL BE CONTROLLED BY A DIMMER OR VACANCY SENSOR
EXCEPTION: CLOSETS LESS THAN 70 S.F. & HALLWAYS
- OUTDOOR LIGHTING PERMANENTLY MOUNTED TO BUILDINGS SHALL BE CONTROLLED BY ONE OF THE FOLLOWING:
 - PHOTOCONTROL AND MOTION SENSOR
 - PHOTOCONTROL AND AUTOMATIC TIME-SWITCH CONTROL
 - ASTRONOMICAL TIME CLOCK
 - ENERGY MANAGEMENT CONTROL SYSTEM PER CBEES 150.0(K)3A11IC

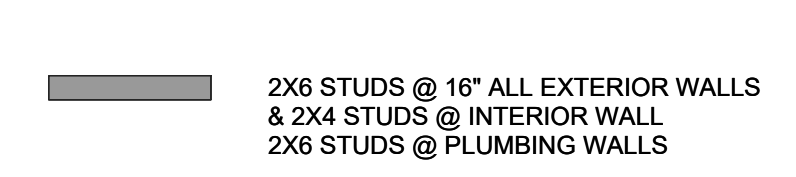
FLOOR PLAN NOTES

- EXTERIOR WALLS WITHIN 3 FEET OF PROPERTY LINE (SPRINKLERS) OR 5 FEET OF PROPERTY LINE (WITHOUT SPRINKLERS) REQUIRE 1-HOUR FIRE RATING FOR EXPOSURE TO BOTH SIDES
- PENETRATIONS:
 - 1-HOUR FIRE-RATED PENETRATIONS OF WALLS WITHIN 3FT OF PROPERTY LINE (SPRINKLERS)
 - 1-HOUR FIRE-RATED PENETRATIONS OF WALLS WITHIN 5FT OF PROPERTY LINE (WITHOUT SPRINKLERS)
- CONCRETE LANDING WITH MIN 36" DEPTH AND A MAXIMUM OF 1-1/2" LOWER THAN TOP OF DOOR THRESHOLD

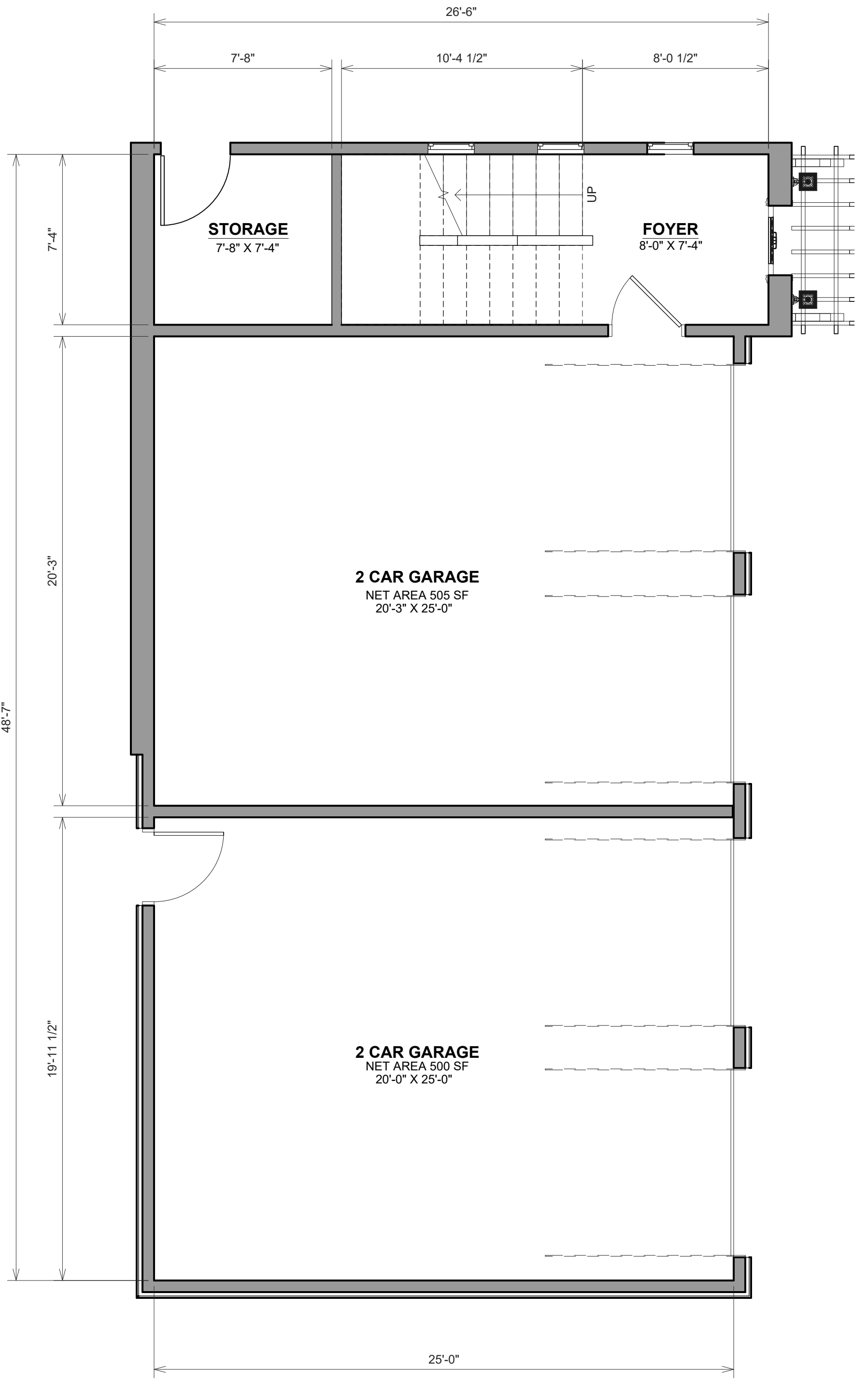
KEYNOTES

- | | |
|----|--------------|
| 1 | KITCHEN SINK |
| 2 | RANGE |
| 3 | RANGE HOOD |
| 4 | REFRIGERATOR |
| 5 | DISHWASHER |
| 6 | LAVATORY |
| 7 | WATER CLOSET |
| 8 | BATHTUB |
| 9 | WASHER |
| 10 | DRYER |

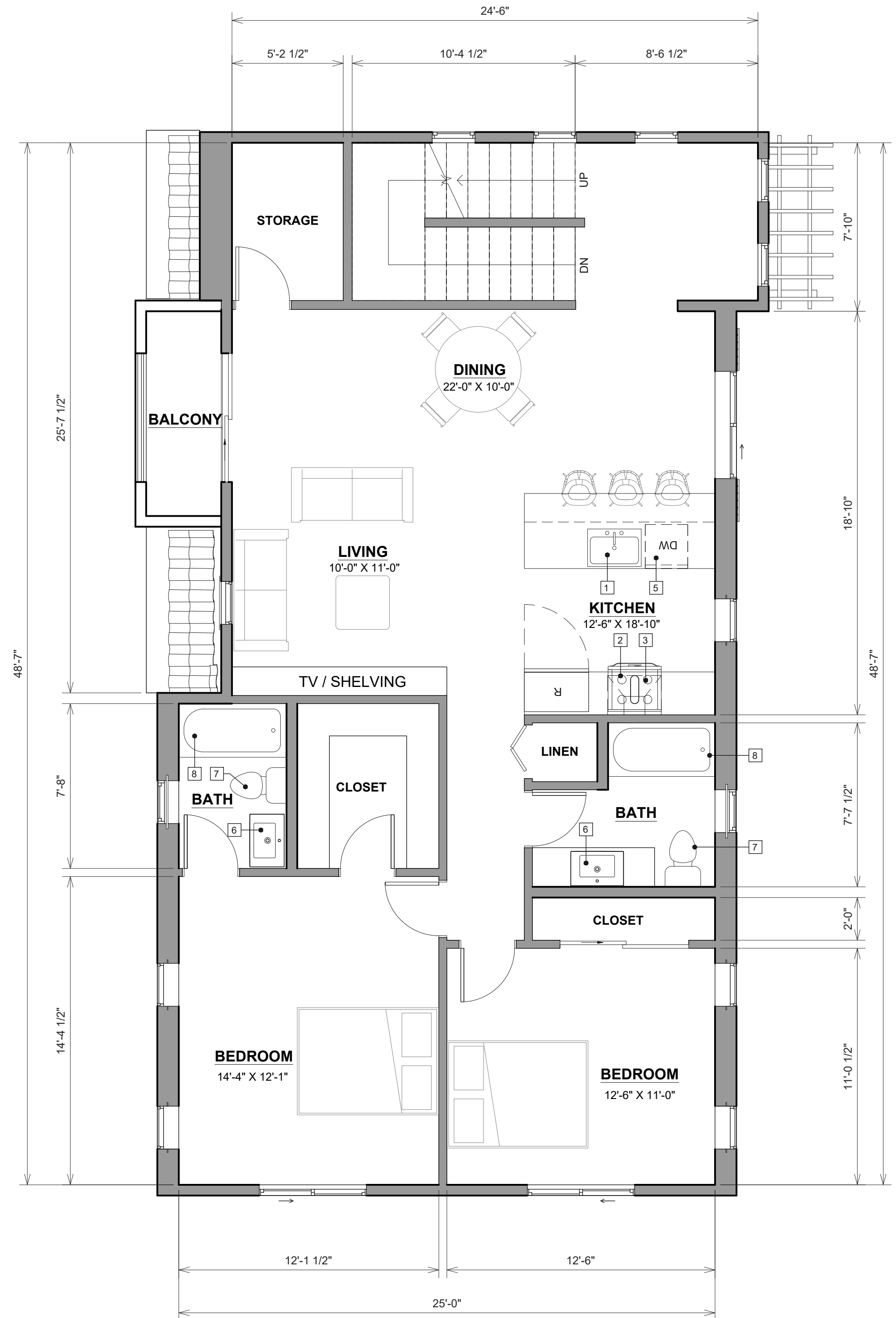
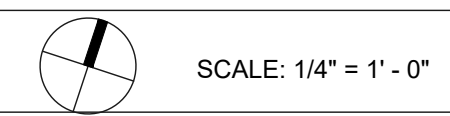
WALL LEGEND



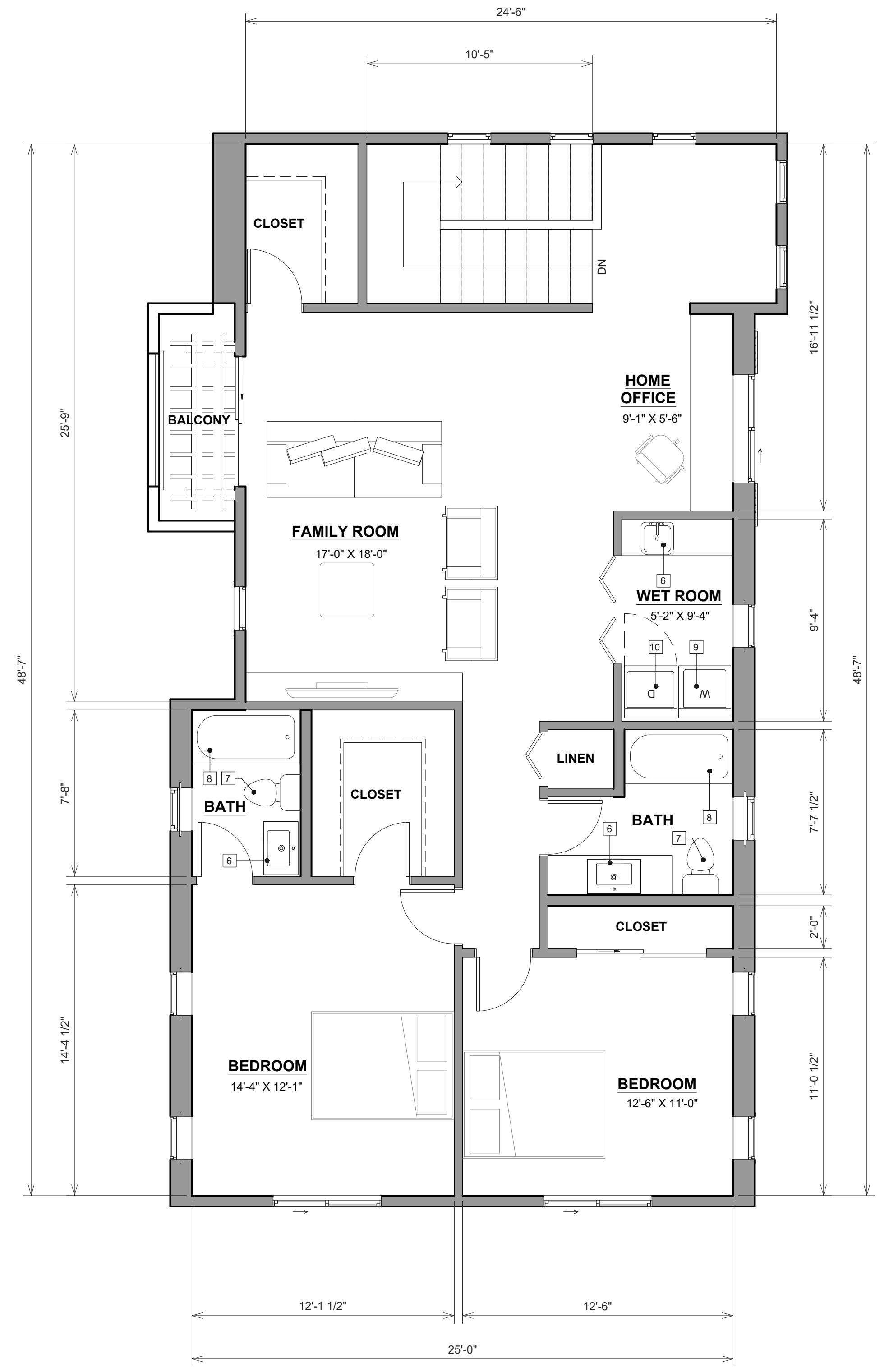
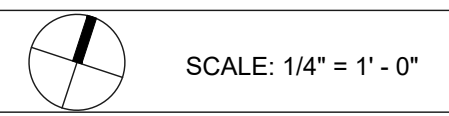
ene-te studio
 Agustín Navarro Daniel James
 Directors/Designers
 925 B STREET SUITE 300
 SAN DIEGO, CA 92101
 Tel: 619-760-4425
 619-888-7502
 Email: enete.studio@gmail.com



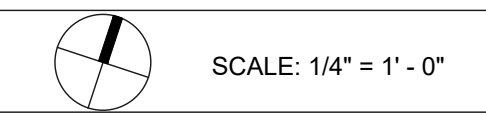
1 UNIT TYPE B - GARAGE - GFA = 1,301 SF



2 UNIT TYPE B - FIRST FLOOR - GFA = 1,240 SF



3 UNIT TYPE B - SECOND FLOOR - GFA = 1,240 SF



PROJECT:
GROVE DEVELOPMENT
ADDRESS:
 2121 GROVE ST. NATIONAL CITY, CA 91950
DESIGNER:
 ENE-TE STUDIO

PHASE:

REVISIONS: DATE:

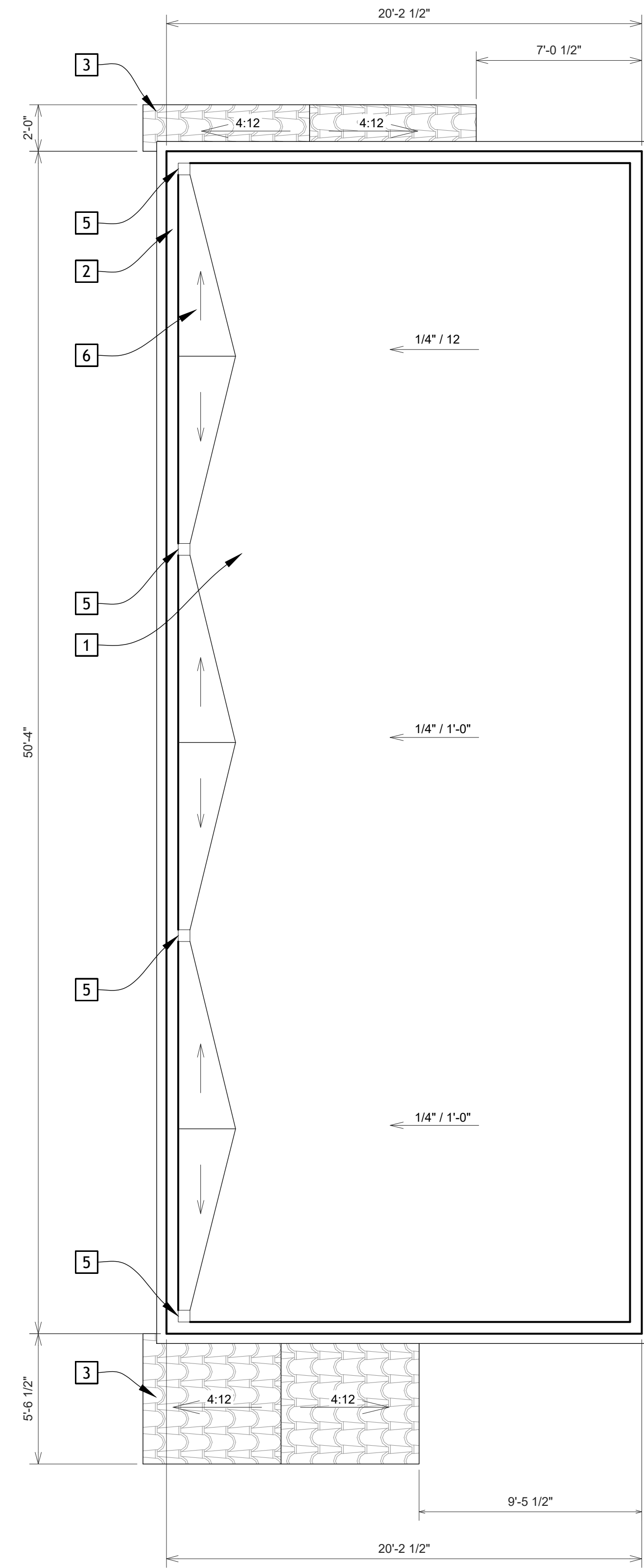
TITLE PAGE:
 UNIT TYPE B
 FLOOR PLANS
DATE:
 07/12/22

SHEET NO.
A02

ALL IDEAS, DESIGN ARRANGEMENTS AND PLANS INDICATED OR REPRESENTED BY THIS DRAWING ARE OWNED BY AND THE PROPERTY OF ENE-TE STUDIO AND WERE CREATED, EVOLVED AND DEVELOPED FOR USE ON AND IN CONNECTION WITH THE SPECIFIED PROJECT. NONE OF SUCH IDEAS, ARRANGEMENTS OR PLANS SHALL BE USED BY OR DISCLOSED TO ANY PURPOSE WHATSOEVER WITHOUT THE WRITTEN PERMISSION OF ENE-TE STUDIO.

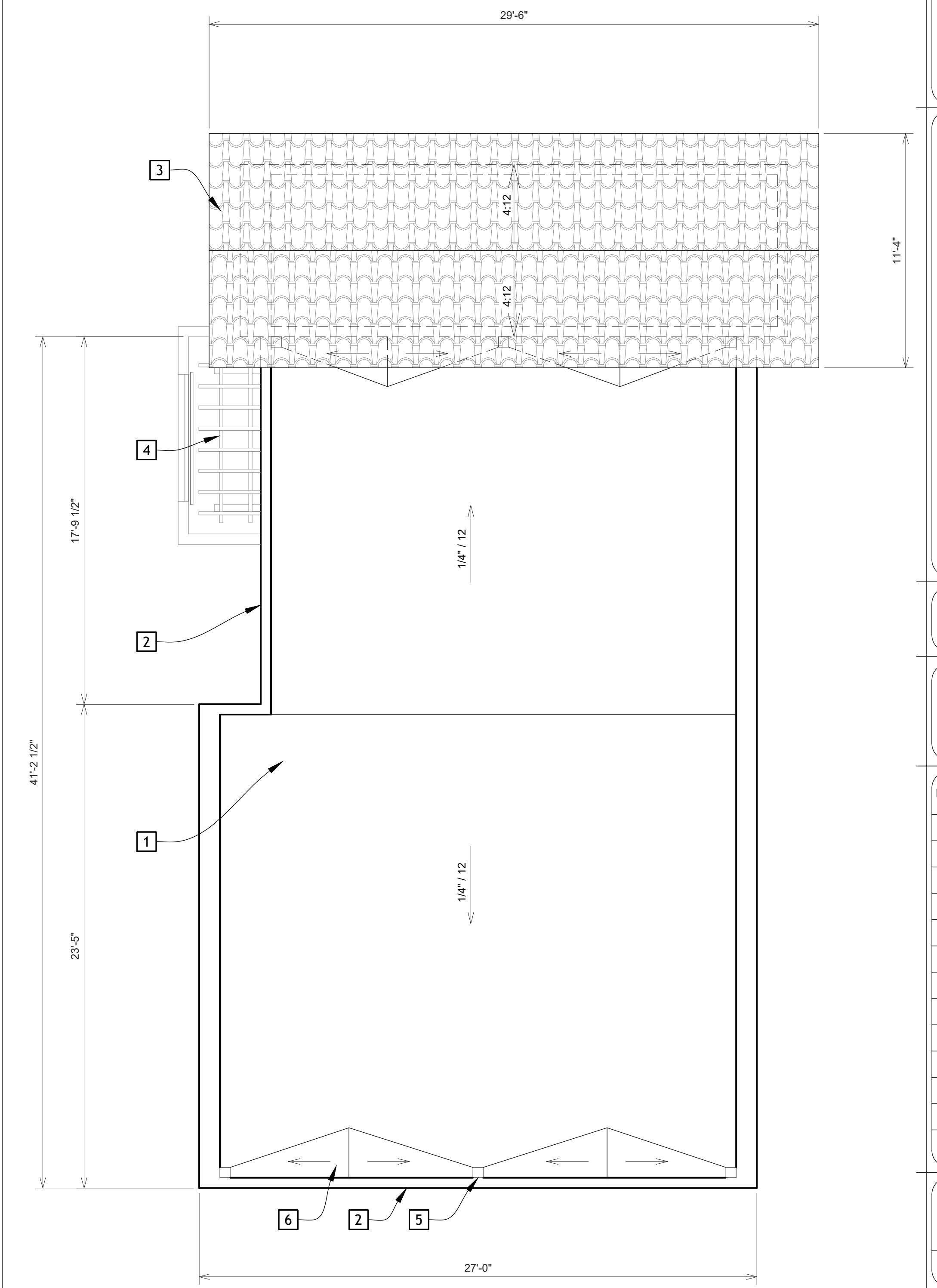
KEYNOTES

- 1 FLAT ROOF, CLASS "A" ASSEMBLY.
- 2 PARAPET WITH TILE CAP.
- 3 CONCRETE ROOF TILES OVER CLASS "A" ROOF ASSEMBLY.
- 4 WOOD CANOPY.
- 5 DRAIN AND OVERFLOW.
- 6 CRICKET.



1 UNIT TYPE A - ROOF PLAN

SCALE: 1/4" = 1' - 0"



2 UNIT TYPE B - ROOF PLAN

SCALE: 1/4" = 1' - 0"

PROJECT:
GROVE DEVELOPMENT
 ADDRESS:
 2121 GROVE ST. NATIONAL CITY, CA 91950
 DESIGNER:
 ENE-TE STUDIO

PHASE:

REVISIONS: DATE:

TITLE PAGE:
 ROOF PLANS

DATE:
 07/12/22

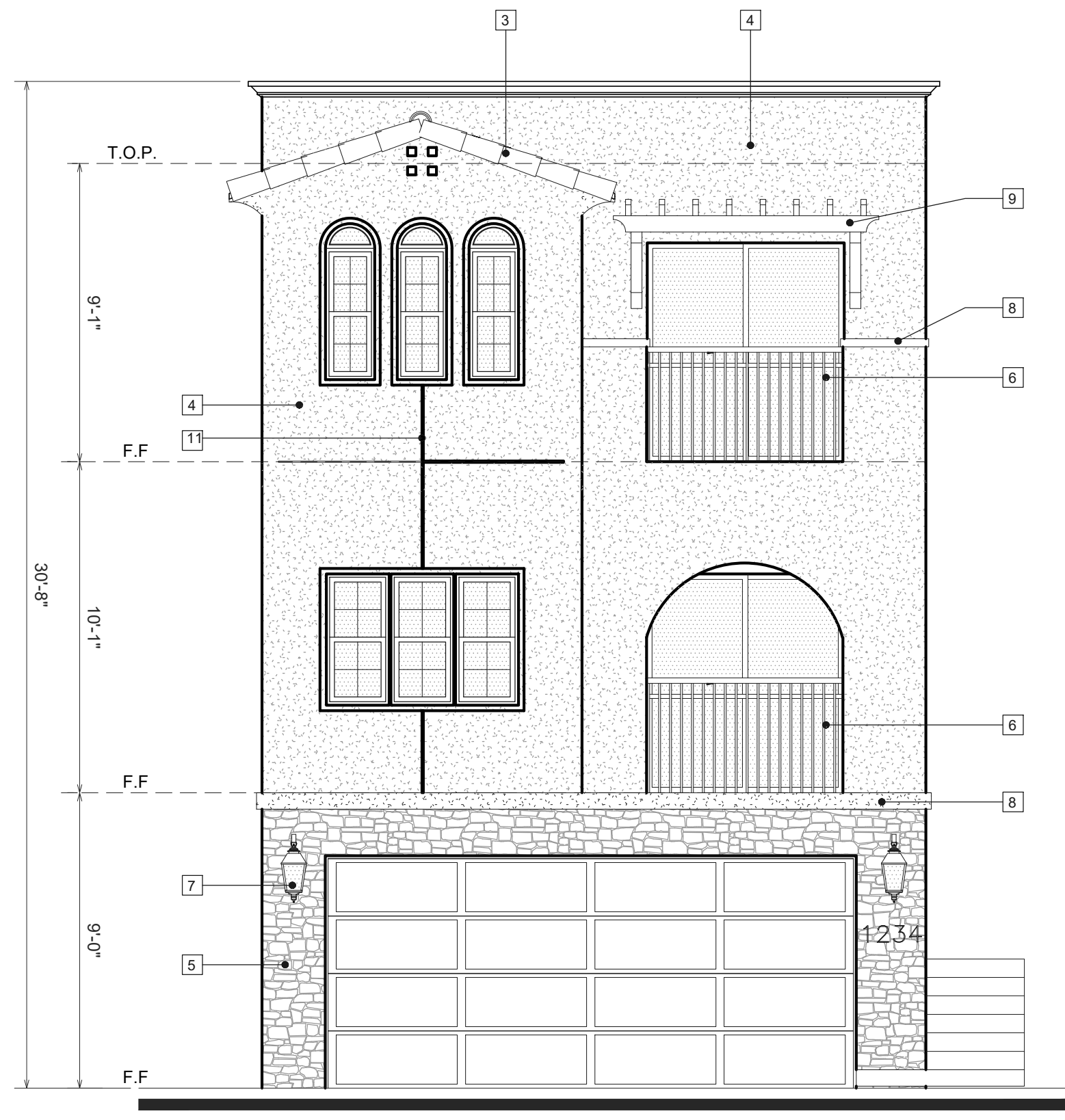
SHEET NO.

A03

ALL IDEAS, DESIGN ARRANGEMENTS AND PLANS INDICATED OR REPRESENTED BY THIS DRAWING ARE OWNED BY AND THE PROPERTY OF ENE-TE STUDIO AND WERE CREATED, EVOLVED AND DEVELOPED FOR USE ON AND IN CONNECTION WITH THE SPECIFIED PROJECT. NONE OF SUCH IDEAS, ARRANGEMENTS OR PLANS SHALL BE USED BY OR DISCLOSED TO ANY PURPOSE WHATSOEVER WITHOUT THE WRITTEN PERMISSION OF ENE-TE STUDIO.

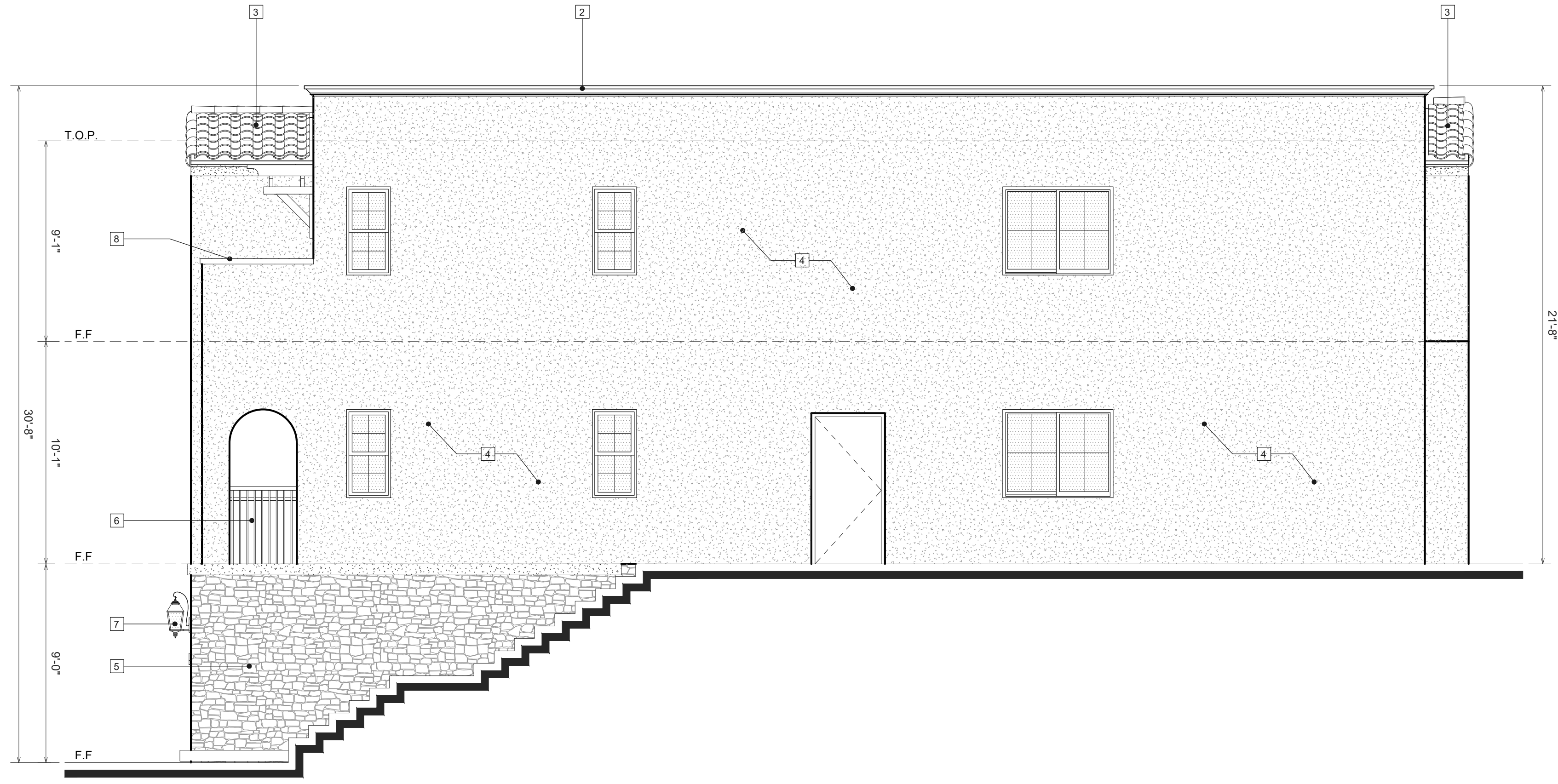
KEYNOTES

- 1 FLAT ROOF, CLASS "A" ASSEMBLY
- 2 PARPAET WITH ROFF TILE CAP
- 3 CONCRETE ROOF TILES OVER CLASS "A" ROOF ASSEMBLY
- 4 EXTERIOR CEMENT PLASTER (STUCCO).
- 5 STONE VENEER TILE
- 6 METAL RAILING
- 7 WALL SCONCE LIGHT
- 8 WALL CAP
- 9 WOOD CANOPY
- 10 DECORATIVE CORBEL
- 11 CEMENT PLASTER CONTROL JOINT



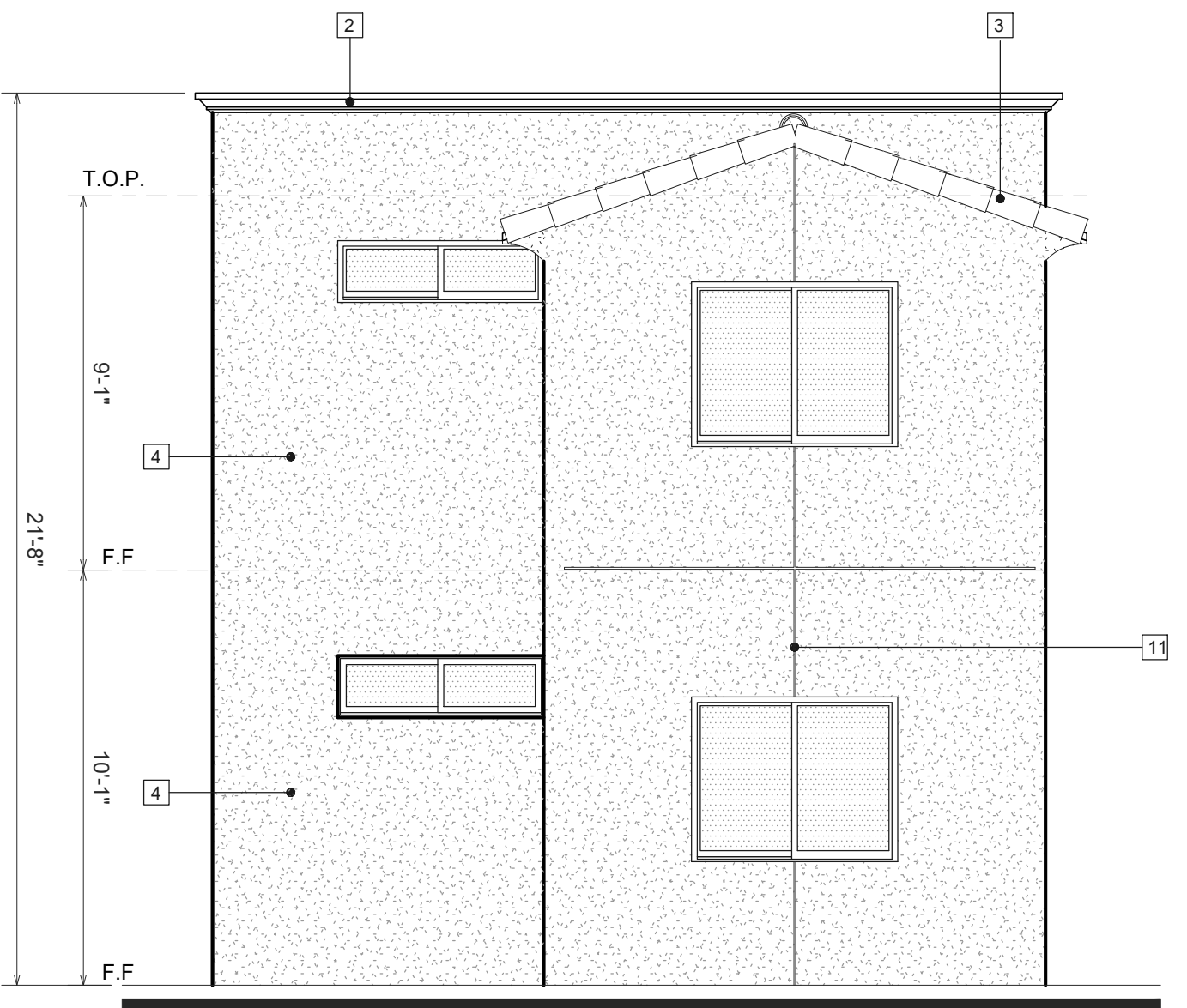
1 UNIT TYPE A FRONT ELEVATION (WEST)

SCALE: 1/4" = 1' - 0"



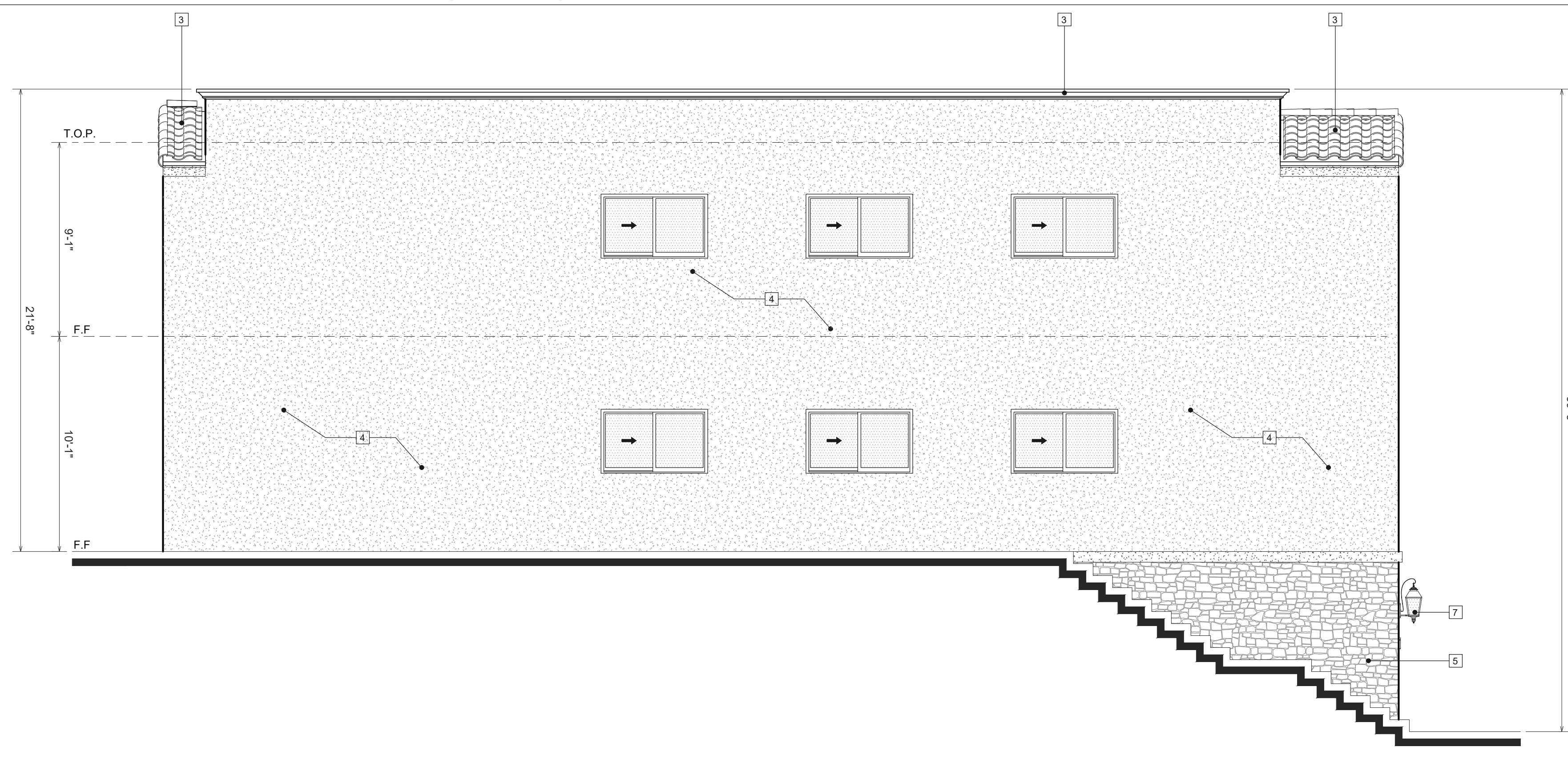
3 UNIT TYPE A SIDE ELEVATION (SOUTH)

SCALE: 1/4" = 1' - 0"



2 UNIT TYPE A REAR ELEVATION (EAST)

SCALE: 1/4" = 1' - 0"



4 UNIT A TYPE SIDE ELEVATION. (NORTH)

SCALE: 1/4" = 1' - 0"

PROJECT:
 GROVE DEVELOPMENT
ADDRESS:
 2121 GROVE ST. NATIONAL CITY, CA 91950
DESIGNER:
 ENE-TE STUDIO

PHASE:

REVISIONS: DATE:

TITLE PAGE:
 UNIT TYPE A ELEVATIONS
DATE:
 07/12/22

SHEET NO.
A04

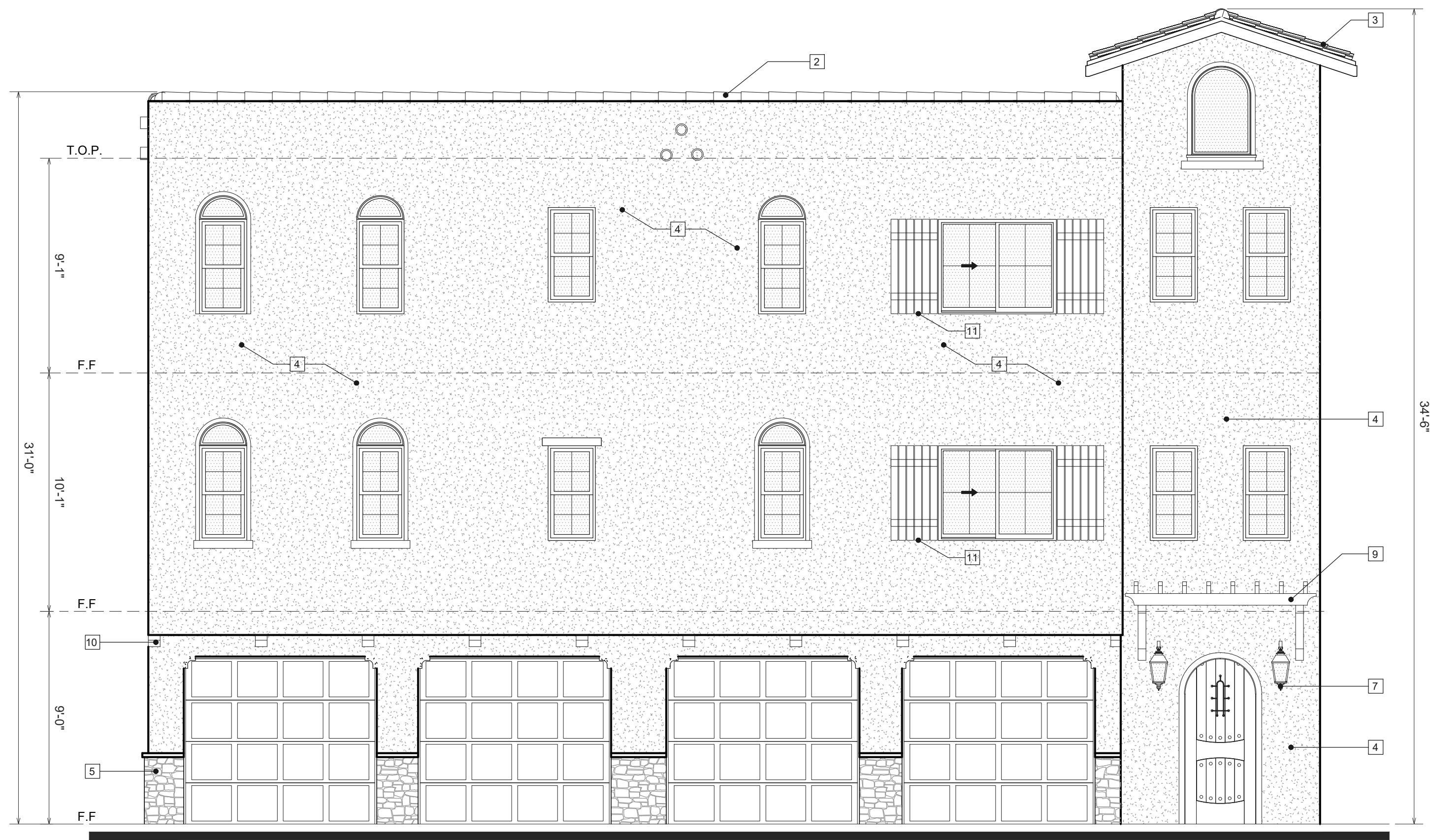
ALL IDEAS, DESIGN ARRANGEMENTS AND PLANS INDICATED OR REPRESENTED BY THIS DRAWING ARE OWNED BY AND THE PROPERTY OF ENE-TE STUDIO AND WERE CREATED, EVOLVED AND DEVELOPED FOR USE ON AND IN CONNECTION WITH THE SPECIFIED PROJECT. NONE OF SUCH IDEAS, ARRANGEMENTS OR PLANS SHALL BE USED BY OR DISCLOSED TO ANY PURPOSE WHATSOEVER WITHOUT THE WRITTEN PERMISSION OF ENE-TE STUDIO.

KEYNOTES

- 1 FLAT ROOF, CLASS "A" ASSEMBLY ICC ES-1274 ROBERROID MOP SURFACED OVER 1/2" CDX PLYWOOD (ROOF COVERING AND SHEATING). BUILT-UP ROOFING SYSTEM SHALL BE U.L. OR ANOTHER LISTING AGENCY APPROVED.
- 2 PARPAET WITH ROFF TILE CAP
- 3 CONCRETE ROOF TILES OVER CLASS "A" ROOF ASSEMBLY
- 4 EXTERIOR CEMENT PLASTER (STUCCO).
- 5 STONE VENEER TILE
- 6 METAL RAILING
- 7 WALL SCONCE LIGHT
- 8 WALL CAP
- 9 WOOD CANOPY
- 10 DECORATIVE CORBEL
- 11 EXTERIOR SHUTTERS



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 Directors/Designers
 925 B STREET SUITE 300
 SAN DIEGO, CA 92101
 Tel: 619-760-4422
 619-888-7502
 Email: enetestudio@gmail.com



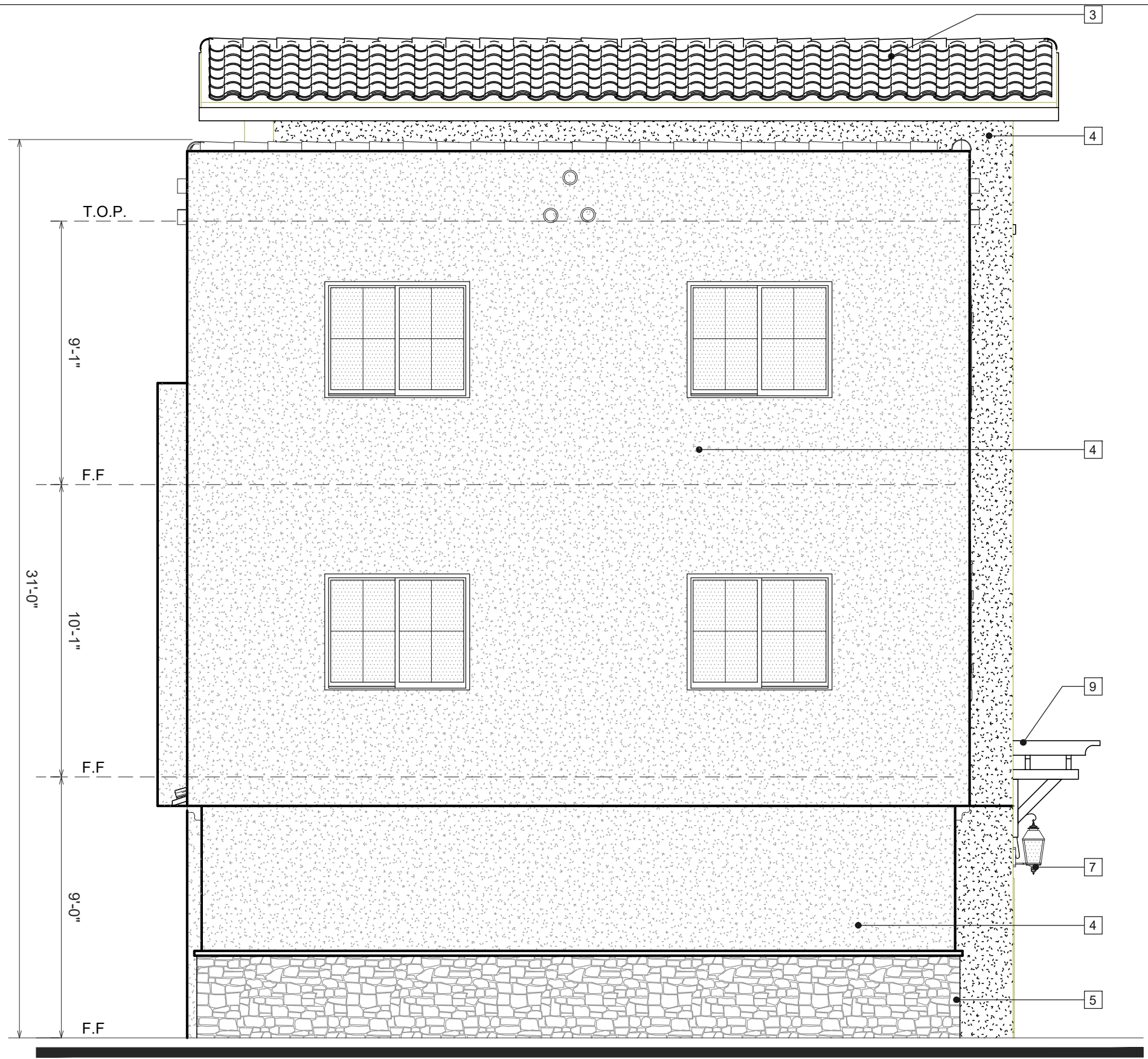
1 UNIT TYPE B FRONT ELEVATION

SCALE: 1/4" = 1' - 0"



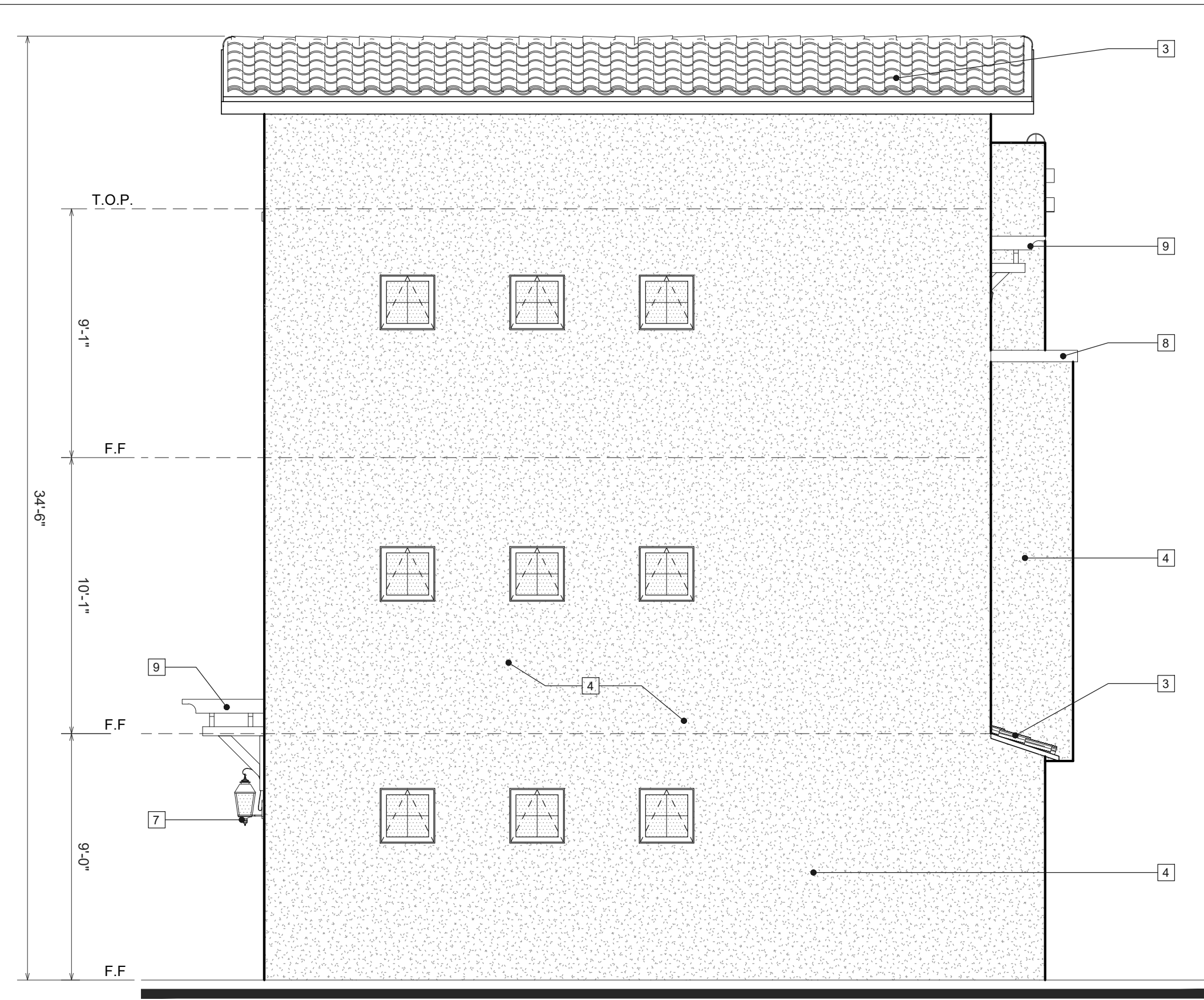
3 UNIT TYPE B SIDE ELEVATION

SCALE: 1/4" = 1' - 0"



2 UNIT TYPE B REAR ELEVATION

SCALE: 1/4" = 1' - 0"



4 UNIT B TYPE SIDE ELEVATION.

SCALE: 1/4" = 1' - 0"

PROJECT:
 GROVE DEVELOPMENT
ADDRESS:
 2121 GROVE ST. NATIONAL CITY, CA 91950
DESIGNER:
 ENE-TE STUDIO

PHASE:

REVISIONS: **DATE:**

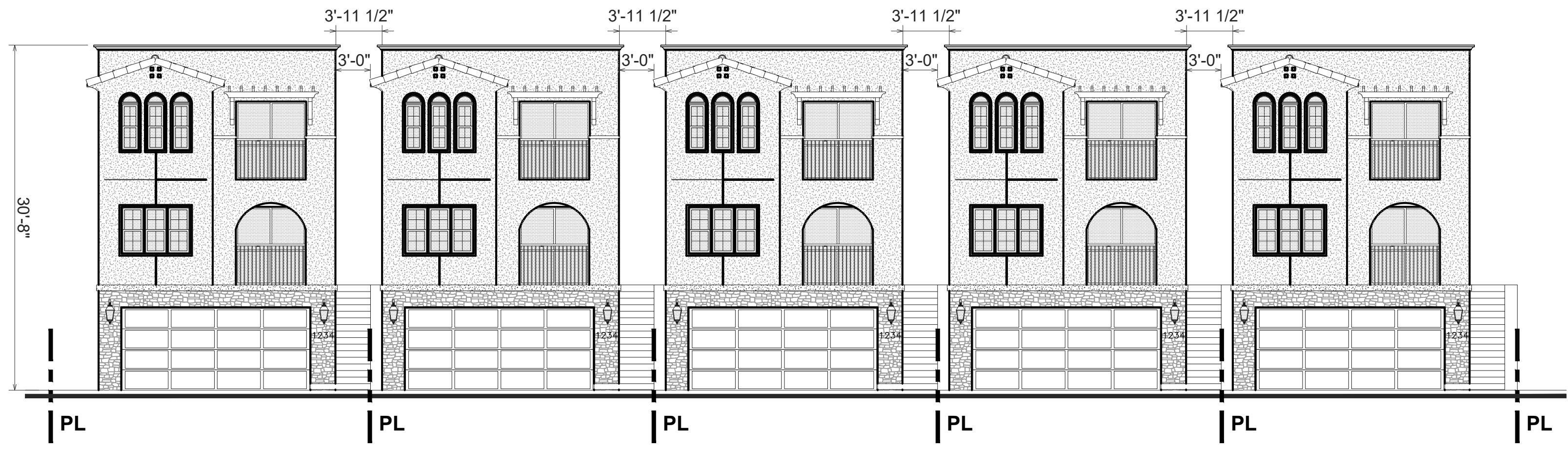
TITLE PAGE:
 UNIT TYPE B
 ELEVATIONS
DATE:
 07/12/22

SHEET NO.
A05

ALL IDEAS, DESIGN ARRANGEMENTS AND PLANS INDICATED OR REPRESENTED BY THIS DRAWING ARE OWNED BY AND THE PROPERTY OF ENE-TE STUDIO AND WERE CREATED, EVOLVED AND DEVELOPED FOR USE ON AND IN CONNECTION WITH THE SPECIFIED PROJECT. NONE OF SUCH IDEAS, ARRANGEMENTS OR PLANS SHALL BE USED BY OR DISCLOSED TO ANY PURPOSE WHATSOEVER WITHOUT THE WRITTEN PERMISSION OF ENE-TE STUDIO.

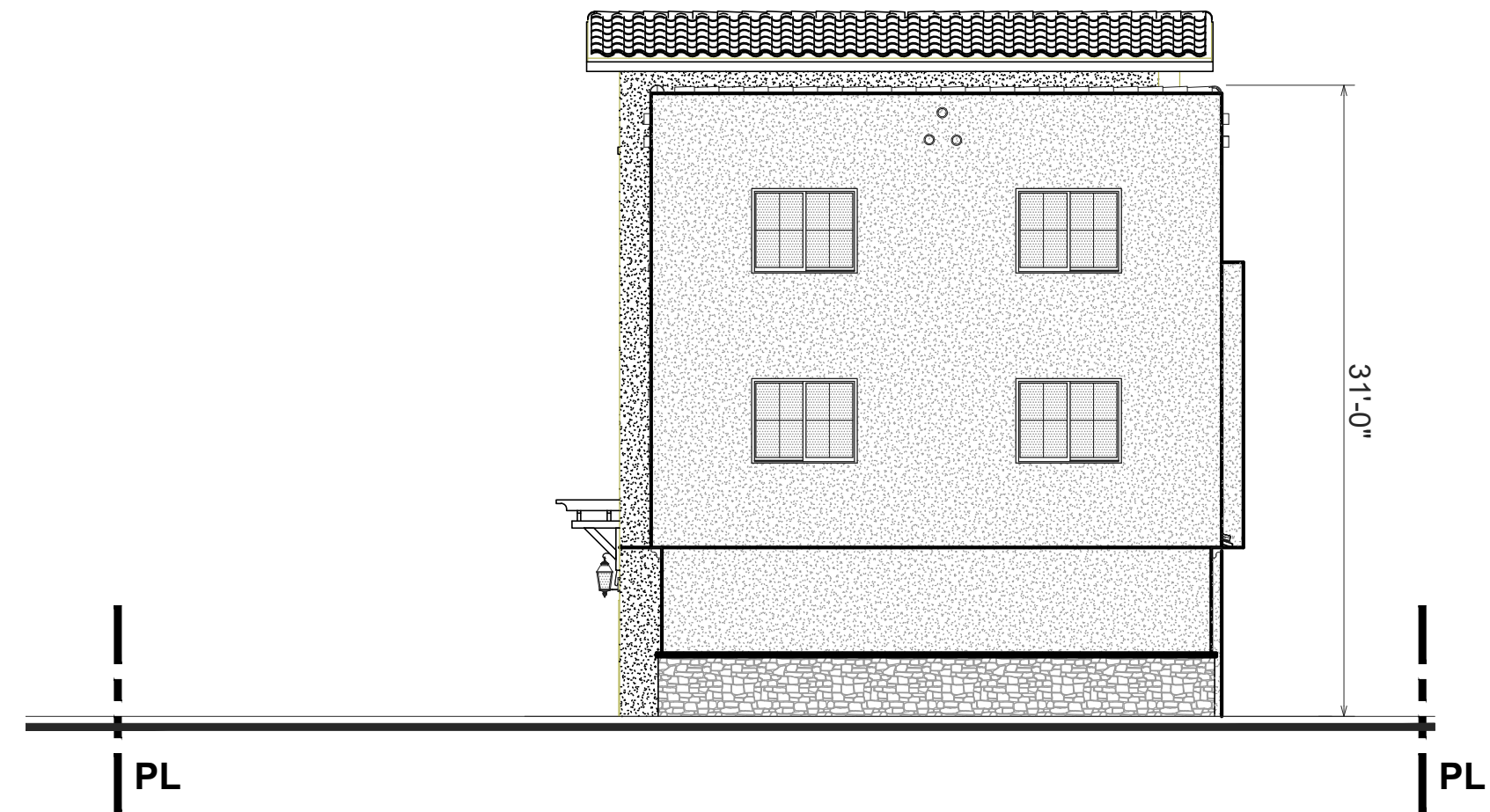


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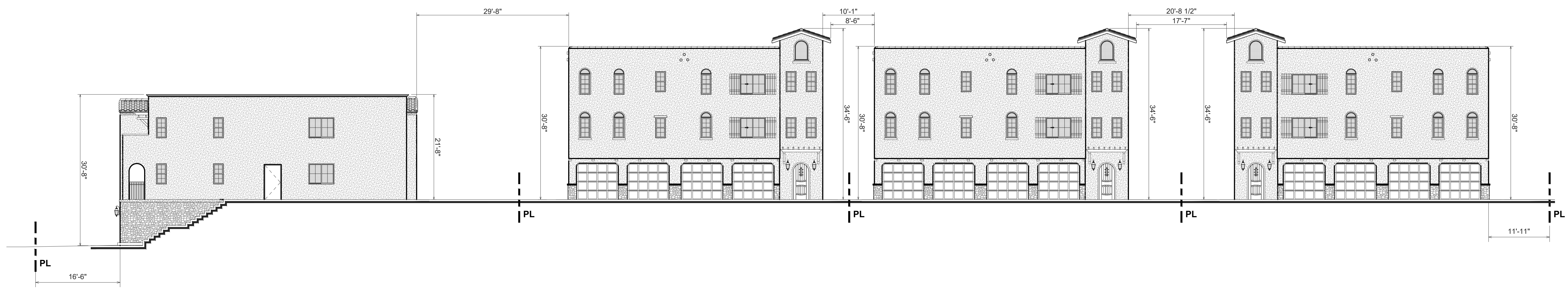
1 GROVE ST. ELEVATION

SCALE: 1/8" = 1' - 0"



2 PROSPECT ST. ELEVATION

SCALE: 1/8" = 1' - 0"



3 SITE CROSS SECTION

SCALE: 1" = 10' - 0"

PROJECT:
 GROVE DEVELOPMENT
ADDRESS:
 2121 GROVE ST. NATIONAL CITY, CA 91950
DESIGNER:
 ENE-TE STUDIO

PHASE:

REVISIONS: DATE:

TITLE PAGE:
 SITE BUILDING ELEVATIONS
DATE:
 07/12/22

SHEET NO.
A06

ALL IDEAS, DESIGN ARRANGEMENTS AND PLANS INDICATED OR REPRESENTED BY THIS DRAWING ARE OWNED BY AND THE PROPERTY OF ENE-TE STUDIO AND WERE CREATED, EVOLVED AND DEVELOPED FOR USE ON AND IN CONNECTION WITH THE SPECIFIED PROJECT. NONE OF SUCH IDEAS, ARRANGEMENTS OR PLANS SHALL BE USED BY OR DISCLOSED TO ANY PURPOSE WHATSOEVER WITHOUT THE WRITTEN PERMISSION OF ENE-TE STUDIO.



VIEW FROM GROVE STREET



VIEW FROM ALLEY 01



VIEW FROM ALLEY 02



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 Directors/Designers
 925 B STREET SUITE 300
 SAN DIEGO, CA 92101
 Cell: 619.760.4422
 619.888.7502
 Email: enetestudio@gmail.com

PROJECT: **GROVE DEVELOPMENT**
 ADDRESS: **2121 GROVE ST. NATIONAL CITY, CA 91950**
 DESIGNER: **ENE-TE STUDIO**

PHASE:

REVISIONS:	DATE:

TITLE PAGE:
 EXTERIOR RENDERINGS
 DATE:
 07/12/22

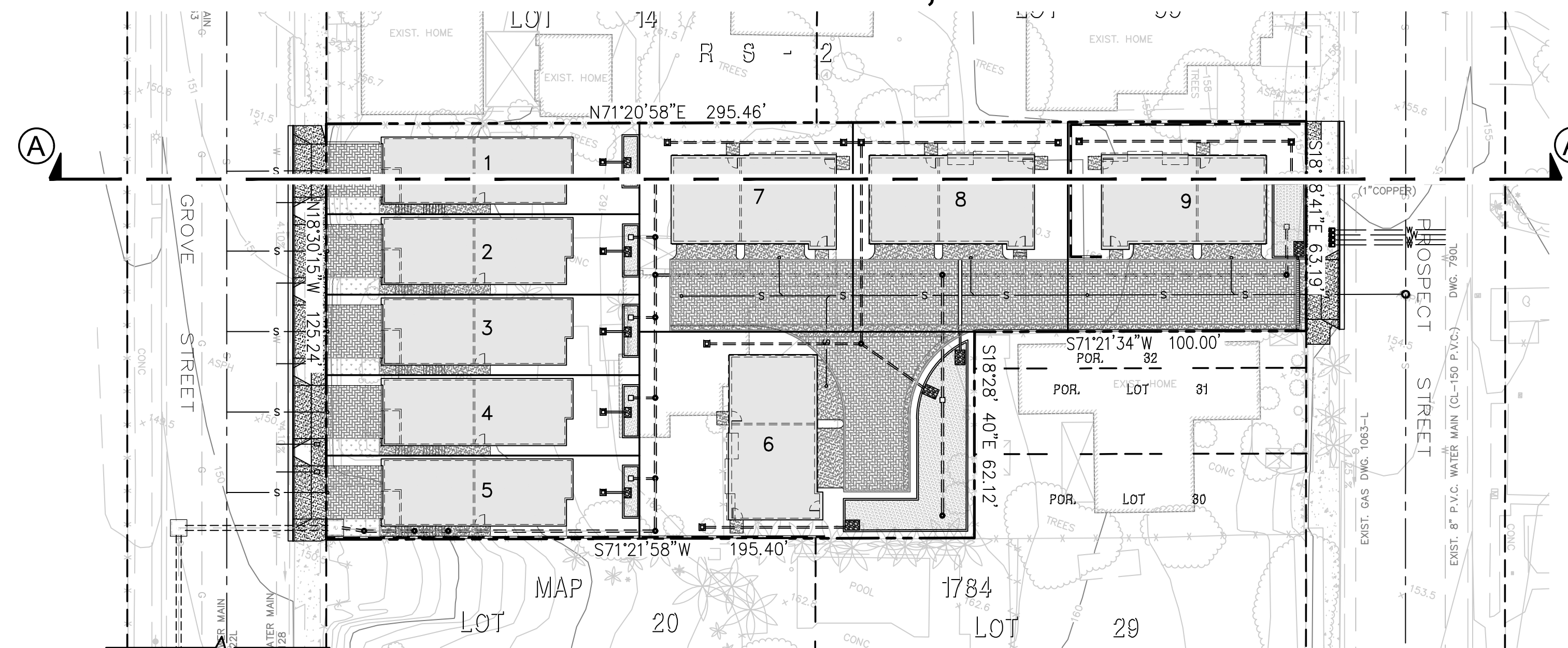
SHEET NO.
A07

GROVE STREET TENTATIVE SUBDIVISION MAP

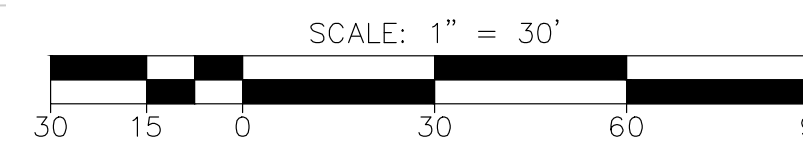
2121 GROVE STREET NATIONAL CITY, CALIFORNIA

LEGEND:

EXISTING SPOT ELEVATION	x (85.7)
EXISTING SEWER	S
EXISTING GAS LINE	G
EXISTING WATER LINE	W
EXISTING EDGE OF PAVEMENT	////
CHAIN LINK FENCE	X X
EXISTING CONTOUR	90
EXISTING STREET LIGHT	☼
RIGHT-OF-WAY	R/W
STREET CENTERLINE	CL
PROPOSED LOT	---
PROPOSED 20' G.U.E. & ACCESS EASEMENT	---
PROPOSED CONTOUR	90
PROPOSED WATER LATERAL	W
PROPOSED 6" SEWER LATERAL	S
PROPOSED STORM DRAIN (SIZE VARIES)	---
BIO-RETENTION LID AREAS	▨
PROPOSED RETAINING WALL	▬
PROPOSED BROOKS BOX	□
PROPOSED FRENCH DRAIN	▬
PROPOSED RIPRAP	▨
PROPOSED STORM DRAIN CLEANOUT	○
PROPOSED PAVERS	▨



LOT TABLE		
Lot Number	Lot Gross Area (S.F.)	Lot Net Area (S.F.)
1	2584	2584
2	2288	2288
3	2288	2288
4	2288	2288
5	2372	2372
6	6286	6286
7	4058	2770
8	4092	2798
9	4540	3115



OWNER/SUBDIVIDER NOTE

WE HEREBY CERTIFY THAT WE ARE THE RECORD OWNERS OF THE PROPERTY SHOWN ON THIS TENTATIVE SUBDIVISION MAP AND THAT SAID MAP SHOWS OUR ENTIRE CONTIGUOUS OWNERSHIP (EXCLUDING SUBDIVISION LOTS). WE UNDERSTAND THAT PROPERTY IS CONSIDERED CONTIGUOUS EVEN IF IT IS SEPARATED BY ROADS, STREETS, UTILITY EASEMENTS OR RAILROADS RIGHTS-OF-WAY.

OWNER / SUBDIVIDER

ARNOLD SCHMIDT
3175 CAUBY STREET #90
SAN DIEGO, CA 92110
(619) 224-0386

ARNOLD SCHMIDT

ENGINEER OF WORK:



VICTOR RODRIGUEZ-FERNANDEZ, R.C.E. NO. 35373

DATE

LEGAL DESCRIPTION

LOT 15, 16, 17, 18 AND 19 IN BLOCK 1 OF WESTVIEW FIRST SUBDIVISION, IN THE CITY OF NATIONAL CITY, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF No. 1784, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, MARCH 6, 1924.

ALSO LOTS 30 TO 34 INCLUSIVE IN BLOCK 1 OF WESTVIEW FIRST SUBDIVISION, IN THE CITY OF NATIONAL CITY, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF No. 1784, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, MARCH 6, 1924.

EXCEPTING THEREFROM THE EASTERLY 100 FEET OF LOTS 30 AND 31, AND THE SOUTHERLY 12 FEET OF THE EASTERLY 100 FEET OF LOT 32 IN SAID BLOCK 1.

GENERAL NOTES:

1. THE COMPLETE TAX ASSESSOR'S PARCEL NUMBER IS: 561-380-24
2. TOTAL NUMBER OF EXISTING LOTS: 1
3. TOTAL NUMBER OF LOTS PROPOSED: 9
4. LAND USE DESIGNATION: SINGLE FAMILY SMALL LOT (RS-2)
5. GENERAL PLAN USE DESIGNATION/LOT ZONING: SINGLE FAMILY EXTENDIBLE (RS-2)
6. ACTUAL GROSS AREA PER THIS TENTATIVE MAP IS 0.707 ACRES GROSS
7. WATER DISTRICT: SWEETWATER AUTHORITY
8. SEWER DISTRICT: NATIONAL CITY
9. ELECTRIC: SAN DIEGO GAS & ELECTRIC
10. GAS: SAN DIEGO GAS & ELECTRIC
11. TELEPHONE: PAC BELL
12. CABLE: COX CABLE CO.
13. SCHOOL DISTRICT(S): NATIONAL SCHOOL DISTRICT
14. TOPO SURVEY: AERIAL TOPOGRAPHY AND FIELD MEASUREMENTS PERFORMED ON AUGUST 2016.
15. EXISTING SITE USE: SINGLE FAMILY HOME
16. PROPOSED SITE USE: 9 SINGLE FAMILY HOMES

AERIAL TOPOGRAPHY

AERIAL TOPOGRAPHY SUPPLIED BY:
ARROW SURVEYS, INC.
1283 E. MAIN STREET, SUITE 204
EL CAJON, CA 92021
FLIGHT DATE: JANUARY 23, 2007

BENCH MARK

2" BRASS DISK SET IN 10" DIAMETER CONCRETE CYLINDER, THE STATION IS LOCATED AT THE SOUTHEAST CORNER OF NATIONAL CITY, ABOUT 1-1/2 MILES NORTHWEST OF BONITA.

EARTHWORK:

CUT: 1,255 C.Y.
FILL: 385 C.Y.
EXPORT: 870 C.Y.

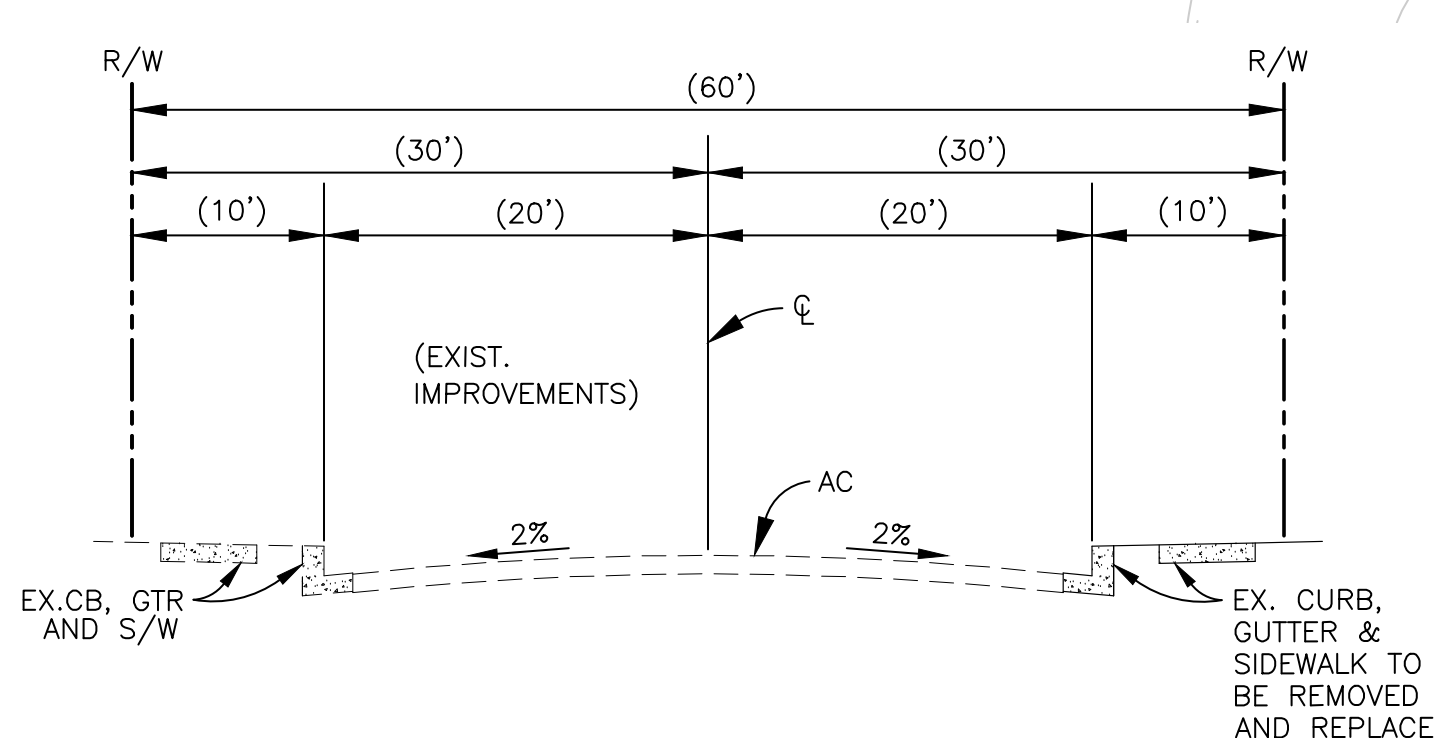
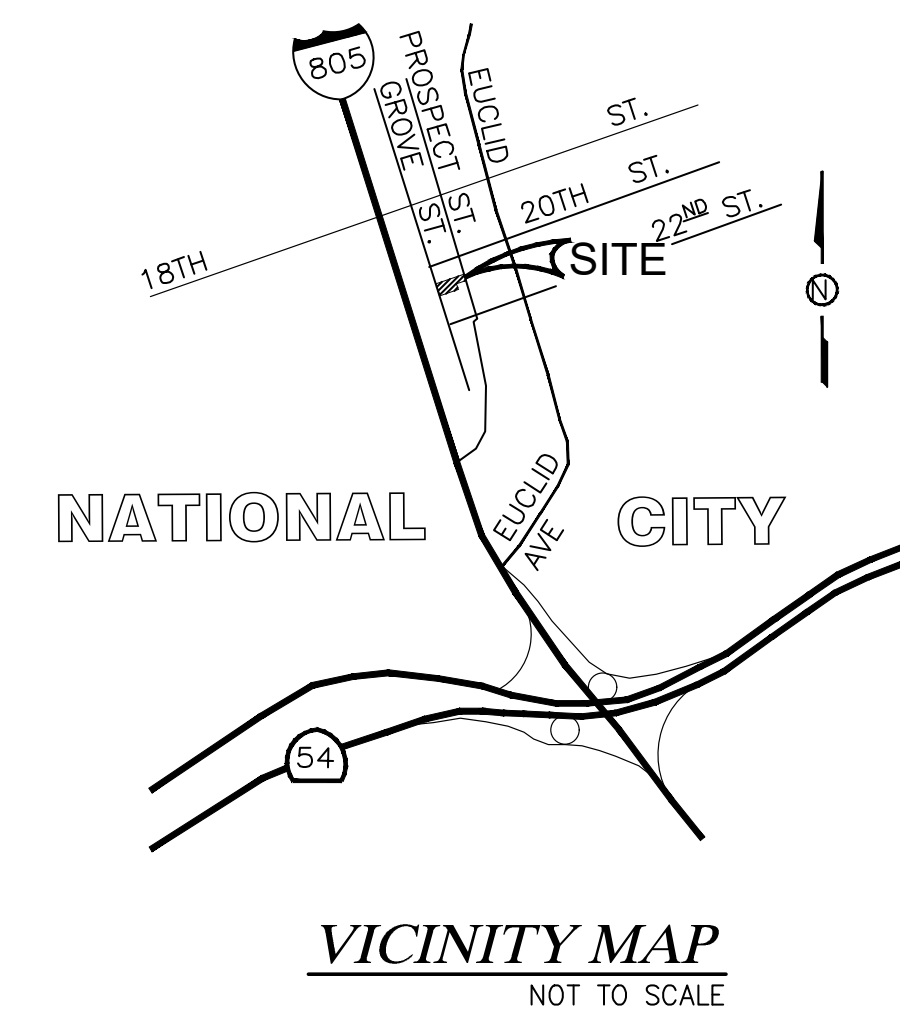
TM NO. _____

1ST SUBMITTAL: 12/20/2018
2ND SUBMITTAL: 05/ /2019
3RD SUBMITTAL:

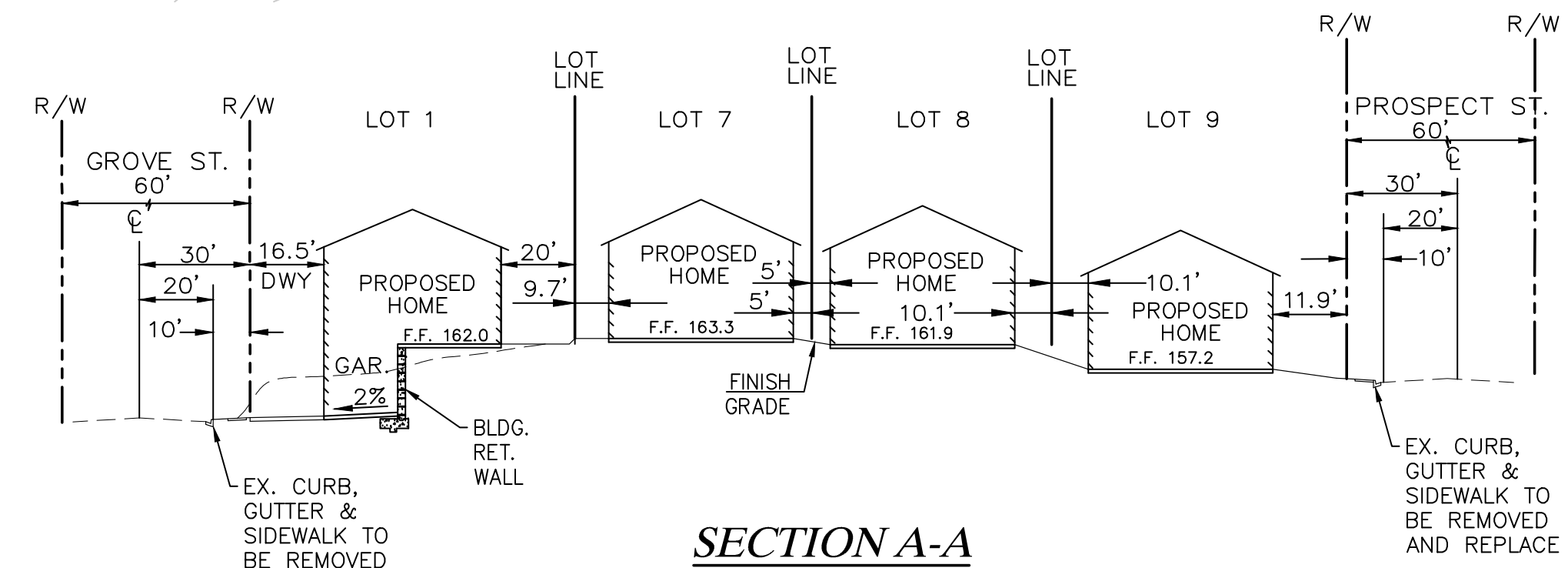
AP CONSULTING
CIVIL ENGINEERING - WATER RESOURCES PLANNING
Tel. 619-227-8941
2371 Fenton Street, Suite 100
Chula Vista, CA 91914

DEVELOPMENT STANDARDS RS-2		
PRIMARY STRUCTURE MINIMUM SETBACKS	CITY STANDARD	DEVIATION
FRONT	20'	NONE
SIDE-INTERIOR	5'	0'
SIDE-EXTERIOR	10'	
REAR	25'	VARIOUS
MINIMUM LOT AREA	5,000 SF	2,556 SF
MINIMUM STREET FRONTAGE (STANDARD)	50'	
MINIMUM STREET FRONTAGE (LOTS ON THE BULB OF A CUL-DE-SAC)	36'	
MAXIMUM DENSITY	ONE D.U. PER LOT	NONE
MAXIMUM LOT COVERAGE	75%	NONE

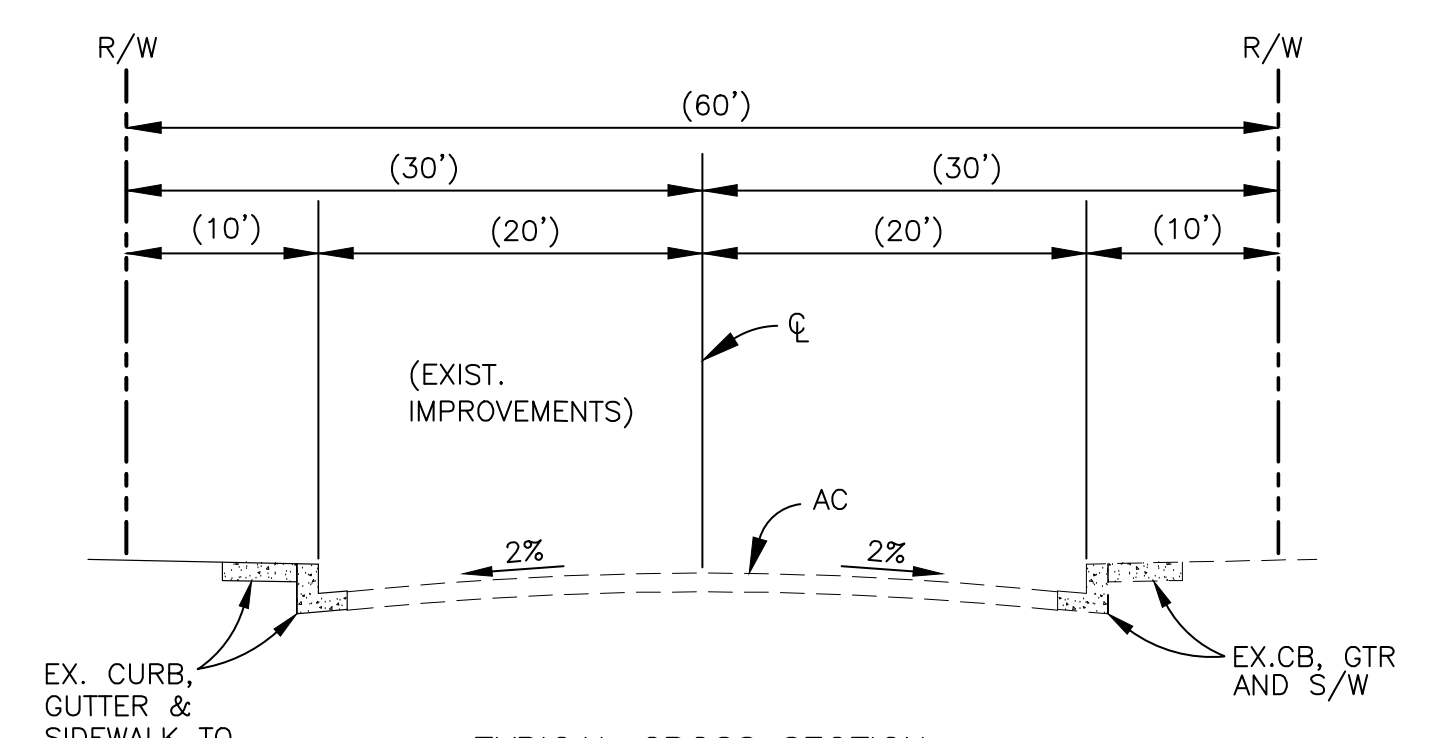
TM1



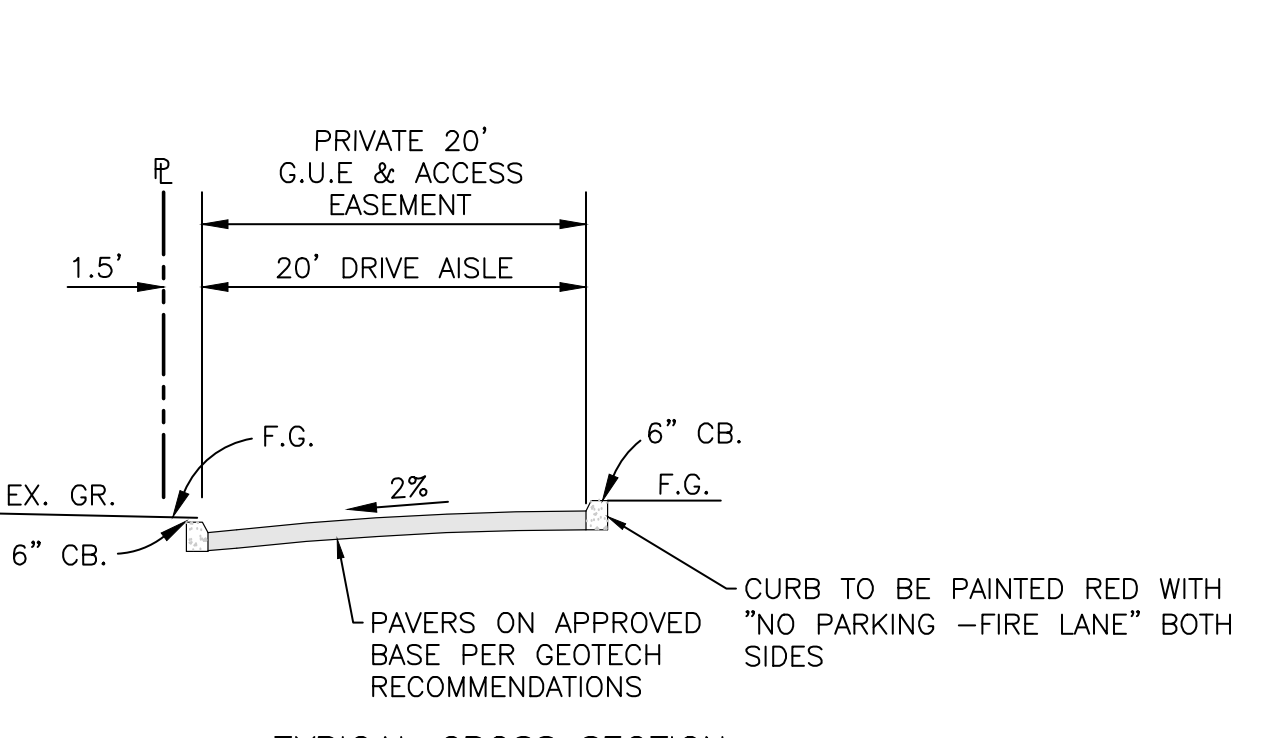
**TYPICAL CROSS SECTION
GROVE STREET**
NOT TO SCALE



SECTION A-A
NOT TO SCALE



**TYPICAL CROSS SECTION
PROSPECT STREET**
NOT TO SCALE



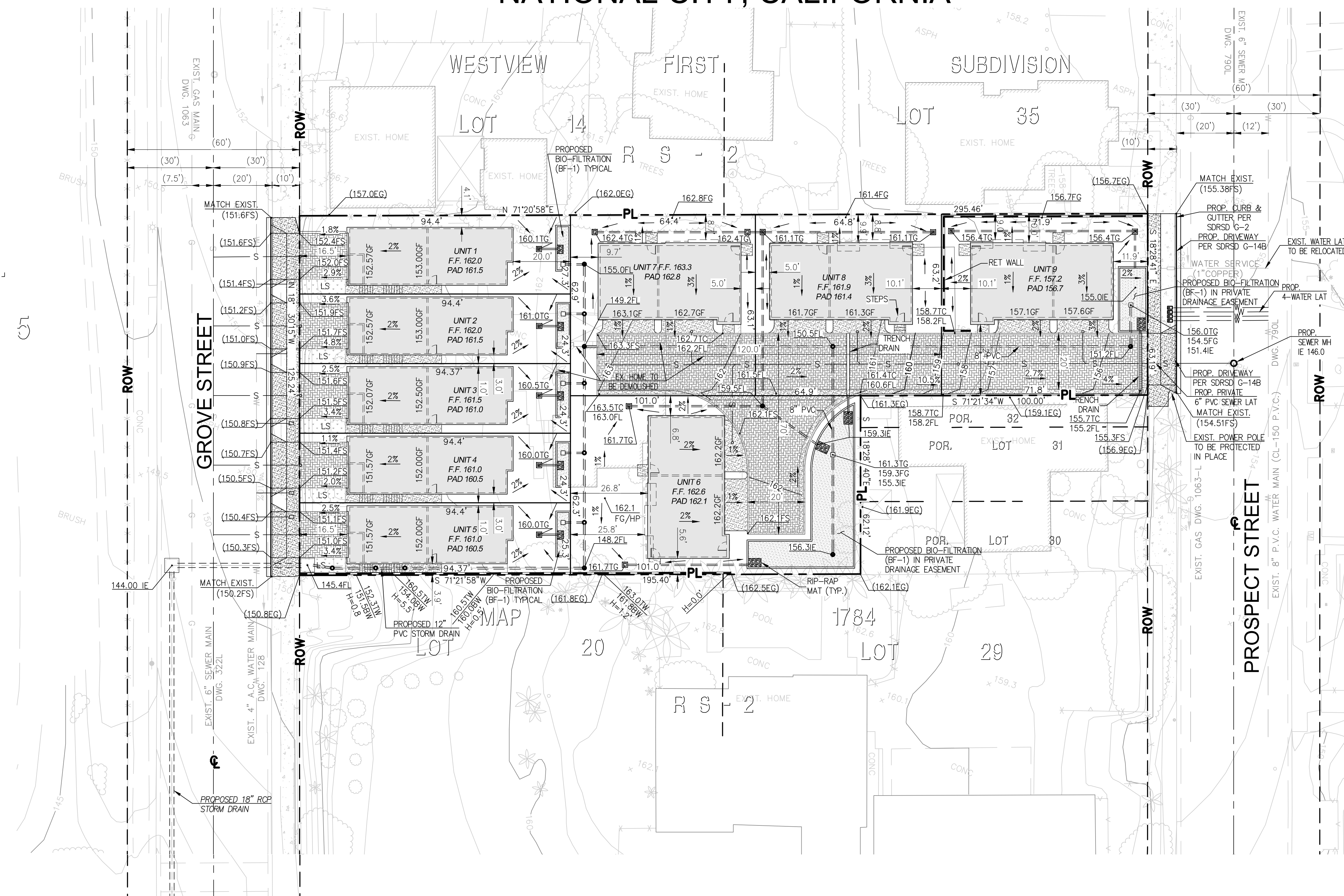
**TYPICAL CROSS SECTION
PRIVATE DRIVE AISLE**
NOT TO SCALE

GROVE STREET TENTATIVE SUBDIVISION MAP

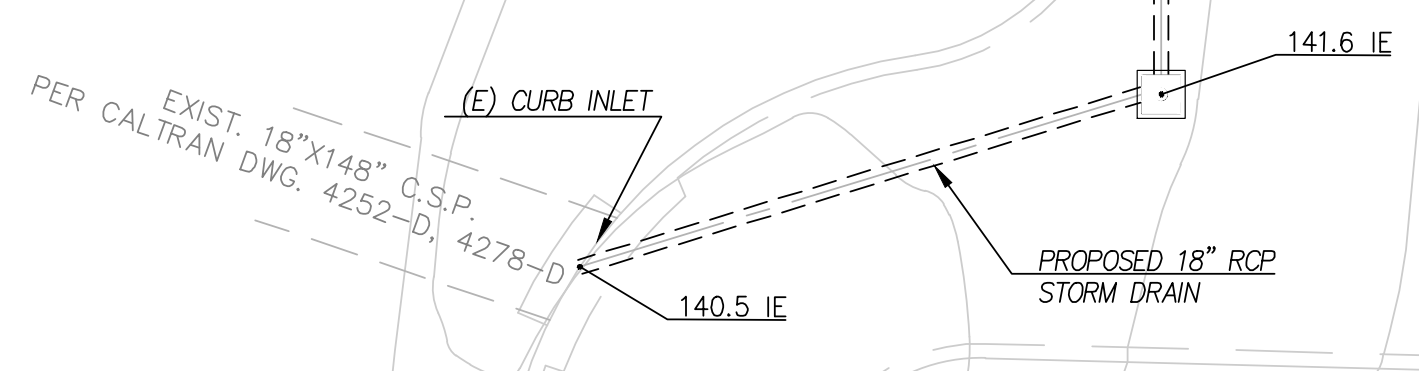
2121 GROVE STREET

NATIONAL CITY, CALIFORNIA

0.3
1-303



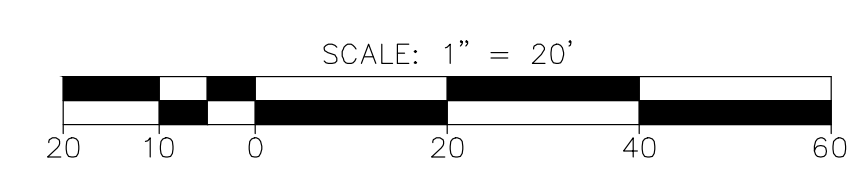
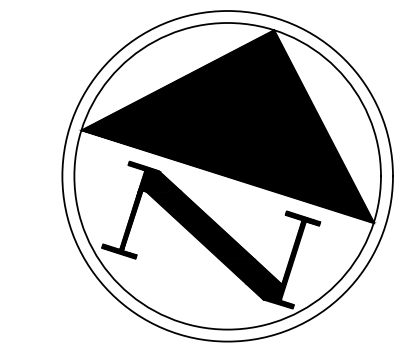
DEMOLITION NOTE:
ALL EXISTING STRUCTURES, HOME AND TREES WITHIN PROJECT SITE ARE TO BE REMOVED.



ENGINEER OF WORK:



VICTOR RODRIGUEZ-FERNANDEZ, R.C.E. NO. 35373



AP CONSULTING
CIVIL ENGINEERING - WATER RESOURCES PLANNING
Tel: 619-227-8941
2371 Fenton Street, Suite 100
Chula Vista, CA 91914

TM2

DEVELOPMENT STANDARDS RS-2		
PRIMARY STRUCTURE MINIMUM SETBACKS	CITY STANDARD	DEVIATION
FRONT	20'	NONE
SIDE-INTERIOR	5'	0'
SIDE-EXTERIOR	10'	
REAR	25'	VARIOUS
MINIMUM LOT AREA	5,000 SF	2,556 SF
MINIMUM STREET FRONTAGE (STANDARD)	50'	
MINIMUM STREET FRONTAGE (LOTS ON THE BULB OF A CUL-DE-SAC)	36'	
MAXIMUM DENSITY	ONE D.U. PER LOT	NONE
MAXIMUM LOT COVERAGE	75%	NONE

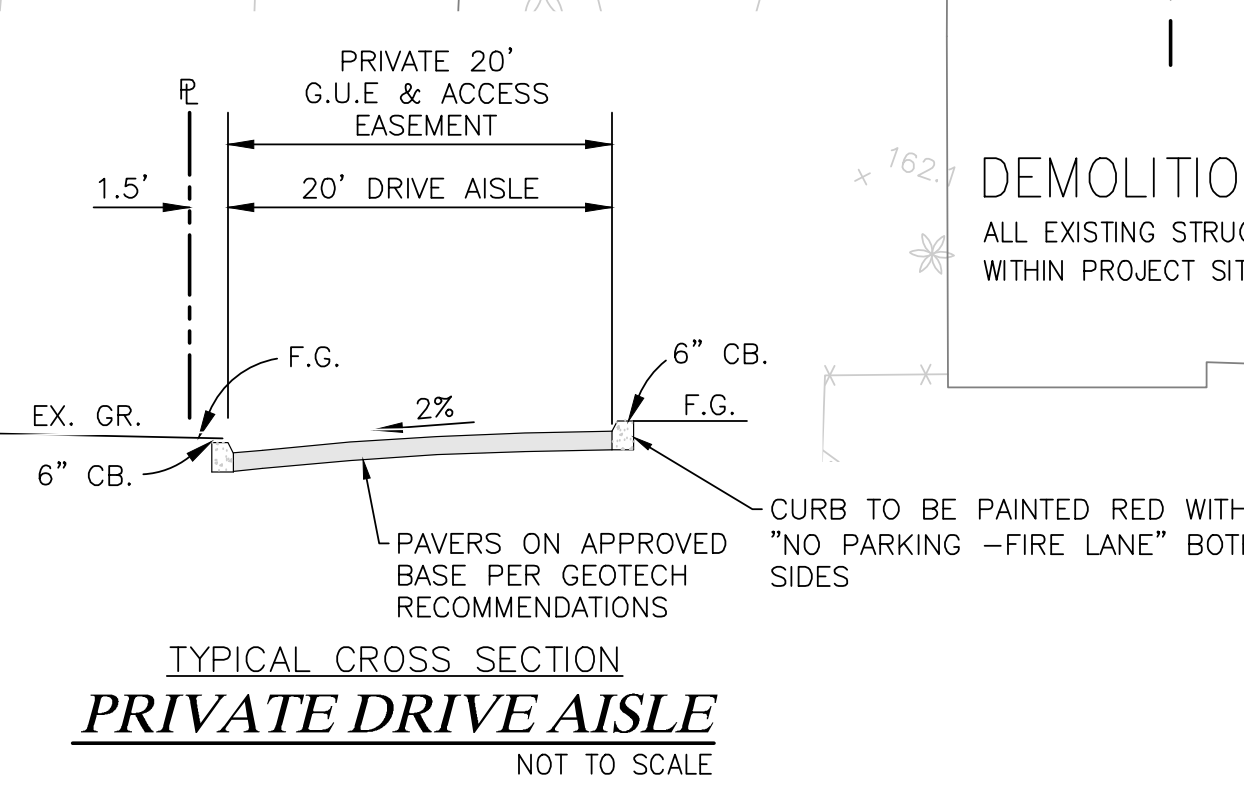
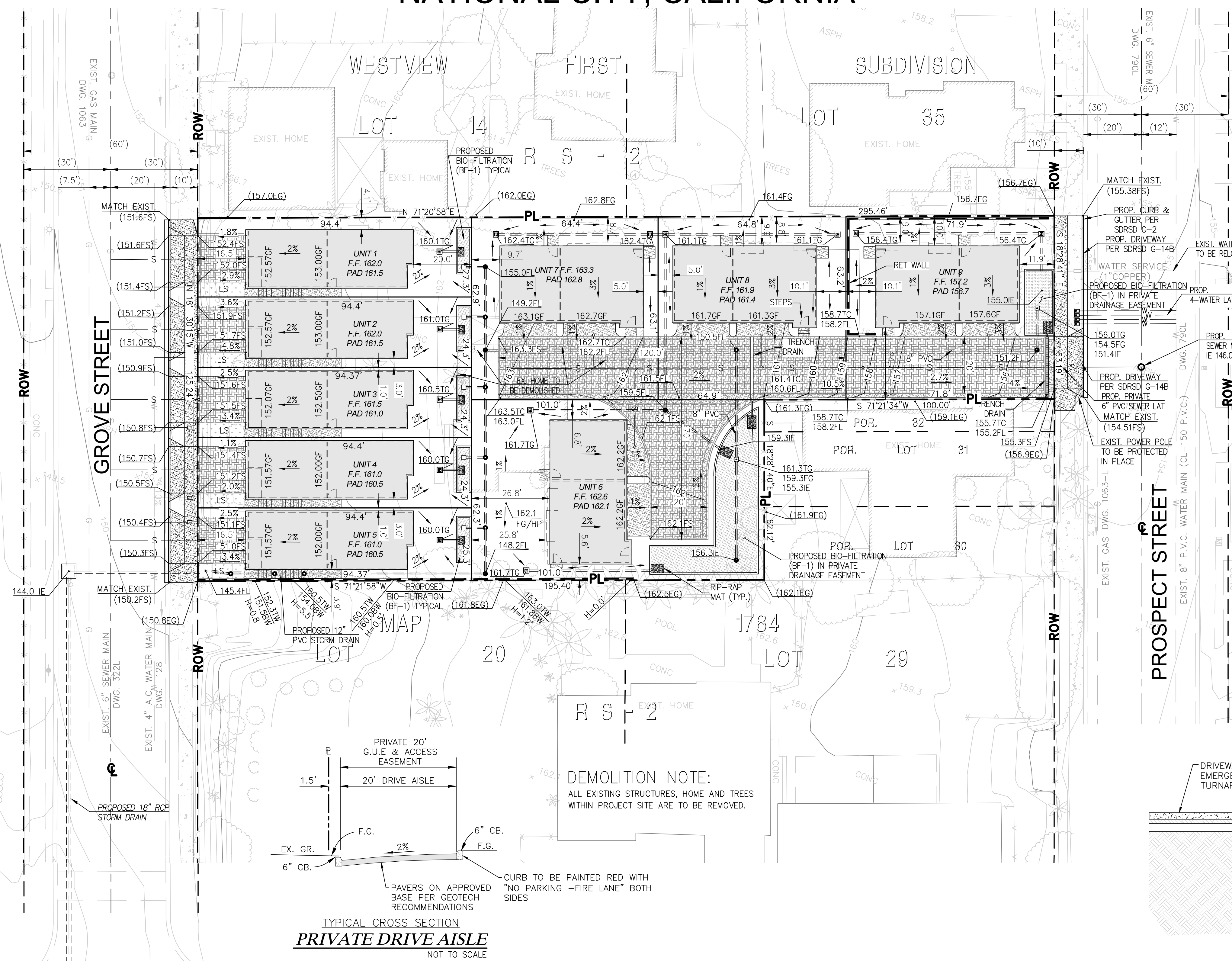
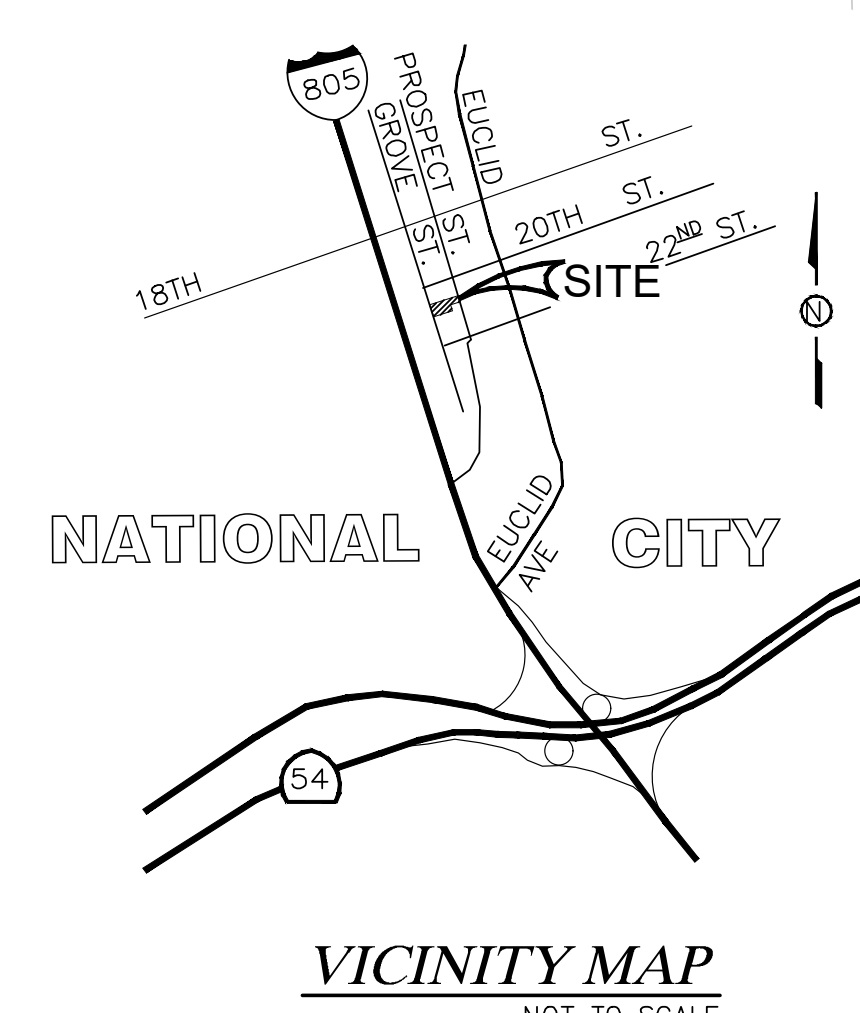
CONCEPTUAL GRADING AND DRAINAGE PLAN

2121 GROVE STREET

NATIONAL CITY, CALIFORNIA

LEGEND:

- EXISTING SPOT ELEVATION X (89.7)
- EXISTING SEWER S
- EXISTING GAS LINE C
- EXISTING WATER LINE W
- EXISTING EDGE OF PAVEMENT - - - - -
- CHAIN LINK FENCE X
- EXISTING CONTOUR - - - - -
- EXISTING STREET LIGHT - - - - -
- RIGHT-OF-WAY R/W
- STREET CENTERLINE C
- PROPOSED LOT - - - - -
- PROPOSED 20' G.U.E. & ACCESS EASEMENT - - - - -
- PROPOSED CONTOUR - - - - -
- PROPOSED WATER LATERAL W
- PROPOSED 6" SEWER LATERAL S
- PROPOSED STORM DRAIN (SIZE VARIES) - - - - -
- BIO-RETENTION LID AREAS [Symbol]
- PROPOSED RETAINING WALL [Symbol]
- PROPOSED STORM DRAIN CLEANOUT [Symbol]
- PROPOSED BROOKS BOX [Symbol]
- PROPOSED FRENCH DRAIN [Symbol]
- PROPOSED RIPRAP [Symbol]
- PROPOSED STORM DRAIN CLEANOUT [Symbol]
- PROPOSED PAVERS [Symbol]



DEMOLITION NOTE:
ALL EXISTING STRUCTURES, HOME AND TREES WITHIN PROJECT SITE ARE TO BE REMOVED.

OWNER / SUBDIVIDER

ARNOLD SCHMIDT
3175 CAUBY STREET #90
SAN DIEGO, CA 92110
(619) 224-0386

ARNOLD SCHMIDT

ENGINEER OF WORK:



VICTOR RODRIGUEZ-FERNANDEZ, R.C.E. NO. 35373

LEGAL DESCRIPTION

LOT 15, 16, 17, 18 AND 19 IN BLOCK 1 OF WESTVIEW FIRST SUBDIVISION, IN THE CITY OF NATIONAL CITY, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF No. 1784, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, MARCH 6, 1924.

ALSO LOTS 30 TO 34 INCLUSIVE IN BLOCK 1 OF WESTVIEW FIRST SUBDIVISION, IN THE CITY OF NATIONAL CITY, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF No. 1784, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, MARCH 6, 1924.

EXCEPTING THEREFROM THE EASTERLY 100 FEET OF LOTS 30 AND 31, AND THE SOUTHERLY 12 FEET OF THE EASTERLY 100 FEET OF LOT 32 IN SAID BLOCK 1.

AERIAL TOPOGRAPHY

AERIAL TOPOGRAPHY SUPPLIED BY:
ARROW SURVEYS, INC.
1283 E. MAIN STREET, SUITE 204
EL CAJON, CA 92021
FLIGHT DATE: JANUARY 23, 2007

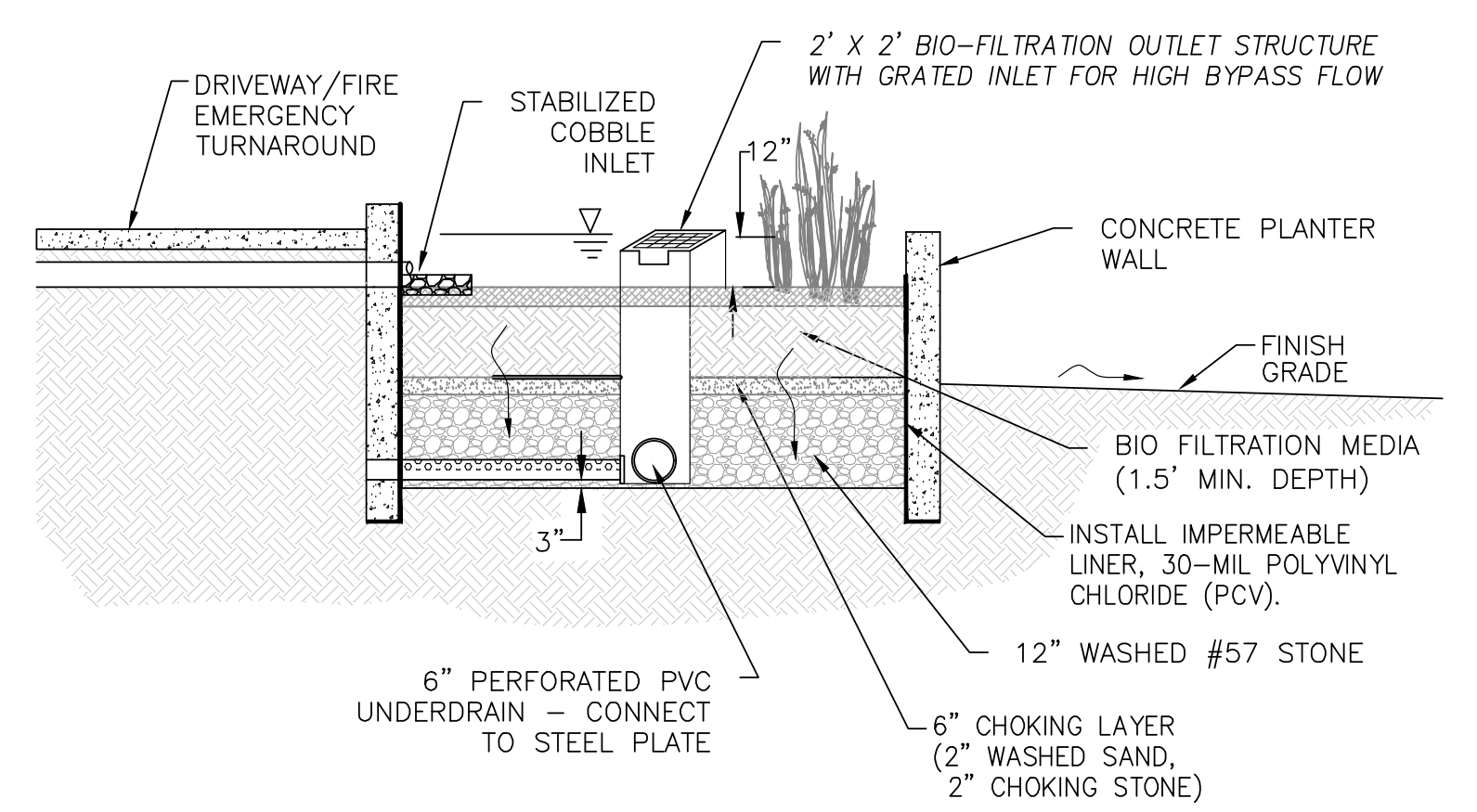
BENCH MARK

2" BRASS DISK SET IN 10" DIAMETER CONCRETE CYLINDER, THE STATION IS LOCATED AT THE SOUTHEAST CORNER OF NATIONAL CITY, ABOUT 1-1/2 MILES NORTHWEST OF BONITA.

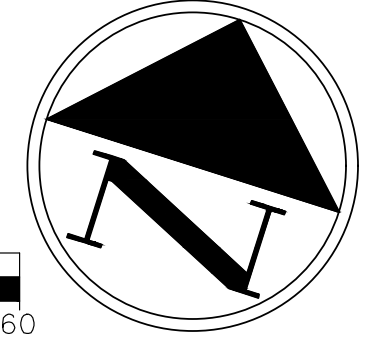
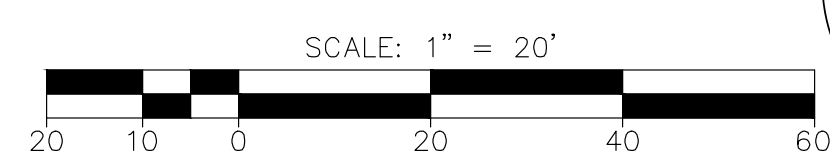
EARTHWORK:

CUT: 1,255 C.Y.
FILL: 385 C.Y.
EXPORT: 870 C.Y.

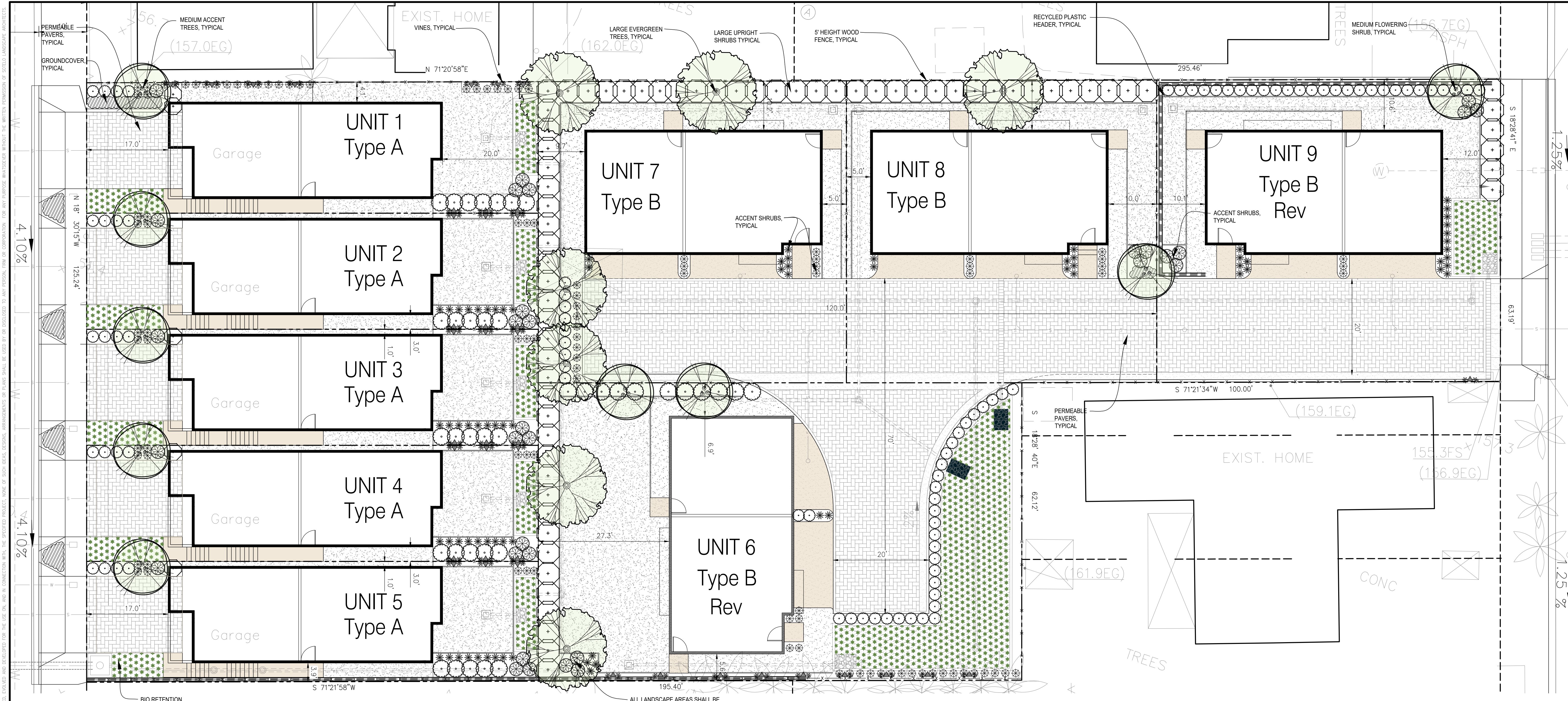
1ST SUBMITTAL: 12/20/2018
2ND SUBMITTAL: 05/ /2019
3RD SUBMITTAL:



OWNER INFORMATION	SITE INFORMATION	DEVELOPMENT STANDARDS RS-2		
NAME: ARNOLD SCHMIDT	A.P.N.: 561-380-24	PRIMARY STRUCTURE MINIMUM SETBACKS	CITY STANDARD	DEVIATION
ADDRESS: 3175 CAUBY STREET #90	ADDRESS: 2121 GROVE STREET	FRONT	20'	NONE
CITY: SAN DIEGO	ADDRESS: NATIONAL CITY, CA 91950	SIDE-INTERIOR	5'	0'
STATE: CALIFORNIA	ZONE: RS-2	SIDE-EXTERIOR	10'	
ZIP: 92110	TOTAL AREA: 30,797 S.F. (0.707 ACRES)	REAR	25'	VARIOUS
PHONE: (619) 224-0386		MINIMUM LOT AREA	5,000 SF	2,556 SF
		MINIMUM STREET FRONTAGE (STANDARD)	50'	
		MINIMUM STREET FRONTAGE (LOTS ON THE BULB OF A CUL-DE-SAC)	36'	
		MAXIMUM DENSITY	ONE D.U. PER LOT	NONE
		MAXIMUM LOT COVERAGE	75%	NONE



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PLANT LIST

ABBR	SIZE	QTY	SCIENTIFIC NAME	COMMON NAME	WUCOLS
MEDIUM ACCENT TREES					
ARB. MAR.	24" BOX	#	ARBUTUS MARINA (MULTI-TRUNK)	STRAWBERRY TREE	L
ELA. L.E.	24" BOX	#	*ELAEOCARPUS DECIPUENS 'MONPROUD' (STD FORM)	LITTLE EMPEROR JAPANESE BLUEBERRY TREE	M
LAG. FAU.	24" BOX	#	LAGERSTROEMIA FAURIEI 'MUSKOGEE'	LAVENDER CRAPE MYRTLE	M
LARGE EVERGREEN TREES					
TRI. CON.	24" BOX	#	TRISTANIA CONFERTA	BRISBANE BOX	M
ACCENT SHRUBS					
AGA. DES.	5 GAL.	#	AGAVE DESMETIANA 'VARIEGATA'	VARIEGATED SMOOTH AGAVE	L
AGA. B.F.	5 GAL.	#	AGAVE 'BLUE FLAME'	BLUE FLAME AGAVE	L
AGA. B.G.	5 GAL.	#	AGAVE 'BLUE GLOW'	BLUE GLOW AGAVE	L
BUL. FRU.	1 GAL.	#	BULBINE FRUTESCENS	STALKED BULBINE	L
DIE. BIC.	1 GAL.	#	DIETES BICOLOR	BICOLOR AFRICAN IRIS	L
LOM. LON.	1 GAL.	#	LOMANDRA LONGIFOLIA 'BREEZE'	DWARF MAT RUSH	L
LOM. P.B.	1 GAL.	#	LOMANDRA 'PLANTINUM BEAUTY'	PLATINUM BEAUTY DWARF MAT RUSH	L
MIS. SIN.	1 GAL.	#	MISCANTHUS SINENSIS 'MORNING LIGHT'	MORNING LIGHT MAIDEN GRASS	M
PHO. M.C.	5 GAL.	#	PHORMIUM 'MAORI CHEIF'	MAORI CHEIF NEW ZEALAND FLAX	M
UPRIGHT SHRUBS					
CUP. T.T.	15 GAL.	#	CUPRESSUS TINY TOWER	DWARF ITALIAN CYPRESS	L
LIG. TEX.	5 GAL.	#	LIGUSTRUM J. 'TEXANUM'	TEXAS PRIVET	M
PIT. S.S.	5 GAL.	#	PITTIOSPORUM TENUIFOLIUM 'SILVER SHEEN'	SILVER SHEEN KOHUIHU	M
POD. I.B.	24" BOX	#	PODOCARPUS ICEE BLUE	ICEE BLUE YEW PINE	M
TEC. STA.	5 GAL.	#	TECOMA STANS	YELLOW BELLS	L

ABBR	SIZE	QTY	SCIENTIFIC NAME	COMMON NAME	WUCOLS
MEDIUM FLOWERING SHRUBS					
LAN. N.G.	5 GAL.	#	LANTANA 'NEW GOLD'	NEW GOLD LANTANA	VL
RHA. U.M.	15 GAL.	#	RHAPHIOLEPIS UMBELLATA 'MINOR'	DWARF YEDDO HAWTHORN	L
WES. G.B.	5 GAL.	#	WESTRINGIA FRUTICOSA 'GREY BOX'	DWARF COAST ROSEMARY	L
VINES					
DIS. RIV.	15 GAL.	#	DISTICTIS 'RIVERS'	ROYAL TRUMPET VINE	M
LON. HAL.	5 GAL.	#	LONICERA JAPONICA 'HALLIANA'	HALL'S JAPANESE HONEYSUCKLE	L
GROUNDCOVERS					
BAC. P.P.	5 GAL.	#	BACCHARIS PIGEON POINT	DWARF COYOTE BRUSH	L
FES. OVI.	1 GAL.	#	FESTUCA OVINA	BLUE FESCUE	L
SEN. MAN.	FLATS	12" O.C.	SENECIO MANDRILSCAE	BLUE CHALK STICKS	L
ROS. O.P.	1 GAL.	#	ROSMARINUS OFFICINALIS PROSTRATUS	PROSTRATE ROSEMARY	VL
BIO RETENTION					
CAR. DIV.	1 GAL.	#	CAREX DIVULSA	GRASSLAND SEDGE	L
CHO. TEC.	1 GAL.	#	CHONDROPETALUM TECTORUM	SMALL CAPE RUSH	L



LANDSCAPE CONCEPT PLAN
SCALE 1"=10'-0"



LANDSCAPE CONCEPT PLAN

SHEET
L1.0

2018-33 S, SPR – 2121 Grove St. – Overhead

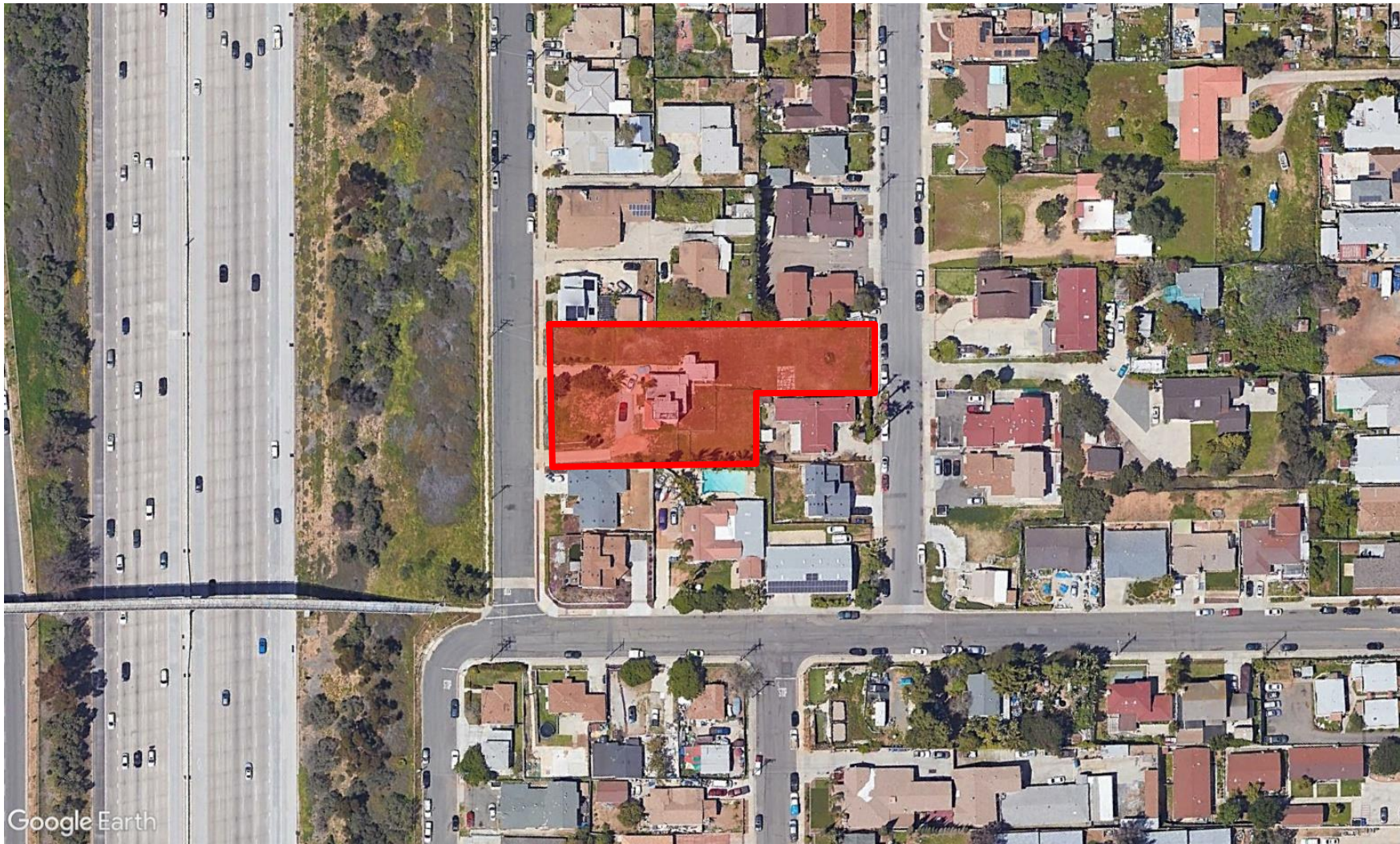


EXHIBIT C

2018-02 S, SPR – 2121 Grove St. – Site Photos



Grove Street looking east to existing home at 2121 Grove Street



Prospect Street looking west to rear portion of property

Public Hearing

TENTATIVE SUBDIVISION MAP FOR THE
DIVISION OF ONE LOT INTO NINE ON A
PROPERTY LOCATED AT 2121 GROVE
STREET.



Site Characteristics

- 2121 GROVE STREET
 - RS-2 (Small Lot Residential)
 - 0.7-acre property
 - Developed with one existing single-family home
 - Frontage on both Grove Street and Prospect Street
 - Slopes up toward the middle of the property
 - Surrounding development is residential
 - Single and multi-family residential to the north and east
 - Single-family residential to the south
 - I-805 to the west



Overhead



Overhead



Overhead



Site Photos



Site Photos

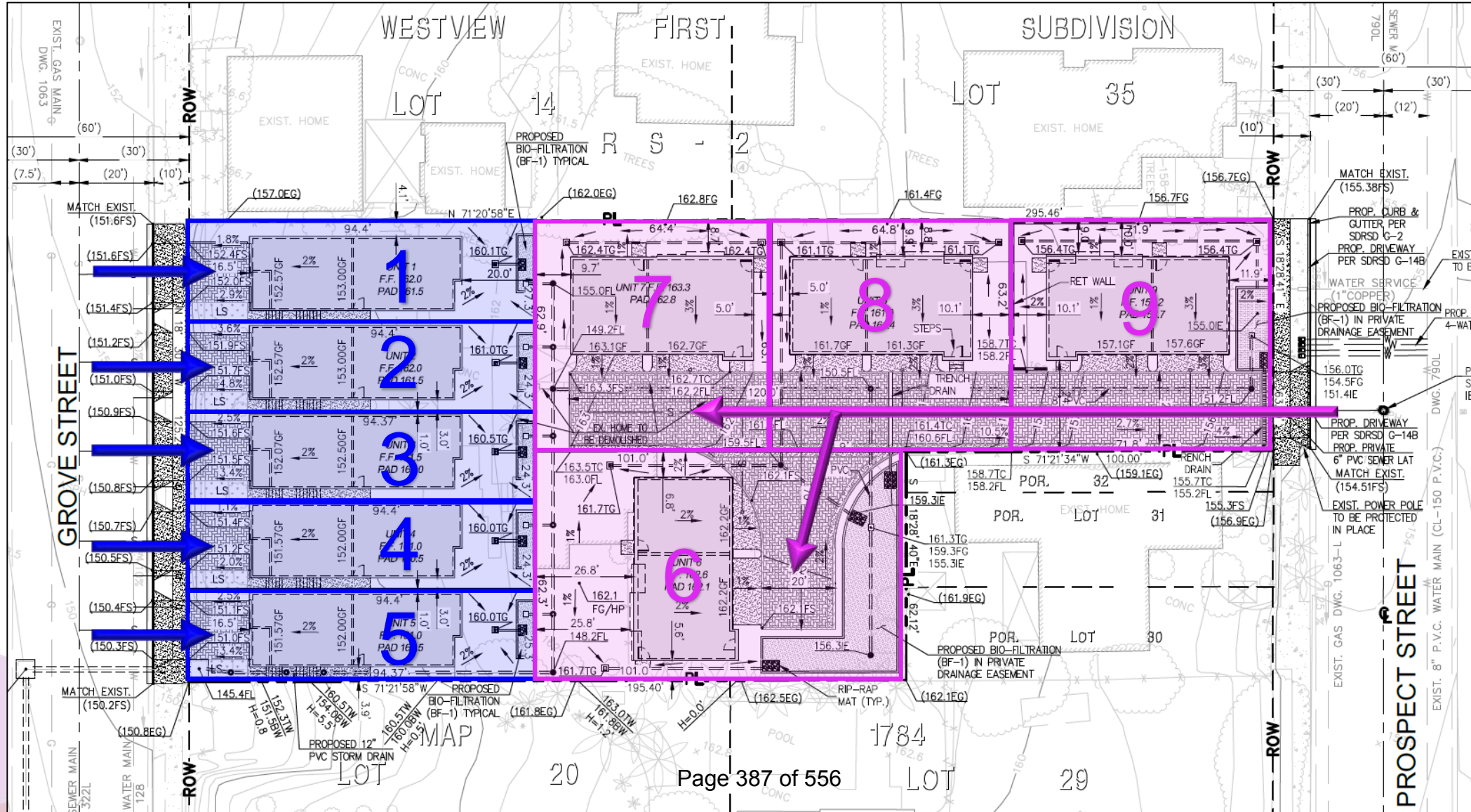


Proposal

- TENTATIVE SUBDIVISION MAP DIVIDING ONE LOT INTO NINE
 - Applicant is requesting a density bonus pursuant to California Government Code Section 65915 (Density Bonus Law)
 - Proposal includes one unit affordable to low income households
 - Eligible for a 20% bonus in density
 - Incentive and waivers requested
 - Lots 1-5 have frontage on Grove Street
 - Lots range in size from 2,288 to 2,584 square feet
 - Units are 2,182 square-foot two-story townhouses
 - Lots 6-9 take access from Prospect Street and a private access driveway
 - Lots range in size from 4,058 to 6,286 square feet
 - Units are 2,641 square-foot three-story townhouses



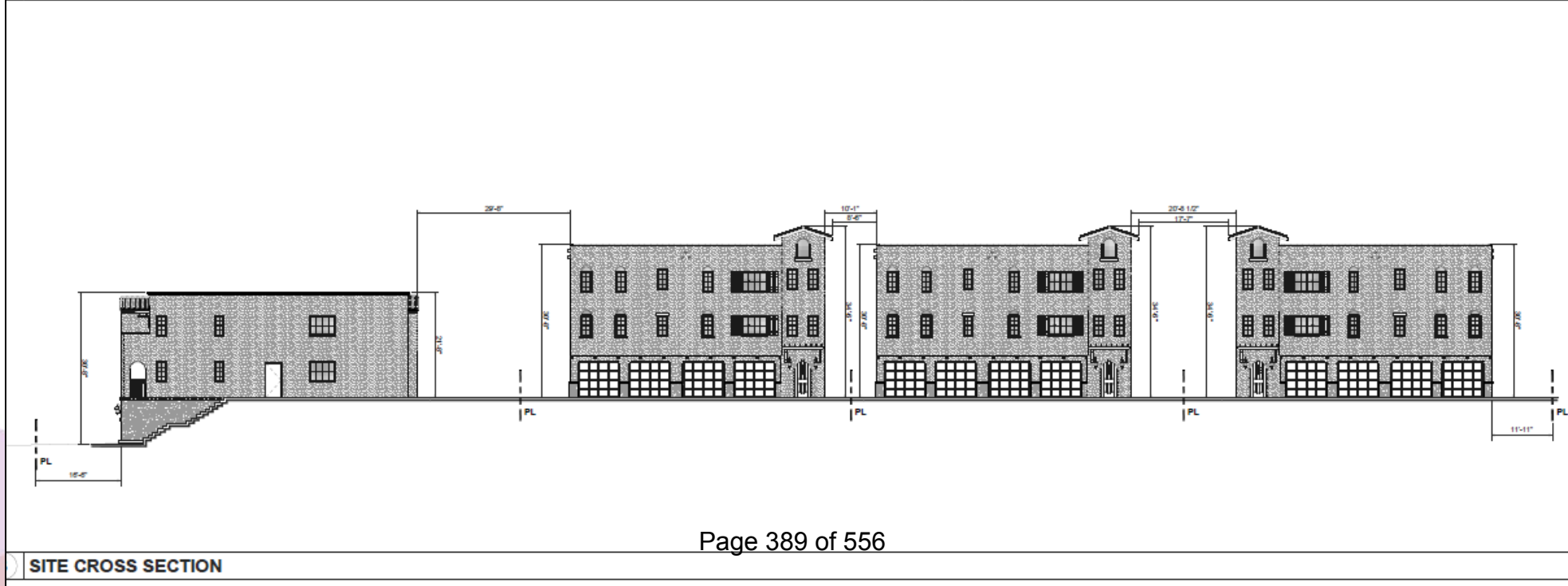
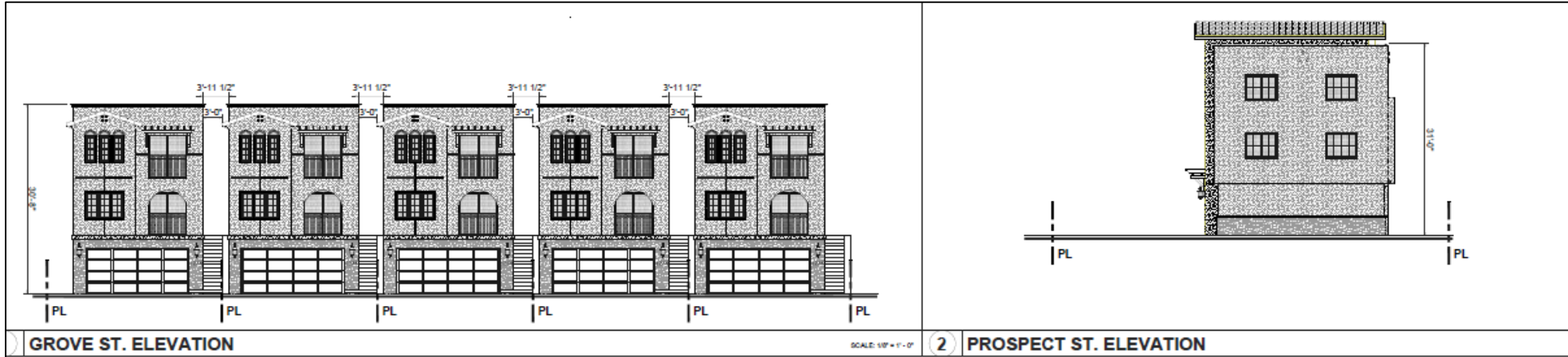
Site Plan



Renderings



Elevations/Cross Section



Analysis

- PROPOSAL CONSISTENT WITH GENERAL PLAN
 - Policy LU 4.3
 - Promote infill development, redevelopment, rehabilitation, and reuse efforts that contribute positively to existing neighborhoods and surrounding areas.
 - Housing Element
 - One for-sale unit affordable to low income households
 - Density
 - Low-Medium Density Residential land use designation
 - Up to nine dwelling units per acre – *maximum allowable residential density*
 - Project density of 12 units per acre is permitted under Density Bonus Law



Analysis (cont.)

- PROPOSAL CONSISTENT WITH SUBDIVISION ORDINANCE
 - Title 17 has requirements for dedications, improvements, design standards, and conformance with Title 18 (Land Use Code)
 - The site is on an established block with existing development fronting Grove Street or Prospect Street. No additional public streets are required to be dedicated.
 - Required improvements are included as conditions of approval from the Engineering Department.
 - The proposed lot configuration avoids the creation of irregular lots.



Analysis (cont.)

- PROPOSAL CONSISTENT WITH LAND USE CODE
 - Use
 - The RS-2 zone permits single-family residential uses.
 - Density
 - A maximum of nine dwelling units per acre is permitted – *maximum allowable residential density*
 - Project density of 12 units per acre is permitted under Density Bonus Law
 - Development standards
 - A subdivision with additional density requires lots smaller than the minimum lot size
 - Smaller lots lead to conflict with additional requirements such as setbacks



Density Bonus Law

- OVERVIEW
 - Purpose
 - Provides incentives for developers to include affordable, income-restricted units in their projects.
 - Types of incentives
 - Allows for developers to construct more units than the *maximum allowable residential density* (the bonus)
 - Incentives, concessions and waivers of development standards



Density Bonus Law (cont.)

- DENSITY
 - Request
 - The applicant is requesting a density bonus in return for the provision of one unit for affordable to lower income households (30-70 percent area median income)
 - Project qualifies for a 20% increase in density
 - Calculation
 - Per state law, calculations are always rounded up
 - Base density on the property is 6.3, which rounds to 7
 - Units allowed with a 20% increase is 8.4, which rounds to 9
 - The number of lots has increased from 6 to 9.



Density Bonus Law (cont.)

- INCENTIVES AND WAIVERS
 - Incentives
 - Decrease or modification of zoning requirements
 - The applicant is requesting an incentive to allow for three-story units in the RS-2 zone.
 - Project is only eligible for one incentive.
 - Waivers
 - Waiver requests are unlimited
 - Can be used for any development standard that would physically preclude the construction of the number of units permitted with the density bonus



Density Bonus Law (cont.)

- REQUESTED WAIVERS
 - Reduction in...
 - Minimum lot size
 - Minimum lot width
 - Minimum street frontage
 - Minimum side yard setback
 - Minimum rear yard setback
 - Minimum front yard setback
 - Minimum driveway separation
 - Increase in minimum driveway width



Density Bonus Law (cont.)

- REQUESTED WAIVERS
 - Staff concludes the waiver requests are reasonable
 - Burden is on the City to reject an incentive or waiver request



California Environmental Quality Act (CEQA)

- DETERMINE TO BE CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW PURSUANT TO CLASS 32, SECTION 15332 (IN-FILL DEVELOPMENT PROJECTS)
 - Notice of exemption will be filed subsequent to an approval



Conditions / Summary

- **CONDITIONS OF APPROVAL**
 - Comments from Building, Engineering, and Fire
 - Required right-of-way improvements
 - Final map requirements
 - Applicable codes
 - Agreement with the Housing Authority prior to recordation of Final Map
- **PROPOSED USE CONSISTENT WITH GENERAL PLAN**
 - Project is consistent with General Plan and LUC pursuant to California Density Bonus Law



Options

- FIND PROJECT EXEMPT FROM CEQA & APPROVE TENTATIVE SUBDIVISION MAP BASED ON FINDINGS LISTED IN THE DRAFT RESOLUTION / FINDINGS DETERMINED BY THE COUNCIL; OR
- FIND PROJECT NOT EXEMPT FROM CEQA AND/OR DENY TENTATIVE SUBDIVISION MAP BASED ON FINDINGS DETERMINED BY THE COUNCIL; OR
- CONTINUE THE ITEM FOR ADDITIONAL INFORMATION
- STAFF RECOMMENDING APPROVAL WITH UPDATED CONDITIONS

RESOLUTION NO. 2023-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, DETERMINING THAT THE PROJECT IS CATERGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) UNDER CLASS 32 OF THE CEQA GUIDELINES SECTION 15332 (IN-FILL DEVELOPMENT PROJECTS) AND APPROVING THE TENTATIVE SUBDIVISION MAP FOR THE DIVISION OF ONE LOT INTO NINE ON PROPERTY LOCATED AT 2121 GROVE STREET (APN: 561-380-24)

WHEREAS, the City Council of the City of National City considered a Tentative Subdivision Map for the subdivision of one lot into nine at 2121 Grove Street at a duly advertised public hearing held on August 15, 2023, at which time oral and documentary evidence was presented; and

WHEREAS, at said public hearing the City Council considered the staff report contained in Case File No. 2018-33 S, SPR maintained by the City and incorporated herein by reference along with evidence and testimony at said hearing; and

WHEREAS, the Planning Commission of the City of National City considered the Tentative Subdivision Map application at a duly advertised public hearing held on July 17, 2023, at which time the Commission recommended approval of the Tentative Subdivision Map; and

WHEREAS, this action is taken pursuant to all applicable procedures required by State law and City law; and

WHEREAS, the action hereby taken is found to be essential for the preservation of the public health, safety and general welfare.

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

Section 1: That the evidence presented to the City Council at the public hearing held on August 15, 2023, support the following findings:

1. The proposed map is consistent with the National City General Plan because the proposed single-family subdivision, at a density of 12.7 units per acre, is consistent with the Small Lot Residential land use designation, which specifies a maximum density of 9 units per acre. The proposed density of 12.7 units per acre is allowable pursuant to California Government Code Section 65915, which permits a 20 percent density bonus.
2. The site is physically suitable for the proposed type of development because the nine single-family homes can be located on level building pads on the site with a minor amount of grading.

3. The site is physically suitable for the proposed density of development because The proposed parcels can accommodate single family residences with yard areas with reasonable incentive and waiver request for reduced development standards and an increase in permitted density pursuant to California Government Code Section 65915.
4. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because there is no natural habitat or body of water present nearby or on-site. The property is surrounded by urban development.
5. The design of the subdivision and the proposed/required improvements are not likely to cause serious public health problems because all necessary public services will be provided, as required by approvals required for new construction.
6. The design of the subdivision and the proposed/required improvements will not conflict with easements, acquired by the public at large, for access through or use of the property within the proposed subdivision because existing easements will be maintained and not be encroached upon.
7. The discharge of sewerage waste from the subdivision into the City of National City sewer system will not result in violation of existing requirements prescribed by the California Regional Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the Water Code, as specified by Government Code Section 66474.6 because discharge of sewerage waste will be addressed through a sewer permit, which is required as part of construction of a future home.
8. The subdivision has been considered by the Planning Commission with regard to its effect on the housing needs of the region, and these needs are balanced by the public service needs of the residents and available fiscal and environmental resources because the project will provide additional homeownership opportunities for households of mixed incomes, which is consistent with and encouraged by the City's Housing Element.
9. The design of the subdivision provides, to the extent feasible, for future passive and natural heating and cooling opportunities in the subdivision, based on consideration of local climate, topography, property configuration and other design and improvement requirements without requiring reduction in allowable density or lot coverage because all new construction proposed in the future will be in compliance with the California Building Code, which takes such factors in to consideration.
10. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and the project has been determined to be categorically exempt from environmental review pursuant to Class 32, Section 15332 (In-fill Development Projects) for which a Notice of Exemption will be filed subsequent to approval of this Tentative Subdivision Map.

Section 2: That based on the findings stated above, the City Council hereby approves the application for the Tentative Subdivision Map subject to the following conditions:

General

1. This *Tentative Subdivision Map* authorizes the creation of nine new parcels from one existing parcel. Except as required by Conditions of Approval, all plans submitted for permits associated with the project shall substantially conform with Exhibit A, case file no. 2018-33 LS, dated 4/18/2023. No construction or demolition is approved as part of this approval.
2. Before this *Tentative Subdivision Map* shall become effective, the applicant and/or property owner shall sign and have notarized an Acceptance Form, provided by the Planning Department, acknowledging and accepting all conditions imposed upon the approval of this permit. Failure to return the signed and notarized Acceptance Form within 30 days of its receipt shall automatically terminate the *Tentative Subdivision Map*. The applicant shall also submit evidence to the satisfaction of the Community Development Director that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the *Tentative Subdivision Map* are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the Community Development Director prior to recordation.
3. Approval of the tentative map expires two (2) years after the effective date of approval at 6:00 p.m. unless prior to that date a request for a time extension not exceeding three (3) years has been filed as provided by National City Municipal Code §17.04.070.

Building

4. The proposed 9 new dwelling units to be located at the property shall comply with the latest requirements of the California Building, Mechanical, Electrical, Plumbing, Accessibility, Green, Energy and Fire Codes. If you have any questions regarding this matter please contact the Building Division at 619-336-4210.

Engineering

5. The owner/developer shall enter into a Subdivision Improvement Agreement with the City of National City.
6. A Hydrology study (100 year flood) is required for the new project. The study should consider the proposed project area to the closest municipal storm drain collection point. The study should consider the adequacy of the existing storm drain system to convey any additional run off. All Hydrology study findings and recommendations are part of Engineering Department requirements.
7. The Storm Water BMP Requirements Applicability Form I-1 and if required I-2 checklist for the National Pollutant Discharge Elimination System (NPDES) is required to be completed and submitted to the Engineering Department. The checklist will be required when a project site is submitted for review of the City Departments. The checklist is available at the Engineering Division web site at the link below *. If it is determined that the project is subject to the "Priority Project Permanent Storm Water BMP Requirements" and the City of National City Storm Water Best Management Practices of the Jurisdictional Urban Runoff Management Program (JURMP) approved Standard Urban Storm Water Mitigation Plan (SUSMP) documentation will be required prior to issuance of an applicable engineering permit. The SUSMP shall be prepared by a Registered Civil Engineer.
*<http://www.nationalcityca.gov/city-government/engineering-public-works/engineering-division/online-services-forms-fees>.
8. The Best Management Practices (BMPs) for the maintenance of the proposed construction shall be undertaken in accordance with the National Pollutant Discharge Elimination System (NPDES) regulations which may require a Storm Water Pollution Prevention Plan (SWPPP)

for the project. An approved SWPPP will be required prior to issuing of a construction permit.

9. All surface run-off shall be treated with an approved Standard Urban Runoff Mitigation Plan (SUSMP) Best Management Practice (BMP) for all Priority SUSMP projects. No runoff will be permitted to flow over the sidewalk. Adjacent properties shall be protected from surface run-off resulting from this development.
10. The property owner, or its successors and assigns shall be responsible for the maintenance, repair, or reconstruction of all irrigation and landscaping improvements installed within the public right-of-way. Sprinkler heads shall be adjusted so as to prevent overspray upon the public sidewalk or the street. The proposed sprinkler heads shall be installed behind the sidewalk, and the irrigation mainline upon private property only, as required by the City. The property owner or, its successors or assigns, shall be remove and relocate all irrigation items from the public right-of-way at no cost to the City, and within a reasonable time frame upon a written notification by the City Engineer.
11. Metallic identification tape shall be placed between the bottom layer of the finished surface and the top of all irrigation lines in the public right-of-way.
12. A grading and drainage plan shall be submitted showing all of the proposed and existing on-site and off-site improvements. The plan shall be prepared in accordance with the City's standard requirements by a Registered Civil Engineer. All necessary measures for prevention of storm water pollution and hazardous material run-off to the public storm drain system from the proposed parking lot or development shall be implemented with the design of the grading. This shall include the provision of such devices as storm drain interceptors, clarifiers, or filters. Best Management Practices for the maintenance of the parking lot, including sampling, monitoring, and cleaning of private catch basins and storm drains, shall be undertaken in accordance with the National Pollution Discharge Elimination System (NPDES) regulations. A private storm water treatment maintenance agreement shall be signed and recorded. A check list for preparation of the grading plan/drainage plan is available at the Engineering Department.
13. All existing and proposed curb inlet on property shall be provided with a "No Dumping" signage in accordance with the NPDES program.
14. A National Pollutant Discharge Elimination System (NPDES) permit is required for discharges of storm water runoff associated with construction greater than 1 acre activity where clearing, grading, and excavation results in a land disturbance. A construction storm water permit shall be obtained from the Regional Water Quality Control Board. A copy of shall be given to the City of National City Engineering Department prior to any work beginning on the project.
15. A sewer permit will be required. The method of sewage collection and disposal shall be shown on the grading/drainage plan. Any new sewer lateral in the City right-of-way shall be 6 inch in size with a clean out. A sewer stamp "S" shall be provided on the curb to mark the location of the lateral. A sewer study shall be required.
16. Separate street and sewer plans prepared by Registered Civil Engineer, shall be submitted showing all of the existing and proposed improvements. The plans shall be in accordance with City requirements.
17. A soils engineering report shall be submitted for the Engineering Department's review, after Planning Commission approval. The report shall address the stability of all of the existing and proposed slopes on the property. It shall also address the adequacy of the building pads, the criteria for any new retaining wall design, the maximum allowable soil bearing

pressure and the required pavement structural sections for the proposed streets, the parking areas, and the driveways. As a minimum, the parking lot pavement sections shall be 2 inch A.C. over 4 inch Class II aggregate base. The street pavement sections shall be in accordance with National City modified Standard Drawing G-34. All soils report findings and recommendations shall be part of the Engineering Department requirements.

18. All sidewalk, and curb and gutter shall be removed and replaced along the property frontage along Grove Street and Prospect Street.
19. The existing street improvements along the property frontage(s) shall be kept free from weed growth by the use of special weed killers, or other approved methods.
20. All existing survey monuments, including any benchmark, within the boundaries of the project shall be shown on the plans. If disturbed, a licensed land surveyor or civil engineer shall restore them after completion of the work. A Corner Record shall be filed with the County of San Diego Recorder. A copy of the documents filed shall be given to the City of National City Engineering Department as soon as filed.
21. The proposed driveways on Prospect Street exceed the maximum allowable driveway opening for a residential lot. Residential lot driveway opening shall not exceed forty percent (40%) of the property frontage except that lots with frontages of less than 45' are entitled to one 12 driveway (18' curb opening). Driveways servicing the same parcel shall have a minimum separation of twenty feet (20').
22. A permit shall be obtained from the Engineering Department for all improvement work within the public right-of-way, and any grading construction on private property.
23. Street improvements shall be in accordance with the City Standards. All missing street improvements shall be constructed. Abandoned driveway aprons shall be replaced with curb, gutter, and sidewalks.
24. A title report shall be submitted to the Engineering Department, after the Planning Commission approval, for review of all existing easements and the ownership at the property.
25. All NEW dwellings are subject to a Transportation Development Impact Fee of \$2,405.00. This includes new homes, condos and apartments.
26. All electrical, telephone and similar distribution service wires for the new structure(s) shall be placed underground.
27. A cost estimate for all of the proposed grading, drainage, street improvements, landscaping and retaining wall work shall be submitted with the plans. A performance bond equal to the approved cost estimate shall be posted. Three percent (3%) of the estimated cost shall also be deposited with the City as an initial cost for plan checking and inspection services at the time the plans are submitted. The deposit is subject to adjustment according to actual worked hours and consultant services.
28. A hydromodification plan or a letter sealed and signed by the Engineer of Work explaining why the project is exempt from hydromodification requirements shall be submitted.
29. The final parcel map shall meet all of the requirements of the Subdivision Map Act, and the City of National City Municipal Codes including certification, acknowledgement, complete boundary information and monumentation.
30. The developer shall submit to the Fire Department a letter from Sweetwater Authority stating existing fire flow. If determined by the Fire Department that additional improvements

are needed, the developer shall enter into an agreement for the water improvements with the Sweetwater Authority prior to obtaining the final map approval.

31. Separate water and sewer laterals shall be provided to each lot/parcel.
32. The developer shall bond for the monumentation, the public improvements and the on-site grading, drainage, landscaping, and other improvements through an agreement with the City prior to the approval of the final map.
33. The creation of an easement for ingress and egress to and from parcel/lot 9 to parcel/lot 6, 7, and 8 on Prospect Street will be required. The easement shall be created on the final map.
34. SUSMP documentation must be submitted and approved.
35. All utilities distribution facilities within the boundaries of the subdivision, and within the half street abutting the new subdivision, shall be placed underground.
36. The final map shall be recorded prior to issuance of any building permit.
37. All new property line survey monuments shall be set on private property, unless otherwise approved.
38. The parcel map/final map shall use the California Coordinate System for its "Basis of Bearings" and express all measured and calculated bearings in terms of the system. The angle of grid divergence from a true meridian, and the north point shall appear on the map. Two measured ties from the boundary of the property to existing horizontal control stations shall be shown.

Fire

39. Project shall be designed to code.
40. The National City Fire Department utilizes all current codes and ordinances. Currently, we are using the 2022 editions of NFPA, CFC and the current edition of the CCR.
41. Fire sprinkler shall be evaluated and installed for all four new units as required per code.
42. Fire apparatus access roads shall comply with the requirements of this section (Section 5 CFC 2022) and shall extend to within 150 feet of **all** portions of the facility and **all** portions of the exterior walls of the first story of the building as measured by an **approved** route around the exterior of the building. Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus
43. The required width of emergency fire apparatus access roads shall not be **obstructed in any manner**, including parking of vehicles. All access roads shall be no less than 20 feet wide, no less than 14 feet high and shall have an all weathered road with the ability to support 75 thousand pounds or greater. Where a fire hydrant is located on a fire apparatus road, the minimum road width shall be 26 feet. A 28 foot turning radius is required for fire department access through site. All fire department access roads shall be painted and signed to prevent parking in these required designated emergency areas.
44. Grade of fire apparatus road shall be within the limits established (15% Grade) by the fire code official based on fire department's apparatus.

45. Fire hydrants that may be located throughout the project as not to have a separation distance greater than 300 feet. Fire hydrants to be located within 300 feet of all locations which are roadway accessible. (Measurement starts from nearest public fire hydrant to project).
46. The following items pertain to fire hydrants:
 - a) Size and location, including size and number of outlets and whether outlets are to be equipped with independent gate valves.
 - b) Fire hydrant to be of three outlet design.
47. Provide calculation confirming flow availability to meet fire flow demands and supply large diameter hose (4 inch).
48. Fire hydrants to be marked by use of blue reflective marker in the roadway.
49. Upon submittal for an underground permit, the following shall be included:
 - Data sheet for Back-Flows
 - Data sheets for Private and Commercial Hydrants
 - Data sheets for Post Indicator Valves
50. Approved signs or other approved notices or markings (Red Curb) that include NO PARKING – FIRE LANE shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. The means by which fire lanes are designed shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility. All projects shall be evaluated for this necessary application.
51. Where there is conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in a specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.
52. The fire code official is hereby authorized to enforce the provisions of this code and shall have the authority to render interpretations of this code, and to adopt policies, procedures, rules and regulations in order to clarify the application of its provisions. Such interpretations, policies, procedures, rules and regulations shall be in compliance with the intent and purpose of this code and shall not have the effect of waiving requirements specifically provided for this code.
53. Should any plan corrections be required, contractor must correct the plan and re-submit to the Fire Department for approval once again prior to installation

Planning

54. Plans submitted for construction shall comply with Land Use Code requirements and design guidelines.

55. Plans submitted for construction shall include a landscape and irrigation plan in compliance with Land Use Code Chapter 18.44 (Landscaping), including Section 18.44.190, related to water efficient landscape requirements. The landscaping required by this approval shall be maintained for the life of the project.
56. All site and project lighting shall in compliance with Municipal Code Title 18.46 (Outdoor lighting).
57. The applicant shall be responsible for meeting all requirements of applicable service and utility providers and is advised to contact Sweetwater Authority, SDG&E, and others for information on their standards for new development.
58. The developer of the project shall agree to, and the City shall ensure, the continued affordability of the lower income unit that qualified the applicant for the award of the density bonus for 55 years or a longer period of time if required by the construction or mortgage financing assistance program, or mortgage insurance program. A density bonus application shall be approved and processed by the Housing Authority prior to the recordation of the Final Map.

Section 3: This Resolution shall become effective, final, and conclusive on the day following the City Council meeting where this Resolution is adopted. The time within which judicial review of this decision may be sought is governed by the provisions of Code of Civil Procedures Section 1094.6.

Section 4: That the City Clerk shall certify to the passage and adoption of this Resolution and enter into the book of original Resolutions.

PASSED and ADOPTED this 15th day of August, 2023.

Ron Morrison, Mayor

ATTEST:

Shelley Chapel, MMC, City Clerk

APPROVED AS TO FORM:

Barry J. Schultz, City Attorney



AGENDA REPORT

Department: City Manager's Office
Prepared by: Shelley Chapel, MMC, City Clerk
Meeting Date: Tuesday, August 15, 2023
Approved by: Ben Martinez, Interim City Manager

SUBJECT:

Amendment to City Council Policy No. 104: Rules of Procedure and Order for City Council Meetings - Proclamations

RECOMMENDATION:

Options:

- #1 Leave policy as is; or
- #2 Modify as presented in the 105 request by Councilmember Rodriguez, Exhibit B (Redline) to read:
 - (a) *Requests for proclamations can be made by any Council Members' Office*
 - (b) *The Mayor and Councilmember filing the request will determine the language used in the proclamation, the Mayor will then direct his or her staff member to prepare the proclamation and the proclamation will be issued with all of the Council Member signatures.*
 - (c) *Upon receipt of the draft proclamation language, the Mayor and Councilmember filing the request will direct the City Manager to place the item on a meeting agenda depending on the nature and time-sensitive nature of the request; or*
- #3 Accept changes to policy in Exhibit C (Redline) to add line Item d to current policy:
 - (d) *Mayor and City Councilmembers will sign all Proclamations. The Mayor's Office will have an electronic signature file of each Councilmember on record to be used in the event that a City Councilmember is unable or unavailable to sign the Proclamation*

If options 2 or 3 are chosen, adopt the resolution that reflects changes (Exhibit D) or (Exhibit E) Adopt a Resolution Entitled, "Resolution of the City Council of the City of National City, California, Approving an Amendment to City Council Policy Manual Policy 104: Rules of Procedure and Order for City Council Meetings – XIV Procedural Matters, E(2). (Proclamations)"

BOARD/COMMISSION/COMMITTEE PRIOR ACTION:

Not Applicable.

EXPLANATION:

Councilmember Rodriguez submitted a City Council Policy #105 request on the Agenda for the Regular City Council meeting of May 16, 2023. The request was to review and discuss City Council Policy No. 104: Rules of Procedure and Order for City Council Meetings; XIV Procedural Matters, E (2). (Proclamations). A majority of the City Council approved the item to return to a future meeting to discuss the merits of the item.

On June 20, 2023, Councilmember Rodriguez discussed the merits of the item and requested staff return with a revised procedure regarding Councilmember Signatures on Proclamations. A majority of the City Council approved staff returning with an amendment to the policy, with Mayor Morrison and Vice-Mayor Molina voting No.

Staff has polled local cities, as is standard practice on items such as this, to determine best practices and consistency throughout the County of San Diego. For responses, see Exhibit A. Results of the Poll show of the 17 cities polled:

- Mayor Only Signs All Proclamations = 13
- Full City Council Signs All Proclamations = 1
- Full City Council Signs Only if Proclamation is Presented at a City Council Meeting = 2
- Mayor Only Signs Letter of Appreciation and Presented in Lieu of Proclamation = 1

Current Policy

E. Proclamations: It is the policy of the City Council to issue proclamations for certain individuals, organizations, events, or causes, when such a proclamation positively impacts the community and conveys an affirmative message to residents.

1. Discretion should be used in determining whether or not to issue a proclamation. Proclamations that are political in nature, are controversial, or that likely would not enjoy a high level of community interest and support, are discouraged.
2. It is the policy of the City Council to process requests for proclamations in the following manner:
 - a. Requests for proclamations will be made through the Mayor's Office;
 - b. If the Mayor determines that the proclamation request is consistent with the policy stated above, the Mayor will direct his or her staff member to prepare the proclamation and the proclamation will be issued.
 - c. Upon receipt of the draft proclamation language, the Mayor will direct the City Manager to place the item on a meeting agenda depending on the nature and time-sensitive nature of the request.

Suggested Changes per City Council Policy 105 Request dated May 5, 2023, by Councilmember Rodriguez.

Modify: Section 2 (a)(b)(c)

- (a) Requests for proclamations can be made by any Council Members' Office*
- (b) The Mayor and Councilmember filing the request will determine the language used in the proclamation, the Mayor will then direct his or her staff member to prepare the proclamation and the proclamation will be issued with all of the Councilmember signatures.*
- (c) Upon receipt of the draft proclamation language, the Mayor and Councilmember filing the request will direct the City Manager to place the item on a meeting agenda depending on the nature and time-sensitive nature of the request.*

FINANCIAL STATEMENT:

Not Applicable.

RELATED CITY COUNCIL 2020-2025 STRATEGIC PLAN GOAL:

Not Applicable

ENVIRONMENTAL REVIEW:

This is not a project under CEQA and is therefore not subject to environmental review.CCR15378;
PRC 21065.

PUBLIC NOTIFICATION:

Agenda Report posted within 72 hours of meeting date and time in accordance with Brown Act.

ORDINANCE:

Not Applicable

EXHIBITS:

Exhibit A – Survey of San Diego County Cities

Exhibit B – City Council Policy No. 104 – (Redline) – Option 2

Exhibit C – City Council Policy No. 104 – (Redline) – Option 3

Exhibit D – Resolution – Option 2

Exhibit E – Resolution – Option 3

SURVEY - SIGNATURES ON PROCLAMATIONS

	Mayor Only	Full City Council	Individual Councilmember	Policy
Carlsbad	Applies to All Proclamations			
Chula Vista	Applies to All Proclamations			
Coronado	Applies to All Proclamations			
Del Mar	Applies to All Proclamations			
El Cajon	Applies to All Proclamations			
Encinitas		Applies to All Proclamations		
Escondido	Applies to All Proclamations			<i>“Proclamations will normally be signed on behalf of the City by the Mayor. However, if some or all City Councilmembers also wish to sign a proclamation, and signatures can be obtained in a timely manner, proclamations may be signed by the full City Council or by those members wishing to sign the document. Proclamations shall normally be presented by the Mayor at the commencement of a meeting of the City Council, unless circumstances dictate the presentation of the proclamation elsewhere. Any disagreement with whether or not such a proclamation shall be issued shall be resolved by a majority vote of the City Council. The Mayor or any Councilmember may request that a presentation to the City Council at a regular meeting be made by members of the public, other public entities, or other groups, on issues of interest to the City Council or members of the public. Such presentations shall be coordinated with the Mayor and the City Manager’s office and shall be subject to scheduling in a manner that does not interfere with the need to conduct normal City business. Any disagreement with whether or not such a presentation is to be scheduled shall be resolved by a majority vote of the City Council.”</i>
Imperial Beach	Applies to All Proclamations			
La Mesa	Proclamations not presented at City Council Meeting	If presented at City Council Meeting		
Lemon Grove	Applies to All Proclamations			
Oceanside	Applies to All Proclamations			
Poway	Applies to All Proclamations			
San Diego	Applies to Mayoral proclamations only (these are not voted on by the City Council)	Applies to all Proclamations brought before the City Council for approval on the City Council Agenda. NOTE: The Mayor does sign City Council Proclamations, even though the Mayor doesn’t vote on the approval of the Proclamations when brought before the City Council.	Councilmembers can present Council-District-Specific Commendations	
San Marcos	Applies to All Proclamations			
Santee	Applies to All Proclamations			
Solana Beach	Applies to All Proclamations			
Vista	Letter of Appreciation	Unless everyone is not willing to sign	Letter of Appreciation	Proclamations are “reserved for those whose service is well known in the community over a period of time, and shall be signed by all Councilmembers.”

**CITY COUNCIL POLICY
CITY OF NATIONAL CITY**

TITLE: Rules of Procedure and Order for City Council Meetings

POLICY #104

ADOPTED: December 13, 1983

AMENDED: ~~October 5, 2021~~
August 15, 2023

**Rules of Procedure and Order for
City Council Meetings**

Adopted: December 13, 1983
Last Amended: ~~October 5, 2021~~ August 15, 2023

CITY COUNCIL POLICY CITY OF NATIONAL CITY

TITLE: Rules of Procedure and Order for City Council Meetings	POLICY #104
ADOPTED: December 13, 1983	AMENDED: October 5, 2021 <u>August 15, 2023</u>

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CITY COUNCIL POLICY CITY OF NATIONAL CITY

TITLE: Rules of Procedure and Order for City Council Meetings

POLICY #104

ADOPTED: December 13, 1983

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I. PURPOSE

The purpose of this Policy is to establish Rules of Procedure and Order for City officials, staff and members of the public at all meetings of the City Council to ensure that the business of the City is attended to in an open and orderly manner and in an environment safe for all persons in attendance. The policy establishes and delineates general meeting rules, roles and responsibilities, to allow for an orderly meeting where all individuals can exercise their Constitutional rights.

All meetings of the City Council will be conducted under Rosenberg's Rules of Order. In addition, such meetings will be governed in accordance with the Ralph M. Brown Act (Gov. Code § 54950, hereinafter "the Brown Act") and other applicable State laws. Any question about proper procedure will be immediately referred to the City Clerk as parliamentarian.

This policy applies to all persons attending public meetings in the City Council Chamber or any other location where a meeting subject to this policy takes place. In the event of any inconsistency between this policy and State law or regulation, State law or regulation shall apply.

II. RESPONSIBILITIES

It is important to recognize that the City Council acts as a legislative body. No member has extraordinary powers beyond those of other members. While the Mayor and Vice-Mayor may have additional ceremonial and administrative responsibilities, in the establishment of policies, voting and in other significant areas, all members are equal. Policy is established and direction is given to City staff by a majority vote of the Council.

While individual Councilmembers may disagree with decisions of the majority, a decision of the majority binds the Council to a course of action and provides staff with direction to follow. In turn, it is staff's responsibility to ensure the policy of the Council is implemented and upheld consistent with the wishes of the majority. Implementation of Council policy by staff does not reflect a bias against Councilmembers who held a minority opinion on an issue.

- A. Responsibilities of Presiding Officer/Mayor: The Presiding Officer of the City Council, shall be the Mayor, or in the Mayor's absence the Vice-Mayor, or in both of their absence any other member designated by the City Council. It shall be the duty of the Presiding Officer to ensure that the Rules of Procedure and Order contained herein are observed, The Presiding Officer shall maintain control of communication between Councilmembers and between the Council, staff, and members of the public. The Presiding Officer may make and second motions.

CITY COUNCIL POLICY CITY OF NATIONAL CITY

TITLE: Rules of Procedure and Order for City Council Meetings	POLICY #104
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B. Responsibilities of Vice-Mayor: In the absence of the Mayor from the City or a Council meeting, the Vice-Mayor shall possess all the powers of the office of the Mayor, and be subject to all prescribed duties for that office.

C. Responsibilities of City Council:

1. Members of the City Council shall review all meeting materials in preparation for City Council meetings and be prepared to discuss the agenda.
2. Members of the City Council shall arrive on time for all City Council meetings, in the City Council Chamber or any other location where a meeting subject to this policy takes place. In the event of any inconsistency between this policy and State law or regulation, State law or regulation shall apply.
3. Members of the City Council shall conduct themselves in an orderly, professional and businesslike manner to ensure that the business of the City shall be attended to efficiently and thoroughly and to ensure that the integrity of the deliberative process of the City Council is maintained at all times.
4. Members of the City Council shall maintain a polite, respectful, and courteous manner when addressing one another, City staff, and members of the public during City Council meetings.
5. As a courtesy, members of the City Council shall report upcoming absences to the City Manager as soon as possible to ensure that any necessary adjustments to the agenda may be made, and to ensure a quorum.

D. Responsibilities of City Clerk:

1. The City Clerk shall serve as the Parliamentarian for the City Council meetings to advise the Presiding Officer. Within the limitations imposed by Rosenberg's Rules of Order, the Presiding Officer has the authority to determine proper parliamentary procedure.
2. The City Clerk shall call and record roll call votes; and shall read ordinance titles and agenda items as requested by the Presiding Officer.
3. The City Clerk shall keep minutes of the open meeting in accordance with City Council Policy No. 106, and permanent retention of video recordings of those proceedings as the archived record. Any written comment received for the meeting will be made available on the City website within 48 hours of the meeting.

CITY COUNCIL POLICY CITY OF NATIONAL CITY

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All retention per the City Records Retention Schedule.

E. Responsibilities of City Manager:

1. The City Manager's duties during City Council meetings include keeping a record of concerns raised by the City Council regarding direction for future staff action and facilitating the orderly presentation of staff reports.

F. Responsibilities of City Attorney:

1. The City Attorney's duties during City Council meetings include consulting with City Council on items of concern on the agenda, to proactively inform and protect Councilmembers from potential violations and conflicts of law, and to report on any final action taken in closed session.

III. MEETINGS

- A. Regular Meeting: The City Council shall hold regular meetings on the first and third Tuesday of each month. The meetings shall be held in the Council Chamber of City Hall, 1243 National City Boulevard in the City of National City. The regular meeting shall begin at 6:00 p.m., or as otherwise scheduled due to the demand of business or for closed session.
- B. Adjourned Meeting: The City Council may adjourn any regular, adjourned regular, special, or adjourned special meeting to a time and place specified in the order of adjournment. If a quorum is not present, less than a quorum may so adjourn.
- C. Special Meeting: A special meeting may be called at any time by the Mayor whenever the public business may require it or upon direction by a majority of the City Council. The call and notice shall be posted at least twenty-four (24) hours prior to the special meeting in a location that is accessible to members of the public.
- D. Emergency Meeting: Pursuant to the Government Code, the twenty-four (24) hour notice and posting requirements for a special meeting may be dispensed with under the following emergency conditions: work stoppage, crippling activity, or other activity that severely impairs public health, safety, or both, as determined by a majority of the members of the legislative body, except in the case of a dire emergency.

CITY COUNCIL POLICY CITY OF NATIONAL CITY

TITLE: Rules of Procedure and Order for City Council Meetings

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- E. Recessed Meeting: Pursuant to the Government Code, a meeting of the City Council may recess to the following regular business day if the action is taken in good faith and not to circumvent the requirements of the Brown Act. The meeting may not be recessed to another day after that unless it is posted in accordance with the Brown Act.
- F. Closed Session Meeting: The City Council may hold closed sessions during a regular or special meeting, or at any time otherwise authorized by law, to consider or hear any matter which is authorized to be heard or considered in closed session in accordance with State law. If a closed session is included on the agenda, the description of the item must comply with Government Code Section 54954.5. For each closed session, the City Attorney must orally announce the subject matter of the closed session. If final action is taken in closed session, the City Attorney must report the action at the conclusion of the closed session, unless agendaized for that same Closed Session Meeting or list on the agenda for the Regular Meeting immediately following.

No minutes of the proceedings of the City Council during closed session are required. There shall be no closed session during any special emergency meeting. No person present in a closed session shall disclose, outside of the closed session, any information revealed in such closed session, without the prior authorization of a majority of the City Council. Any violation of this policy may be enforced by one or more of the actions delineated in City Council Policy No. 113.

- G. Quorum: A quorum at any meeting of the City Council will be established by the presence of three (3) members of the City Council. The Mayor shall count as a Councilmember for the establishment of a quorum.
- H. City Council Recess Periods: The City Council has traditionally observed a recess period during the summer to provide elected officials and staff an opportunity to catch up on work, reenergize after a lengthy budget and strategic planning process, and prepare for the start of a new fiscal year. For purposes of this policy, a recess period is defined as a period of time longer than twenty (20) days without a regular or special meeting of the Council.

During any recess period, the City Manager is authorized to take such ministerial action on matters of operational urgency as would normally be taken by the City Council during the recess except for those duties specifically reserved to the City Council by Government Code, and including such emergency actions as are necessary for the immediate preservation of the public peace, health, or safety. The City Manager shall make a full and complete report to the City Council at its first regularly scheduled meeting following the recess of actions taken by the City Manager

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pursuant to this section, at which time the City Council may make such findings as may be required and confirm said actions of the City Manager.

- I. Cancellation of Meetings: Any meeting of the City Council may be cancelled in advance by a majority vote of the Council. In the event that the Mayor and/or Vice-Mayor are unable to cancel a meeting, in the case of an emergency the City Manager is authorized to cancel such meeting.
- J. Location of Meetings: Regular meetings of the City Council shall be held in the Council Chamber unless appropriate notice is given pursuant to, and the location of the meetings in accordance with, the Brown Act. The City Council may hold a special meeting at another location within the City, or locations outside the jurisdiction of the City, provided appropriate notice is given pursuant to and the location of the meeting is in accordance with the Brown Act.
- K. Holidays or Elections: In the event that the a regular meeting of the City Council is scheduled on the same day as a legal holiday, or an election day on which a National City candidate or National City measure appears on the ballot, no meeting will be held that week.. Any regular meeting may be dispensed with by a majority vote of the City Council.
- L. Adjournment: It is the policy of the City Council that that all evening meetings of the City Council, including special meetings and workshops, be adjourned no later than 10:30 p.m., which time is referred to as the normal time of adjournment. The meeting shall be extended no more than once and subsequently may be adjourned to a later date. No new item of business shall be taken up by the Council after the normal time unless the Council has determined by a super-majority vote to set aside this policy. In the event the entire agenda cannot be completed by the normal time of adjournment, the Council may take up and act upon the more pressing agenda items. All agenda items not considered at the meeting shall be on the agenda of the next regular, special, or adjourned regular meeting unless the Council directs otherwise.
- M. Taping or Broadcasting: Meetings may be broadcast, audio-recorded, video-recorded or live-streamed so long as the activity does not constitute a disruption of the proceeding.
- N. Teleconferencing: Teleconferencing shall be allowed as per Government Code section 54953. Teleconference meetings may be held under carefully-defined conditions. The meeting notice must specifically identify all teleconference locations, and each such location must be fully-accessible to members of the public.
- O. Agenda Exception: Special procedures permit a body to proceed without an agenda in

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the case of emergency circumstances, or where a need for immediate action came to the attention of the body after posting of the agenda. (Reference Section VIII, A.5 - Non-Agenda Items Requiring Immediate Action)

- P. Comfort Breaks: It is the policy of the City Council that the Presiding Officer will call comfort breaks of 5-10 minutes when a meeting is expected to last more than two hours. While it is not possible to predict the duration of a meeting, scheduled breaks allow participants to not miss any part of the meeting and help stay alert and maintain a high level of concentration and participation.
- Q. Use of Personal Electronic Devices: The use of personal electronic devices on the dais shall be limited to official agenda-related tasks and emergency notifications. If, in the opinion of the Presiding Officer, a Councilmember's use of an electronic device is disruptive to Council deliberations or disrespectful to the public, the Presiding Officer may request that the Councilmember cease the use of such device.
- R. Translation Services: Simultaneous Spanish interpreting services are provided at City Council meetings, through the use of headsets. A Spanish-language interpreter is also available to interpret and translate for speakers who wish to address the City Council. When the meetings are hosted as a webinar, a Spanish-language interpreter shall provide translation services for a minimum of two (2) hours. If, after providing translation services for two (2) hours, no member of the public is using those services, the translator may be dismissed by the Presiding Officer.
- S. Compliance with Brown Act: All regular, special, and adjourned meetings of the City Council shall be called, noticed and conducted in compliance with the Brown Act.

IV. REMOTE ACCESS TO MEETINGS

- A. Internet Broadcast: Live-Streaming video of City Council meetings is available at www.nationalcityca.gov. Archived meetings are also available online.
- B. E-Notification: Individuals may sign up via the City's website to receive email notifications of published City Council and Board, Commission, and Committee meeting agendas, City news, special events, and more.

V. PUBLIC ASSISTANCE & ACCOMMODATIONS

Upon request, the City Council agenda and backup materials will be made available in alternative formats. Any person who requires a disability-related modification or accommodation to participate in the public meeting, including auxiliary aids or services, may

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request a modification, accommodation, aid, or service by contacting the City Clerk's Office either in person or by telephone no later than 10:00 a.m. on the day preceding the scheduled meeting.

VI. PUBLIC MEETING COMMUNICATIONS

A. Communications between City Councilmembers:

1. Councilmembers wishing to speak should request the floor by being recognized by the Presiding Officer before speaking. The Presiding Officer must recognize any Councilmember who seeks the floor when appropriately entitled to address the City Council.
2. No Councilmember shall speak again until all Councilmembers have had the opportunity to speak.
3. Councilmembers shall remember that the purpose of the City Council meeting is to conduct the business of the City. Councilmembers shall avoid repetition and shall limit their comments to the subject matter at hand. Councilmembers shall endeavor to express their views without engaging in unnecessarily lengthy debates.
4. When one Councilmember is speaking, other Councilmembers shall not interrupt, disrupt or disturb the speaker. During questions and deliberations, the Presiding Officer may vary the speaking sequence of Councilmembers from item to item.

B. Email Communications between City Councilmembers: Because email communications can ultimately lead to the exchange of information intended to, or which may, create collective concurrence among a quorum of Councilmembers, e-mail communications between Councilmembers relative to Council business should be avoided at all times.

C. Communications with Persons Addressing the City Council: Members of the public may address the City Council during the Public Comment period and/or prior to the consideration of any agenda item. Persons shall address the City Council as a whole and shall not engage in a dialogue with individual Councilmembers, staff, or with other members of the audience. Any person wishing to speak, whether during the Public Comment period or on an agenda item, is requested to complete a "Speaker Slip" form and submit the form to the City Clerk prior to the calling to order of the meeting or as soon thereafter as possible. Filling out a speaker slip is not required to participate.

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All those addressing the Council shall do so from the podium.

The City Council may not prohibit public criticism of the City in general, City staff, or members of the City Council, its policies, procedures, programs, or services of an agency or its acts or omissions. A speaker may not be stopped from speaking because either the Presiding Officer or Councilmembers disagree with the viewpoint being expressed.

1. Translation Services: Simultaneous Spanish interpreting services are provided at City Council meetings, through the use of headsets. A Spanish-language interpreter is also available to interpret and translate for speakers who wish to address the City Council. When the meetings are hosted as a webinar, a Spanish-language interpreter shall provide translation services for a minimum of two (2) hours. If, after providing translation services for two (2) hours, no member of the public is using those services, the translator may be dismissed by the Presiding Officer.
2. Public Comment (Non-agenda): At all regular City Council meetings, speakers shall have the right to address the City Council on any matter within the elected body's jurisdiction, subject to a three (3) minute time limit or less, depending on the number of speakers. The Council may listen to the speaker's comments, but cannot discuss or take action on communications not on the agenda. Non-agenda Public Comment may be referred to the City Manager for administrative action or placement on a subsequent agenda, with a majority vote of the Council.
 - a. At each regular Council meeting, up to 30 minutes shall be reserved for Public Comment.
 - b. The City Clerk will review the Speaker Slips and inform the Presiding Officer of the number of slips. If the number of speakers, at three (3) minutes each, exceeds the 30-minute allotted time for Public Comment, the Presiding Officer may reduce the time allotted to each speaker, extend Public Comment time, or continue remaining speakers to the end of the meeting.
 - c. Donations of time from one speaker to another are not permitted.
 - d. The Presiding Officer shall have the authority to reduce equally each speaker's time to accommodate a larger number of speakers.
 - e. Speaker Slips for Public Comment will be accepted by the City Clerk in the Council Chamber no earlier than 15 minutes before the meeting and up until

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the Public Comment portion of the agenda is finished.

- f. In order to ensure that non-English speakers receive the same opportunity to directly address the City Council, any member of the public who utilizes a translator shall be provided at least twice the allotted time to address the City Council, unless simultaneous translation equipment is used to allow the City Council to hear the translated public testimony simultaneously. (Government Code 54954.3)
 - g. Remarks shall be addressed to the City Council as a body.
 - h. If there is a group representing a common position, designation of a spokesperson is encouraged. The Presiding Officer may allot a mixed amount of time for presentations of this nature.
3. Public Comment (Agenda Items): Speakers shall have the right to address the City Council on items which appear on the agenda, subject to the 3-minute time limit.
- i. Donations of time from one speaker to another will not be permitted.
 - j. The Presiding Officer shall have the authority to reduce equally each speaker's time to accommodate a larger number of speakers, or to limit the total speakers' time on an agenda item.
 - k. Speaker Slips for agenda items will be accepted by the City Clerk in the Council Chamber no earlier than 15 minutes before the meeting and up until the public testimony on the item is finished. Included on the Speaker Slip shall be the option for individuals who do not wish to speak to register in support of, in opposition to, or neutral on the item. An individual must be present to register a position or opinion. The City Clerk will provide a tally of those who do not wish to speak on an item, but who do provide a position or opinion.
 - l. Remarks shall be addressed to the City Council as a body and not to any member of the City Council, staff or the public. No questions shall be asked of an individual member of the City Council, staff, or the public. The Presiding Officer may limit interaction between Councilmembers and public speakers to questions of clarification.
 - m. If there is a group representing a common position, designation of a spokesperson is encouraged. The Presiding Officer may allot a mixed amount

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of time for presentations of this nature.

- n. In order to ensure that non-English speakers receive the same opportunity to directly address the City Council, any member of the public who utilizes a translator shall be provided at least twice the allotted time to address the Council, unless simultaneous translation equipment is used to allow the Council to hear the translated public testimony simultaneously. (Government Code Section 54954.3)
4. Presentations to City Council: Any information presented to the City Council for its consideration in formats such as PowerPoint, Video, or other audio/visual media must be submitted to the City Clerk's Office no later than the Wednesday immediately prior to the City Council meeting in order to have the presentation facilitated for City Council viewing and broadcast. If presentations are submitted after that deadline, it will not be possible for them to be played or displayed during the meeting, although ten (10) hard copies may be submitted to the City Clerk for distribution to the City Council. Documents and presentations displayed during the City Council meeting shall become part of the public record and must be submitted to the City Clerk for retention. The City Clerk's Office will post any materials received at a City Council Meeting to the City website within 48 hours of the meeting.

VII. AGENDA SEQUENCE AND ORDER OF BUSINESS

Generally, the agenda sequence and order of business of a regularly scheduled City Council meeting shall be determined by the City Manager's.

During the City Council Meeting the Order of Business shall be followed, unless otherwise reordered by the Presiding Officer with the consensus of the City Council during the City Council Meeting.

- A. Call to Order: The Presiding Officer officially calls the meeting to order.
- B. Roll Call: Before the City Council shall proceed with the business of the Council, the City Clerk shall call the roll of the members and the names of those present shall be entered in the minutes. The later arrival of any absentee shall also be entered in the minutes.
- C. Pledge of Allegiance: Each agenda of a regularly scheduled Council meeting shall provide an item for the recital of the "Pledge of Allegiance" to both the United States flag and the California flag.

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- D. Public Comments: Speakers shall have the right to address the City Council on any matter within the elected body's jurisdiction, subject to a 3-minute time limit or less, depending on the number of speakers. The City Council may listen to the speaker's comments, but cannot discuss or take action on communications not on the agenda. Non-agenda public comment may be referred to the City Manager for administrative action or placement on a subsequent agenda.
- E. Proclamations and Certificates: The agenda shall provide a time when proclamations directing attention to a person, organization or event may be presented. Proclamations will be issued subject to Section XIV, E - Proclamations.
- F. Awards and Recognitions: The agenda shall provide a time when recognitions may be presented.
- G. Presentations: The Presentations section of the agenda is for the purpose of allowing a brief (5 to 10 minutes each) opportunity at the beginning of a Council meeting for City Council to receive information from outside agencies or City staff. It is not meant for a topic that would require lengthy deliberation, debate, or action. Items may be placed on the Presentation section of the agenda at the request of the City Council or City staff with the City Manager's concurrence. Approval to place a presentation on the agenda that has been requested by a community member must be obtained through the City Manager's Office.
- H. Interviews and Appointments: The agenda shall provide a time for the City Council to interview and/or appoint members of the City Council or the public to City and/or external boards, commissions and committees.
- I. Regional Boards and Committee Reports: City Councilmembers report on meetings attended on behalf of the City. Councilmembers are limited to five-minutes.
- J. Consent Calendar: Items of a routine or generally uncontested nature may be approved by the City Council in a single motion by adoption of the Consent Calendar. The approval of the Consent Calendar shall signify the approval of each matter or recommendation included therein: Upon request of any Councilmember, staff, or public made through the Presiding Officer, an item may be removed from the Consent Calendar for separate discussion and/or action. Each item proposed for consideration as part of the Consent Calendar shall be described on the agenda posted for the meeting.
- K. Public Hearings: Ordinances & Resolutions: This portion of the meeting allows for a

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noticed public session to receive original evidence or testimony on applications regulated by this title. Scheduled public hearings shall be commenced at 6:00 p.m. or as soon thereafter as possible. (Reference Section XI, Public Hearings)

- L. Non-Consent Resolutions: Items generally of a non-routine nature for City Council discussion and/or action.
- M. New Business: This portion of the meeting is devoted to discussion or consideration of items of business that have or have not previously been before the City Council.
- N. Staff Reports: This portion of the meeting provides the City Manager and staff the opportunity to give general comments, updates, and announcements.
- O. Mayor and City Council Reports: This portion of the meeting provides the City Council the opportunity to give general comments, announcements, or informational reports on any item not on the agenda. These matters may not be discussed or deliberated.
- P. Closed Session Report: At an Open Session following a Closed Session, the body must report on final action taken in Closed Session under specified circumstances.
- Q. Adjournment: It is the policy of the City Council that that all evening meetings of the City Council, including special meetings and workshops, be adjourned no later than 10:30 p.m., which time is referred to as the normal time of adjournment.

VIII. AGENDA PROCESS

In order for both the City Council and City staff to be adequately prepared to discuss City business during City Council meetings, items for discussion shall be placed on the agenda in accordance with established City Council agenda deadlines and in compliance with the Brown Act. Generally, items not on the agenda cannot be discussed or considered during a City Council meeting. This section of the policy discusses how to place items onto the agenda, agenda setting, preparation and distribution.

A. Preparation, Distribution and Posting

1. Agenda Items: In conjunction with City staff, the City Manager shall have the primary responsibility for preparing the City Council agenda and placing matters on the agenda in accordance with identified City needs and scheduling.

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- a. In the event an item is brought to the attention of the City Manager that requires immediate City Council attention after the agenda setting meeting and before the agenda is distributed, the City Manager will determine the need for the item to be added to the agenda.
2. **Agenda Review Meeting:** Prior to release and posting of a final City Council agenda, an agenda review meeting shall be held by the City Manager with the City Attorney and the Mayor, or another member of the City Council designated by the Mayor, to serve in their absence. The proposed agenda shall be reviewed at this meeting.
3. **Agenda Preparation:** Not later than the Thursday prior to the City Council meeting, the City Manager is responsible for preparing the agenda packet, which shall include the agenda plus all its corresponding duplicated agenda items. No item shall be considered if not included in the packet, except that a correction or supplement to an item already included in the packet may be considered in accordance with the Ralph M. Brown Act.
4. **Agenda Distribution and Posting:** Not later than the Thursday prior to the City Council meeting, the City Manager is responsible for distributing the agenda packet to each member of the City Council. Staff shall post each agenda at least 72-hours in advance of the meeting and shall post each agenda of a special meeting at least 24-hours in advance of the meeting on the official bulletin boards at City Hall and on the City's website.
5. **Non-Agenda Items Requiring Immediate Action:** Matters requiring City Council action must be placed onto a Council Agenda in a timely manner in order for Council to consider the matter. In accordance with the Ralph M. Brown Act, off-agenda items requiring City Council approval will not be considered by the City Council except under the following two circumstances:
 - a. An emergency situation exists, as defined in the Government Code; or,
 - b. The City Council determines by a two-thirds (2/3) vote, or by a unanimous vote if less than two-thirds of the Council is present, that:
 - There is a need for immediate action, and
 - The need to take action on the item arose after the posting of the agenda.

If the City Council finds that the need to take action arose subsequent to the agenda posting, pursuant to the criteria above, it shall make those findings

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by separate motion, including the factual reasons supporting the findings. The findings shall be reflected in the City Council minutes.

IX. VOTING

- A. Obtaining the Floor: Any Councilmember wishing to speak must first obtain the floor by being recognized by the Presiding Officer. The Presiding Officer must recognize any Councilmember who seeks the floor when appropriately entitled to do so.
- B. Voting Procedure: Any vote of the City Council, including a roll call vote, may be registered by the members by answering "Yes" or "Aye" for an affirmative vote, "Abstain" for an abstention, or "No" or "Nay" for a negative vote upon the member's name being called by the City Clerk; or an electronic vote may be registered by pressing the Councilmember button for an affirmative vote, an abstention, or a negative vote, upon a vote being called for by the Presiding Officer.

Following the vote, the City Clerk shall audibly announce the results of the vote by name indicating whether the item carried or was defeated. The same shall be recorded in the minutes as the vote. The Presiding Officer in his or her discretion may publicly explain the effect of a vote for the audience, or may direct a member of the staff to do so before proceeding to the next item of business.

- C. Disqualification for Conflict of Interest: Any Councilmember who is disqualified from voting on a particular matter by reason of a conflict of interest shall publicly state or have the Presiding Officer state, the nature of such disqualification in open meeting. Where no clearly disqualifying conflict of interest appears, the matter of disqualification may, at the request of the Councilmember affected, be decided by the other Councilmembers. A Councilmember who is disqualified by reason of a conflict of interest in any matter shall not remain in his or her seat during the debate and vote on such matter, but shall request and be given the permission by the Presiding Officer to step down from the Council dais. A Councilmember stating such disqualification shall not be counted as a part of a quorum and shall be considered absent for the purpose of determining the outcome of any vote on such matter.
- D. Failure to Vote: Every Councilmember should vote unless disqualified by reason of a conflict. The vote of a Councilmember who abstains absent a disqualifying conflict of interest shall be counted with the majority vote of the quorum on the question voted upon.
- E. Tie Vote: Any proposed measure that receives a tie vote from the members of the City

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Council shall be considered lost and may be reconsidered.

- F. Changing Vote: A Councilmember may change his or her vote only if the Councilmember makes a timely request to do so immediately following the announcement of the vote by the City Clerk and prior to the time that the next item in the order of business is taken up.
- G. Reconsideration: A motion to reconsider the vote on any action taken by the City Council at either this meeting or a previous meeting may be made only by one of the Councilmembers who voted with the prevailing side.
- H. Point of Order: An interruption of a meeting to question whether rules or bylaws are being broken, such as the speaker has strayed from the motion currently under consideration.
- I. Continuance of Discussion or Hearings: Any item being discussed or any public hearing at a City Council meeting may, by order, notice, or motion, be continued or tabled to any subsequent meeting.
- J. Rosenberg's Rules of Order: Rosenberg's Rules of Order have been adopted by the City Council and shall apply in all cases.
- K. Disclosure of Ex Parte Contacts: An "ex parte" contact or communication occurs when, prior to considering a matter on a public meeting agenda, a member or members of the City Council receives information, oral, written, or otherwise, pertaining to that matter outside the public meeting. (Reference City Council Policy No. 116-Procedure for Disclosure of Ex Parte Contacts)

X. MOTIONS

Motions are the vehicles for decision making by a body. It is normally best to have a motion before the body prior to commencing discussion of an agenda item. There are three motions that are the most common and recur often at meetings:

1. The basic motion. The basic motion is the one that puts forward a decision for the body's consideration.
2. The motion to amend. If a Councilmember wants to change a basic motion that is before the body, they would move to amend it.
3. The substitute motion. If a Councilmember wants to completely do away with

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the basic motion that is before the body, and put a new motion before the body, they would move a substitute motion.

Motions may be made by any member of the City Council, including the Chair. Any member of the City Council may second a motion. (Reference *Rosenberg's Rules of Order* for a more detailed discussion on motions in general and sample motions.)

A. Procedure for Motions: The following is the general procedure for making motions:

1. The item is presented by staff or others followed by questions and discussion by Councilmembers.
2. A Councilmember who wishes to make a motion shall first obtain the floor.
3. A Councilmember who wishes to second a motion shall do so through a request to the Chair.
4. Before a motion can be discussed, it shall be seconded.
5. Once a motion has been properly made and seconded, the Chair shall open the matter for further discussion offering the first opportunity to the moving party and, thereafter, to any Councilmember properly recognized by the Presiding Officer.
6. Once the matter has been fully debated and the Presiding Officer calls for a vote, no further debate will be allowed, provided, however, any Councilmember may be allowed to explain his or her vote prior to the vote being cast.

B. Amendments to Motions: As previously discussed, when a motion is on the floor and an amendment is offered, the amendment shall be acted upon prior to acting on the main motion. No motion of a subject other than the agenda item under consideration shall be admitted as an amendment. A motion to amend an amendment shall be in order, but one to amend an amendment to an amendment shall not be in order. Action shall be taken on the amended amendment prior to any other action to further amend the original motion.

XI. PUBLIC HEARINGS/ORDINANCES & RESOLUTIONS

A. Except as provided otherwise by law, public hearings shall generally be conducted as follows:

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1. Scheduled public hearings shall commence at 6:00 p.m. or as soon thereafter as possible.
2. Speakers are encouraged to complete a Speaker Request Slip; however, a Speaker Slip is not required in order to speak.
3. At the beginning of each public hearing item, the Presiding Officer shall announce the item for the public hearing, request that staff present the staff report and any other relevant evidence, and open the public hearing. The presentation of the staff report prior to the formal opening of the public hearing shall not prevent its consideration as evidence. Any such evidence shall be made a part of the record of the public hearing.
4. Following the staff report and opening of the public hearing, the Presiding Officer shall thereupon call upon the proponent (if other than staff) to present his or her presentation. Thereafter, the Presiding Officer shall inquire as to whether there are any persons present who desire to address the City Council on the matter. Any person desiring to speak or present evidence shall then make their presence known to the Presiding Officer and, upon being recognized by the Presiding Officer, may speak or present evidence relevant to the subject matter being heard.
5. The applicant/appellant, and/or their representative shall speak first and shall have a sufficient amount of time to do so, any portion of which may be reserved and used for rebuttal.
6. Each member of the public wishing to address the City Council, other than the applicant/appellant, shall then be allowed to address the City Council and shall have three (3) minutes to speak. Prior to declaring the public hearing open, however, when necessary because of the number of possible speakers, the Presiding Officer may establish a time limit for the entire public hearing, or establish time limits for the presentation of each individual speaker. All persons interested in the matter being heard by the City Council shall be entitled to submit written evidence or remarks, as well as other graphic evidence. All such evidence presented shall be retained by the City Clerk as part of the record.
7. Councilmembers who wish to ask questions of the speakers, staff or each other, during the public hearing portion, may do so only after being recognized by the Presiding Officer in the manner set out in this policy.
8. Councilmembers should be mindful that the purpose of the public hearing is to obtain testimony, and not to debate the merits of the item under consideration.

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Councilmembers should avoid debate and expressions of personal opinion until after the close of the public hearing.

9. Following the conclusion of such questions, the Presiding Officer shall allow the applicant/appellant the opportunity for rebuttal.
10. Following the rebuttal, the Presiding Officer shall close the public hearing and then allow each Councilmember to state his or her opinion on the item before asking for a motion to decide the matter.
11. Upon closing the public hearing by the Presiding Officer, no additional public testimony shall be solicited or received by the City Council without reopening the public hearing through the Presiding Officer with consensus of the City Council.
12. The Presiding Officer at all times shall conduct the public hearing in such a manner as to afford due process to all affected persons.

XII. MEETING DECORUM & CONDUCT

Meetings of the City Council shall be conducted in an open and orderly manner and in an environment safe for all persons in attendance to ensure that the public has a full opportunity to be heard and that the deliberative process of the Council is retained at all times. The Presiding Officer shall be responsible for maintaining the order and decorum of meetings. This policy is not intended to deprive any person of his or her right to freedom of expression, but only to maintain, to the extent possible and reasonable, a safe and conducive place to conduct public business.

A. Conduct:

1. Members of the audience shall not engage in disorderly or boisterous conduct, including the utterance of obscene, lewd, loud, threatening, repeatedly irrelevant or repetitious, or abusive language, including clapping, whistling, yelling, stamping of the feet, or other acts which disturb, disrupt, impede, or otherwise render the orderly conduct of the City Council meeting infeasible. A member of the audience engaging in any such conduct may, after warning by the Presiding Officer, at the discretion of the Presiding Officer or a majority of the City Council, be subject to removal from the meeting.
2. Persons in the audience will refrain from creating, provoking, or participating in any type of disturbance involving unwelcome physical contact.

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3. Noise emanating from the lobby outside the Council Chambers which is audible within the Chambers shall not be permitted. The Sergeant-at-Arms is authorized to enforce this rule by requesting those in the lobby to remain silent or to leave the area.

B. Authorized & Designated Areas:

1. No person shall stand or sit in the aisles. No person shall block any doorways or exits.
2. No person except City officials shall be permitted within the platform area in front of the City Council dais without the prior consent of the Presiding Officer or City Manager.

C. Signs, Objects, or Symbolic Material:

1. Placards, signs, and posters may be brought into the Council Chambers unless such objects disturb, disrupt, impede or otherwise render the orderly conduct of the Council meeting infeasible, or block the view of any other person in attendance, in which case such placard, sign, or poster shall, at the discretion of the Presiding Officer or a majority of the Council, be moved to a different location or removed from the Chamber.
2. Packages, bundles, suitcases, or other large or potentially dangerous objects shall not, without the prior authorization of the Presiding Officer or City Manager, be brought into the City Council Chamber and are subject to search to determine that they do not pose a threat or as otherwise requested by the Sergeant-at-Arms.

D. Service Animals: Except as otherwise allowed by the City Council, no animals except for service animals shall be brought into the Council Chambers.

E. Photography/Videography: Photographs, audiotapes, and videotapes may be taken from the rear of the Council Chambers or from any seat within the Chambers, as long as such activity does not disrupt or disturb the audience, public speakers, Councilmembers or others on the dais, and interfere with the orderly conduct of the meeting. When a filming area has been designated by the Fire Marshal or Sergeant-at-Arms, filming shall occur in that area only. The Fire Marshal or Sergeant-at-Arms may designate an area for credentialed media only.

F. Cellular & Electronic Devices: Persons in the audience will refrain from using cellular

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phones and/or pagers while the City Council meeting is in session.

XIII. ENFORCEMENT

- A. **Sergeant-at-Arms:** The Chief of Police or designee shall be the ex-officio Sergeant-at-Arms of the City Council. The Sergeant-of-Arms shall carry out all orders and instructions given by the Presiding Officer for the purpose of maintaining order and decorum in the Council Chambers. Any Councilmember may move to require the Presiding Officer to enforce the rules upon affirmative vote of a majority of the Council.
- B. **Violations:** Upon a violation of the Rules of Procedure and Order established herein, the procedure to enforce the rules are as follows:
1. **Warning:** The Presiding Officer shall first request that a person who is violating the rules cease such conduct. If, after receiving a request from the Presiding Officer, the person persists in violating the rules, the Presiding Officer shall order a recess. The Sergeant-at-Arms is authorized to warn the person that their conduct is violating the rules and that they are requested to cease such conduct. If upon resumption of the meeting the violation persists, the Presiding Officer may order another recess whereupon the Sergeant-at-Arms shall have the authority to order the person removed from the meeting and/or cited in violation of Penal Code Section 403.
 2. **Motion to Enforce:** Any Councilmember may call a Point of Order should the City Council fail to abide by the provisions of this policy, whereupon the City Council shall immediately act upon the Point of Order by roll call vote. If the Presiding Officer fails to enforce the Rules of Procedure and Order set forth herein, any member of the City Council may move to require the Presiding Officer to do so, and an affirmative vote of a majority of the City Council shall require the Presiding Officer to do so. If the Presiding Officer fails to carry out the will of the majority of the City Council, the majority may designate another member of the City Council to act as Presiding Officer for the remainder of the meeting, for the limited purpose of enforcing the rules established herein.
 3. **Clearing the Room:** Pursuant to Government Code section 54957.9, in the event that any meeting is willfully interrupted by a group of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of the individuals who are willfully interrupting the meeting, the Presiding

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Officer may order the room cleared and the meeting shall continue in session. Only matters appearing on the agenda may be considered in such a session. Credentialed representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to Section 54957.9.

4. **Violation of California State Law:** A person or persons who willfully and intentionally impair or impede the conduct of a City Council meeting by violating these Rules of Procedure and Order may be prosecuted under California Penal Code section 403, California Elections Code section 18340, or any other applicable State law for disturbing a public meeting.

XIV. PROCEDURAL MATTERS

- A. City Council Seating Arrangement: The seating arrangement of Councilmembers on the dais is at the prerogative of the Mayor.
- B. Signing of Meeting Documents: The Presiding Officer shall sign all ordinances, resolutions, contracts, and other documents necessitating official signature which were adopted in their presence, unless unavailable, in which case the signature of the Vice-Mayor may be used.
- C. Copy of Recordings: The public may obtain from the City Clerk a copy, at cost, of an existing recording made by the legislative body of its public sessions.
- D. Ceremonial Matters: There are several different types of action the City Council may take to provide recognition or express appreciation:
 1. Certifications of Appreciation or Recognition: Commendations are typically issued to acknowledge the activities of a person or organization.
 2. Proclamations: Public announcements directing attention to a person, organization, event, or cause. Proclamations will be issued subject to the policy described below.
- E. Proclamations: It is the policy of the City Council to issue proclamations for certain individuals, organizations, events, or causes, when such a proclamation positively impacts the community and conveys an affirmative message to residents.
 1. Discretion should be used in determining whether or not to issue a proclamation. Proclamations that are political in nature, are controversial, or that likely would not

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enjoy a high level of community interest and support, are discouraged.

2. It is the policy of the City Council to process requests for proclamations in the following manner:

- ~~a. Requests for proclamations will be made through the Mayor's Office;~~
- ~~b. If the Mayor determines that the proclamation request is consistent with the policy stated above, the Mayor will direct his or her staff member to prepare the proclamation and the proclamation will be issued.~~
- ~~c. Upon receipt of the draft proclamation language, the Mayor will direct the City Manager to place the item on a meeting agenda depending on the nature and time-sensitive nature of the request.~~

- a. Requests for proclamations can be made by any Council Members' Office
- b. The Mayor and Councilmember filing the request will determine the language used in the proclamation, the Mayor will then direct his or her staff member to prepare the proclamation and the proclamation will be issued with all of the Council Member signatures.
- c. Upon receipt of the draft proclamation language, the Mayor and Councilmember filing the request will direct the City Manager to place the item on a meeting agenda depending on the nature and time-sensitive nature of the request;

XV. SOCIAL MEDIA

With the ever-growing use of social media, the City Council and City staff should be aware that comments, statements, opinions, etc. are still subject to the same restrictions identified in the California Government Code, including but not limited to (the Brown Act and the Public Records Act). While the City of National City strives to maintain community involvement and transparency in its government functions, certain State and local laws must be considered and kept in mind while using social media platforms. Social media platforms such as Facebook, Twitter, and others can be viewed by other people including other Councilmembers. Councilmembers are encouraged to check the information they provide for accuracy.

Multiple Councilmembers cannot comment on the same conversation, as that can create a

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"serial meeting" of the City Council and is a direct violation of the Brown Act. If Councilmembers communicate on social media about "City business", as defined in City Administrative Policy No. 02.06, any such communication may be released to the public upon request.

Councilmembers should refrain from stating personal opinions on matters being brought before the City Council including, but not limited to: personal opinions on topics, declarations on how an official intends to vote for an item, debating with citizens on items, or presentation of the Councilmember's argument in support or opposition of an item, as those could be considered violations of the Brown Act, which can result in criminal and civil liabilities for the official.

Councilmembers should always maintain professionalism and common courtesy in posts and comments when commenting in their official capacity and should remain neutral in postings to prevent the interpretation that a decision has already been made outside of an open meeting, in violation of the Brown Act. Councilmembers should also be aware that there is inherent personal civil liability risk on all comments they make outside of official meetings. For example, if a Councilmember "blocks" a social media user, or deletes a comment from a social media user, the Councilmember risks violating the social media user's First Amendment rights.

Councilmembers should not use their official positions to make negative posts, voice personal opinions, etc. against any individual, business, entity, etc., as that could create negative feedback for the official and City and could potentially subject the official to personal civil liability for slander, defamation of character, or other civil remedies that could be determined by a court. Councilmembers should also refrain from using aliases or having fake profiles on social networking sites.

City Councilmembers and staff shall not use any official City media site, including but not limited to the City's Facebook page, the City's Twitter accounts, or to any other City media outlet for personal reasons or personal gain.

IV. POLICY INTERPRETATION & APPLICABILITY

The Policy and Rules of Procedure and Order set forth herein shall be liberally construed to effectuate their purpose and no ordinance, resolution, proceeding or other action of the City Council shall be invalidated, nor the legality thereof otherwise affected, by the failure or omission of the City Council to technically comply with, observe, or otherwise follow such rules. Any provision of these rules not already governed by City ordinance or State law may be suspended by a majority vote of the City Council.

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The rules set forth herein shall apply to all meetings of the City Council subject to the Brown Act and shall apply to the Council Chamber or any other location where a meeting subject to these rules takes place. In the event of any inconsistency between these rules and State law or regulation, State law or regulation shall apply.

IV. DEFINITIONS

Abstain	To publicly refrain from voting usually because of a conflict interest.
Adjourn	A privileged motion to officially close a meeting. A second is required and a majority vote is required to adopt it.
Call to Order	An announcement by the Presiding Officer to convene a meeting.
Consent Calendar	The routine parts of the agenda which are approved without discussion or dissent.
Decorum	To conduct oneself in a proper manner.
Dire Emergency	When a majority of the legislative body determines that a dire emergency exists, it may call an emergency meeting (Government Code Section 54956.5(a)(2)). A dire emergency, is defined as a crippling disaster, mass destruction, terrorist act, or threatened terrorist activity that poses peril so immediate and significant that requiring a legislative body to provide one-hour notice before holding an emergency meeting may endanger the public health, safety, or both, as determined by a majority of the members of the legislative body.
Emergency Meeting	When a majority of the legislative body determines that an emergency situation exists, it may call an emergency meeting (Government Code Section 54956.5). An emergency is defined as work stoppage, crippling activity, or other activity that severely impairs public health, safety, or both, as determined by a majority of the members of the legislative body.
Legislative Body	City Councilmembers are legislators. Together, the members of the City Council constitute a legislative body that is given authority by the State constitution and State law to make local law.

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Meeting	Includes any congregation of a majority of the members of a legislative body at the same time and location, including teleconference location as permitted by Section 54953, to hear, discuss, rdeliberate, or take action on any item that is within the subject matter jurisdiction of the legislative body.(Government Code § 54952.2(a).)
Minutes	The official record of what is done at a meeting.
Motion	The vehicles for decision-making by a body used with a vote to indicate approval, denial, adoption, or direction.
Ordinance	A City law that generally requires two separate meetings and typically becomes effective thirty days after adoption.
Parliamentarian	One who advises the Officers, Committees, and Council Members on matters regarding parliamentary procedure.
Policy	The opinions, philosophy, or practices that are adopted by an organization.
Public Hearing	Items that are publicly noticed for a specific City Council meeting date, as generally required by law, and are designed to receive separate public input on a specific matter.
Point of Order	An interruption of a meeting to question whether rules or bylaws are being broken.
Presiding Officer	The officer conducting the meeting; Chair or Chairman.
Public Hearing	A noticed public session to receive original evidence or testimony on applications regulated by this title. Scheduled public hearings shall be commenced at 6:00 p.m. or as soon thereafter as possible.
Quorum	The minimum number of members who must be present at a meeting to transact business legally.
Ralph M. Brown Act	The Ralph M. Brown Act, commonly known as the "Brown Act," governs meetings conducted by local legislative bodies, such as

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Boards of Supervisors, City Councils and School Boards. The Act represents the Legislature's determination of how the balance should be struck between public access to meetings of multi-member public bodies on the one hand and the need for confidential candor, debate, and information-gathering on the other. The purpose of the Brown Act is to facilitate public participation in local government decisions and to curb misuse of the democratic process by secret legislation by public bodies.

- Recess** A period of time longer than twenty (20) days without a regular or special meeting of the Council.
- Resolution** A legislative or other type of action providing for the disposition of a particular item of business. Resolutions take effect upon passage by a majority vote of the City Council unless other law imposes a later effective date.
- Rosenberg's Rules of Order** Written rules of parliamentary procedure which govern a meeting.
- Sergeant-at-Arms** The Chief of Police or his or her designee shall be the ex-officio Sergeant-at-Arms of the City Council.
- Special Meeting** In contrast with a regular meeting, a meeting called for a particular purpose that is stated when the meeting is called.

SECTION XVIII. RELATED POLICY REFERENCES

Related Policy References

- National City Municipal Code, Chapter 2.04
- National City Municipal Code, Title 16
- Ralph M. Brown Act
- Rosenberg's Rules of Order
- City Council Policy No. 102 - City Council Meeting Times
- City Council Policy No. 103 - Special Council Meetings
- City Council Policy No. 105 - Off Agenda Items and Placing Non-Agenda Items on the Agenda
- City Council Policy No. 106 - Preparation of City Council Meeting Minutes
- City Council Policy No. 113 - Unauthorized Disclosure of Information Revealed in Closed Sessions
- City Council Policy No. 116 - Procedure for Disclosure of Ex Parte Contacts
- Administrative Policy No. 02.06- Public Records Act Affecting Personal Electronic Devices & Accounts of City Users

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Prior Policy Amendments

June 11, 2013 (Revised – removed Robert’s Rules of Order and replaced with Rosenberg’s Rules of Order) Per meeting minutes
October 8, 2013 (Resolution No. 2013-147)
April 2, 2019 (Resolution No. 2019-37)
August 18, 2020 (Resolution No. 2020-152)

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I. PURPOSE

The purpose of this Policy is to establish Rules of Procedure and Order for City officials, staff and members of the public at all meetings of the City Council to ensure that the business of the City is attended to in an open and orderly manner and in an environment safe for all persons in attendance. The policy establishes and delineates general meeting rules, roles and responsibilities, to allow for an orderly meeting where all individuals can exercise their Constitutional rights.

All meetings of the City Council will be conducted under Rosenberg's Rules of Order. In addition, such meetings will be governed in accordance with the Ralph M. Brown Act (Gov. Code § 54950, hereinafter "the Brown Act") and other applicable State laws. Any question about proper procedure will be immediately referred to the City Clerk as parliamentarian.

This policy applies to all persons attending public meetings in the City Council Chamber or any other location where a meeting subject to this policy takes place. In the event of any inconsistency between this policy and State law or regulation, State law or regulation shall apply.

II. RESPONSIBILITIES

It is important to recognize that the City Council acts as a legislative body. No member has extraordinary powers beyond those of other members. While the Mayor and Vice-Mayor may have additional ceremonial and administrative responsibilities, in the establishment of policies, voting and in other significant areas, all members are equal. Policy is established and direction is given to City staff by a majority vote of the Council.

While individual Councilmembers may disagree with decisions of the majority, a decision of the majority binds the Council to a course of action and provides staff with direction to follow. In turn, it is staff's responsibility to ensure the policy of the Council is implemented and upheld consistent with the wishes of the majority. Implementation of Council policy by staff does not reflect a bias against Councilmembers who held a minority opinion on an issue.

- A. Responsibilities of Presiding Officer/Mayor: The Presiding Officer of the City Council, shall be the Mayor, or in the Mayor's absence the Vice-Mayor, or in both of their absence any other member designated by the City Council. It shall be the duty of the Presiding Officer to ensure that the Rules of Procedure and Order contained herein are observed, The Presiding Officer shall maintain control of communication between Councilmembers and between the Council, staff, and members of the public. The Presiding Officer may make and second motions.

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B. Responsibilities of Vice-Mayor: In the absence of the Mayor from the City or a Council meeting, the Vice-Mayor shall possess all the powers of the office of the Mayor, and be subject to all prescribed duties for that office.

C. Responsibilities of City Council:

1. Members of the City Council shall review all meeting materials in preparation for City Council meetings and be prepared to discuss the agenda.
2. Members of the City Council shall arrive on time for all City Council meetings, in the City Council Chamber or any other location where a meeting subject to this policy takes place. In the event of any inconsistency between this policy and State law or regulation, State law or regulation shall apply.
3. Members of the City Council shall conduct themselves in an orderly, professional and businesslike manner to ensure that the business of the City shall be attended to efficiently and thoroughly and to ensure that the integrity of the deliberative process of the City Council is maintained at all times.
4. Members of the City Council shall maintain a polite, respectful, and courteous manner when addressing one another, City staff, and members of the public during City Council meetings.
5. As a courtesy, members of the City Council shall report upcoming absences to the City Manager as soon as possible to ensure that any necessary adjustments to the agenda may be made, and to ensure a quorum.

D. Responsibilities of City Clerk:

1. The City Clerk shall serve as the Parliamentarian for the City Council meetings to advise the Presiding Officer. Within the limitations imposed by Rosenberg's Rules of Order, the Presiding Officer has the authority to determine proper parliamentary procedure.
2. The City Clerk shall call and record roll call votes; and shall read ordinance titles and agenda items as requested by the Presiding Officer.
3. The City Clerk shall keep minutes of the open meeting in accordance with City Council Policy No. 106, and permanent retention of video recordings of those proceedings as the archived record. Any written comment received for the meeting will be made available on the City website within 48 hours of the meeting.

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All retention per the City Records Retention Schedule.

E. Responsibilities of City Manager:

1. The City Manager's duties during City Council meetings include keeping a record of concerns raised by the City Council regarding direction for future staff action and facilitating the orderly presentation of staff reports.

F. Responsibilities of City Attorney:

1. The City Attorney's duties during City Council meetings include consulting with City Council on items of concern on the agenda, to proactively inform and protect Councilmembers from potential violations and conflicts of law, and to report on any final action taken in closed session.

III. MEETINGS

- A. Regular Meeting: The City Council shall hold regular meetings on the first and third Tuesday of each month. The meetings shall be held in the Council Chamber of City Hall, 1243 National City Boulevard in the City of National City. The regular meeting shall begin at 6:00 p.m., or as otherwise scheduled due to the demand of business or for closed session.
- B. Adjourned Meeting: The City Council may adjourn any regular, adjourned regular, special, or adjourned special meeting to a time and place specified in the order of adjournment. If a quorum is not present, less than a quorum may so adjourn.
- C. Special Meeting: A special meeting may be called at any time by the Mayor whenever the public business may require it or upon direction by a majority of the City Council. The call and notice shall be posted at least twenty-four (24) hours prior to the special meeting in a location that is accessible to members of the public.
- D. Emergency Meeting: Pursuant to the Government Code, the twenty-four (24) hour notice and posting requirements for a special meeting may be dispensed with under the following emergency conditions: work stoppage, crippling activity, or other activity that severely impairs public health, safety, or both, as determined by a majority of the members of the legislative body, except in the case of a dire emergency.

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- E. Recessed Meeting: Pursuant to the Government Code, a meeting of the City Council may recess to the following regular business day if the action is taken in good faith and not to circumvent the requirements of the Brown Act. The meeting may not be recessed to another day after that unless it is posted in accordance with the Brown Act.
- F. Closed Session Meeting: The City Council may hold closed sessions during a regular or special meeting, or at any time otherwise authorized by law, to consider or hear any matter which is authorized to be heard or considered in closed session in accordance with State law. If a closed session is included on the agenda, the description of the item must comply with Government Code Section 54954.5. For each closed session, the City Attorney must orally announce the subject matter of the closed session. If final action is taken in closed session, the City Attorney must report the action at the conclusion of the closed session, unless agendaized for that same Closed Session Meeting or list on the agenda for the Regular Meeting immediately following.

No minutes of the proceedings of the City Council during closed session are required. There shall be no closed session during any special emergency meeting. No person present in a closed session shall disclose, outside of the closed session, any information revealed in such closed session, without the prior authorization of a majority of the City Council. Any violation of this policy may be enforced by one or more of the actions delineated in City Council Policy No. 113.

- G. Quorum: A quorum at any meeting of the City Council will be established by the presence of three (3) members of the City Council. The Mayor shall count as a Councilmember for the establishment of a quorum.
- H. City Council Recess Periods: The City Council has traditionally observed a recess period during the summer to provide elected officials and staff an opportunity to catch up on work, reenergize after a lengthy budget and strategic planning process, and prepare for the start of a new fiscal year. For purposes of this policy, a recess period is defined as a period of time longer than twenty (20) days without a regular or special meeting of the Council.

During any recess period, the City Manager is authorized to take such ministerial action on matters of operational urgency as would normally be taken by the City Council during the recess except for those duties specifically reserved to the City Council by Government Code, and including such emergency actions as are necessary for the immediate preservation of the public peace, health, or safety. The City Manager shall make a full and complete report to the City Council at its first regularly scheduled meeting following the recess of actions taken by the City Manager

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pursuant to this section, at which time the City Council may make such findings as may be required and confirm said actions of the City Manager.

- I. Cancellation of Meetings: Any meeting of the City Council may be cancelled in advance by a majority vote of the Council. In the event that the Mayor and/or Vice-Mayor are unable to cancel a meeting, in the case of an emergency the City Manager is authorized to cancel such meeting.
- J. Location of Meetings: Regular meetings of the City Council shall be held in the Council Chamber unless appropriate notice is given pursuant to, and the location of the meetings in accordance with, the Brown Act. The City Council may hold a special meeting at another location within the City, or locations outside the jurisdiction of the City, provided appropriate notice is given pursuant to and the location of the meeting is in accordance with the Brown Act.
- K. Holidays or Elections: In the event that the a regular meeting of the City Council is scheduled on the same day as a legal holiday, or an election day on which a National City candidate or National City measure appears on the ballot, no meeting will be held that week.. Any regular meeting may be dispensed with by a majority vote of the City Council.
- L. Adjournment: It is the policy of the City Council that that all evening meetings of the City Council, including special meetings and workshops, be adjourned no later than 10:30 p.m., which time is referred to as the normal time of adjournment. The meeting shall be extended no more than once and subsequently may be adjourned to a later date. No new item of business shall be taken up by the Council after the normal time unless the Council has determined by a super-majority vote to set aside this policy. In the event the entire agenda cannot be completed by the normal time of adjournment, the Council may take up and act upon the more pressing agenda items. All agenda items not considered at the meeting shall be on the agenda of the next regular, special, or adjourned regular meeting unless the Council directs otherwise.
- M. Taping or Broadcasting: Meetings may be broadcast, audio-recorded, video-recorded or live-streamed so long as the activity does not constitute a disruption of the proceeding.
- N. Teleconferencing: Teleconferencing shall be allowed as per Government Code section 54953. Teleconference meetings may be held under carefully-defined conditions. The meeting notice must specifically identify all teleconference locations, and each such location must be fully-accessible to members of the public.
- O. Agenda Exception: Special procedures permit a body to proceed without an agenda in

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the case of emergency circumstances, or where a need for immediate action came to the attention of the body after posting of the agenda. (Reference Section VIII, A.5 - Non-Agenda Items Requiring Immediate Action)

- P. Comfort Breaks: It is the policy of the City Council that the Presiding Officer will call comfort breaks of 5-10 minutes when a meeting is expected to last more than two hours. While it is not possible to predict the duration of a meeting, scheduled breaks allow participants to not miss any part of the meeting and help stay alert and maintain a high level of concentration and participation.
- Q. Use of Personal Electronic Devices: The use of personal electronic devices on the dais shall be limited to official agenda-related tasks and emergency notifications. If, in the opinion of the Presiding Officer, a Councilmember's use of an electronic device is disruptive to Council deliberations or disrespectful to the public, the Presiding Officer may request that the Councilmember cease the use of such device.
- R. Translation Services: Simultaneous Spanish interpreting services are provided at City Council meetings, through the use of headsets. A Spanish-language interpreter is also available to interpret and translate for speakers who wish to address the City Council. When the meetings are hosted as a webinar, a Spanish-language interpreter shall provide translation services for a minimum of two (2) hours. If, after providing translation services for two (2) hours, no member of the public is using those services, the translator may be dismissed by the Presiding Officer.
- S. Compliance with Brown Act: All regular, special, and adjourned meetings of the City Council shall be called, noticed and conducted in compliance with the Brown Act.

IV. REMOTE ACCESS TO MEETINGS

- A. Internet Broadcast: Live-Streaming video of City Council meetings is available at www.nationalcityca.gov. Archived meetings are also available online.
- B. E-Notification: Individuals may sign up via the City's website to receive email notifications of published City Council and Board, Commission, and Committee meeting agendas, City news, special events, and more.

V. PUBLIC ASSISTANCE & ACCOMMODATIONS

Upon request, the City Council agenda and backup materials will be made available in alternative formats. Any person who requires a disability-related modification or accommodation to participate in the public meeting, including auxiliary aids or services, may

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request a modification, accommodation, aid, or service by contacting the City Clerk's Office either in person or by telephone no later than 10:00 a.m. on the day preceding the scheduled meeting.

VI. PUBLIC MEETING COMMUNICATIONS

A. Communications between City Councilmembers:

1. Councilmembers wishing to speak should request the floor by being recognized by the Presiding Officer before speaking. The Presiding Officer must recognize any Councilmember who seeks the floor when appropriately entitled to address the City Council.
2. No Councilmember shall speak again until all Councilmembers have had the opportunity to speak.
3. Councilmembers shall remember that the purpose of the City Council meeting is to conduct the business of the City. Councilmembers shall avoid repetition and shall limit their comments to the subject matter at hand. Councilmembers shall endeavor to express their views without engaging in unnecessarily lengthy debates.
4. When one Councilmember is speaking, other Councilmembers shall not interrupt, disrupt or disturb the speaker. During questions and deliberations, the Presiding Officer may vary the speaking sequence of Councilmembers from item to item.

B. Email Communications between City Councilmembers: Because email communications can ultimately lead to the exchange of information intended to, or which may, create collective concurrence among a quorum of Councilmembers, e-mail communications between Councilmembers relative to Council business should be avoided at all times.

C. Communications with Persons Addressing the City Council: Members of the public may address the City Council during the Public Comment period and/or prior to the consideration of any agenda item. Persons shall address the City Council as a whole and shall not engage in a dialogue with individual Councilmembers, staff, or with other members of the audience. Any person wishing to speak, whether during the Public Comment period or on an agenda item, is requested to complete a "Speaker Slip" form and submit the form to the City Clerk prior to the calling to order of the meeting or as soon thereafter as possible. Filling out a speaker slip is not required to participate.

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All those addressing the Council shall do so from the podium.

The City Council may not prohibit public criticism of the City in general, City staff, or members of the City Council, its policies, procedures, programs, or services of an agency or its acts or omissions. A speaker may not be stopped from speaking because either the Presiding Officer or Councilmembers disagree with the viewpoint being expressed.

1. Translation Services: Simultaneous Spanish interpreting services are provided at City Council meetings, through the use of headsets. A Spanish-language interpreter is also available to interpret and translate for speakers who wish to address the City Council. When the meetings are hosted as a webinar, a Spanish-language interpreter shall provide translation services for a minimum of two (2) hours. If, after providing translation services for two (2) hours, no member of the public is using those services, the translator may be dismissed by the Presiding Officer.
2. Public Comment (Non-agenda): At all regular City Council meetings, speakers shall have the right to address the City Council on any matter within the elected body's jurisdiction, subject to a three (3) minute time limit or less, depending on the number of speakers. The Council may listen to the speaker's comments, but cannot discuss or take action on communications not on the agenda. Non-agenda Public Comment may be referred to the City Manager for administrative action or placement on a subsequent agenda, with a majority vote of the Council.
 - a. At each regular Council meeting, up to 30 minutes shall be reserved for Public Comment.
 - b. The City Clerk will review the Speaker Slips and inform the Presiding Officer of the number of slips. If the number of speakers, at three (3) minutes each, exceeds the 30-minute allotted time for Public Comment, the Presiding Officer may reduce the time allotted to each speaker, extend Public Comment time, or continue remaining speakers to the end of the meeting.
 - c. Donations of time from one speaker to another are not permitted.
 - d. The Presiding Officer shall have the authority to reduce equally each speaker's time to accommodate a larger number of speakers.
 - e. Speaker Slips for Public Comment will be accepted by the City Clerk in the Council Chamber no earlier than 15 minutes before the meeting and up until

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the Public Comment portion of the agenda is finished.

- f. In order to ensure that non-English speakers receive the same opportunity to directly address the City Council, any member of the public who utilizes a translator shall be provided at least twice the allotted time to address the City Council, unless simultaneous translation equipment is used to allow the City Council to hear the translated public testimony simultaneously. (Government Code 54954.3)
 - g. Remarks shall be addressed to the City Council as a body.
 - h. If there is a group representing a common position, designation of a spokesperson is encouraged. The Presiding Officer may allot a mixed amount of time for presentations of this nature.
3. Public Comment (Agenda Items): Speakers shall have the right to address the City Council on items which appear on the agenda, subject to the 3-minute time limit.
- i. Donations of time from one speaker to another will not be permitted.
 - j. The Presiding Officer shall have the authority to reduce equally each speaker's time to accommodate a larger number of speakers, or to limit the total speakers' time on an agenda item.
 - k. Speaker Slips for agenda items will be accepted by the City Clerk in the Council Chamber no earlier than 15 minutes before the meeting and up until the public testimony on the item is finished. Included on the Speaker Slip shall be the option for individuals who do not wish to speak to register in support of, in opposition to, or neutral on the item. An individual must be present to register a position or opinion. The City Clerk will provide a tally of those who do not wish to speak on an item, but who do provide a position or opinion.
 - l. Remarks shall be addressed to the City Council as a body and not to any member of the City Council, staff or the public. No questions shall be asked of an individual member of the City Council, staff, or the public. The Presiding Officer may limit interaction between Councilmembers and public speakers to questions of clarification.
 - m. If there is a group representing a common position, designation of a spokesperson is encouraged. The Presiding Officer may allot a mixed amount

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of time for presentations of this nature.

- n. In order to ensure that non-English speakers receive the same opportunity to directly address the City Council, any member of the public who utilizes a translator shall be provided at least twice the allotted time to address the Council, unless simultaneous translation equipment is used to allow the Council to hear the translated public testimony simultaneously. (Government Code Section 54954.3)
4. Presentations to City Council: Any information presented to the City Council for its consideration in formats such as PowerPoint, Video, or other audio/visual media must be submitted to the City Clerk's Office no later than the Wednesday immediately prior to the City Council meeting in order to have the presentation facilitated for City Council viewing and broadcast. If presentations are submitted after that deadline, it will not be possible for them to be played or displayed during the meeting, although ten (10) hard copies may be submitted to the City Clerk for distribution to the City Council. Documents and presentations displayed during the City Council meeting shall become part of the public record and must be submitted to the City Clerk for retention. The City Clerk's Office will post any materials received at a City Council Meeting to the City website within 48 hours of the meeting.

VII. AGENDA SEQUENCE AND ORDER OF BUSINESS

Generally, the agenda sequence and order of business of a regularly scheduled City Council meeting shall be determined by the City Manager's.

During the City Council Meeting the Order of Business shall be followed, unless otherwise reordered by the Presiding Officer with the consensus of the City Council during the City Council Meeting.

- A. Call to Order: The Presiding Officer officially calls the meeting to order.
- B. Roll Call: Before the City Council shall proceed with the business of the Council, the City Clerk shall call the roll of the members and the names of those present shall be entered in the minutes. The later arrival of any absentee shall also be entered in the minutes.
- C. Pledge of Allegiance: Each agenda of a regularly scheduled Council meeting shall provide an item for the recital of the "Pledge of Allegiance" to both the United States flag and the California flag.

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- D. Public Comments: Speakers shall have the right to address the City Council on any matter within the elected body's jurisdiction, subject to a 3-minute time limit or less, depending on the number of speakers. The City Council may listen to the speaker's comments, but cannot discuss or take action on communications not on the agenda. Non-agenda public comment may be referred to the City Manager for administrative action or placement on a subsequent agenda.
- E. Proclamations and Certificates: The agenda shall provide a time when proclamations directing attention to a person, organization or event may be presented. Proclamations will be issued subject to Section XIV, E - Proclamations.
- F. Awards and Recognitions: The agenda shall provide a time when recognitions may be presented.
- G. Presentations: The Presentations section of the agenda is for the purpose of allowing a brief (5 to 10 minutes each) opportunity at the beginning of a Council meeting for City Council to receive information from outside agencies or City staff. It is not meant for a topic that would require lengthy deliberation, debate, or action. Items may be placed on the Presentation section of the agenda at the request of the City Council or City staff with the City Manager's concurrence. Approval to place a presentation on the agenda that has been requested by a community member must be obtained through the City Manager's Office.
- H. Interviews and Appointments: The agenda shall provide a time for the City Council to interview and/or appoint members of the City Council or the public to City and/or external boards, commissions and committees.
- I. Regional Boards and Committee Reports: City Councilmembers report on meetings attended on behalf of the City. Councilmembers are limited to five-minutes.
- J. Consent Calendar: Items of a routine or generally uncontested nature may be approved by the City Council in a single motion by adoption of the Consent Calendar. The approval of the Consent Calendar shall signify the approval of each matter or recommendation included therein: Upon request of any Councilmember, staff, or public made through the Presiding Officer, an item may be removed from the Consent Calendar for separate discussion and/or action. Each item proposed for consideration as part of the Consent Calendar shall be described on the agenda posted for the meeting.
- K. Public Hearings: Ordinances & Resolutions: This portion of the meeting allows for a

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noticed public session to receive original evidence or testimony on applications regulated by this title. Scheduled public hearings shall be commenced at 6:00 p.m. or as soon thereafter as possible. (Reference Section XI, Public Hearings)

- L. Non-Consent Resolutions: Items generally of a non-routine nature for City Council discussion and/or action.
- M. New Business: This portion of the meeting is devoted to discussion or consideration of items of business that have or have not previously been before the City Council.
- N. Staff Reports: This portion of the meeting provides the City Manager and staff the opportunity to give general comments, updates, and announcements.
- O. Mayor and City Council Reports: This portion of the meeting provides the City Council the opportunity to give general comments, announcements, or informational reports on any item not on the agenda. These matters may not be discussed or deliberated.
- P. Closed Session Report: At an Open Session following a Closed Session, the body must report on final action taken in Closed Session under specified circumstances.
- Q. Adjournment: It is the policy of the City Council that that all evening meetings of the City Council, including special meetings and workshops, be adjourned no later than 10:30 p.m., which time is referred to as the normal time of adjournment.

VIII. AGENDA PROCESS

In order for both the City Council and City staff to be adequately prepared to discuss City business during City Council meetings, items for discussion shall be placed on the agenda in accordance with established City Council agenda deadlines and in compliance with the Brown Act. Generally, items not on the agenda cannot be discussed or considered during a City Council meeting. This section of the policy discusses how to place items onto the agenda, agenda setting, preparation and distribution.

A. Preparation, Distribution and Posting

1. Agenda Items: In conjunction with City staff, the City Manager shall have the primary responsibility for preparing the City Council agenda and placing matters on the agenda in accordance with identified City needs and scheduling.

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- a. In the event an item is brought to the attention of the City Manager that requires immediate City Council attention after the agenda setting meeting and before the agenda is distributed, the City Manager will determine the need for the item to be added to the agenda.
2. Agenda Review Meeting: Prior to release and posting of a final City Council agenda, an agenda review meeting shall be held by the City Manager with the City Attorney and the Mayor, or another member of the City Council designated by the Mayor, to serve in their absence. The proposed agenda shall be reviewed at this meeting.
3. Agenda Preparation: Not later than the Thursday prior to the City Council meeting, the City Manager is responsible for preparing the agenda packet, which shall include the agenda plus all its corresponding duplicated agenda items. No item shall be considered if not included in the packet, except that a correction or supplement to an item already included in the packet may be considered in accordance with the Ralph M. Brown Act.
4. Agenda Distribution and Posting: Not later than the Thursday prior to the City Council meeting, the City Manager is responsible for distributing the agenda packet to each member of the City Council. Staff shall post each agenda at least 72-hours in advance of the meeting and shall post each agenda of a special meeting at least 24-hours in advance of the meeting on the official bulletin boards at City Hall and on the City's website.
5. Non-Agenda Items Requiring Immediate Action: Matters requiring City Council action must be placed onto a Council Agenda in a timely manner in order for Council to consider the matter. In accordance with the Ralph M. Brown Act, off-agenda items requiring City Council approval will not be considered by the City Council except under the following two circumstances:
 - a. An emergency situation exists, as defined in the Government Code; or,
 - b. The City Council determines by a two-thirds (2/3) vote, or by a unanimous vote if less than two-thirds of the Council is present, that:
 - There is a need for immediate action, and
 - The need to take action on the item arose after the posting of the agenda.

If the City Council finds that the need to take action arose subsequent to the agenda posting, pursuant to the criteria above, it shall make those findings

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by separate motion, including the factual reasons supporting the findings. The findings shall be reflected in the City Council minutes.

IX. VOTING

- A. Obtaining the Floor: Any Councilmember wishing to speak must first obtain the floor by being recognized by the Presiding Officer. The Presiding Officer must recognize any Councilmember who seeks the floor when appropriately entitled to do so.
- B. Voting Procedure: Any vote of the City Council, including a roll call vote, may be registered by the members by answering "Yes" or "Aye" for an affirmative vote, "Abstain" for an abstention, or "No" or "Nay" for a negative vote upon the member's name being called by the City Clerk; or an electronic vote may be registered by pressing the Councilmember button for an affirmative vote, an abstention, or a negative vote, upon a vote being called for by the Presiding Officer.

Following the vote, the City Clerk shall audibly announce the results of the vote by name indicating whether the item carried or was defeated. The same shall be recorded in the minutes as the vote. The Presiding Officer in his or her discretion may publicly explain the effect of a vote for the audience, or may direct a member of the staff to do so before proceeding to the next item of business.

- C. Disqualification for Conflict of Interest: Any Councilmember who is disqualified from voting on a particular matter by reason of a conflict of interest shall publicly state or have the Presiding Officer state, the nature of such disqualification in open meeting. Where no clearly disqualifying conflict of interest appears, the matter of disqualification may, at the request of the Councilmember affected, be decided by the other Councilmembers. A Councilmember who is disqualified by reason of a conflict of interest in any matter shall not remain in his or her seat during the debate and vote on such matter, but shall request and be given the permission by the Presiding Officer to step down from the Council dais. A Councilmember stating such disqualification shall not be counted as a part of a quorum and shall be considered absent for the purpose of determining the outcome of any vote on such matter.
- D. Failure to Vote: Every Councilmember should vote unless disqualified by reason of a conflict. The vote of a Councilmember who abstains absent a disqualifying conflict of interest shall be counted with the majority vote of the quorum on the question voted upon.
- E. Tie Vote: Any proposed measure that receives a tie vote from the members of the City

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Council shall be considered lost and may be reconsidered.

- F. Changing Vote: A Councilmember may change his or her vote only if the Councilmember makes a timely request to do so immediately following the announcement of the vote by the City Clerk and prior to the time that the next item in the order of business is taken up.
- G. Reconsideration: A motion to reconsider the vote on any action taken by the City Council at either this meeting or a previous meeting may be made only by one of the Councilmembers who voted with the prevailing side.
- H. Point of Order: An interruption of a meeting to question whether rules or bylaws are being broken, such as the speaker has strayed from the motion currently under consideration.
- I. Continuance of Discussion or Hearings: Any item being discussed or any public hearing at a City Council meeting may, by order, notice, or motion, be continued or tabled to any subsequent meeting.
- J. Rosenberg's Rules of Order: Rosenberg's Rules of Order have been adopted by the City Council and shall apply in all cases.
- K. Disclosure of Ex Parte Contacts: An "ex parte" contact or communication occurs when, prior to considering a matter on a public meeting agenda, a member or members of the City Council receives information, oral, written, or otherwise, pertaining to that matter outside the public meeting. (Reference City Council Policy No. 116-Procedure for Disclosure of Ex Parte Contacts)

X. MOTIONS

Motions are the vehicles for decision making by a body. It is normally best to have a motion before the body prior to commencing discussion of an agenda item. There are three motions that are the most common and recur often at meetings:

1. The basic motion. The basic motion is the one that puts forward a decision for the body's consideration.
2. The motion to amend. If a Councilmember wants to change a basic motion that is before the body, they would move to amend it.
3. The substitute motion. If a Councilmember wants to completely do away with

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the basic motion that is before the body, and put a new motion before the body, they would move a substitute motion.

Motions may be made by any member of the City Council, including the Chair. Any member of the City Council may second a motion. (Reference *Rosenberg's Rules of Order* for a more detailed discussion on motions in general and sample motions.)

A. Procedure for Motions: The following is the general procedure for making motions:

1. The item is presented by staff or others followed by questions and discussion by Councilmembers.
2. A Councilmember who wishes to make a motion shall first obtain the floor.
3. A Councilmember who wishes to second a motion shall do so through a request to the Chair.
4. Before a motion can be discussed, it shall be seconded.
5. Once a motion has been properly made and seconded, the Chair shall open the matter for further discussion offering the first opportunity to the moving party and, thereafter, to any Councilmember properly recognized by the Presiding Officer.
6. Once the matter has been fully debated and the Presiding Officer calls for a vote, no further debate will be allowed, provided, however, any Councilmember may be allowed to explain his or her vote prior to the vote being cast.

B. Amendments to Motions: As previously discussed, when a motion is on the floor and an amendment is offered, the amendment shall be acted upon prior to acting on the main motion. No motion of a subject other than the agenda item under consideration shall be admitted as an amendment. A motion to amend an amendment shall be in order, but one to amend an amendment to an amendment shall not be in order. Action shall be taken on the amended amendment prior to any other action to further amend the original motion.

XI. PUBLIC HEARINGS/ORDINANCES & RESOLUTIONS

A. Except as provided otherwise by law, public hearings shall generally be conducted as follows:

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1. Scheduled public hearings shall commence at 6:00 p.m. or as soon thereafter as possible.
2. Speakers are encouraged to complete a Speaker Request Slip; however, a Speaker Slip is not required in order to speak.
3. At the beginning of each public hearing item, the Presiding Officer shall announce the item for the public hearing, request that staff present the staff report and any other relevant evidence, and open the public hearing. The presentation of the staff report prior to the formal opening of the public hearing shall not prevent its consideration as evidence. Any such evidence shall be made a part of the record of the public hearing.
4. Following the staff report and opening of the public hearing, the Presiding Officer shall thereupon call upon the proponent (if other than staff) to present his or her presentation. Thereafter, the Presiding Officer shall inquire as to whether there are any persons present who desire to address the City Council on the matter. Any person desiring to speak or present evidence shall then make their presence known to the Presiding Officer and, upon being recognized by the Presiding Officer, may speak or present evidence relevant to the subject matter being heard.
5. The applicant/appellant, and/or their representative shall speak first and shall have a sufficient amount of time to do so, any portion of which may be reserved and used for rebuttal.
6. Each member of the public wishing to address the City Council, other than the applicant/appellant, shall then be allowed to address the City Council and shall have three (3) minutes to speak. Prior to declaring the public hearing open, however, when necessary because of the number of possible speakers, the Presiding Officer may establish a time limit for the entire public hearing, or establish time limits for the presentation of each individual speaker. All persons interested in the matter being heard by the City Council shall be entitled to submit written evidence or remarks, as well as other graphic evidence. All such evidence presented shall be retained by the City Clerk as part of the record.
7. Councilmembers who wish to ask questions of the speakers, staff or each other, during the public hearing portion, may do so only after being recognized by the Presiding Officer in the manner set out in this policy.
8. Councilmembers should be mindful that the purpose of the public hearing is to obtain testimony, and not to debate the merits of the item under consideration.

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Councilmembers should avoid debate and expressions of personal opinion until after the close of the public hearing.

9. Following the conclusion of such questions, the Presiding Officer shall allow the applicant/appellant the opportunity for rebuttal.
10. Following the rebuttal, the Presiding Officer shall close the public hearing and then allow each Councilmember to state his or her opinion on the item before asking for a motion to decide the matter.
11. Upon closing the public hearing by the Presiding Officer, no additional public testimony shall be solicited or received by the City Council without reopening the public hearing through the Presiding Officer with consensus of the City Council.
12. The Presiding Officer at all times shall conduct the public hearing in such a manner as to afford due process to all affected persons.

XII. MEETING DECORUM & CONDUCT

Meetings of the City Council shall be conducted in an open and orderly manner and in an environment safe for all persons in attendance to ensure that the public has a full opportunity to be heard and that the deliberative process of the Council is retained at all times. The Presiding Officer shall be responsible for maintaining the order and decorum of meetings. This policy is not intended to deprive any person of his or her right to freedom of expression, but only to maintain, to the extent possible and reasonable, a safe and conducive place to conduct public business.

A. Conduct:

1. Members of the audience shall not engage in disorderly or boisterous conduct, including the utterance of obscene, lewd, loud, threatening, repeatedly irrelevant or repetitious, or abusive language, including clapping, whistling, yelling, stamping of the feet, or other acts which disturb, disrupt, impede, or otherwise render the orderly conduct of the City Council meeting infeasible. A member of the audience engaging in any such conduct may, after warning by the Presiding Officer, at the discretion of the Presiding Officer or a majority of the City Council, be subject to removal from the meeting.
2. Persons in the audience will refrain from creating, provoking, or participating in any type of disturbance involving unwelcome physical contact.

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3. Noise emanating from the lobby outside the Council Chambers which is audible within the Chambers shall not be permitted. The Sergeant-at-Arms is authorized to enforce this rule by requesting those in the lobby to remain silent or to leave the area.

B. Authorized & Designated Areas:

1. No person shall stand or sit in the aisles. No person shall block any doorways or exits.
2. No person except City officials shall be permitted within the platform area in front of the City Council dais without the prior consent of the Presiding Officer or City Manager.

C. Signs, Objects, or Symbolic Material:

1. Placards, signs, and posters may be brought into the Council Chambers unless such objects disturb, disrupt, impede or otherwise render the orderly conduct of the Council meeting infeasible, or block the view of any other person in attendance, in which case such placard, sign, or poster shall, at the discretion of the Presiding Officer or a majority of the Council, be moved to a different location or removed from the Chamber.
2. Packages, bundles, suitcases, or other large or potentially dangerous objects shall not, without the prior authorization of the Presiding Officer or City Manager, be brought into the City Council Chamber and are subject to search to determine that they do not pose a threat or as otherwise requested by the Sergeant-at-Arms.

- D. Service Animals: Except as otherwise allowed by the City Council, no animals except for service animals shall be brought into the Council Chambers.

- E. Photography/Videography: Photographs, audiotapes, and videotapes may be taken from the rear of the Council Chambers or from any seat within the Chambers, as long as such activity does not disrupt or disturb the audience, public speakers, Councilmembers or others on the dais, and interfere with the orderly conduct of the meeting. When a filming area has been designated by the Fire Marshal or Sergeant-at-Arms, filming shall occur in that area only. The Fire Marshal or Sergeant-at-Arms may designate an area for credentialed media only.

- F. Cellular & Electronic Devices: Persons in the audience will refrain from using cellular

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phones and/or pagers while the City Council meeting is in session.

XIII. ENFORCEMENT

- A. **Sergeant-at-Arms:** The Chief of Police or designee shall be the ex-officio Sergeant-at-Arms of the City Council. The Sergeant-of-Arms shall carry out all orders and instructions given by the Presiding Officer for the purpose of maintaining order and decorum in the Council Chambers. Any Councilmember may move to require the Presiding Officer to enforce the rules upon affirmative vote of a majority of the Council.
- B. **Violations:** Upon a violation of the Rules of Procedure and Order established herein, the procedure to enforce the rules are as follows:
1. **Warning:** The Presiding Officer shall first request that a person who is violating the rules cease such conduct. If, after receiving a request from the Presiding Officer, the person persists in violating the rules, the Presiding Officer shall order a recess. The Sergeant-at-Arms is authorized to warn the person that their conduct is violating the rules and that they are requested to cease such conduct. If upon resumption of the meeting the violation persists, the Presiding Officer may order another recess whereupon the Sergeant-at-Arms shall have the authority to order the person removed from the meeting and/or cited in violation of Penal Code Section 403.
 2. **Motion to Enforce:** Any Councilmember may call a Point of Order should the City Council fail to abide by the provisions of this policy, whereupon the City Council shall immediately act upon the Point of Order by roll call vote. If the Presiding Officer fails to enforce the Rules of Procedure and Order set forth herein, any member of the City Council may move to require the Presiding Officer to do so, and an affirmative vote of a majority of the City Council shall require the Presiding Officer to do so. If the Presiding Officer fails to carry out the will of the majority of the City Council, the majority may designate another member of the City Council to act as Presiding Officer for the remainder of the meeting, for the limited purpose of enforcing the rules established herein.
 3. **Clearing the Room:** Pursuant to Government Code section 54957.9, in the event that any meeting is willfully interrupted by a group of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of the individuals who are willfully interrupting the meeting, the Presiding

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Officer may order the room cleared and the meeting shall continue in session. Only matters appearing on the agenda may be considered in such a session. Credentialed representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to Section 54957.9.

4. **Violation of California State Law:** A person or persons who willfully and intentionally impair or impede the conduct of a City Council meeting by violating these Rules of Procedure and Order may be prosecuted under California Penal Code section 403, California Elections Code section 18340, or any other applicable State law for disturbing a public meeting.

XIV. PROCEDURAL MATTERS

- A. City Council Seating Arrangement: The seating arrangement of Councilmembers on the dais is at the prerogative of the Mayor.
- B. Signing of Meeting Documents: The Presiding Officer shall sign all ordinances, resolutions, contracts, and other documents necessitating official signature which were adopted in their presence, unless unavailable, in which case the signature of the Vice-Mayor may be used.
- C. Copy of Recordings: The public may obtain from the City Clerk a copy, at cost, of an existing recording made by the legislative body of its public sessions.
- D. Ceremonial Matters: There are several different types of action the City Council may take to provide recognition or express appreciation:
 1. Certifications of Appreciation or Recognition: Commendations are typically issued to acknowledge the activities of a person or organization.
 2. Proclamations: Public announcements directing attention to a person, organization, event, or cause. Proclamations will be issued subject to the policy described below.
- E. Proclamations: It is the policy of the City Council to issue proclamations for certain individuals, organizations, events, or causes, when such a proclamation positively impacts the community and conveys an affirmative message to residents.
 1. Discretion should be used in determining whether or not to issue a proclamation. Proclamations that are political in nature, are controversial, or that likely would not

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enjoy a high level of community interest and support, are discouraged.

2. It is the policy of the City Council to process requests for proclamations in the following manner:
 - a. Requests for proclamations will be made through the Mayor's Office;
 - b. If the Mayor determines that the proclamation request is consistent with the policy stated above, the Mayor will direct his or her staff member to prepare the proclamation and the proclamation will be issued.
 - c. Upon receipt of the draft proclamation language, the Mayor will direct the City Manager to place the item on a meeting agenda depending on the nature and time-sensitive nature of the request.
 - e.d. Mayor and City Councilmembers will sign all Proclamations. The Mayor's Office will have an electronic file of each Councilmember on record to be used in the event that a City Councilmember is unable or unavailable to sign the Proclamation.

XV. SOCIAL MEDIA

With the ever-growing use of social media, the City Council and City staff should be aware that comments, statements, opinions, etc. are still subject to the same restrictions identified in the California Government Code, including but not limited to (the Brown Act and the Public Records Act). While the City of National City strives to maintain community involvement and transparency in its government functions, certain State and local laws must be considered and kept in mind while using social media platforms. Social media platforms such as Facebook, Twitter, and others can be viewed by other people including other Councilmembers. Councilmembers are encouraged to check the information they provide for accuracy.

Multiple Councilmembers cannot comment on the same conversation, as that can create a "serial meeting" of the City Council and is a direct violation of the Brown Act. If Councilmembers communicate on social media about "City business", as defined in City Administrative Policy No. 02.06, any such communication may be released to the public upon request.

Councilmembers should refrain from stating personal opinions on matters being brought before the City Council including, but not limited to: personal opinions on topics, declarations on how an official intends to vote for an item, debating with citizens on items, or presentation of the Councilmember's argument in support or opposition of an item, as those could be

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considered violations of the Brown Act, which can result in criminal and civil liabilities for the official.

Councilmembers should always maintain professionalism and common courtesy in posts and comments when commenting in their official capacity and should remain neutral in postings to prevent the interpretation that a decision has already been made outside of an open meeting, in violation of the Brown Act. Councilmembers should also be aware that there is inherent personal civil liability risk on all comments they make outside of official meetings. For example, if a Councilmember "blocks" a social media user, or deletes a comment from a social media user, the Councilmember risks violating the social media user's First Amendment rights.

Councilmembers should not use their official positions to make negative posts, voice personal opinions, etc. against any individual, business, entity, etc., as that could create negative feedback for the official and City and could potentially subject the official to personal civil liability for slander, defamation of character, or other civil remedies that could be determined by a court. Councilmembers should also refrain from using aliases or having fake profiles on social networking sites.

City Councilmembers and staff shall not use any official City media site, including but not limited to the City's Facebook page, the City's Twitter accounts, or to any other City media outlet for personal reasons or personal gain.

IV. POLICY INTERPRETATION & APPLICABILITY

The Policy and Rules of Procedure and Order set forth herein shall be liberally construed to effectuate their purpose and no ordinance, resolution, proceeding or other action of the City Council shall be invalidated, nor the legality thereof otherwise affected, by the failure or omission of the City Council to technically comply with, observe, or otherwise follow such rules. Any provision of these rules not already governed by City ordinance or State law may be suspended by a majority vote of the City Council.

The rules set forth herein shall apply to all meetings of the City Council subject to the Brown Act and shall apply to the Council Chamber or any other location where a meeting subject to these rules takes place. In the event of any inconsistency between these rules and State law or regulation, State law or regulation shall apply.

IV. DEFINITIONS

Abstain

To publicly refrain from voting usually because of a conflict interest.

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Adjourn	A privileged motion to officially close a meeting. A second is required and a majority vote is required to adopt it.
Call to Order	An announcement by the Presiding Officer to convene a meeting.
Consent Calendar	The routine parts of the agenda which are approved without discussion or dissent.
Decorum	To conduct oneself in a proper manner.
Dire Emergency	When a majority of the legislative body determines that a dire emergency exists, it may call an emergency meeting (Government Code Section 54956.5(a)(2)). A dire emergency, is defined as a crippling disaster, mass destruction, terrorist act, or threatened terrorist activity that poses peril so immediate and significant that requiring a legislative body to provide one-hour notice before holding an emergency meeting may endanger the public health, safety, or both, as determined by a majority of the members of the legislative body.
Emergency Meeting	When a majority of the legislative body determines that an emergency situation exists, it may call an emergency meeting (Government Code Section 54956.5). An emergency is defined as work stoppage, crippling activity, or other activity that severely impairs public health, safety, or both, as determined by a majority of the members of the legislative body.
Legislative Body	City Councilmembers are legislators. Together, the members of the City Council constitute a legislative body that is given authority by the State constitution and State law to make local law.
Meeting	Includes any congregation of a majority of the members of a legislative body at the same time and location, including teleconference location as permitted by Section 54953, to hear, discuss, rdeliberate, or take action on any item that is within the subject matter jurisdiction of the legislative body.(Government Code § 54952.2(a).)
Minutes	The official record of what is done at a meeting.

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Motion	The vehicles for decision-making by a body used with a vote to indicate approval, denial, adoption, or direction.
Ordinance	A City law that generally requires two separate meetings and typically becomes effective thirty days after adoption.
Parliamentarian	One who advises the Officers, Committees, and Council Members on matters regarding parliamentary procedure.
Policy	The opinions, philosophy, or practices that are adopted by an organization.
Public Hearing	Items that are publicly noticed for a specific City Council meeting date, as generally required by law, and are designed to receive separate public input on a specific matter.
Point of Order	An interruption of a meeting to question whether rules or bylaws are being broken.
Presiding Officer	The officer conducting the meeting; Chair or Chairman.
Public Hearing	A noticed public session to receive original evidence or testimony on applications regulated by this title. Scheduled public hearings shall be commenced at 6:00 p.m. or as soon thereafter as possible.
Quorum	The minimum number of members who must be present at a meeting to transact business legally.
Ralph M. Brown Act	The Ralph M. Brown Act, commonly known as the "Brown Act," governs meetings conducted by local legislative bodies, such as Boards of Supervisors, City Councils and School Boards. The Act represents the Legislature's determination of how the balance should be struck between public access to meetings of multi-member public bodies on the one hand and the need for confidential candor, debate, and information-gathering on the other. The purpose of the Brown Act is to facilitate public participation in local government decisions and to curb misuse of the democratic process by secret legislation by public bodies.

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Recess	A period of time longer than twenty (20) days without a regular or special meeting of the Council.
Resolution	A legislative or other type of action providing for the disposition of a particular item of business. Resolutions take effect upon passage by a majority vote of the City Council unless other law imposes a later effective date.
Rosenberg's Rules of Order	Written rules of parliamentary procedure which govern a meeting.
Sergeant-at-Arms	The Chief of Police or his or her designee shall be the ex-officio Sergeant-at-Arms of the City Council.
Special Meeting	In contrast with a regular meeting, a meeting called for a particular purpose that is stated when the meeting is called.

SECTION XVIII. RELATED POLICY REFERENCES

Related Policy References

- National City Municipal Code, Chapter 2.04
- National City Municipal Code, Title 16
- Ralph M. Brown Act
- Rosenberg's Rules of Order
- City Council Policy No. 102 - City Council Meeting Times
- City Council Policy No. 103 - Special Council Meetings
- City Council Policy No. 105 - Off Agenda Items and Placing Non-Agenda Items on the Agenda
- City Council Policy No. 106 - Preparation of City Council Meeting Minutes
- City Council Policy No. 113 - Unauthorized Disclosure of Information Revealed in Closed Sessions
- City Council Policy No. 116 - Procedure for Disclosure of Ex Parte Contacts
- Administrative Policy No. 02.06- Public Records Act Affecting Personal Electronic Devices & Accounts of City Users

Prior Policy Amendments

June 11, 2013 (Revised – removed Robert's Rules of Order and replaced with Rosenberg's Rules of Order) Per meeting minutes
October 8, 2013 (Resolution No. 2013-147)
April 2, 2019 (Resolution No. 2019-37)
August 18, 2020 (Resolution No. 2020-152)

**CITY COUNCIL POLICY
CITY OF NATIONAL CITY**

TITLE: Rules of Procedure and Order for City Council Meetings

POLICY #104

ADOPTED: December 13, 1983

AMENDED: ~~October 5, 2021~~
August 15, 2023

RESOLUTION NO. 2023 -

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, APPROVING AN AMENDMENT TO CITY COUNCIL POLICY MANUAL POLICY 104: RULES OF PROCEDURE AND ORDER FOR CITY COUNCIL MEETINGS – XIV PROCEDURAL MATTERS, SECTION E. PROCLAMATIONS

WHEREAS, City of National City (City) City Council Policy requires as needed a review of the City Council Policy Manual; and

WHEREAS, pursuant to a City Council Policy 105 request, a review of Section XIV Procedural Matters E, Proclamations has been completed; and

WHEREAS, the City Council has determined that a majority of the current seated Council agrees to amend this policy to add to Section E (2) as follows:

- (a) Requests for proclamations can be made by any Council Members’ Office.*
- (b) The Mayor and Councilmember filing the request will determine the language used in the proclamation, the Mayor will then direct his or her staff member to prepare the proclamation and the proclamation will be issued with all of the Council Member signatures.*
- (c) Upon receipt of the draft proclamation language, the Mayor and Councilmember filing the request will direct the City Manager to place the item on a meeting agenda depending on the nature and time-sensitive nature of the request;*

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

Section 1: That the City Council hereby authorizes the amendment of City Council Policy 104, XIV Procedural Matters, Section E Proclamations by adding Section E(2) as set forth in Exhibit B to the Agenda Report.

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

PASSED and ADOPTED this 15th day of August, 2023.

Ron Morrison, Mayor

ATTEST:

Shelley Chapel, MMC, City Clerk

APPROVED AS TO FORM:

Barry J. Schultz, City Attorney

RESOLUTION NO. 2023 -

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, APPROVING AN AMENDMENT TO CITY COUNCIL POLICY MANUAL POLICY 104: RULES OF PROCEDURE AND ORDER FOR CITY COUNCIL MEETINGS – XIV PROCEDURAL MATTERS, SECTION E. PROCLAMATIONS

WHEREAS, City of National City (City) City Council Policy requires as needed a review of the City Council Policy Manual; and

WHEREAS, pursuant to a City Council Policy 105 request, a review of Section XIV Procedural Matters E, Proclamations has been completed; and

WHEREAS, the City Council has determined that a majority of the current seated Council agrees to amend this policy to add to Section E (2)(d) as follows:

- d. Mayor and City Councilmembers will sign all Proclamations. The Mayor's Office will have an electronic signature file of each Councilmember on record to be used in the event that a City Councilmember is unable or unavailable to sign the Proclamation.

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

Section 1: That the City Council hereby authorizes the amendment of City Council Policy 104, XIV Procedural Matters, Section E Proclamations by adding Section E(2)(d) as set forth in Exhibit B to the Agenda Report.

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

PASSED and ADOPTED this 15th day of August, 2023.

Ron Morrison, Mayor

ATTEST:

Shelley Chapel, MMC, City Clerk

APPROVED AS TO FORM:

Barry J. Schultz, City Attorney



AGENDA REPORT

Department: Housing Authority
Prepared by: Carlos Aguirre, Interim Deputy City Manager
Meeting Date: Tuesday, August 15, 2023
Approved by: Ben Martinez, Interim City Manager

SUBJECT:

Amendment to City Council Policy No. 901, to Require that the City Conduct a Feasibility Analysis for Homeownership on City-Owned Property Zoned for Residential Use.

RECOMMENDATION:

Adopt the Resolution Entitled "Resolution of the City Council of the City of National City, California, Amending City Council Policy No. 901, Entitled 'Management of Real Property', to Require that the City Conduct a Feasibility Analysis to Evaluate Building Residential Units for Homeownership, Identify Supportable Land Values, Determine the Need for Gap Financing, and Assess the Use of Various Development Models, Such as Community Land Trusts, to Create Sustainable and Affordable Homeownership on Any City-Owned Property Zoned for Residential Use."

BOARD/COMMISSION/COMMITTEE PRIOR ACTION:

Not Applicable.

EXPLANATION:

Background

A City Council Policy #105 request was presented by Councilmember Jose Rodriguez on the Agenda for the Regular City Council Meeting on February 7, 2023. The request was to review and discuss City Council Policy # 901 Management of Real Property (Sale, Lease, Rental, Surplus) at the next regularly scheduled City Council meeting with the intent to expand homeownership opportunities within City-owned Properties. On February 22, 2023, staff provided a presentation on historic and present homeownership programs and projects in National City, market data and trends affecting the feasibility of homeownership development, and potential policies that can prioritize and promote the development of homeownership projects on City-owned property. Staff received direction from City Council to bring back a policy that would prioritize homeownership development in National City on City-owned property.

According to the 2020 Census count estimates, 32.7% of housing units in National City are owner-occupied. In contrast, 55% of housing units in California are owner-occupied. Homeownership can help families purchase property that is likely to steadily increase in value over time and that can be passed down to the next generation. The passing of wealth through generations gives future generations a financial step up and creates upward economic mobility. Ideally, this generational cycling of wealth will give the future family the financial means to purchase their own home, invest in businesses, or use it to attend college.

Historically, the majority of City-owned property used for housing in National City has been allocated to meet the need for affordable rental housing. Although the City has created some homeownership opportunities recently through the First-Time Homebuyer Program and infill development using HOME Investment Partnership funds from the U.S. Department of Housing and Urban Development (HUD), the number of homebuyer units could be further increased by conducting a financial feasibility study on the development of homeownership units on City-owned property.

The Community Development Commission-Housing Authority of the City of National City (“Housing Authority”) approved a 5-year Housing Strategic Plan in August 2021. The Housing Strategic Plan also establishes guidance for the Housing Authority to utilize City-owned real estate and its financial assets for housing purposes to stimulate housing programs, including first-time homebuyer opportunities. The Housing Strategic Plan identifies six City-owned properties to consider for housing development by 2025 and recommends homeownership projects for the majority of the City’s properties being considered for future development. The Strategic Plan can be found on the Housing Authority’s Plans, Projects, and Programs webpage: <https://www.nationalcityca.gov/government/national-city-housing-authority/plans-projects-and-programs>.

Staff has drafted an amendment to City Council Policy No. 901. The amendment to the policy states that when a City property is zoned for residential use and is considered for disposition by the City or Housing Authority, a feasibility analysis must be conducted for homeownership development on the subject parcel. The findings and considerations from the analysis must be presented to City Council for review. City Council may direct staff to issue a request for proposals for homeownership on the subject parcel.

The feasibility analysis will evaluate the disposition of City property for homeownership, identify supportable land values, determine the need for gap financing, and assess the use of various development models on any City-owned property zoned for residential use. The use models include but are not limited to community land trusts, deed restrictions, condominiums, limited-equity cooperatives, rent-to-own, or a combination thereof. The analysis could include both market rate and affordable homeownership units. The ratio of market rate to affordable homeownership units could depend on the number of units developed, funding available to subsidize affordable homeownership, and the overall financing model used.

FINANCIAL STATEMENT:

The City may need to assist the homeownership project by deferring the receipt of payment for the value of the land to make it financially feasible to build homeownership units. The City may consider providing loans to make the homes affordable to lower income first-time homebuyers through the equity created through the development. If the City or Housing Authority assists the homebuyer through a loan secured by the homebuyer’s housing unit, the City’s subsidy will be recaptured when the property is sold or transferred.

RELATED CITY COUNCIL 2020-2025 STRATEGIC PLAN GOAL:

Housing and Community Development

ENVIRONMENTAL REVIEW:

This is not a project under CEQA and is therefore not subject to environmental review. CCR15378; PRC 21065.

PUBLIC NOTIFICATION:

Agenda Report posted within 72 hours of meeting date and time in accordance with Brown Act.

ORDINANCE:

Not Applicable

EXHIBITS:

Exhibit A - Current City Council Policy No. 901 Redlined

Exhibit B - Proposed City Council Policy No. 901

Exhibit C - PowerPoint

Exhibit D - Resolution and Exhibit – City Council Policy No. 901

CITY COUNCIL POLICY

CITY OF NATIONAL CITY

TITLE: Management of Real Property (Sale, Lease, Rental, Surplus)	POLICY # 901
ADOPTED: June 19, 1984 2023 January 22, 2019	AMENDED: <u>August 15,</u>

Background:

The City of National City is owner of substantial real property which is used for various municipal purposes. As public service needs change, the requirements for these properties may be revised and, on occasion, certain parcels may be in excess of the City's current need. This requires that each individual site be reviewed in terms of its potential for future public use, as well as its potential economic benefit to the City.

The proceeds from the sale and lease of City-owned lands and the revenues generated from leases are normally utilized for General Fund purposes unless the property sold or leased belonged to a restricted program.

Purpose:

It is the purpose of this policy 1) to establish a procedure by which unused and marginally used City-owned real estate is reviewed for its potential public use, and for designating unneeded parcels for lease or sale; 2) to provide methodology for the sale or exchange of City-owned real estate and 3) to establish policies for the leasing of City-owned real property.

Policy:

It is the City's policy to manage its real estate assets so that municipal needs which rely on these assets may be properly implemented. It is not the City's policy to speculate in real estate. The City Council will review City-owned real estate not used for municipal purposes and determine the appropriate use of the property. Those properties not needed for either City or public use within the foreseeable future, may be made available for lease or sale.

The City shall optimize the sale price or lease rent from City-owned real estate based on relevant factors, including 1) an appraisal reflecting current market value when either a transaction or authorization to sell or lease is presented to the City Council, 2) prevailing economic conditions and market trends, and 3) any special benefits to accrue from the sale or lease.

The City shall seek market value for its properties. Discounts will not be negotiated unless an extraordinary need or circumstance is recognized by Council Resolution setting

ADOPTED: June 19, 1984
2023 January 22, 2019

AMENDED: August 15,

forth the amount of the discount from appraised value and the public purpose served in justification of the discount.

City staff under the direction of City Manager shall prepare and present to the City Council a comprehensive Property Management Plan with periodic reviews as needed, and updates to the City Council. The Property Management Plan shall include an overall review of the City's real estate portfolio (or inventory), an operating plan for corporate property, a disposition plan for surplus property, market research to support anticipated transactions and a request for authority to act within defined parameters (as described in this policy).

The major elements of the property management plan are to include:

- Property evaluation and characterization of real estate assets
- Strategy for City occupied real estate
- Investment Portfolio Plan (leases to for-profit tenants)
- Review of not-for-profit leases
- Disposition Plan for surplus assets
- Business Case development review to support proposed transactions
- Legal document development and review

Procedure for sale of City owned Real Estate:

A. Real Estate Review

As part of an overall property management plan for the City's real estate assets, staff will review the City's property inventory to determine which properties are no longer needed for public facilities or to support the elements of the General Plan and whose disposition will provide a greater public benefit.

When a City property is zoned for residential use and is considered for disposition by the City or Housing Authority, a feasibility analysis must be conducted for homeownership development on the subject parcel. The findings and considerations from the analysis must be presented to City Council for review. City Council may direct staff to issue a request for proposals for homeownership on the subject parcel.

The feasibility analysis will evaluate the disposition of City property for homeownership, identify supportable land values, determine the need for gap financing, and assess the use of various development models on any City-owned property zoned for residential use. The use models include but are not limited to community land trusts, deed restrictions, condominiums, limited-equity cooperatives, rent-to-own, or a combination thereof. The analysis could include both market rate and affordable homeownership units. The ratio of market rate to affordable homeownership units could depend on the number of units developed, funding

ADOPTED: June 19, 1984
2023 January 22, 2019

AMENDED: August 15,

available to subsidize affordable homeownership, and the overall financing model used.

A City-owned property may become available for sale if:

- The property is not currently used by the City or does not support a municipal function; and-
- The property is vacant and has no foreseeable use by the City; and
- The property is a non-performing or under-performing asset and greater value can be generated by its sale; and
- Significant economic development opportunities can be generated by selling the property.
-

Factors to be considered in determining whether a property should be sold include:

- Will the City be relieved of potential liabilities and/or cost of maintaining property that does not generate income or provide public benefit?
- Property tax increment that will be created by returning the properties to the tax rolls.
- Stimulation of the economy by providing opportunities for private sector investment.
- Generation of revenue.
- The sale of the property will generate greater economic value than a ground lease, if a ground lease is a feasible option.

B. Governmental Clearance Process

Government Code Section 54222 requires that a local agency proposing to dispose of surplus property must first notify all governmental agencies operating within the City as to the availability of the property. The agencies are given 60 days to respond with an intent to acquire, if not, the property may be deemed cleared for public sale.

Regarding the list of properties for sale:

- Governmental agencies are regularly contacted as the surplus list is updated.
- City departments are individually contacted as the surplus list is updated.
- Council members are given a preliminary review and opportunity to comment on foreseeable uses for the property.

C. Approval Process

- City-owned properties that have been identified by the City Manager as candidates for sale will be presented to the City Council for approval to be sold. If a property is of a type and location that would make a ground lease

feasible, an economic analysis of the benefits of lease vs. sale will be conducted.

- If City Council determines that the property may be sold, it shall authorize City Manager to sell the property for a price equal to or greater than a minimum price established by a current (less than six months old) appraisal. The authorization to sell the property will be valid for twelve months from the date of City Council action.
- The City Manager or designee may enter into purchase and sale agreements, close escrows and execute and deliver grant deeds to the purchasers of the properties at prices equal to or greater than the minimum price approved by City Council on terms and conditions deemed reasonable, and in the City's best interests.
- City Manager or designee will provide a report to the City Council, regarding the price, terms, and conditions of all transactions.
- Properties that cannot be sold at a price equal to or greater than the minimum price approved by Council will be returned to Council for further consideration prior to disposition. Council approval will be required to sell a property at a price less than the minimum price previously approved by the City Council.

D. Method of Sale

Properties may be sold by any method allowed by City Council Policy. This includes direct negotiation, request for proposal, listing with a broker, sealed bid, auction or other appropriate method as determined by the City Council. Possible method of sale for all properties will be included in the enabling resolution authorizing their sales.

E. Marketing

Properties offered for sale shall receive the widest possible exposure to the open market place. This may be accomplished through direct marketing techniques, such as requests for proposals (RFP), advertising, exposure through the real estate media, posting the property on the multiple listing service or any other appropriate method. When appropriate, properties may be listed for sale with qualified real estate brokers. The authorization to utilize the services of a real estate broker will be contained in the enabling resolution.

F. Real Estate Brokers

Real estate brokers may be used to represent the City in the sale of its properties. Brokers will be selected for individual assignments through Requests for Proposals (RFP) or Requests for Qualifications (RFQ) and a subsequent bid or other methods that result in the City receiving the services of a qualified broker at the best value to the City. The maximum approved commission rate will be contained in the enabling resolution for the property's sale. If the property is listed with a broker, the City reserves the right to exclude from the listing agreement potential buyers whose

interest in purchasing a subject property has been made a part of the record prior to the execution of such agreement.

G. Exclusively Negotiated Sales

It will be the City's policy to insure the highest price for its real estate by pursuing open market transactions. However, on certain occasions, an exclusively negotiated sale may be justified as applicable and may be approved under one of the following conditions:

1. When a parcel is landlocked.
2. When the sale is to a contiguous owner.
3. When a fee interest in a pipeline or other right-of-way is no longer required, it may be sold to a contiguous owner. A restrictive pipeline easement of adequate width or other required easements will be reserved from said sale.
4. When other governmental, public and quasi-public agencies submit acquisition proposals a sale may be consummated. These agencies shall include but not be limited to: Federal, State, and County agencies; school districts, special districts, and regulated utility companies.
5. When qualified non-profit institutional organizations offer to purchase City-owned land, a negotiated sale may be consummated at fair market value providing there is: 1) a development commitment, and 2) a right to repurchase or a reversion upon a condition subsequent. Institutional organizations such as places of public assembly, hospitals, extended care facilities, private schools and community service organizations are required to develop under the City's conditional use permit procedure.
6. When a property has been offered by public auction and no acceptable bids were received, it may be sold on a negotiated basis to any applicant submitting an acceptable offer within six months following the date of auction.
7. Real property exchanges may be consummated by direct negotiation. However, exchanges will be considered only with other governmental agencies or when there is an advantage to the City.

H. Rezoning

Prior to completion of the sales transaction, City land shall be considered for rezoning in accordance with the General Plan, existing community plans or other City Council direction if a higher sale price will result. Also, all unnecessary easements affecting title to the property shall be removed if this will result in a commensurate increase in value.

I. Easements

The City will receive current fair market value for the removal of restrictive easements or access rights previously paid for by the City or other governmental agency or reserved in a sale of City property.

J. Priority Handling

Since time is of essence in land transactions, all such actions by the City Council and staff shall be given the highest priority and special handling.

K. Public Utilities Installed by Private Entities

The applicant for the use of unimproved City land for public purposes, such as streets, sewers, and other public utilities, shall compensate the City for the fair market value of the rights to be granted by the City. The amount of compensation shall be established by appraisal.

Procedure for leasing City-owned Real Property

The City of National City has a very diverse real estate portfolio. While the policies herein are to act as the standard that governs most leases, the City acknowledges that parts of its leasing portfolio have specialized needs or restrictions. In these cases, this policy will act as a framework for a sub-policy that will govern a specific area. Should a conflict arise between the framework policy and the sub-policy, the sub-policy will govern.

A. Criteria for Leasing

City property shall be considered for leasing when one or more of the following criteria apply:

1. The property is not required for current municipal use, but is to be held for possible future use and can be leased as an interim measure.
2. The property can only be leased because of legal restraints. For example, property held under Tideland trust grants or as dedicated parks.
3. The City requires substantial control over development, use and reuse of the property.
4. The property has the immediate potential of a high return to the City because of its high demand and type of use, such as commercial and industrial land.
5. The property can be efficiently utilized by a provider of services needed by the City.
6. The property can be leased to promote a substantial economic development opportunity.

B. Property Management Plan

The City Council may approve the execution of lease transactions that meet the terms of the City's asset strategy for a particular property previously approved by City Council in an overall Property Management Plan. Negotiated transactions that fall outside of the parameters of an approved Property Management Plan either will be submitted individually for City Council approval, or deferred until the next periodic update and approval of the plan.

C. Lessee Selection for New Leases

Competitive offers for lease of City property shall be solicited from the open market place. This may be accomplished through a number of marketing techniques, such as Request for Proposals (RFPs), a marketing subscription system, direct advertising, use of a Multiple Listing Service (MLS), listing with a broker, posting the property and any other appropriate means.

In certain limited situations, the City may exclusively consider a single proposal for lease of City property. Potential lessees wishing to exclusively negotiate with the City must submit for City staff review a business case with sufficient justification as to how it is capable of optimizing the use of the property and return to the City, thereby negating the need for a competitive process. This information will be included when the lease transaction is presented for City Council approval.

Leasehold proposals shall be evaluated in terms of:

1. The degree to which the proposed use is in compliance with the City's strategic plan for the property.
2. In terms of the amount of consideration offered in the form of rent.
3. In terms of the financial feasibility of the proposal.
4. The capability, expertise and experience of the potential lessee with respect to the proposed leasehold development and operation.
5. If new development is proposed, a development plan that includes a description of the development team and its qualifications.
6. The details of each person or entity that will have an interest in the proposed lease
7. Special public benefits to be derived (if any).

D. Rate of Return

The City shall obtain fair market rents for its leases commensurate with the highest and best use of the property. The fair market rent shall be based on an appraisal that complies with the definition of Market Rent found in the Uniform Standards of Professional Appraisal Practice (USPAP) published by the Appraisal Foundation. The appraisal shall be no more than six months old at the time the lease transaction is presented for City Council approval. If the cost of an appraisal is not justified by the anticipated rents, the City may choose an alternative method to establish rent. City leases shall contain terms and conditions which will sustain a fair rate of return throughout the duration of the lease.

E. Rental Terms

Rental terms may be negotiated on the basis of fixed rates (flat rent leases) or percentages of the lessee's gross income derived from business conducted on the property, with a provision for a minimum rent on percentage leases.

F. Percentage Leases

Minimum Rent

The minimum rent component for a new percentage lease shall be set at no less than eighty percent (80%) of the fair market rent as defined above. In certain cases, a portion of the minimum rent may be abated for new construction or redevelopment on the leasehold. The minimum rent shall be adjusted upward throughout the duration of the lease at intervals of not more than every five (5) years to reflect no less than eighty percent (80%) of the average annual rent actually paid or accrued during the three (3) years preceding the adjustment. In no event shall the adjusted minimum rent be less than the minimum rent in existence immediately preceding the adjustment.

Percentage Rates

Percentage leases shall provide for adjustments of percentages rates every five (5) years to current fair market rates as established by appraisals of prevailing market percentage rates primarily within the Southern California area.

G. Flat Rate Leases

Market Rate Adjustments

Flat rate leases shall provide for upward adjustment of rent every five (5) years to current fair market rent.

Consumer Price Index Adjustments

Flat rate leases shall provide for upward adjustment of rent in the interval term between market rate adjustments by changes in the consumer price index. The index used for consumer price index adjustments will be the All Urban Consumers index for Los Angeles - Riverside - Orange County, California with a base year of 1982-84. If the U.S. Department of Labor indices are no longer published, another substitute index generally recognized as authoritative will be used. Flat rate leases may include pre-determined periodic increases to rent instead of consumer price index adjustments. These periodic increases would occur at least every five (5) years.

H. Rent Arbitration

Leases can provide for binding arbitration when the City and lessee cannot agree on the new rent for a rental period under review. The City and lessee shall each select a professional independent real estate appraiser who in turn will select a third independent real estate appraiser to determine the fair market rent. If the two selected appraisers fail to mutually select a third appraiser, then the third appraiser will be appointed in accordance with the rules of the American Arbitration Association. The City and lessee shall pay the cost of its own selected appraiser and equally share the cost of the third appraiser.

I. Appraisal Assumptions

City leases shall include a definition of the fair market value to be used to adjust rent and an identification of the premise for that value. In establishing the fair market value of leased property, any appraisal shall consider the property as a fee simple absolute estate and as vacant and available for lease or sale for the authorized purposes of the lease at the commencement of the rental period under review. Rates established for purposes of periodic percentage rental adjustments shall not consider any abatement as may be appropriate in a "new" development of vacant land. It shall also be assumed that all required regulatory approvals to permit the use authorized in the lease have been obtained.

J. Lease Term

Short-Term Lease

The City Manager, at all times, shall have power, without advertising, notice, or competitive bidding, to lease any City property for a term of three (3) years or less (short-term lease). The City Council will be notified of a short-term lease not later than fifteen (15) days following its execution. A short-term lease may not be renewed without approval of the City Council. The City Manager, or designee may also execute rental agreements covering up to eighteen (18) months for tenant occupancy of City-owned residential housing.

Long-Term Lease

A lease in excess of three (3) years requires a resolution passed by a majority vote of all members of the City Council. The length of lease term shall be based on the level of capital improvements to be made by the lessee and the economic life expectancy of the development. These factors can be determined utilizing cost estimating and economic life expectancy resources such as tables provided by Marshall Valuation Service. The City may consider other relevant information in determining if a longer lease term is warranted, such as if the proposed leasehold development is expected to generate above average returns to the City or significantly improve the quality of the property. A lease shall not exceed 55 years unless the conditions set forth in Government Code section 37380(b) are met,

K. Lease Amendments

Amendments to long-term leases require City Council approval. The City's agreement to an amendment may be contingent upon updating sections of the lease to incorporate current City standard lease provisions and an adjustment to fair market rent.

L. Subleases

A lessee may sublease all or part of the leased property to a qualified sub-lessee subject to approval by the City. No sublease shall be approved which would be detrimental to the City's rights under the master lease or for a use that is not consistent with uses allowed by

**ADOPTED: June 19, 1984
~~2023 January 22, 2019~~**

AMENDED: August 15,

the master lease. The City Manager may authorize subleases which meet these conditions and which do not require amendment of the master lease. Unless special circumstances exist. Leases shall provide for the City to receive a minimum of fifty percent (50%) of the incremental gross rental revenues due to the lessee from subleases.

M. Leasehold Financing

The City will not subordinate its fee interest to encumbrances placed against any leasehold by a lessee. The City Council may approve appropriate financial encumbrances of the leasehold interest, which provide that all loan proceeds are used for authorized improvement of the property until the leasehold is fully developed in accordance with the lease. City staff shall take appropriate steps to review the proposed financing and insure that loan proceeds go into the leasehold. Maximum loan proceeds shall not be in excess of seventy-five percent (75%) loan-to-value, where "value" refers to the leasehold improvements, as determined by a lender's appraisal which has been reviewed and approved by City staff. The loan term shall not exceed the term of the lease.

Loans or refinancing in the form of encumbrances against the lease for the purpose of reducing equity or financing the sale of leasehold interest will not be allowed until the property is fully developed for uses authorized in the lease. After the property is developed, such financing may be permitted so long as there is also substantial benefit to be gained by the City. This may take the form of either a percentage share of the loan proceeds or an upward adjustment to the rent. Either of which shall be based on commercially reasonable comparables found in the market.

N. Leasehold Improvements

Leasehold improvements installed by lessees shall be removed at the lease termination without cost to the City, or will revert to the City, at the City's option. All leasehold improvements and alterations require prior written approval of the City Council.

O. Maintenance and Utilities Responsibility

City leases shall require the lessee to maintain all improvements on the property at its own expense and be responsible for the cost of all utilities. Leases for multi-tenanted space shall include specific requirements delineating appropriate responsibilities.

P. Lease Audits

All percentage leases may be audited by the City's Finance Department in the first year of operation to establish proper reporting procedures and at least once every three (3) years thereafter. More frequent audits may be made if appropriate. The City shall reserve the right to audit all other leases and agreements subject to this Council Policy, if determined to be warranted by the City's Finance Department.

Q. Leasehold Assignments

Requests for assignment of leasehold interest shall be evaluated on the same basis as the criteria used in evaluating a leasehold proposal. The City Manager may authorize assignments which do not require amendment of the master lease. Consent may be contingent on the payment of additional consideration to the City, either as a percentage share of the purchase price of the leasehold interest or an upward adjustment to the rent. Either of which shall be based on commercially reasonable comparables found in the market. If new financing is involved in the sale, the requirements of 'Leasehold Financing' shall apply.

R. Lease Extensions & Renewals

Requests from existing lessees for lease extensions or renewals may be considered if such proposals promote capital investment and redevelopment of City property. Whenever an existing lessee is seeking renewal of an expiring long-term lease that is not contemplated in a previously approved property management plan, the City Manager will bring the issue before the applicable City Council Committee with an appropriate recommendation. In addition to the criteria used to assess new lease proposals, City staff also will review the lessee's history with respect to: maintenance of the property; compliance with existing lease terms; prompt rent payments; and a rental return consistent with maximizing the property's full potential.

The lessee must propose capital investment that: will increase the value or the useful life of the leasehold improvements by an amount more than can be reasonably amortized over the remaining lease term; is not recurring in nature; and is at least ten percent (10%) or more of the value of the existing improvements. It specifically should exclude expenditures to correct deferred maintenance and expenditures for repairs to keep the existing improvements in good condition. The length of any extended lease term shall be calculated by the same method used for calculating the length of new leases.

S. City's Interest in Leasehold Improvements

City lease agreements provide the City the right to assume ownership of the leasehold improvements at the end of the lease. The value of the City's interest in the leasehold improvements can be appraised using widely accepted appraisal methods. In the event the City grants a lessee a lease extension, the City shall be compensated by an amount equal to the change in present value attributable to the deferral of its interest in the leasehold improvements. This amount either can be paid as an upfront payment at the beginning of the extended term or amortized over time with appropriate interest applied. The City shall offset from the value of its interest in the leasehold improvements any increased economic benefit derived from an extended lease. The City shall not receive any compensation for its interest in the leasehold improvements on leases extended prior to the last twenty percent (20%) of the existing term.

T. Leasing to Non- Profit Organizations

It shall be the policy of the City Council to allow direct negotiation with nonprofit organizations for the use of City-owned lands for the purpose of providing the community with cultural, recreational, educational enrichment, and other public services to the citizens and visitors of National City. Relative to this policy the following will apply:

1. Available City property shall be leased at fair market value to nonprofit organizations when it is deemed by Council that appropriate public benefit will be derived.
2. The only discount in the land rental rate which will be considered is that which will be a direct offset to City expenditures. An example would be where the nonprofit organization is constructing and operating a facility to provide a service that would otherwise be a recognized obligation of the City to provide.
3. Council approval of a prospective nonprofit organization's use of City-owned land shall be obtained prior to commencement of lease negotiations.
4. No lease will become effective until firm financial commitments have been obtained under an appropriate lease option arrangement.
5. Lessees will be required to construct, operate, and maintain the premises at their sole cost.
6. Lessees shall be incorporated nonprofit organizations under the laws of the State of California.
7. Development on parklands shall be in conformance with City park development plans, and construction shall comply with City park design criteria.
8. Lessees shall provide desired services and facilities to the general public without discrimination as to race, color, creed, sex, age, or national origin.
9. When leases permit revenue producing activities, some measure of rental compensation shall be paid to the City. However, this provision will not apply to occasional fund raising events provided the funds are used exclusively for the specified purpose(s) of the lease.
10. Properties with significant potential for commercial, industrial, or scientific research uses shall not be available for nonprofit use.
11. Subleases will be considered on their individual merits by the City and consistency with conditions placed upon the City. Fees generated from subleasing will belong to the City and be deposited with the City upon receipt by the Agency.

U. Security Deposits

The standard security deposit for a new lease agreement shall be equivalent to two (2) month's rent. The security deposit may take the form of cash, an instrument of credit or a faithful performance bond. For a lessee making a substantial investment in improvements, the security deposit will be refunded upon completion of the improvements.

Related Policy References

**TITLE: Management of Real Property
(Sale, Lease, Rental, Surplus)**

POLICY # 901

ADOPTED: June 19, 1984
2023 January 22, 2019

AMENDED: August 15,

Government Codes: 37350 and 37380
Government Codes: 54200-54232, 54235-54237

Prior Policy Amendments

August 14, 1990
January 22, 2019

DRAFT

CITY COUNCIL POLICY

CITY OF NATIONAL CITY

TITLE: Management of Real Property (Sale, Lease, Rental, Surplus)	POLICY # 901
ADOPTED: June 19, 1984	AMENDED: August 15, 2023

Background:

The City of National City is owner of substantial real property which is used for various municipal purposes. As public service needs change, the requirements for these properties may be revised and, on occasion, certain parcels may be in excess of the City's current need. This requires that each individual site be reviewed in terms of its potential for future public use, as well as its potential economic benefit to the City.

The proceeds from the sale and lease of City-owned lands and the revenues generated from leases are normally utilized for General Fund purposes unless the property sold or leased belonged to a restricted program.

Purpose:

It is the purpose of this policy 1) to establish a procedure by which unused and marginally used City-owned real estate is reviewed for its potential public use, and for designating unneeded parcels for lease or sale; 2) to provide methodology for the sale or exchange of City-owned real estate and 3) to establish policies for the leasing of City-owned real property.

Policy:

It is the City's policy to manage its real estate assets so that municipal needs which rely on these assets may be properly implemented. It is not the City's policy to speculate in real estate. The City Council will review City-owned real estate not used for municipal purposes and determine the appropriate use of the property. Those properties not needed for either City or public use within the foreseeable future, may be made available for lease or sale.

The City shall optimize the sale price or lease rent from City-owned real estate based on relevant factors, including 1) an appraisal reflecting current market value when either a transaction or authorization to sell or lease is presented to the City Council, 2) prevailing economic conditions and market trends, and 3) any special benefits to accrue from the sale or lease.

The City shall seek market value for its properties. Discounts will not be negotiated unless an extraordinary need or circumstance is recognized by Council Resolution setting forth the amount of the discount from appraised value and the public purpose served in justification of the discount.

City staff under the direction of City Manager shall prepare and present to the City Council a comprehensive Property Management Plan with periodic reviews as needed, and updates to the City Council. The Property Management Plan shall include an overall review of the City's real estate portfolio (or inventory), an operating plan for corporate property, a disposition plan for surplus property, market research to support anticipated transactions and a request for authority to act within defined parameters (as described in this policy).

The major elements of the property management plan are to include:

- Property evaluation and characterization of real estate assets
- Strategy for City occupied real estate
- Investment Portfolio Plan (leases to for-profit tenants)
- Review of not-for-profit leases
- Disposition Plan for surplus assets
- Business Case development review to support proposed transactions
- Legal document development and review

Procedure for sale of City owned Real Estate:

A. Real Estate Review

As part of an overall property management plan for the City's real estate assets, staff will review the City's property inventory to determine which properties are no longer needed for public facilities or to support the elements of the General Plan and whose disposition will provide a greater public benefit.

When a City property is zoned for residential use and is considered for disposition by the City or Housing Authority, a feasibility analysis must be conducted for homeownership development on the subject parcel. The findings and considerations from the analysis must be presented to City Council for review. City Council may direct staff to issue a request for proposals for homeownership on the subject parcel.

The feasibility analysis will evaluate the disposition of City property for homeownership, identify supportable land values, determine the need for gap financing, and assess the use of various development models on any City-owned property zoned for residential use. The use models include but are not limited to community land trusts, deed restrictions, condominiums, limited-equity cooperatives, rent-to-own, or a combination thereof. The analysis could include both market rate and affordable homeownership units. The ratio of market rate to affordable homeownership units could depend on the number of units developed, funding available to subsidize affordable homeownership, and the overall financing model used.

A City-owned property may become available for sale if:

- The property is not currently used by the City or does not support a municipal function; and
- The property is vacant and has no foreseeable use by the City; and
- The property is a non-performing or under-performing asset and greater value can be generated by its sale; and
- Significant economic development opportunities can be generated by selling the property.
-

Factors to be considered in determining whether a property should be sold include:

- Will the City be relieved of potential liabilities and/or cost of maintaining property that does not generate income or provide public benefit?
- Property tax increment that will be created by returning the properties to the tax rolls.
- Stimulation of the economy by providing opportunities for private sector investment.
- Generation of revenue.
- The sale of the property will generate greater economic value than a ground lease, if a ground lease is a feasible option.

B. Governmental Clearance Process

Government Code Section 54222 requires that a local agency proposing to dispose of surplus property must first notify all governmental agencies operating within the City as to the availability of the property. The agencies are given 60 days to respond with an intent to acquire, if not, the property may be deemed cleared for public sale.

Regarding the list of properties for sale:

- Governmental agencies are regularly contacted as the surplus list is updated.
- City departments are individually contacted as the surplus list is updated.
- Council members are given a preliminary review and opportunity to comment on foreseeable uses for the property.

C. Approval Process

- City-owned properties that have been identified by the City Manager as candidates for sale will be presented to the City Council for approval to be sold. If a property is of a type and location that would make a ground lease feasible, an economic analysis of the benefits of lease vs. sale will be conducted.
- If City Council determines that the property may be sold, it shall authorize City Manager to sell the property for a price equal to or greater than a minimum price established by a current (less than six months old) appraisal. The authorization to sell the property will be valid for twelve months from the date of City Council action.

- The City Manager or designee may enter into purchase and sale agreements, close escrows and execute and deliver grant deeds to the purchasers of the properties at prices equal to or greater than the minimum price approved by City Council on terms and conditions deemed reasonable, and in the City's best interests.
- City Manager or designee will provide a report to the City Council, regarding the price, terms, and conditions of all transactions.
- Properties that cannot be sold at a price equal to or greater than the minimum price approved by Council will be returned to Council for further consideration prior to disposition. Council approval will be required to sell a property at a price less than the minimum price previously approved by the City Council.

D. Method of Sale

Properties may be sold by any method allowed by City Council Policy. This includes direct negotiation, request for proposal, listing with a broker, sealed bid, auction or other appropriate method as determined by the City Council. Possible method of sale for all properties will be included in the enabling resolution authorizing their sales.

E. Marketing

Properties offered for sale shall receive the widest possible exposure to the open market place. This may be accomplished through direct marketing techniques, such as requests for proposals (RFP), advertising, exposure through the real estate media, posting the property on the multiple listing service or any other appropriate method. When appropriate, properties may be listed for sale with qualified real estate brokers. The authorization to utilize the services of a real estate broker will be contained in the enabling resolution.

F. Real Estate Brokers

Real estate brokers may be used to represent the City in the sale of its properties. Brokers will be selected for individual assignments through Requests for Proposals (RFP) or Requests for Qualifications (RFQ) and a subsequent bid or other methods that result in the City receiving the services of a qualified broker at the best value to the City. The maximum approved commission rate will be contained in the enabling resolution for the property's sale. If the property is listed with a broker, the City reserves the right to exclude from the listing agreement potential buyers whose interest in purchasing a subject property has been made a part of the record prior to the execution of such agreement.

G. Exclusively Negotiated Sales

It will be the City's policy to insure the highest price for its real estate by pursuing open market transactions. However, on certain occasions, an exclusively negotiated sale may be justified as applicable and may be approved under one of the following conditions:

1. When a parcel is landlocked.
2. When the sale is to a contiguous owner.
3. When a fee interest in a pipeline or other right-of-way is no longer required, it may be sold to a contiguous owner. A restrictive pipeline easement of adequate width or other required easements will be reserved from said sale.
4. When other governmental, public and quasi-public agencies submit acquisition proposals a sale may be consummated. These agencies shall include but not be limited to: Federal, State, and County agencies; school districts, special districts, and regulated utility companies.
5. When qualified non-profit institutional organizations offer to purchase City-owned land, a negotiated sale may be consummated at fair market value providing there is: 1) a development commitment, and 2) a right to repurchase or a reversion upon a condition subsequent. Institutional organizations such as places of public assembly, hospitals, extended care facilities, private schools and community service organizations are required to develop under the City's conditional use permit procedure.
6. When a property has been offered by public auction and no acceptable bids were received, it may be sold on a negotiated basis to any applicant submitting an acceptable offer within six months following the date of auction.
7. Real property exchanges may be consummated by direct negotiation. However, exchanges will be considered only with other governmental agencies or when there is an advantage to the City.

H. Rezoning

Prior to completion of the sales transaction, City land shall be considered for rezoning in accordance with the General Plan, existing community plans or other City Council direction if a higher sale price will result. Also, all unnecessary easements affecting title to the property shall be removed if this will result in a commensurate increase in value.

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The City will receive current fair market value for the removal of restrictive easements or access rights previously paid for by the City or other governmental agency or reserved in a sale of City property.

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of the rights to be granted by the City. The amount of compensation shall be established by appraisal.

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1. The property is not required for current municipal use, but is to be held for possible future use and can be leased as an interim measure.
2. The property can only be leased because of legal restraints. For example, property held under Tideland trust grants or as dedicated parks.
3. The City requires substantial control over development, use and reuse of the property.
4. The property has the immediate potential of a high return to the City because of its high demand and type of use, such as commercial and industrial land.
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2. In terms of the amount of consideration offered in the form of rent.
3. In terms of the financial feasibility of the proposal.
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5. If new development is proposed, a development plan that includes a description of the development team and its qualifications.
6. The details of each person or entity that will have an interest in the proposed lease
7. Special public benefits to be derived (if any).

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Percentage leases shall provide for adjustments of percentages rates every five (5) years to current fair market rates as established by appraisals of prevailing market percentage rates primarily within the Southern California area.

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Leases can provide for binding arbitration when the City and lessee cannot agree on the new rent for a rental period under review. The City and lessee shall each select a professional independent real estate appraiser who in turn will select a third independent real estate appraiser to determine the fair market rent. If the two selected appraisers fail to mutually select a third appraiser, then the third appraiser will be appointed in accordance with the rules of the American Arbitration Association. The City and lessee shall pay the cost of its own selected appraiser and equally share the cost of the third appraiser.

I. Appraisal Assumptions

City leases shall include a definition of the fair market value to be used to adjust rent and an identification of the premise for that value. In establishing the fair market value of leased property, any appraisal shall consider the property as a fee simple absolute estate and as vacant and available for lease or sale for the authorized purposes of the lease at the commencement of the rental period under review. Rates established for purposes of periodic percentage rental adjustments shall not consider any abatement as may be appropriate in a "new" development of vacant land. It shall also be assumed that all required regulatory approvals to permit the use authorized in the lease have been obtained.

J. Lease Term

Short-Term Lease

The City Manager, at all times, shall have power, without advertising, notice, or competitive bidding, to lease any City property for a term of three (3) years or less (short-term lease). The City Council will be notified of a short-term lease not later than fifteen (15) days following its execution. A short-term lease may not be renewed without approval of the City Council. The City Manager, or designee may also execute rental agreements covering up to eighteen (18) months for tenant occupancy of City-owned residential housing.

Long-Term Lease

A lease in excess of three (3) years requires a resolution passed by a majority vote of all members of the City Council. The length of lease term shall be based on the level of capital improvements to be made by the lessee and the economic life expectancy of the development. These factors can be determined utilizing cost estimating and economic life expectancy resources such as tables provided by Marshall Valuation Service. The City may consider other relevant information in determining if a longer lease term is warranted, such as if the proposed leasehold development is expected to generate above average returns to the City or significantly improve the quality of the property. A lease shall not exceed 55 years unless the conditions set forth in Government Code section 37380(b) are met,

K. Lease Amendments

Amendments to long-term leases require City Council approval. The City's agreement to an amendment may be contingent upon updating sections of the lease to incorporate current City standard lease provisions and an adjustment to fair market rent.

L. Subleases

A lessee may sublease all or part of the leased property to a qualified sub-lessee subject to approval by the City. No sublease shall be approved which would be detrimental to the City's rights under the master lease or for a use that is not consistent with uses allowed by the master lease. The City Manager may authorize subleases which meet these conditions and which do not require amendment of the master lease. Unless special circumstances exist. Leases shall provide for the City to receive a minimum of fifty percent (50%) of the incremental gross rental revenues due to the lessee from subleases.

M. Leasehold Financing

The City will not subordinate its fee interest to encumbrances placed against any leasehold by a lessee. The City Council may approve appropriate financial encumbrances of the leasehold interest, which provide that all loan proceeds are used for authorized improvement of the property until the leasehold is fully developed in accordance with the lease. City staff shall take appropriate steps to review the proposed financing and insure that loan proceeds go into the leasehold. Maximum loan proceeds shall not be in excess

of seventy-five percent (75%) loan-to-value, where "value" refers to the leasehold improvements, as determined by a lender's appraisal which has been reviewed and approved by City staff. The loan term shall not exceed the term of the lease.

Loans or refinancing in the form of encumbrances against the lease for the purpose of reducing equity or financing the sale of leasehold interest will not be allowed until the property is fully developed for uses authorized in the lease. After the property is developed, such financing may be permitted so long as there is also substantial benefit to be gained by the City. This may take the form of either a percentage share of the loan proceeds or an upward adjustment to the rent. Either of which shall be based on commercially reasonable comparables found in the market.

N. Leasehold Improvements

Leasehold improvements installed by lessees shall be removed at the lease termination without cost to the City, or will revert to the City, at the City's option. All leasehold improvements and alterations require prior written approval of the City Council.

O. Maintenance and Utilities Responsibility

City leases shall require the lessee to maintain all improvements on the property at its own expense and be responsible for the cost of all utilities. Leases for multi-tenanted space shall include specific requirements delineating appropriate responsibilities.

P. Lease Audits

All percentage leases may be audited by the City's Finance Department in the first year of operation to establish proper reporting procedures and at least once every three (3) years thereafter. More frequent audits may be made if appropriate. The City shall reserve the right to audit all other leases and agreements subject to this Council Policy, if determined to be warranted by the City's Finance Department.

Q. Leasehold Assignments

Requests for assignment of leasehold interest shall be evaluated on the same basis as the criteria used in evaluating a leasehold proposal. The City Manager may authorize assignments which do not require amendment of the master lease. Consent may be contingent on the payment of additional consideration to the City, either as a percentage share of the purchase price of the leasehold interest or an upward adjustment to the rent. Either of which shall be based on commercially reasonable comparables found in the market. If new financing is involved in the sale, the requirements of 'Leasehold Financing' shall apply.

R. Lease Extensions & Renewals

Requests from existing lessees for lease extensions or renewals may be considered if such proposals promote capital investment and redevelopment of City property. Whenever an existing lessee is seeking renewal of an expiring long-term lease that is not contemplated in a previously approved property management plan, the City Manager will bring the

issue before the applicable City Council Committee with an appropriate recommendation. In addition to the criteria used to assess new lease proposals, City staff also will review the lessee's history with respect to: maintenance of the property; compliance with existing lease terms; prompt rent payments; and a rental return consistent with maximizing the property's full potential.

The lessee must propose capital investment that: will increase the value or the useful life of the leasehold improvements by an amount more than can be reasonably amortized over the remaining lease term; is not recurring in nature; and is at least ten percent (10%) or more of the value of the existing improvements. It specifically should exclude expenditures to correct deferred maintenance and expenditures for repairs to keep the existing improvements in good condition. The length of any extended lease term shall be calculated by the same method used for calculating the length of new leases.

S. City's Interest in Leasehold Improvements

City lease agreements provide the City the right to assume ownership of the leasehold improvements at the end of the lease. The value of the City's interest in the leasehold improvements can be appraised using widely accepted appraisal methods. In the event the City grants a lessee a lease extension, the City shall be compensated by an amount equal to the change in present value attributable to the deferral of its interest in the leasehold improvements. This amount either can be paid as an upfront payment at the beginning of the extended term or amortized over time with appropriate interest applied. The City shall offset from the value of its interest in the leasehold improvements any increased economic benefit derived from an extended lease. The City shall not receive any compensation for its interest in the leasehold improvements on leases extended prior to the last twenty percent (20%) of the existing term.

T. Leasing to Non- Profit Organizations

It shall be the policy of the City Council to allow direct negotiation with nonprofit organizations for the use of City-owned lands for the purpose of providing the community with cultural, recreational, educational enrichment, and other public services to the citizens and visitors of National City. Relative to this policy the following will apply:

1. Available City property shall be leased at fair market value to nonprofit organizations when it is deemed by Council that appropriate public benefit will be derived.
2. The only discount in the land rental rate which will be considered is that which will be a direct offset to City expenditures. An example would be where the non-profit organization is constructing and operating a facility to provide a service that would otherwise be a recognized obligation of the City to provide.
3. Council approval of a prospective nonprofit organization's use of City-owned land shall be obtained prior to commencement of lease negotiations.

4. No lease will become effective until firm financial commitments have been obtained under an appropriate lease option arrangement.
5. Lessees will be required to construct, operate, and maintain the premises at their sole cost.
6. Lessees shall be incorporated nonprofit organizations under the laws of the State of California.
7. Development on parklands shall be in conformance with City park development plans, and construction shall comply with City park design criteria.
8. Lessees shall provide desired services and facilities to the general public without discrimination as to race, color, creed, sex, age, or national origin.
9. When leases permit revenue producing activities, some measure of rental compensation shall be paid to the City. However, this provision will not apply to occasional fund raising events provided the funds are used exclusively for the specified purpose(s) of the lease.
10. Properties with significant potential for commercial, industrial, or scientific research uses shall not be available for nonprofit use.
11. Subleases will be considered on their individual merits by the City and consistency with conditions placed upon the City. Fees generated from subleasing will belong to the City and be deposited with the City upon receipt by the Agency.

U. Security Deposits

The standard security deposit for a new lease agreement shall be equivalent to two (2) month's rent. The security deposit may take the form of cash, an instrument of credit or a faithful performance bond. For a lessee making a substantial investment in improvements, the security deposit will be refunded upon completion of the improvements.

Related Policy References

Government Codes: 37350 and 37380

Government Codes: 54200-54232, 54235-54237

Prior Policy Amendments

August 14, 1990

January 22, 2019



City Council Policy #901: Amendment to Expand Homeownership

AUGUST 15, 2023

CARLOS AGUIRRE, INTERIM DEPUTY CITY MANAGER

Page 505 of 556



Background

- Policy #105* request was submitted by Councilmember Rodriguez to review and discuss Policy #901 Management of Real Property (Sale, Lease, Rental, Surplus)
- Intent of the request was to consider a policy that expands homeownership opportunities on City-owned properties
- Policy# 901 purpose:
 - (1) procedures for disposition of surplus property;
 - (2) provides a methodology for the sale and exchange of City-owned real estate; and
 - (3) policies for leasing City-owned property

*Request by a member of the City Council to place an item on a City Council agenda.

Housing Strategic Plan

2021-2025

- Approved by the Commissioners of the National City Housing Authority in August 2021.
- Plan provides an inventory of all City-owned properties zoned for housing and identifies housing priority sites.
- Under Objective #3 of the Plan, special consideration is provided to homeownership opportunities on all but one of the housing priority sites identified in the plan.

Feasibility Analysis

Including, but not limited to:

- Evaluate the disposition of City property for homeownership
- Identify supportable land values
- Determine the need for gap financing
- Assess the use of various development models on any City-owned property zoned for residential use

Use Models

Include but are not limited to:

- Community land trusts, deed restrictions, condominiums, limited-equity cooperatives, rent-to-own, or a combination thereof.
- Could include both market rate and affordable homeownership units.
- Ratio of market rate to affordable homeownership units could depend on the number of units developed, funding available to subsidize affordable homeownership, and the overall financing model used.



PROPOSED AMENDMENT TO
CITY COUNCIL POLICY #901
QUESTIONS & COMMENTS

RESOLUTION NO. 2023 -

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, AMENDING CITY COUNCIL POLICY NO. 901, ENTITLED 'MANAGEMENT OF REAL PROPERTY,' TO REQUIRE THAT THE CITY CONDUCT A FINANCIAL FEASIBILITY ANALYSIS TO EVALUATE BUILDING RESIDENTIAL UNITS FOR HOMEOWNERSHIP, IDENTIFY SUPPORTABLE LAND VALUES, DETERMINE THE NEED FOR GAP FINANCING, AND ASSESS THE USE OF VARIOUS DEVELOPMENT MODELS, SUCH AS COMMUNITY LAND TRUSTS, TO CREATE SUSTAINABLE AND AFFORDABLE HOMEOWNERSHIP ON ANY CITY-OWNED PROPERTY ZONED FOR RESIDENTIAL USE.

WHEREAS, the City of National City is the owner of substantial real property that is used for various municipal purposes; and

WHEREAS, as public service needs change, the requirements for these properties may be revised and, on occasion, certain parcels may be in excess of the City's current need, which requires that each individual site be reviewed in terms of its potential for future public use, as well as its potential economic benefit to the City; and

WHEREAS, the purpose of Policy No. 901 entitled "Management of Real Property" is to 1) establish a procedure by which unused and marginally used City-owned real estate is reviewed for its potential public use, and for designating unneeded parcels for lease or sale; 2) provide a methodology for the sale or exchange of City-owned real estate; and 3) establish policies for the leasing and rental of City-owned real property; and

WHEREAS, on February 21, 2023, the City Council of City of National City ("City Council") provided direction to City staff to create a policy that would prioritize homeownership development in National City on City-owned property.

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

Section 1: That the City Council hereby approves the amendment of City Council Policy No. 901, entitled 'Management of Real Property,' attached hereto.

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

PASSED and ADOPTED this 15th day of August, 2023.

Ron Morrison, Mayor

ATTEST:

Shelley Chapel, MMC, City Clerk

APPROVED AS TO FORM:

Barry J. Schultz, City Attorney

CITY COUNCIL POLICY

CITY OF NATIONAL CITY

TITLE: Management of Real Property (Sale, Lease, Rental, Surplus)	POLICY # 901
ADOPTED: June 19, 1984	AMENDED: August 15, 2023

Background:

The City of National City is owner of substantial real property which is used for various municipal purposes. As public service needs change, the requirements for these properties may be revised and, on occasion, certain parcels may be in excess of the City's current need. This requires that each individual site be reviewed in terms of its potential for future public use, as well as its potential economic benefit to the City.

The proceeds from the sale and lease of City-owned lands and the revenues generated from leases are normally utilized for General Fund purposes unless the property sold or leased belonged to a restricted program.

Purpose:

It is the purpose of this policy 1) to establish a procedure by which unused and marginally used City-owned real estate is reviewed for its potential public use, and for designating unneeded parcels for lease or sale; 2) to provide methodology for the sale or exchange of City-owned real estate and 3) to establish policies for the leasing of City-owned real property.

Policy:

It is the City's policy to manage its real estate assets so that municipal needs which rely on these assets may be properly implemented. It is not the City's policy to speculate in real estate. The City Council will review City-owned real estate not used for municipal purposes and determine the appropriate use of the property. Those properties not needed for either City or public use within the foreseeable future, may be made available for lease or sale.

The City shall optimize the sale price or lease rent from City-owned real estate based on relevant factors, including 1) an appraisal reflecting current market value when either a transaction or authorization to sell or lease is presented to the City Council, 2) prevailing economic conditions and market trends, and 3) any special benefits to accrue from the sale or lease.

The City shall seek market value for its properties. Discounts will not be negotiated unless an extraordinary need or circumstance is recognized by Council Resolution setting forth the amount of the discount from appraised value and the public purpose served in justification of the discount.

City staff under the direction of City Manager shall prepare and present to the City Council a comprehensive Property Management Plan with periodic reviews as needed, and updates to the City Council. The Property Management Plan shall include an overall review of the City's real estate portfolio (or inventory), an operating plan for corporate property, a disposition plan for surplus property, market research to support anticipated transactions and a request for authority to act within defined parameters (as described in this policy).

The major elements of the property management plan are to include:

- Property evaluation and characterization of real estate assets
- Strategy for City occupied real estate
- Investment Portfolio Plan (leases to for-profit tenants)
- Review of not-for-profit leases
- Disposition Plan for surplus assets
- Business Case development review to support proposed transactions
- Legal document development and review

Procedure for sale of City owned Real Estate:

A. Real Estate Review

As part of an overall property management plan for the City's real estate assets, staff will review the City's property inventory to determine which properties are no longer needed for public facilities or to support the elements of the General Plan and whose disposition will provide a greater public benefit.

When a City property is zoned for residential use and is considered for disposition by the City or Housing Authority, a feasibility analysis must be conducted for homeownership development on the subject parcel. The findings and considerations from the analysis must be presented to City Council for review. City Council may direct staff to issue a request for proposals for homeownership on the subject parcel.

The feasibility analysis will evaluate the disposition of City property for homeownership, identify supportable land values, determine the need for gap financing, and assess the use of various development models on any City-owned property zoned for residential use. The use models include but are not limited to community land trusts, deed restrictions, condominiums, limited-equity cooperatives, rent-to-own, or a combination thereof. The analysis could include both market rate and affordable homeownership units. The ratio of market rate to affordable homeownership units could depend on the number of units developed, funding available to subsidize affordable homeownership, and the overall financing model used.

A City-owned property may become available for sale if:

- The property is not currently used by the City or does not support a municipal function; and
- The property is vacant and has no foreseeable use by the City; and
- The property is a non-performing or under-performing asset and greater value can be generated by its sale; and
- Significant economic development opportunities can be generated by selling the property.
-

Factors to be considered in determining whether a property should be sold include:

- Will the City be relieved of potential liabilities and/or cost of maintaining property that does not generate income or provide public benefit?
- Property tax increment that will be created by returning the properties to the tax rolls.
- Stimulation of the economy by providing opportunities for private sector investment.
- Generation of revenue.
- The sale of the property will generate greater economic value than a ground lease, if a ground lease is a feasible option.

B. Governmental Clearance Process

Government Code Section 54222 requires that a local agency proposing to dispose of surplus property must first notify all governmental agencies operating within the City as to the availability of the property. The agencies are given 60 days to respond with an intent to acquire, if not, the property may be deemed cleared for public sale.

Regarding the list of properties for sale:

- Governmental agencies are regularly contacted as the surplus list is updated.
- City departments are individually contacted as the surplus list is updated.
- Council members are given a preliminary review and opportunity to comment on foreseeable uses for the property.

C. Approval Process

- City-owned properties that have been identified by the City Manager as candidates for sale will be presented to the City Council for approval to be sold. If a property is of a type and location that would make a ground lease feasible, an economic analysis of the benefits of lease vs. sale will be conducted.
- If City Council determines that the property may be sold, it shall authorize City Manager to sell the property for a price equal to or greater than a minimum price established by a current (less than six months old) appraisal. The authorization to sell the property will be valid for twelve months from the date of City Council action.

- The City Manager or designee may enter into purchase and sale agreements, close escrows and execute and deliver grant deeds to the purchasers of the properties at prices equal to or greater than the minimum price approved by City Council on terms and conditions deemed reasonable, and in the City's best interests.
- City Manager or designee will provide a report to the City Council, regarding the price, terms, and conditions of all transactions.
- Properties that cannot be sold at a price equal to or greater than the minimum price approved by Council will be returned to Council for further consideration prior to disposition. Council approval will be required to sell a property at a price less than the minimum price previously approved by the City Council.

D. Method of Sale

Properties may be sold by any method allowed by City Council Policy. This includes direct negotiation, request for proposal, listing with a broker, sealed bid, auction or other appropriate method as determined by the City Council. Possible method of sale for all properties will be included in the enabling resolution authorizing their sales.

E. Marketing

Properties offered for sale shall receive the widest possible exposure to the open market place. This may be accomplished through direct marketing techniques, such as requests for proposals (RFP), advertising, exposure through the real estate media, posting the property on the multiple listing service or any other appropriate method. When appropriate, properties may be listed for sale with qualified real estate brokers. The authorization to utilize the services of a real estate broker will be contained in the enabling resolution.

F. Real Estate Brokers

Real estate brokers may be used to represent the City in the sale of its properties. Brokers will be selected for individual assignments through Requests for Proposals (RFP) or Requests for Qualifications (RFQ) and a subsequent bid or other methods that result in the City receiving the services of a qualified broker at the best value to the City. The maximum approved commission rate will be contained in the enabling resolution for the property's sale. If the property is listed with a broker, the City reserves the right to exclude from the listing agreement potential buyers whose interest in purchasing a subject property has been made a part of the record prior to the execution of such agreement.

G. Exclusively Negotiated Sales

It will be the City's policy to insure the highest price for its real estate by pursuing open market transactions. However, on certain occasions, an exclusively negotiated sale may be justified as applicable and may be approved under one of the following conditions:

1. When a parcel is landlocked.
2. When the sale is to a contiguous owner.
3. When a fee interest in a pipeline or other right-of-way is no longer required, it may be sold to a contiguous owner. A restrictive pipeline easement of adequate width or other required easements will be reserved from said sale.
4. When other governmental, public and quasi-public agencies submit acquisition proposals a sale may be consummated. These agencies shall include but not be limited to: Federal, State, and County agencies; school districts, special districts, and regulated utility companies.
5. When qualified non-profit institutional organizations offer to purchase City-owned land, a negotiated sale may be consummated at fair market value providing there is: 1) a development commitment, and 2) a right to repurchase or a reversion upon a condition subsequent. Institutional organizations such as places of public assembly, hospitals, extended care facilities, private schools and community service organizations are required to develop under the City's conditional use permit procedure.
6. When a property has been offered by public auction and no acceptable bids were received, it may be sold on a negotiated basis to any applicant submitting an acceptable offer within six months following the date of auction.
7. Real property exchanges may be consummated by direct negotiation. However, exchanges will be considered only with other governmental agencies or when there is an advantage to the City.

H. Rezoning

Prior to completion of the sales transaction, City land shall be considered for rezoning in accordance with the General Plan, existing community plans or other City Council direction if a higher sale price will result. Also, all unnecessary easements affecting title to the property shall be removed if this will result in a commensurate increase in value.

I. Easements

The City will receive current fair market value for the removal of restrictive easements or access rights previously paid for by the City or other governmental agency or reserved in a sale of City property.

J. Priority Handling

Since time is of essence in land transactions, all such actions by the City Council and staff shall be given the highest priority and special handling.

K. Public Utilities Installed by Private Entities

The applicant for the use of unimproved City land for public purposes, such as streets, sewers, and other public utilities, shall compensate the City for the fair market value

of the rights to be granted by the City. The amount of compensation shall be established by appraisal.

Procedure for leasing City-owned Real Property

The City of National City has a very diverse real estate portfolio. While the policies herein are to act as the standard that governs most leases, the City acknowledges that parts of its leasing portfolio have specialized needs or restrictions. In these cases, this policy will act as a framework for a sub-policy that will govern a specific area. Should a conflict arise between the framework policy and the sub-policy, the sub-policy will govern.

A. Criteria for Leasing

City property shall be considered for leasing when one or more of the following criteria apply:

1. The property is not required for current municipal use, but is to be held for possible future use and can be leased as an interim measure.
2. The property can only be leased because of legal restraints. For example, property held under Tideland trust grants or as dedicated parks.
3. The City requires substantial control over development, use and reuse of the property.
4. The property has the immediate potential of a high return to the City because of its high demand and type of use, such as commercial and industrial land.
5. The property can be efficiently utilized by a provider of services needed by the City.
6. The property can be leased to promote a substantial economic development opportunity.

B. Property Management Plan

The City Council may approve the execution of lease transactions that meet the terms of the City's asset strategy for a particular property previously approved by City Council in an overall Property Management Plan. Negotiated transactions that fall outside of the parameters of an approved Property Management Plan either will be submitted individually for City Council approval, or deferred until the next periodic update and approval of the plan.

C. Lessee Selection for New Leases

Competitive offers for lease of City property shall be solicited from the open market place. This may be accomplished through a number of marketing techniques, such as Request for Proposals (RFPs), a marketing subscription system, direct advertising, use of a Multiple Listing Service (MLS), listing with a broker, posting the property and any other appropriate means.

In certain limited situations, the City may exclusively consider a single proposal for lease of City property. Potential lessees wishing to exclusively negotiate with the City must

submit for City staff review a business case with sufficient justification as to how it is capable of optimizing the use of the property and return to the City, thereby negating the need for a competitive process. This information will be included when the lease transaction is presented for City Council approval.

Leasehold proposals shall be evaluated in terms of:

1. The degree to which the proposed use is in compliance with the City's strategic plan for the property.
2. In terms of the amount of consideration offered in the form of rent.
3. In terms of the financial feasibility of the proposal.
4. The capability, expertise and experience of the potential lessee with respect to the proposed leasehold development and operation.
5. If new development is proposed, a development plan that includes a description of the development team and its qualifications.
6. The details of each person or entity that will have an interest in the proposed lease
7. Special public benefits to be derived (if any).

D. Rate of Return

The City shall obtain fair market rents for its leases commensurate with the highest and best use of the property. The fair market rent shall be based on an appraisal that complies with the definition of Market Rent found in the Uniform Standards of Professional Appraisal Practice (USPAP) published by the Appraisal Foundation. The appraisal shall be no more than six months old at the time the lease transaction is presented for City Council approval. If the cost of an appraisal is not justified by the anticipated rents, the City may choose an alternative method to establish rent. City leases shall contain terms and conditions which will sustain a fair rate of return throughout the duration of the lease.

E. Rental Terms

Rental terms may be negotiated on the basis of fixed rates (flat rent leases) or percentages of the lessee's gross income derived from business conducted on the property, with a provision for a minimum rent on percentage leases.

F. Percentage Leases

Minimum Rent

The minimum rent component for a new percentage lease shall be set at no less than eighty percent (80%) of the fair market rent as defined above. In certain cases, a portion of the minimum rent may be abated for new construction or redevelopment on the leasehold. The minimum rent shall be adjusted upward throughout the duration of the lease at intervals of not more than every five (5) years to reflect no less than eighty percent (80%) of the average annual rent actually paid or accrued during the three (3) years preceding the adjustment. In no event shall the adjusted minimum rent be less than the minimum rent in existence immediately preceding the adjustment.

Percentage Rates

Percentage leases shall provide for adjustments of percentages rates every five (5) years to current fair market rates as established by appraisals of prevailing market percentage rates primarily within the Southern California area.

G. Flat Rate Leases

Market Rate Adjustments

Flat rate leases shall provide for upward adjustment of rent every five (5) years to current fair market rent.

Consumer Price Index Adjustments

Flat rate leases shall provide for upward adjustment of rent in the interval term between market rate adjustments by changes in the consumer price index. The index used for consumer price index adjustments will be the All Urban Consumers index for Los Angeles - Riverside - Orange County, California with a base year of 1982-84. If the U.S. Department of Labor indices are no longer published, another substitute index generally recognized as authoritative will be used. Flat rate leases may include pre-determined periodic increases to rent instead of consumer price index adjustments. These periodic increases would occur at least every five (5) years.

H. Rent Arbitration

Leases can provide for binding arbitration when the City and lessee cannot agree on the new rent for a rental period under review. The City and lessee shall each select a professional independent real estate appraiser who in turn will select a third independent real estate appraiser to determine the fair market rent. If the two selected appraisers fail to mutually select a third appraiser, then the third appraiser will be appointed in accordance with the rules of the American Arbitration Association. The City and lessee shall pay the cost of its own selected appraiser and equally share the cost of the third appraiser.

I. Appraisal Assumptions

City leases shall include a definition of the fair market value to be used to adjust rent and an identification of the premise for that value. In establishing the fair market value of leased property, any appraisal shall consider the property as a fee simple absolute estate and as vacant and available for lease or sale for the authorized purposes of the lease at the commencement of the rental period under review. Rates established for purposes of periodic percentage rental adjustments shall not consider any abatement as may be appropriate in a "new" development of vacant land. It shall also be assumed that all required regulatory approvals to permit the use authorized in the lease have been obtained.

J. Lease Term

Short-Term Lease

The City Manager, at all times, shall have power, without advertising, notice, or competitive bidding, to lease any City property for a term of three (3) years or less (short-term lease). The City Council will be notified of a short-term lease not later than fifteen (15) days following its execution. A short-term lease may not be renewed without approval of the City Council. The City Manager, or designee may also execute rental agreements covering up to eighteen (18) months for tenant occupancy of City-owned residential housing.

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that loan proceeds go into the leasehold. Maximum loan proceeds shall not be in excess of seventy-five percent (75%) loan-to-value, where "value" refers to the leasehold improvements, as determined by a lender's appraisal which has been reviewed and approved by City staff. The loan term shall not exceed the term of the lease.

Loans or refinancing in the form of encumbrances against the lease for the purpose of reducing equity or financing the sale of leasehold interest will not be allowed until the property is fully developed for uses authorized in the lease. After the property is developed, such financing may be permitted so long as there is also substantial benefit to be gained by the City. This may take the form of either a percentage share of the loan proceeds or an upward adjustment to the rent. Either of which shall be based on commercially reasonable comparables found in the market.

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All percentage leases may be audited by the City's Finance Department in the first year of operation to establish proper reporting procedures and at least once every three (3) years thereafter. More frequent audits may be made if appropriate. The City shall reserve the right to audit all other leases and agreements subject to this Council Policy, if determined to be warranted by the City's Finance Department.

Q. Leasehold Assignments

Requests for assignment of leasehold interest shall be evaluated on the same basis as the criteria used in evaluating a leasehold proposal. The City Manager may authorize assignments which do not require amendment of the master lease. Consent may be contingent on the payment of additional consideration to the City, either as a percentage share of the purchase price of the leasehold interest or an upward adjustment to the rent. Either of which shall be based on commercially reasonable comparables found in the market. If new financing is involved in the sale, the requirements of 'Leasehold Financing' shall apply.

R. Lease Extensions & Renewals

Requests from existing lessees for lease extensions or renewals may be considered if such proposals promote capital investment and redevelopment of City property. Whenever an existing lessee is seeking renewal of an expiring long-term lease that is not contemplated

in a previously approved property management plan, the City Manager will bring the issue before the applicable City Council Committee with an appropriate recommendation. In addition to the criteria used to assess new lease proposals, City staff also will review the lessee's history with respect to: maintenance of the property; compliance with existing lease terms; prompt rent payments; and a rental return consistent with maximizing the property's full potential.

The lessee must propose capital investment that: will increase the value or the useful life of the leasehold improvements by an amount more than can be reasonably amortized over the remaining lease term; is not recurring in nature; and is at least ten percent (10%) or more of the value of the existing improvements. It specifically should exclude expenditures to correct deferred maintenance and expenditures for repairs to keep the existing improvements in good condition. The length of any extended lease term shall be calculated by the same method used for calculating the length of new leases.

S. City's Interest in Leasehold Improvements

City lease agreements provide the City the right to assume ownership of the leasehold improvements at the end of the lease. The value of the City's interest in the leasehold improvements can be appraised using widely accepted appraisal methods. In the event the City grants a lessee a lease extension, the City shall be compensated by an amount equal to the change in present value attributable to the deferral of its interest in the leasehold improvements. This amount either can be paid as an upfront payment at the beginning of the extended term or amortized over time with appropriate interest applied. The City shall offset from the value of its interest in the leasehold improvements any increased economic benefit derived from an extended lease. The City shall not receive any compensation for its interest in the leasehold improvements on leases extended prior to the last twenty percent (20%) of the existing term.

T. Leasing to Non- Profit Organizations

It shall be the policy of the City Council to allow direct negotiation with nonprofit organizations for the use of City-owned lands for the purpose of providing the community with cultural, recreational, educational enrichment, and other public services to the citizens and visitors of National City. Relative to this policy the following will apply:

1. Available City property shall be leased at fair market value to nonprofit organizations when it is deemed by Council that appropriate public benefit will be derived.
2. The only discount in the land rental rate which will be considered is that which will be a direct offset to City expenditures. An example would be where the non-profit organization is constructing and operating a facility to provide a service that would otherwise be a recognized obligation of the City to provide.
3. Council approval of a prospective nonprofit organization's use of City-owned land shall be obtained prior to commencement of lease negotiations.

4. No lease will become effective until firm financial commitments have been obtained under an appropriate lease option arrangement.
5. Lessees will be required to construct, operate, and maintain the premises at their sole cost.
6. Lessees shall be incorporated nonprofit organizations under the laws of the State of California.
7. Development on parklands shall be in conformance with City park development plans, and construction shall comply with City park design criteria.
8. Lessees shall provide desired services and facilities to the general public without discrimination as to race, color, creed, sex, age, or national origin.
9. When leases permit revenue producing activities, some measure of rental compensation shall be paid to the City. However, this provision will not apply to occasional fund raising events provided the funds are used exclusively for the specified purpose(s) of the lease.
10. Properties with significant potential for commercial, industrial, or scientific research uses shall not be available for nonprofit use.
11. Subleases will be considered on their individual merits by the City and consistency with conditions placed upon the City. Fees generated from subleasing will belong to the City and be deposited with the City upon receipt by the Agency.

U. Security Deposits

The standard security deposit for a new lease agreement shall be equivalent to two (2) month's rent. The security deposit may take the form of cash, an instrument of credit or a faithful performance bond. For a lessee making a substantial investment in improvements, the security deposit will be refunded upon completion of the improvements.

Related Policy References

Government Codes: 37350 and 37380

Government Codes: 54200-54232, 54235-54237

Prior Policy Amendments

August 14, 1990

January 22, 2019



AGENDA REPORT

Department: Finance
Prepared by: Rachelle Barrera, Finance Manager
Meeting Date: Tuesday, August 15, 2023
Approved by: Ben Martinez, Interim City Manager

SUBJECT:

Property Tax Rate for Library General Obligation Bond Property Tax Rate 2024

RECOMMENDATION:

Adopt a Resolution Entitled, "Resolution of the City Council of the City of National City, California, setting the Property Tax Rate for the Library General Obligation Bond for fiscal year 2024 at .518 cent per \$100 of assessed valuation."

BOARD/COMMISSION/COMMITTEE PRIOR ACTION:

Not Applicable.

EXPLANATION:

In the Special Municipal Election held on March 5, 2002, more than two-thirds of National City's eligible voters approved the issuance of general obligation bonds to fund the construction of the new National City Library. In April 2003, the City issued the general obligation bonds in the aggregate principal amount of \$6 million. Those bonds mature on August 1st of each of the years 2004 through 2028. In 2012, the City refinanced the bonds to lower the interest rate on the bonds and to decrease the tax burden required for repayment. The amount of principal and interest to be paid each year is generated through the proceeds of property taxes received from the County of San Diego. Each year, the City must establish the property tax rate that is needed to raise the revenue required to service its annual bonded indebtedness. For fiscal year 2024, the calculated property tax rate is 0.518 cent per \$100 of assessed value. This is a reduction of \$0.054 cent per \$100 of assessed value over the prior year's tax rate.

FINANCIAL STATEMENT:

A FY24 property tax rate of \$0.518 is estimated to generate around \$272,000 in revenue.

RELATED CITY COUNCIL 2020-2025 STRATEGIC PLAN GOAL:

Not Applicable

ENVIRONMENTAL REVIEW:

This is not a project under CEQA and is therefore not subject to environmental review.CCR15378; PRC 21065.

PUBLIC NOTIFICATION:

Agenda Report posted within 72 hours of meeting date and time in accordance with Brown Act.

ORDINANCE:

Not Applicable

EXHIBITS:

Exhibit A - Library General Obligation Bond Rate Calculation – 2023-2024 Tax Roll
Exhibit B - Resolution


**General Obligation Bond Debt Service (Fund 259)
Tax Rate Computation for Fiscal Year 2024**

National City

AVR Report Fund No. 6065-50

	Rate per \$100	Assessed Valuation	FY23/24 Est. Revenue	PY Rate Change:	9.4406%
Secured Valuation	0.0051800	5,035,855,559	260,857		
Unsecured Valuation	0.0057200	268,086,027	15,335		
			<hr/>		
HO Exemption		26,949,239	276,192		
1 Net Secured Valuation		5,035,855,559	11 Amount to be raised		271,979
3 Less Delinquency Allowance		-	12 Unsecured HOPTR		-
4 Net after Delinquency		5,035,855,559	14 Unsecured Delinquency		15,028
5 Plus HOPTR			15 Less Unsecured Redevelopment Impact		-
		26,949,239	16 Amount to be raised by Secured		256,951
6 Prelim Adj Secured Valuation		5,062,804,798			
7 Less Redevelopment Impact		-			
8 Adj Sec Valuation Less Redevelopment Impact		5,062,804,798			
9 Anticipated Roll Corrections			18a Tax rate times #4		255,821
			Tax rate times		
10 Adj Sec Val for Rate Computation		5,062,804,798	18b HOPTR		1,369
			19 Secured Proof		257,190
16 Computed Rate (per \$100)		0.00508000	20 Raised by 1/100th mil		5,063
17 Plus .0001		0.00518000	21,23 Taxes Raised		277,281

I CERTIFY THAT THE ABOVE COMPUTED RATE + 1/100TH MIL IS A REASONABLE TAX RATE FOR THIS FUND


 Rachelle Barrera
 Finance Manager

 7/25/2023
 Date

RESOLUTION NO. 2023 -

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA,
SETTING THE PROPERTY TAX RATE FOR THE LIBRARY GENERAL OBLIGATION BOND
FOR FISCAL YEAR 2024 AT 0.518 CENT PER \$100 OF ASSESSED VALUATION**

WHEREAS, in the special municipal election held on March 5, 2002, more than two-thirds of National City's eligible voters approved the issuance of General Obligation Bonds to fund the construction of the new National City Public Library; and

WHEREAS, in April, 2003, the City issued the Library General Obligation Bonds in the aggregate principal amount of \$6 million which mature August 1st of each of the years from 2004 through 2028; and

WHEREAS, in 2012, the City refinanced the bonds to lower the interest rate on the bonds and to decrease the tax burden required for repayment; and

WHEREAS, the amount of principal and interest to be paid each year is generated through the proceeds of property taxes received from the County of San Diego; and

WHEREAS, each year the City must establish the property tax rate that is needed to raise the revenue required to service its annual bonded indebtedness; and

WHEREAS, for Fiscal Year 2024, the calculated property tax rate is 0.518 cent per \$100 of assessed value.

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

Section 1: That the City Council hereby authorizes the property tax rate for bonded indebtedness for Fiscal Year 2024 to be reflected as 0.518 cent per \$100 (0.00518%) of assessed valuation.

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

PASSED and ADOPTED this 15th day of August, 2023.

Ron Morrison, Mayor

ATTEST:

Shelley Chapel, MMC, City Clerk

APPROVED AS TO FORM:

Barry J. Schultz, City Attorney



AGENDA REPORT

Department: City Manager's Office
Prepared by: Carlos Aguirre, Interim Deputy City Manager
Meeting Date: Tuesday, August 15, 2023
Approved by: Ben Martinez, Interim City Manager

SUBJECT:

Responses from the City of National City to the findings and recommendations of a 2022/2023 County of San Diego Grand Jury Report filed on June 7, 2023 and titled "Governance of San Diego Bay and Its Tidal Lands and Regions."

RECOMMENDATION:

Review and approve the proposed responses to the County Grand Jury Report and authorize the Mayor to transmit the responses to the Grand Jury via the Superior Court Presiding Judge.

BOARD/COMMISSION/COMMITTEE PRIOR ACTION:

Not Applicable.

EXPLANATION:

The Grand Jury Report is the product of an investigation by the County of San Diego Grand Jury of the San Diego Unified Port District (the "Port District"), the County of San Diego, and the five (5) Port District member cities of Chula Vista, Imperial Beach, Coronado, San Diego, and National City. The goal of the investigation was to assess how the subject organizations interact around the governance of San Diego Bay tidal lands and resources (Exhibit "A").

Per the Grand Jury Report, "[t]his assessment was undertaken in response to a perception that the Port of San Diego and its unelected seven-member Board of Commissioners is not accountable to either the elected officials or the electorate of its five member cities or the County of San Diego, especially in the planning, development and implementation of projects in those cities." In the Grand Jury Report, the Grand Jury reviews previous Grand Jury reports on the Port District, reviews the Port District's creation, governance, relation to State agencies, and funding. The Grand Jury Report also describes conflicts and issues surrounding the Port District's operations in regard to the equitable representation of residents of the five Port cities and their governing bodies, as well as the County of San Diego and its residents. Lastly, the Grand Jury Report discusses the Port District's planning process and how its proposed projects have affected its member cities and the County of San Diego.

California Penal Code §933(c) and 933.05 require that any public agency which the Grand Jury has reviewed, and about which it has issued a final report, provide comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the agency. Such comment shall be made no later than 90 days after the Grand Jury publishes its report (filed with the Clerk of the Court). The Grand Jury Report was filed on June 7, 2023.

Staff has carefully reviewed the Grand Jury Report and prepared a response letter (Exhibit “B”) to the honorable Michael T. Smyth, Presiding Judge of the San Diego County Superior Court, addressing the applicable findings and recommendations of the Grand Jury Report.

For each Grand Jury finding, the responding entity must indicate that it 1) agrees with the finding, or that it 2) disagrees wholly or partially with the finding, in which case the response must specify the portion of the finding that is disputed and include an explanation for their disagreement with the finding.

For each Grand Jury recommendation, the responding entity must indicate that 1) the entity has implemented the recommendation; 2) the entity has not yet implemented the recommendation, but will do so in the future, with a time frame for implementation; 3) the recommendation requires further analysis, with a time frame for completing such analysis, not to exceed 6 months from the date of the publication of the Grand Jury report; or 4) the recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation.

FINANCIAL STATEMENT:

There is no fiscal impact associated from the City of National City responding to the Grand Jury report.

RELATED CITY COUNCIL 2020-2025 STRATEGIC PLAN GOAL:

Not Applicable

ENVIRONMENTAL REVIEW:

This is not a project under CEQA and is therefore not subject to environmental review.CCR15378; PRC 21065.

PUBLIC NOTIFICATION:

Agenda Report posted within 72 hours of meeting date and time in accordance with Brown Act.

ORDINANCE:

Not Applicable

EXHIBITS:

Exhibit A - Grand Jury Report

Exhibit B - Draft Response Letter



GRAND JURY

County of San Diego
550 Corporate Center
550 W. C Street, Suite 860
San Diego, CA 92101-3513
619-236-2020 FAX 619-338-8127
<http://www.sdcounty.ca.gov/grandjury>

Ed Lopatin, Foreperson

June 1, 2023

Todd Gloria, Mayor
City of San Diego
202 C Street, 11th Floor
San Diego, CA 92101

Unified Port District Commission Board
Unified Port District
3165 Pacific Highway
San Diego, CA 92101

San Diego City Council
City of San Diego
202 C Street, 10th Floor
San Diego, CA 92101

See attached mailing list for additional respondents.

Re: Grand Jury Report – Governance of San Diego Bay and Its Tidal Lands and Regions

Dear Ladies and Gentlemen,

The 2022/2023 San Diego County Grand Jury herewith provides the referenced report for your review and comment to the Presiding Judge of the Superior Court in compliance with the Penal Code of California §933(c). This report was prepared pursuant to §925 and §925a of the Penal Code.

In accordance with Penal Code §933.05(f), a copy of this report is being provided to affected agencies at least two working days prior to its public release and after being approved by the Presiding Judge of the Superior Court.

Please note that §933.05(f) specifies that **no officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to its public release.** This report will be filed with the Clerk of the Court and released to the public on June 7, 2023.

Sincerely,

Ed Lopatin, Foreperson
2022/2023 SAN DIEGO COUNTY GRAND JURY

EL:ar
enc.

**Attached Mailing List
Governance of San Diego Bay and
its Tidal Lands and Regions Report**

John McCann, Mayor
City of Chula Vista
276 Fourth Ave
Chula Vista, CA 91910

Carolina Chavez, Councilmember
City of Chula Vista
276 Fourth Ave
Chula Vista, CA 91910

Jose Preciado, Councilmember
City of Chula Vista
276 Fourth Ave
Chula Vista, CA 91910

Alonso Gonzalez, Councilmember
City of Chula Vista
276 Fourth Ave
Chula Vista, CA 91910

Andrea Cardenas, Councilmember
City of Chula Vista
276 Fourth Ave
Chula Vista, CA 91910

Paloma Aguirre, Mayor
City of Imperial Beach
825 Imperial Beach Blvd
Imperial Beach, CA 91932

Carol Seabury, Councilmember
City of Imperial Beach
825 Imperial Beach Blvd
Imperial Beach, CA 91932

Jack Fisher, Councilmember
City of Imperial Beach
825 Imperial Beach Blvd
Imperial Beach, CA 91932

Matthew Leyba-Gonzalez,
Councilmember
City of Imperial Beach
825 Imperial Beach Blvd
Imperial Beach, CA 91932

Mitch McKay, Councilmember
City of Imperial Beach
825 Imperial Beach Blvd
Imperial Beach, CA 91932

Richard Bailey, Mayor
City of Coronado
1825 Strand Way
Coronado, CA 92118

Mike Donovan, Councilmember
City of Coronado
1825 Strand Way
Coronado, CA 92118

Carrie Downey, Councilmember
City of Coronado
1825 Strand Way
Coronado, CA 92118

John Duncan, Councilmember
City of Coronado
1825 Strand Way
Coronado, CA 92118

Casey Tanaka, Councilmember
City of Coronado
1825 Strand Way
Coronado, CA 92118

Ron Morrison, Mayor
City of National City
1234 National City Blvd
National City, CA 91950

Luz Molina, Councilmember
City of National City
1234 National City Blvd
National City, CA 91950

Marcus Bush, Councilmember
City of National City
1234 National City Blvd
National City, CA 91950

Jose Rodriguez, Councilmember
City of National City
1234 National City Blvd
National City, CA 91950

Ditas Yamane, Councilmember
City of National City
1234 National City Blvd
National City, CA 91950

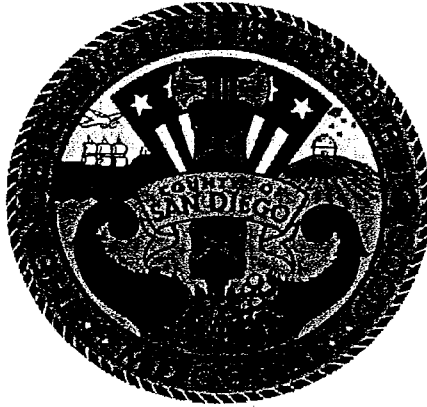
Nora Vargas, Chairperson
San Diego County Board of Supervisors
1600 Pacific Highway, Room 335
San Diego, CA 92101

Joel Anderson, Supervisor-District 2
San Diego County Board of Supervisors
1600 Pacific Highway, Room 335
San Diego, CA 92101

Terra Lawson-Remer, Supervisor Dist. 3
San Diego County Board of Supervisors
1600 Pacific Highway, Room 335
San Diego, CA 92101

Jim Desmond, Supervisor-District 5
San Diego County Board of Supervisors
1600 Pacific Highway, Room 335
San Diego, CA 92101

*Governance of San Diego Bay and Its
Tidal Lands and Regions*



*A Report by the
2022/2023 San Diego County Grand Jury
Filed June 7, 2023*

GOVERNANCE OF SAN DIEGO BAY AND ITS TIDAL LANDS AND REGIONS

SUMMARY

The 2022/2023 Grand Jury (Grand Jury) undertook an investigation of the San Diego Unified Port District (Port District), the County of San Diego and the five Port Cities of Chula Vista, Imperial Beach, Coronado, San Diego and National City to assess how these organizations interact around the governance of San Diego Bay tidal lands and resources. This assessment was undertaken in response to a perception that the Port of San Diego and its unelected seven-member Board of Commissioners is not accountable to either the elected officials or the electorate of its five member cities or the County of San Diego, especially in the planning, development and implementation of projects in those cities. The Port District is an independent governmental agency created by the State of California and approved by voters in Chula Vista, Coronado,¹ Imperial Beach, National City and San Diego in 1962 to manage the tidelands and submerged lands of San Diego Bay.

This report will briefly review previous Grand Jury reports on the Port District and look at its creation, governance, relation to State agencies, and funding. The Grand Jury will also investigate conflicts and issues surrounding the Port District's operations in regard to the equitable representation of residents of the five Port Cities and their governing bodies, as well as the residents of the County of San Diego and its residents. Finally, the Grand Jury will also discuss the Port District's planning process and how its proposed projects have affected the five Port Cities, the County of San Diego and residents of these regions.

The report's recommendations include increasing the Port District's public participation and transparency by:

- Scheduling regular updates and presentations at publicly noticed open meetings of the city councils of its member cities;
- Simplification of the Port Master Plans around the Port District Planning Districts falling within each of the Port City's jurisdictional boundaries and three of the County's supervisorial districts;
- Submitting the Port Master Plan, and all future updates and amendments, to the relevant city council and County Supervisor for discussion and ratification;
- Lobbying the California State Legislature to introduce legislation enabling the County of San Diego to assume oversight of the activities of the San Diego Unified Port District and decisions of the Board of Port Commissioners, and share in the Port District's duty as guardian of the public trust in the tidal and submerged lands of San Diego Bay;
- Depending on the outcome of the legislation recommended above, exploring an alternate form of governance for the Port District, with participation from the County Board of Supervisors and elected officials of the five member cities;
- Encourage a limit of two four-year terms that a Port Commissioner can serve;
- Include staff from each of the five cities on each of the Port District's advisory committees; and
- Post meeting minutes and agendas of each of the Port District's advisory committees on-line.

¹ While the 1962 vote to approve creation of the Port involved tallying the combined votes of the five port cities, voters in the City of Coronado voted against Proposition D by a margin of 3 to 1.

INTRODUCTION

“We can do whatever we want, right?”² The words were spoken – and repeated several times-- by a commissioner of the San Diego Unified Port District during a public meeting of the Board of Port Commissioners. A Commissioner went on to describe what was believed to be “the absolute sovereignty of this board to make any decision that we want from this dais at any time.”³ The comment was made during a discussion of the changes proposed for the Port District’s policy on Capital Improvement Projects, and while made in this specific context, seemed intended to characterize the broad authority and perceived nature of this organization – led by a seven-member unelected board of commissioners, largely autonomous, self-governing, self-funded and independent of oversight by local elected officials.

The 2022-23 San Diego County Grand Jury (Grand Jury) is not alone in its concern over the lack of oversight, transparency and accountability of an organization with such far reaching power and jurisdiction. Over the last several decades, two separate San Diego County Grand Juries have reached similar conclusions, the earliest being the 1986-87 Grand Jury and more recently the 1997-98 Grand Jury.

The 1986-87 Grand Jury Report concluded, “An enterprise of the scope and importance of the Port District must include a strong concern for community relations, public input and accountability ... yet, in the public’s mind, it conducts itself as does a private company, responsible only to its stockholders. The fact is that it is a public corporation, guarding a public trust and spending public money.”⁴ Similarly, the synopsis of the 1997-98 Grand Jury report concluded that the seven commissioners of the Port District “are viewed as operating with almost unlimited discretion regarding how they spend money with minimal accountability.

Commissioners are not required to gain approval for their actions from the voting public or even from the city councils which appoint them.”⁵ In practice, the Port District requires a fiduciary oath of its commissioners to act in the best interests of the Port District, and in its role as guardian of the public trust, to the benefit of the residents of California. As appointees of one of five Port District cities, each commissioner must also represent the perspectives of the city appointing them as commissioner. In representing the *interests* of the Port District but only the *perspectives* of the port cities appointing them, a dichotomy is created. The dichotomy allows port commissioners to manage the valuable resources of San Diego Bay in a unified, comprehensive manner but limits elected governments of the Port Cities and their constituents in making their views known or in determining the actions that are in their best interests. As a result, this dichotomy leads not only to voter disenfranchisement, but to a disconnection between elected municipal governments and their constituents, who must subordinate and subject their interests to the interpretations of the unelected Board of Port Commissioners.

² San Diego Unified Port District Port Commissioners Meeting, September 13, 2022, video recording @ 1:14:25. [Board of Port Commissioners on 2022-09-13 1:00 PM \(granicus.com\)](#)

³ San Diego Unified Port District Port Commissioners Meeting, September 13, 2022, video recording @ 1:15:50. [Board of Port Commissioners on 2022-09-13 1:00 PM \(granicus.com\)](#)

⁴ 1986-87 San Diego County Grand Jury, The County of San Diego and The San Diego Unified Port District Report No. 15, June 30, 1987, page 5-6.

⁵ 1997-98 San Diego County Grand Jury, The San Diego Unified Port District: It’s Time for Taxpayers and Citizens to Have a Direct Say, Final Report, June 30, 1998, page 103.

Severe as these assessments are, they are rooted in the San Diego Unified Port District Act (Port Act)⁶, enacted by the California Legislature in 1962, through which the State of California delegates the power and responsibility for management of the tidelands and submerged lands of San Diego Bay. The Port Act delegates these powers to the Port District from the California State Lands Commission (SLC) as guardian of these tidelands and submerged lands through the public trust doctrine. This doctrine “provides that tide and submerged lands and the beds of lakes, streams and other navigable waterways are to be held in trust by the State for the benefit of the people of California.”⁷ The Port District acts in this capacity as an independent governmental special district without direct oversight of its seven commissioners by other local city or county agencies. The unsalaried commissioners are appointed to four-year terms by city councils of each of the five cities that border San Diego Bay, (San Diego, Chula Vista, Coronado, Imperial Beach, and National City). While the commissioners must reside in the city that appointed them, they can serve an unlimited number of four-year terms, except in the City of Coronado which limits its port commissioners to two terms. Port commissioners may be recalled by majority vote of the city council which appointed them. Other than these limitations, no oversight by local governmental bodies is authorized by the Port Act, and decisions by the Board of Port Commissioners are not subject to approval, veto or appeal by city councils or voters of the five Port Cities or the county.^{8,9}

Democratic theory equates responsible government with popular participation in and control over policy formulation, political equality for the individual, deciding divisions of opinion by majority rule with complete freedom of discussion, and periodically holding free and meaningful elections.¹⁰ Yet by virtue of the legislation that created the San Diego Unified Port District, values such as these that citizens have come to expect in our governmental legislative, regulatory and judicial institutions have not been embraced.

METHODOLOGY

The Grand Jury conducted interviews and requested information from municipal and county governmental organizations affected by the Port Act.

The Grand Jury researched and reviewed these documents:

- California Harbors and Navigation Code, Appendix I, also known as the San Diego Unified Port District Act (Port Act)
- The 1986-1987 Grand Jury report: “The County of San Diego and the San Diego Unified Port District, Report No. 15” and responses
- The 1997-1998 Grand Jury report: “The San Diego Unified Port District: It’s Time for Taxpayers and Citizens to Have a Direct Say” and responses from the cities of San Diego, Chula Vista, Coronado, Imperial Beach, and National City
- Meeting Minutes and Agendas from the cities of San Diego, Chula Vista, Coronado, Imperial Beach, and National City as well as the San Diego Unified Port District
- Historical records and articles relating to formation of the Port District (per footnotes)
- Grand Jury Reports on Ports in other California Counties

⁶ California Harbors and Navigation Code, Appendix 1, San Diego Port District Act, Document no. 70987, filed March 3, 2020, Office of the District Clerk.

⁷ <https://www.slc.ca.gov/public-engagement/>

⁸ California Harbors and Navigation Code, Appendix 1, San Diego Port District Act

⁹ The City of Coronado limits the number of terms served by Port Commissioners to two terms

¹⁰ Bachrach, Peter. The Theory of Democratic Elitism (Chicago, 1962), p. 94.

- San Diego Unified Port District Website: www.portofsandiego.org
- Detailed electronic maps showing specific boundaries and areas within the San Diego Unified Port District

DISCUSSION

Creation of the San Diego Unified Port District

When California became a state in 1850, it acquired title to navigable waterways as trustee for the protection of public lands, streams, lakes, marshlands, and tidelands. This is referred to as common law public trust doctrine. Per the State of California State Lands Commission (SLC), “The public’s right to use California’s waterways for navigation, fishing, boating, natural habitat protection and other water-oriented activities is protected by the Common Law doctrine of the Public Trust.” Historically, the Public Trust has referred to the basic right of the public to use its waterways to engage in “commerce, navigation, and fisheries.” The SLC further states that the “Public Trust provides that tide and submerged lands and the beds of lakes, streams and other navigable waterways are to be held in trust by the State for the benefit of the people of California.”¹¹

San Diego Unified Port District: Unique Among California Ports

The San Diego Unified Port District is unique among California’s 12 ports in its establishment by state law. According to the Port Act, this was necessary because of the geography and other special characteristics of the locale:

It is hereby declared to be the policy of the State of California to develop the harbors and ports of this State for multiple purpose use for the benefit of the people. A necessity exists within San Diego County for such development. Because of the several separate cities and unincorporated populated areas in the area hereinafter described, only a specially created district can operate effectively in developing the harbors and port facilities. Because of the unique problems presented by this area, and the facts and circumstance relative to the development of harbor and port facilities, the adoption of a special act and the creation of a special district is required.¹²

With passage of the enabling Proposition D in November 1962, the SLC granted regulation and control of the tidelands and submerged lands of San Diego Bay to the newly created Port District. Following passage of San Diego County’s Proposition D, the cities of San Diego, Chula Vista, Coronado, Imperial Beach, and National City were to transfer the management of state tidal and submerged lands in San Diego Bay to the jurisdiction of a newly formed San Diego Unified Port District.

Proposition D Controversy

Passage of Proposition D was not obtained without controversy. Prior to the election, the city councils of Coronado, Imperial Beach and Chula Vista opposed formation of the Port District. Supporters of the proposition focused on the economic benefits made possible by the combined efforts of Port Cities on such projects as construction of South Bay channel and the resulting job growth from expansion of industrial development and maritime activities. Opponents of the proposition focused primarily on the potential control wielded by an unelected board of port commissioners who would have the power to

¹¹ <https://www.slc.ca.gov/public-engagement/>

¹² California Harbors and Navigation Code, Appendix 1, San Diego Port District Act, §2, pg 7. <https://pantheonstorage.blob.core.windows.net/administration/San-Diego-Unified-Port-District-Act.pdf>, March 3, 2020.

issue bonds, levy taxes and develop local tideland resources without input from individual Port Cities. Another concern was the unequal number of commissioners allocated to each of the Port Cities; the City of San Diego would get three commissioners while each of the remaining four Port Cities would get one commissioner each, potentially allowing San Diego to exert dominance over Port Commission resources and priorities.¹³

A study commissioned by the Coronado Chamber of Commerce three months prior to the 1962 election suggested that instead of the simple majority required by the Port Act to constitute a quorum for Commissioners to conduct business, the act be amended to require a quorum of at least two commissioners from the four Port Cities of Coronado, Imperial Beach, Chula Vista and National City. An additional change in the make-up of the port commission was also suggested to include only two San Diego Commissioners, one commissioner from San Diego County, and one each from the four other Port Cities, allowing appointment of a commissioner representing interests of unincorporated bay front areas of the county.¹⁴

While Proposition D was approved by a majority of voters in the cities of San Diego, Chula Vista, Imperial Beach and National City, the proposition was defeated in Coronado by a 3 to 1 margin. An unsuccessful lawsuit filed by Coronado, Imperial Beach and Chula Vista attempted to make acceptance of membership in the Port District optional, resulting in a temporary delay, but formation of the Port District was completed on December 18, 1963, following certification of the votes cast for Proposition D in the November 6, 1962 election.¹⁵

Port District Funding of Operations

Port District operations are financed primarily through leases and fees generated through its real estate operations, parking, harbor police and other services or fees provided to public or commercial customers of the Port District. As a landlord, the Port District generates most of its revenue from tenants and subtenants who pay rent or fees to conduct business on tidelands. The list includes hotels, restaurants, retail shops, marinas, landings, yacht clubs, shipyards, cargo operators, aerospace firms and cruise ships. While allowed by the Port Act to do so, the Port District does not collect taxes. Various provisions of the Port Act also allow the Port District to issue general obligation, revenue bonds or levy property or other forms of taxation.

In the Fiscal Year ending June 30, 2022, over \$90 million, or 55% of the Port District's operating revenue were generated by leases and other Real Estate revenue, while parking, maritime and other fees provided another \$77 million in operating revenue, or approximately 45% of operating revenues.

Like commercial business entities that are dependent on revenue streams to remain viable, economic activities that support the Port District's operations have also represented a significant source of economic risk. Recently, impacts of the COVID-19 pandemic on Port District operations severely limited most revenue generating Port District activities, resulting in a \$19.3 million loss in the fiscal year ending June 2021 and prompting one Port Commissioner to consider the need to "analyze and

¹³ San Diego County Registrar of Voters, Arguments for and Against Proposition D, San Diego County General Election, November 7, 1962.

¹⁴ The Wyatt Report: Here's Text of Advisory on United Port, San Diego Evening Tribune, August 22, 1962, A14-A15.

¹⁵ Ibid.

understand options for potential taxation.”¹⁶ However, the Port District qualified for \$29 million in stimulus fund assistance in the following year, leading to the generation of a \$68.3 million income in the fiscal year ending June 2022.¹⁷

While these tidelands-associated revenue streams allow the Port District to operate free of budget constraints typical of other state or local government agencies, the need to generate such revenue can lead to a significant source of bias in the deliberations of Port Commissioners and obscure motives and objectives of staff at all levels of the organization. In a recent briefing by the Port District, a sizeable, expected return on investment from a proposed project was praised as a justification for the large public investment of tax dollars needed to fund the project, with less emphasis placed on the project’s other characteristics.

Balanced Interests?

The Grand Jury investigation revealed many concerns by the Port District’s stakeholders. Smaller Port Cities reported a lack of follow through or investment in their cities proportional to the revenue generated for the Port District by tidelands activities occurring in their municipal boundaries. Others cite a lack of prioritization for projects not associated with lucrative leasing contracts or other significant revenue sources. The Grand Jury acknowledges such views, and sees the dilemma faced by the Port District in balancing the many diverse and potentially competing municipal, state and public interests it must manage as both nuanced and complex in ways less understood by the public in general, and in some cases by the city and county governments it serves.

How does a port commissioner balance or prioritize the needs or interests of separate communities, neighborhoods or municipalities against one another or against the interests of the Port District itself? As the adage goes, actions speak louder than words; perhaps recent activities by the Port District and votes by the Board of Port Commissioners can help to answer such questions.

Chula Vista Hotel and Convention Center

The key piece of the Chula Vista Bayfront Master Plan is the Gaylord Pacific Resort and Convention Center, a \$1.1 billion project that broke ground in 2022 for a 1,600-room hotel alongside a 275,000 square foot convention center on a 36.5-acre site. In 2012, after almost a decade of planning, the City of Chula Vista and the Port District received approval from the California Coastal Commission for this project allowing for the conversion of 535 acres of vacant and industrial property into a Resort Hotel and Convention Center, RV Park, and parking structure. An existing motel, also part of the project sits on land adjacent to Port District boundaries.

The project is important because both the City of Chula Vista and the Port District collaborated on the Master Plan and were involved in seeking its approval, and both parties consider the development project a great success. The Grand Jury investigation revealed an alignment of interests of both parties centered on the regional economic benefits from development of these underused and undervalued tideland assets. Both parties were fully engaged, fully committed and enjoyed the support of the community during all phases of the project, from the initial master plan approval to selection of the

¹⁶ Jennifer Van Grove, San Diego’s Bayfront is Controlled by a Little-understood Agency With Power That Will Be Tested in The New Year, February 5, 2021, page 13; [San Diego’s bayfront is controlled by a little-understood agency with power that will be tested in new year - The San Diego Union-Tribune \(sandiegouniontribune.com\)](https://www.sandiegouniontribune.com)

¹⁷ San Diego Unified Port District, Annual Comprehensive Financial Report, Fiscal Years Ended June 30 2022 and 2021. Page 48, CAFR-2022 (window <https://pantheonstorage.blob.core.windows.net/administration/2022-ACFR-final.pdf>.net)

operator and developer, as well as the formation of multiple financing agreements. Both parties are to share in the public infrastructure costs expected to approach \$370 million, but also retain shares of excess revenues.

Dole Fruit Company Contract

First signed in 2002, this agreement leased portions of San Diego's 10th Avenue terminal to Dole Fruit Company for imports of fruit into the U.S. west coast market. Primary operations centered on long-haul trucking operations delivering fruit to many sites in the Southern California region, as well as short-haul trucking operations to sites in San Diego County. The short-haul local operations involved many more trips by smaller-sized trucks and were perceived to create a more significant source of air pollution than long-haul operations which involved larger loads and fewer trips on semi-trailer trucks.

Following negotiation for a 25-year lease extension through 2036, terms were not released until three days prior to the proposal's approval by the Board of Port Commissioners on August 14, 2012. The agreement not only extended Dole's lease, but also moved its short-haul trucking operation out of San Diego's Barrio Logan neighborhood. This move was perceived to reduce pollution in an area already affected by significant pollution from the nearby freeway and industrial maritime and manufacturing activities. However, the short-haul trucking operation was only relocated to a location in the neighboring city of National City, thereby increasing pollution that potentially affected the health and well-being of nearby residents of that city. Relocation of Dole's short-haul trucking operations also required the disruption, delay and rerouting of the National City leg of the Bayshore Bikeway project and the Tidelands Avenue relocation planning efforts, two key components of the National City Balanced Plan.

The actions taken by the Port District in approving the Dole Fruit Company lease, reduced potential health hazards for residents of San Diego's Barrio Logan neighborhood at the expense of the health of National City residents, while creating significant delays and disruptions in the Master Plan benefitting National City residents.

Mitsubishi Cement Factory

The Port District recently considered an application by Mitsubishi Cement Corporation (Mitsubishi) for a Coastal Development Permit (CDP) that would allow Mitsubishi to construct and operate a cement import, storage, loading and distribution facility within the Tenth Avenue Marine Terminal.¹⁸

Beginning in 2015, Mitsubishi had been negotiating with the Port District to ship cement-making materials to the Port-operated Tenth Avenue Marine Terminal warehouse for storage and shipment to Southern California construction sites. Nearby residents perceived the project would have introduced a new significant source of pollution to surrounding neighborhoods already experiencing pollution from maritime and industrial activities and freeways in the area.

While the Port District has approved a Maritime Clean Air Strategy (MCAS) to replace diesel fuel burning trucks with electric vehicles by 2030, the technology supporting zero emission electric power for vehicles the size of cement trucks was not yet available, and the Port District announced in a press

¹⁸ San Diego Unified Port District, Ordinance 2936, February 25, 2019, <https://pantheonstorage.blob.core.windows.net/administration/Ordinance-No-2936.pdf>

release that negotiations with Mitsubishi “were not moving forward,” but expressed a willingness to re-consider the proposal, “should the day come when they want to re-open negotiations.”¹⁹

While the decision to discontinue Mitsubishi’s cement warehouse facility was ultimately made in the public interest, the discussion to proceed or terminate the project occurred not in a public forum, but behind closed doors and was announced in a press release.

The process for evaluation of such projects by the Port District is well established and logical in its progression from the proposal, preliminary approval, planning, development, environmental and coastal commission review phases. Yet consideration of the project by a local elected governmental entity might have given greater priority to the health concerns of community members and resulted in a more equitable balance between economic and health concerns earlier in the project’s evaluation process.

Coronado Cottages at the Cays

Recent decisions by the Port District surrounding the proposed Cottages at the Cays Project on Coronado’s North Grand Caribe Isle exemplify the disconnection and disenfranchisement of the voting public and elected governmental bodies resulting from the Port District’s independence from local governmental oversight. The Port District had considered a development application from a lessee of property on Coronado’s North Grand Caribe Island to build 41 two-bedroom short stay units limited to six guests per unit. In a letter addressed to the Board of Port Commissioners dated December 23, 2022, the Mayor of Coronado expressed strong opposition to the project, stating, “this project does not reflect the will of the community or the Coronado City Council.” Specific objections to the project cited in the letter included.²⁰

- A unanimous vote by the Coronado City Council in opposition to the proposed project.
- Opposition from community groups such as the Coronado Cays Homeowner’s Association and community members who provided petitions in opposition.
- Reversal of the Port District policy refined in the 2021 Port Master Plan Update (PMPU) to “expressly disallow the development of more hotel rooms and to convert the land use designation to Recreational Open Space, which preserves the area for environmental preservation and complete public access.”
- The project would create “preferential access to those that can afford what will most likely be costly room rates similar to other hotel rates in the area.”
- The project contravenes the PMPU commitment for the “protection and management of natural resources that best reflect environmental stewardship for present and future generations”, on property expected to be highly vulnerable to sea level rise in the decades to come.
- The project would “create a hotel use which is not compatible with the surrounding residential area...,” posing significant traffic impacts and safety concerns on the community of approximately 1,200 homes which can only be accessed through a single entrance.

¹⁹ San Diego Unified Port District, Port of San Diego Issues Statement on Mitsubishi Cement Proposal, General Press Release, February 1, 2023, <https://www.portofsandiego.org/press-releases/general-press-releases/port-san-diego-issues-statement-mitsubishi-cement-proposal>

²⁰ Mayor Richard Bailey, Letter of Opposition to Cottages at the Cays Development Project Proposal, December 23, 2022.

Due to policies governing the rights of lessees, The Port District was obligated to present this development proposal for a vote to the Board of Port Commissioners. In addition, the Port District viewed the land use designation of Recreational Open Space for the parcel reflected in the 2021 Port Master Plan Update as being unbinding and preliminary, pending approval by the California Coastal Commission. Had it been approved, this land use would have represented a land use inconsistent with the Coronado Cays development proposal which required a Commercial Open Space designation currently in place for the property. On February 14, 2023, the Board of Port Commissioners approved the Cottages at the Cays Project by a vote of 4-3 in favor of initiating a California Environmental Quality Act (CEQA) review, followed by consideration of a Port Master Plan Amendment to add the project to the Port Master Plan, prior to application by the developer for a coastal development permit.

Who Watches the Watchers? California Coastal Commission and State Lands Commission

In response to the Grand Jury's concern that the Port District is largely autonomous, self-governing, self-funded and independent of oversight by local elected officials, the Port District views the oversight of its decisions and activities provided by the California State Lands Commission (SLC) and the California Coastal Commission as more than adequate.

The SLC oversight is to ensure Port District activities are consistent with the public trust doctrine. In this role the Port District consults with the SLC on an as needed basis, to seek clarification, advice and guidance in matters affecting the Port District's role as guardian of the public trust for San Diego Bay. If determined to be inconsistent with this doctrine, the SLC could direct the Port District to stop, discuss and resolve the issues causing such concern.

In addition to the State Lands Commission and California Coastal Commission approvals, the CEQA requires that "state and local agencies consider environmental protection in regulating public and private activities and should not approve projects for which there exist feasible and environmentally superior mitigation measures or alternatives." In the absence of any documented exemptions provided for in the act, CEQA requires the publication of detailed Environmental Impact Reports for projects approved by the Port District for public review and comment.²¹

Requirements of the California Coastal Commission and CEQA also affect Port District activities relating to the approval of the Port Master Plan, Master Plan Updates or Amendments. In addition, Port District approved projects often require a coastal development permit from the California Coastal Commission.

While members of port city councils or San Diego County Supervisors have no direct oversight of Port District activities or ability to appeal decisions of the Board of Port Commissioners, the Port District indicated the existence of multiple venues to make their views known, and commissioners as a whole place a very high value on the desires of member cities. In addition, the public has access to most of the public meetings of the SLC, California Coastal Commission and also to regular meetings of the Board of Port Commissioners, as well as access to the public websites of these organizations. Also, decisions of the three-member California Coastal Commission can be appealed with the agreement of two of three commissioners to first hear the appeal and then vote to reverse their decision.

²¹ California Environmental Quality Act, Chapter 1: Policy (archive.org)

Public Participation and the Port District of San Diego

The Grand Jury noted meetings of the Board of Commissioners are posted on the Port District's website and that public participation is allowed. Meeting agendas are posted, and minutes are made available. In addition, the Board of Port Commissioner meetings are recorded, and recordings are available for public viewing. The Port District's policy regarding public participation is spelled out in Board of Port Commissioners Policy 060 which was adopted June 10, 2008.²²

The Board of Port Commissioners also formed several subcommittees, forums, or working groups to solicit public input in the Board's decision-making process. "In setting policies for our dynamic waterfront, the Port District of San Diego seeks to make decisions that are in the public interest. To that end, the Board of Port Commissioners has formed various committees, forums and working groups to discuss current issues. These meetings are an important tool for gathering information, exploring ideas, and obtaining feedback for use in decision making by the Board."²³

These groups include the Accessibility Advisory Committee; Arts, Culture, and Design Committee; Audit Oversight Committee; Bayfront Cultural and Design Committee Chula Vista; Chula Vista Bayfront Facilities Financing Authority; Environmental Advisory Committee; Maritime Forum; San Diego Harbor Safety Committee; Wildlife Advisory Group; and World Trade Center San Diego.

Researching information available on the Port District's website, the Grand Jury notes that agendas and meeting minutes for some but not all the advisory committees are available. The screenshot below documenting the information concerning the Port's Environmental Advisory

²² BPC-Policy-No-060-Public-Participation-in-Board-of-Port-Commissioners-Board-Meetings.pdf.

<https://pantheonstorage.blob.core.windows.net/administration/>

²³ <https://www.portofsandiego.org/people/other-public-meetings>

Committee for all years available.²⁴

All Meetings

List View Calendar View

Search: All Years Environmental Advisory Committee notes direct captions

Search Calendar [Help](#)

10 records Group Export

Name	Meeting Date	Meeting Time	Meeting Location	Meeting Details	Agenda	Accessible Agenda	Agenda Packet	Minutes	Accessible Minutes	Video	eComment
Environmental Advisory Committee	9/14/2022	9:30 AM	Virtual Meeting REVISED AGENDA	Meeting details	Agenda	Accessible Agenda	Not available	Not available	Not available	Not available	Not available
Environmental Advisory Committee	6/8/2022	9:30 AM	Virtual Meeting	Meeting details	Agenda	Accessible Agenda	Not available	Not available	Not available	Not available	Not available
Environmental Advisory Committee	3/16/2022	9:00 AM	Virtual Meeting	Meeting details	Agenda	Accessible Agenda	Not available	Not available	Not available	Not available	Not available
Environmental Advisory Committee	12/1/2021	9:30 AM	Virtual Meeting	Meeting details	Agenda	Accessible Agenda	Not available	Not available	Not available	Not available	Not available
Environmental Advisory Committee	9/22/2021	9:30 AM	Virtual Meeting	Meeting details	Agenda	Not available	Not available	Not available	Not available	Not available	Not available
Environmental Advisory Committee	6/2/2021	9:30 AM	Virtual Meeting	Meeting details	Agenda	Not available	Not available	Not available	Not available	Not available	Not available
Environmental Advisory Committee	3/17/2021	9:30 AM	Virtual Meeting	Meeting details	Agenda	Not available	Not available	Not available	Not available	Not available	Not available
Environmental Advisory Committee	12/2/2020	9:30 AM	Virtual Meeting	Meeting details	Agenda	Not available	Not available	Not available	Not available	Not available	Not available
Environmental Advisory Committee	9/16/2020	9:30 AM	Virtual Meeting	Meeting details	Agenda	Not available	Not available	Not available	Not available	Not available	Not available
Environmental Advisory Committee	6/2/2020	9:30 AM		Meeting details	Agenda	Not available	Not available	Not available	Not available	Not available	Not available

The Grand Jury notes that only four of the eight meetings had “accessible” agendas, while none of the meetings had minutes posted online. According to the last posted agenda for the Environmental Advisory Committee, the agenda included a discussion with respect to the National City Balanced Plan portion of the proposed updated Master Plan. However, in reviewing the posted membership of the Environmental Advisory Committee there are no staff members listed from National City (nor any of the other Port Cities). This points to a lack of transparency with regards to the coordination of the Port District with the member cities.

Master Plan Documents and Updates

Under Section 19 of the Port Act, the Port District was to “draft a master plan for harbor and port improvement and for the use of all of the tidelands and submerged lands which shall be conveyed to the district pursuant to the provisions of this act.” This Port Master Plan was approved by the Board of Port Commissioners in 1980 and later certified by the California Coastal Commission on January 21, 1981.²⁵ Subsequently the Port District approved 41 amendments to the 1980 Master Plan.

In 2019, SB 507 §5.7 was incorporated into the Port Act requiring Port District to “submit to the State Lands Commission a trust lands use plan for trust lands ... describing any proposed development, preservation, or other use of the trust lands.” Section 5.7 goes on to state that the “State Lands

²⁴ <https://portofsandiego.legistar.com/Calendar.aspx>

²⁵ California Harbors and Navigation Code, Appendix 1, San Diego Port District Act §19, San Diego Unified Port District, Document 70987, March 3, 2020, page 15.

Commission, in its sole discretion, may consider whether the submission of the Port Master Plan...meets the requirements of ...a trust lands use plan.”²⁶

The Port District’s response has been to publish the “San Diego Unified Port District, DRAFT Port Master Plan Update” dated November 2021. As of the writing of this report the Master Plan Update has not been submitted to the California Coastal Commission or to the State Lands Commission.²⁷

Particular confusion exists among Port Cities leaders and residents regarding the provisions Port Master Plan that is periodically updated by the Port District. Much of the confusion is associated with the size and complexity of the Master Plan document itself—the most recent but-still-unapproved-update (2021) is well over 400 pages in length when including appendices, while the public comments alone comprise another 800 pages. As an indicator of the complexity of information contained in the Plan comments alone, the format for the comments received for the 2021 Master Plan Update was an electronic PDF flat file format comprising comments from 10 agencies, 19 organizations, 10 businesses or Port Tenants and individuals from all 10 planning districts. Questioned about how the Port District responded to comments, how the comments were used or acted upon, the Port Gave no clear answers in response.

The plan is categorized into 10 geographical Port planning districts. Despite the fact that these planning districts could be organized around each of the Port Cities within which the smaller planning districts exist, this approach has not been used in the past. However, such an approach could foster greater understanding of these plans by residents and leaders alike while greatly simplifying the review and approval process for each Port city’s Master Plan.

While the Port Act identifies requirements for development of Port Master Plans and Trust Use Plans, the Grand Jury concluded that the Port Act does not preclude the Port Cities or the County of San Diego from requiring ratification by Port Cities or the county of such plans prior to submission to the appropriate state agency for approval. Further, such ratification by each Port City Council or the County Board of Supervisors would allow elected officials to ensure that these plans are in the best interest of their constituents and aligned with plans and objectives of these government bodies.

To that end, the Grand Jury will recommend that Port Cities and County Supervisors of supervisorial districts fronting San Diego Bay be required to ratify all port master plans, master plan updates, master plan amendments or trust use plans for Port District activities occurring within their boundaries; further, that such ratification be required prior to Port District proceeding with Environmental Impact Reviews required by CEQA, submission of such plans for approval by the California Coastal Commission, State Lands Commission or approval of coastal development permits. Finally, once ratified by a Port City or County agency, each Port City’s master plan update would become the current Port Master Plan for project planning purposes.

Options: Where to go from here? Port Commissioner Status Reports to City Councils

The recommendations of the 1997-1998 Grand Jury report were directed to the city councils of the five cities affected by the Port District and to the County Board of Supervisors. Recommendation 98-

²⁶ California Harbors and Navigation Code, Appendix 1, San Diego Port District Act §19, San Diego Unified Port District, Document 70987, March 3, 2020, page 10.

²⁷ <https://pantheonstorage.blob.core.windows.net/waterfront-development/Port-Master-Plan-Update-Draft-November-2021.pdf>

50 to the five city councils were to “create and implement formal policies requiring their port commissioner representatives to report regularly to their respective city councils in a formal manner.” The City of San Diego responded to these recommendations saying that policies were already in place governing qualifications for port commissioners as well as formal reporting to the city council. The cities of Coronado and Imperial Beach reported that briefings from their Port Commissioners concerning Port District activities were scheduled as part of each regularly scheduled city council meeting. The City of Chula Vista reported the city council meets with their port commissioner “quarterly, or as often as needed,” while National City reported receiving periodic reports from their Port Commissioner on an informal basis.

The current Grand Jury investigated the current practices of the Port Cities in pursuing regular updates in regularly scheduled public forums such as City Council meetings. Communication with Port Commissioners was reported to occur regularly on an informal basis, but confirmation of such informal meetings proved impractical. As a result, the Grand Jury reviewed readily available public meeting agendas and minutes of the Port City councils during 2022. We discovered the following:

- San Diego: The Grand Jury could not find any minutes or agenda items recognizing that any of its Port Commissioners made presentations regarding Port District activities in public meetings. This included a review of City Council agendas for 2022, none of which included agenda items of briefings or presentations by the city’s Port Commissioners.
- Chula Vista: The Grand Jury could not find any minutes or agenda items recognizing that its Port Commissioner made presentations regarding Port District activities in public.
- Coronado: According to reviewed minutes and agenda items, a single update from the city’s commissioner occurred on April 19, 2022.
- Imperial Beach: According to reviewed minutes and agenda items, only one update took place on January 19, 2022.²⁸
- National City: An agenda item for reports from their commissioner is created for each City Council meeting. The Grand Jury was unable to learn if that was the result of a published council policy.

In view of the information provided through testimony and surveys of public records regarding Port Commissioner reports and briefings to their city councils on the activities of the Port District, the Grand Jury concluded that such reporting in publicly accessible venues such as city council meetings does not take place on a frequent or regular basis. Combined with a preference for informal channels of communication with their appointed representatives, these tendencies call into question whether Port Commissioners and Port City Councils maintain open and transparent relationships.

Re-engagement of Port Cities and County of San Diego

The Grand Jury has concluded that because of the Port District’s independence and autonomy from local governmental review or approval of its decisions, voters and elected representatives in the Port Cities and County of San Diego have become disenfranchised. Elected representatives cannot prevent or appeal Port District decisions that adversely affect their constituents, and as a result, voters cannot depend on their elected representatives to act in their best interests. As a result of such shortcomings, accountability of representatives to their constituents is limited when the normal expected prerogatives of elected office holders have been supplanted instead by an unelected entity such as the Port District.

²⁸ City of Imperial Beach, City Council, Regular Meeting Minutes, January 19, 2022, 6:00 p.m., Virtual Meeting

Balancing the rights and interests of diverse coastal cities, communities and neighborhoods throughout the San Diego County region is a significant challenge, even for an elected governing body not motivated by economic incentives. Attempting this task through a largely independent and autonomous organization such as the Port District that is dependent on revenue from development projects and leasing activity may be too much to ask of the organization, especially without the guidance of deliberative elected city councils, county supervisors or other elected government bodies. The Grand Jury concludes that only with the re-engagement of the elected government bodies affected by Port District activities and lands within their jurisdictional boundaries can the interests of residents be equitably balanced with competing Port District goals and objectives.

FACTS AND FINDINGS

Duties, Responsibilities and Powers

Fact: The public trust doctrine provides that tidal and submerged lands, beds of lakes, streams and other navigable waterways are to be held in trust by the State for the benefit of the people of California.

Fact: The Port District Act delegates the power and responsibility for management of the tidelands and submerged lands of San Diego Bay from the State of California to the San Diego Unified Port District.

Fact: Many elected officials of Port Cities believe Port Commissioners are to act in the best interest of the cities appointing them.

Fact: The Port Act limits the ability of elected officials to represent the interests of the voters who elect them.

Fact: It is the duty of each Port Commissioner to act as a guardian of the public trust for tidal and submerged lands of San Diego Bay in the interests of all California residents.

Fact: Port Commissioners take a fiduciary oath to act in the best interests of the Port District.

Finding 01: Port Commissioners are only required to represent the perspectives, not the interests of the Port City appointing them to the Board of Port Commissioners.

Finding 02: The Port District acts as an independent special district without direct oversight from local city or county governments.

Fact: The oversight provided by the State Lands Commission and California Coastal Commission of Port District activities is viewed by the Port District as more than sufficient.

Fact: Port Commissioners must live in the Port City appointing them.

Fact: Port Commissioners may be recalled by a majority vote of the city council appointing them.

Fact: Port Commissioners can serve an unlimited number of four-year terms, except in the City of Coronado in which Commissioners can serve a maximum of two terms.

Finding 03: Because the interests of residents of Port Cities and the County of San Diego are subject to the interpretations of the unelected Board of Port Commissioners, their interests may not be heard, prioritized or represented accurately.

Finding 04: Briefings by Port Commissioners to Port City Councils in noticed public meetings regarding issues affecting their jurisdictions, will increase the level of public participation and knowledge regarding Port District activities, Port Master Plans, Master Plan Updates, Port Master Plan amendments or additions.

Finding 05: Currently, the Board of Port Commissioners does not have term limits. Considering term limits would foster democratic principles by providing more opportunities for diverse and talented individuals to serve, prevent the accumulation of influence, and uphold the public trust by keeping the Board representative responsive to its community.

Initial Opposition to Port District Formation

Fact: The City Councils of the cities of Coronado, Imperial Beach and Chula Vista initially opposed formation of the Port District in 1962.

Fact: Formation of the Port District in 1962 occurred despite concerns that an unelected board of Port Commissioners would have the power to issue bonds, levy taxes and develop local tideland resources without input or approval of individual Port Cities.

Fact: Opposition to the formation of the Port District in 1962 involved the unequal number of commissioners allocated to each of the Port Cities; the City of San Diego would get three commissioners while each of the remaining four Port Cities would get one commissioner each, potentially allowing San Diego to exert dominance over the resources, priorities and decisions of the Port District.

Finding 06: With three of seven port commissioners appointed to the Board of Port Commissioners by the City of San Diego, the potential exists for the City of San Diego to exert dominance over the priorities, resources and decisions of the Port District.

Port District Potential Source of Bias

Fact: Port District operations are financed primarily through leases and fees generated through its real estate operations, parking, harbor police and other fees provided by customers of the Port District.

Finding 07: The Port District is incentivized to maximize revenue to fund its operations, a goal that may create conflicts of interest in the priorities, allocation of resources and other decisions made by the Port Commission.

Chula Vista Convention Center and Hotel

Fact: The \$1.1 billion Chula Vista Hotel and Convention Center broke ground in 2022.

Finding 08: Success in the development of the Chula Vista Hotel and Convention Center has been obtained because of a close collaboration and alignment of interests between the Port District and the City of Chula Vista.

Dole Fruit Company Proposal

Fact: A 2012 approval of the Board of Port Commissioners for a lease of warehouse space on the Port District's Tenth Avenue Terminal to Dole Fruit Company also moved a staging area for short-haul trucking to the National City area.

Finding 09: The Port Commissioners decision to move short-haul truck staging for local deliveries of Dole Fruit products relocated a source of pollution from the Barrio Logan community to communities in National City.

Mitsubishi Cement Corporation Proposal

Fact: Mitsubishi Cement Corporation's proposal for storage and shipment by truck of cement products to construction sites in the region generated controversy and negative publicity among residents of nearby neighborhoods affected by potential health risks.

Fact: Consideration of the Mitsubishi Cement Corporation project was terminated by mutual agreement of the Port District and Mitsubishi Cement Corporation.

Fact: In its public statement, the Port District expressed a willingness to re-open negotiations related to this proposal with Mitsubishi Cement Corporation in the future.

Fact: The Mitsubishi Cement Corporation project was terminated due to technical concerns around the availability of zero emission trucks capable of the loads required for cement deliveries.

Finding 10: The controversy surrounding the Mitsubishi Cement Corporation Project's potential health effects on the Barrio Logan neighborhood and other nearby residents damaged the Port District's community relations with these communities and contributed to the decision to discontinue the project.

Finding 11: Oversight of the Mitsubishi Cement Corporation project by the City of San Diego or San Diego County governments might have given greater priority to the health concerns of community members and resulted in a more equitable balance between economic and health concerns earlier in the project's evaluation process.

Coronado Cottages at the Cays Proposal

Fact: The Cottages at the Cays development proposal met with significant opposition not only from the Coronado mayor and city council, but also from residents and members of the Coronado Cays Homeowner's Association representing the community of 1,200 homes.

Fact: Maintaining free access by California residents to San Diego Bay for recreational use is often cited as an obligation of the public trust by the Port District.

Fact: Three of seven Port Commissioners voted to oppose the Cottages at the Cays development proposal, including the City of Coronado's Port Commissioner, the National City Port Commissioner as well as one of three San Diego Port Commissioners.

Fact: The Cottages at the Cays development proposal was consistent with the property's designation in the Port Master Plan as commercial recreation space as approved by the California Coastal Commission.

Fact: The Cottages at the Cays development proposal was not consistent with the property's designation as recreational open space in the more recent California Coastal Commission-unapproved Port Master Plan Update.

Fact: Without the approval of the California Coastal Commission, the Port District viewed the Coronado Cays Port Master Plan Update land use designation of recreational open space as non-binding and preliminary.

Fact: The Coronado Mayor, City Council members and residents of Coronado affected by the Cottages at the Cays development proposal relied on the property use designation for recreational open space adopted most recently in the Port Master Plan Update document, believing this document should control use of property proposed for the Cottages at the Cays development.

Finding 12: The Port's decision to approve the Cottages at the Cays development proposal could negatively impact access to San Diego Bay and approving the plan favors those willing or able to pay costly hotel rates typical of the Coronado area.

Public Participation

Fact: Port Commissioner reports and briefings to their city councils on the activities of the Port District, in publicly accessible venues such as city council meetings do not take place on a frequent or regular basis.

Finding 13: Given a preference for informal channels of communication by Port City councils and mayors with their appointed Port District representatives, neither Port Commissioners nor Port City Councils maintain completely open and transparent relationships allowing for public involvement or awareness of Port District activities.

Master Plan Documents and Updates

Fact: Ratification of Port Master Plans, Master Plan Updates or Master Plan Amendments by Port Cities or County of San Diego for planning districts with their jurisdiction is not prohibited by the Port Act.

Finding 14: In its current form, the Port Master Plan and Master Plan Update documents published by the Port District are overly complex, difficult to understand and too broad in scope to foster meaningful comprehension by Port City residents, elected municipal or county officials.

Finding 15: Ratification of Port Master Plans, Master Plan Updates or Master Plan Amendments would allow residents of Port City Planning districts and San Diego County to acknowledge and confirm their understanding of Port District development plans and projects within their municipal and county boundaries and provide reliable documents for communities to plan for the future.

RECOMMENDATIONS

The 2022/2023 San Diego County Grand Jury recommends that the City Councils of the cities of San Diego, Chula Vista, Coronado, Imperial Beach, and National City:

- 23-90:** Enact ordinances or policies placing a two-term limit on the number of terms that a Port Commissioner can serve (as already enacted for the City of Coronado).
- 23-91:** Institute ordinances or formal policies requiring the appointed Commissioners from each city be required to give at a minimum, quarterly updates to the City Councils at officially scheduled city council meetings open to the public.
- 23-92:** Institute ordinances or formal policies that require ratification of the Port Master Plans, proposed Port Master Plan Updates or amendments to the Port Master Plan for Port District planning districts within each city's boundaries.
- 23-93:** In consultation with the San Diego County Board of Supervisors, explore and implement an alternate form of governance for the Port District allowing for participation in, and oversight of Port District activities and decision by the San Diego County Board of Supervisors and the elected city councils of the five Port Cities.

The 2022/2023 San Diego County Grand Jury recommends that the County of San Diego Board of Supervisors:

- 23-94:** Institute ordinances or formal policies that require ratification of the Port Master Plans, proposed Port Master Plan Updates or amendments to the Port Master Plan by each of three county supervisors for Port District planning districts within each of three county supervisorial district boundaries.
- 23-95:** Direct the County Office of Intergovernmental Relations to lobby California State legislators to introduce legislation enabling the County of San Diego to assume oversight of the activities of the San Diego Unified Port District or decisions of the Board of Port Commissioners and share in the Port District's duty as guardian of the public trust in the tidal and submerged lands of San Diego Bay.
- 23-96:** Depending on the outcome of Recommendation (23-XX, above), consider exploring and implementing an alternate form of governance for the Port District allowing for participation in, and oversight by the San Diego County Board of Supervisors and the elected city councils of the five port cities.

The 2022/2023 San Diego County Grand Jury recommends that San Diego Unified Port District Board of Commissioners:

- 23-97:** Institute formal policies or procedures allowing for appeal of any action taken by the Board of Port Commissioners, including decisions, ordinances, or project approvals.

- 23-98:** Institute formal policies to enable Port Cities and County of San Diego to ratify the Port Master Plans, proposed Port Master Plan Updates or amendments to the Port Master Plan for Port District planning districts within each city's and county boundaries.
- 23-99:** Directly inform each of the five City Councils at officially scheduled City Council meetings open to the public how the proposed updated Port Master Plan affects areas within their jurisdictional boundaries.
- 23-100:** To increase the coordination of Port District activities with the Port Cities and their staffs, institute a policy of including staff from each of the five Port Cities and County of San Diego on each of the Port District's advisory committees.
- 23-101:** Post meeting minutes and agendas of each of the Port District's advisory committees.
- 23-102:** In consultation with the City Councils of San Diego, Chula Vista, Coronado, Imperial Beach and National City, consider placing a two-term limit on the number of terms that a Port Commissioner can serve (as already enacted for the City of Coronado).
- 23-103:** Institute ordinances or formal policies requiring the appointed Commissioners from each city be required to give at a minimum, quarterly updates to the City Councils at officially scheduled city council meetings open to the public.
- 23-104:** In consultation with the San Diego County Board of Supervisors, explore an alternate form of governance for the Port District allowing for participation in, and oversight of Port District activities and decision by the San Diego County Board of Supervisors and the elected city councils of the five Port Cities.

REQUIREMENTS AND INSTRUCTIONS

The California Penal Code §933(c) requires any public agency which the Grand Jury has reviewed, and about which it has issued a final report, to comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the agency. Such comment shall be made *no later than 90 days* after the Grand Jury publishes its report (filed with the Clerk of the Court); except that in the case of a report containing findings and recommendations pertaining to a department or agency headed by an elected County official (e.g. District Attorney, Sheriff, etc.), such comment shall be made *within 60 days* to the Presiding Judge with an information copy sent to the Board of Supervisors.

Furthermore, California Penal Code §933.05(a), (b), (c), details, as follows, the manner in which such comment(s) are to be made:

- (a) As to each grand jury finding, the responding person or entity shall indicate one of the following:
- (1) The respondent agrees with the finding
 - (2) The respondent disagrees wholly or partially with the finding; in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.
- (b) As to each grand jury recommendation, the responding person or entity shall report one of the following actions:
- (1) The recommendation has been implemented, with a summary regarding the implemented action.
 - (2) The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
 - (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the grand jury report.
 - (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.
- (c) If a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the Board of Supervisors shall respond if requested by the grand jury, but the response of the Board of Supervisors shall address only those budgetary or personnel matters over which it has some decision-making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

Comments to the Presiding Judge of the Superior Court in compliance with the Penal Code §933.05 are required from the:

Responding Agency	Recommendations	Date
City of San Diego, City Council	23-90 through 23-93	8/28/2023
City of Chula Vista, City Council	23-90 through 23-93	8/28/2023
City of Imperial Beach, City Council	23-90 through 23-93	8/28/2023
City of Coronado, City Council	23-90 through 23-93	8/28/2023
City of National City, City Council	23-90 through 23-93	8/28/2023
County of San Diego, Board of Supervisors	23-94 through 23-96	8/28/2023
San Diego Unified Port District, Board of Port Commissioners	23-97 through 23-104	8/28/2023

DRAFT LETTER AND RESPONSES FROM THE CITY OF NATIONAL CITY

Honorable Michael T. Smyth
Presiding Judge
San Diego County Superior Court
1100 Union Street
San Diego, CA 92101

RE: City of National City Response to San Diego County Grand Jury Report: “Governance of San Diego Bay and its Tidal Lands and Regions”

Thank you for the opportunity to respond to the Grand Jury report. National City has struggled historically with the Unified Port of San Diego in regard to the equitable distribution of resources. National City, a historically disadvantaged community, has been disproportionately impacted by Navy and maritime operations. These uses have had significant environmental impacts on local residents and communities. National City residents have had limited access to the San Diego Bay, not only to the natural environment and recreational facilities, but also to economic access and to a fair share of revenue generated by industries.

In contrast, in more affluent communities the maritime uses have been pushed out to make room for hotel, commercial and recreational activities and the public has significant access to the Bay. These activities have less environmental impact on their surrounding communities and generate significant resources to those communities. Although the report acknowledges some examples of these concerns by referencing “Balanced Interests,” and the Dole Fruit short-haul trucking and the Mitsubishi Cement Factory examples, it focuses on governance issues which are not the primary issues.

We believe that the current Board of Port Commissioners and National City’s Port Commissioner have made a good effort towards starting to correct this long standing issue of inequity but there is still a lot of work to be done. The real challenge is how to continue to invest in National City while protecting the environment, reducing community impacts, ensuring access to the bay and recreation and social events that are meaningful to National City residents, and generating revenues to National City economy.

The National City Balanced Plan and the \$1.1 billion hotel and convention center currently under construction in Chula Vista is an example of what we are talking about. We embrace the process of planning for Port investments and uses, activities, and operations that promote the access, health, and social wellbeing of community members and cleaner industries that yield sustainable economic benefit to National City by creating revenue for the City, and generating jobs and business opportunity for its residents.

Please see the responses from the City of National City to the finding and recommendations of the Report included with this letter as Attachment “A.”

Sincerely,

Ron Morrison
Mayor

Attachment A:

Pursuant to California Penal Code sections 933 and 933.05, the following specific responses are submitted to you regarding the 2022-2023 Grand Jury Findings and Recommendations pertaining to *Governance of San Diego Bay and Its Tidal Lands and Regions*.

FINDINGS

Finding 01: Port Commissioners are only required to represent the perspectives, not the interests of the Port City appointing them to the Board of Port Commissioners.

Response: The City of National City agrees with this finding, However although not required to represent the interest of their Community, a successful Commissioner finds ways to both represent the perspectives and the interest of the City they represent and the Port as a whole.

Finding 02: The Port District acts as an independent special district without direct oversight from local city or county governments.

Response: National City agrees with this finding.

Finding 03: Because the interests of residents of Port Cities and the County of San Diego are subject to the interpretations of the unelected Board of Port Commissioners, their interests may not be heard, prioritized or represented accurately.

Response: National City agrees with this finding.

Finding 04: Briefings by Port Commissioners to Port City Councils in noticed public meetings regarding issues affecting their jurisdictions, will increase the level of public participation and knowledge regarding Port District activities, Port Master Plans, Master Plan Updates, Port Master Plan amendments or additions.

Response: National City agrees with this finding.

Finding 05: Currently, the Board of Port Commissioners does not have term limits. Considering term limits would foster democratic principles by providing more opportunities for diverse and talented individuals to serve, prevent the accumulation of influence, and uphold the public trust by keeping the Board representative responsive to its community.

Response: National City disagrees partially with the finding. There is no factual data that indicates term limits would prevent the accumulation of influence, and that term limits uphold the public trust by keeping the Board representative responsive to its community.

Finding 06: With three of seven port commissioners appointed to the Board of Port Commissioners by the City of San Diego, the potential exists for the City of San Diego to exert dominance over the priorities, resources and decisions of the Port District.

Response: National City agrees with this finding,

Finding 07: The Port District is incentivized to maximize revenue to fund its operations, a goal that may create conflicts of interest in the priorities, allocation of resources and other decisions made by the Port Commission.

Response: National City agrees with this finding. However, active participation by the member Cities have resulted in a more “balanced” approach to the overall goals of the Port District.

Finding 08: Success in the development of the Chula Vista Hotel and Convention Center has been obtained because of a close collaboration and alignment of interests between the Port District and the City of Chula Vista.

Response: National City agrees with this finding.

Finding 09: The Port Commissioners decision to move short-haul truck staging for local deliveries of Dole Fruit products relocated a source of pollution from the Barrio Logan community to communities in National City

Response: National City agrees with this finding.

Finding 10: The controversy surrounding the Mitsubishi Cement Corporation Project's potential health effects on the Barrio Logan neighborhood and other nearby residents damaged the Port District's community relations with these communities and contributed to the decision to discontinue the project.

Response: National City agrees with this finding.

Finding 11: Oversight of the Mitsubishi Cement Corporation project by the City of San Diego or San Diego County governments might have given greater priority to the health concerns of community members and resulted in a more equitable balance between economic and health concerns earlier in the project's evaluation process.

Response: National City disagrees partially with the finding. We don't believe the County of San Diego would have any jurisdiction over this item.

Finding 12: The Port's decision to approve the Cottages at the Cays development proposal could negatively impact access to San Diego Bay and approving the plan favors those willing or able to pay costly hotel rates typical of the Coronado area.

Response: National City agrees that what was approved could impact public access, and the Port should always work to ensure that access for all communities is maintained when considering uses that potentially reduce access to the Bay.

Finding 13: Given a preference for informal channels of communication by Port City councils and mayors with their appointed Port District representatives, neither Port Commissioners nor Port City Councils maintain completely open and transparent relationships allowing for public involvement or awareness of Port District activities.

Response: National City strongly disagrees with this finding. Decisions on Port activities are made at duly advertised public meetings of the Port Board of Commissioners and cities have the opportunity to provide feedback on their actions by submitting letters to the Board, attending the Board meeting or providing public comments to their Port Commissioner at public meetings of the City Council. Likewise, all decisions related to the Port by National City are made at publicly noticed City Council meetings attended by the public.

Finding 14: In its current form, the Port Master Plan and Master Plan Update documents published by the Port District are overly complex, difficult to understand and too broad in scope to foster meaningful comprehension by Port City residents, elected municipal or county officials.

Response: National City agrees with this finding.

Finding 15: Ratification of Port Master Plans, Master Plan Updates or Master Plan Amendments would allow residents of Port City Planning districts and San Diego County to acknowledge and confirm their understanding of Port District development plans and projects within their municipal and county boundaries and provide reliable documents for communities to plan for the future.

Response: National City disagrees partially with this finding. We don't agree that the County's involvement will help in the Port Master Plan review process. This item should be studied in greater detail if it were to move forward.

RECOMMENDATIONS

23-90: Enact ordinance or policies placing a two-term limit on the number of terms that a Port Commissioner can serve.

Response: National City disagrees with the concept of term limits on its Port Commissioner. The City has recognized the benefit of term limits and has adopted term limits for our elected officials. We believe that the City should determine if they want term limits for their Commissioner and what those limits should be. Unlike elected officials that are hard to remove from office, Port Commissioners can be removed by City Council action therefore the need for term limits is not as imperative.

23-91: Institute ordinances or formal policies requiring the appointed Commissioners from each city be required to give at a minimum, quarterly updates to the City Councils at officially scheduled city council meetings open to the public.

Response: The recommendation is not warranted. We agree with the necessity of having Port Commissioners keeping the public and City Council informed of what is happening at the Port. We don't think an ordinance or a formal policy is needed to ensure that this is happening. As a matter of practice our Port Commissioner attends the Council meetings on a more frequent (at least monthly) basis to update the Mayor, City Council and public.

23-92: Institute ordinances or formal policies that require ratification of the Port Master Plans, proposed Port Master Plan Updates or amendments to the Port Master Plan for Port District planning districts within each city's boundaries.

Response: While National City agrees with the concept, this recommendation requires further analysis on how a ratification process would work and how would the planning process work if ratification was not forth coming.

23-93: In consultation with San Diego County Board of Supervisors, explore and implement an alternate form of governance for the Port District allowing for participation in, and oversight of Port District activities and decision by the San Diego County Board of Supervisors and the elected city councils of the five Port Cities.

Response: National City disagrees with this concept. The Port and its five member Cities work well together. In our opinion, if the Port District brought in another agency with no direct interest in the Port matters, it would only complicate the governance process and reduce the Port's overall effectiveness.