



CITY COUNCIL POLICY MANUAL

ADMINISTRATIVE AND OPERATING POLICIES

CITY COUNCIL POLICY MANUAL

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CHAPTER 100

ADMINISTRATION AND POLICY MANAGEMENT

CITY COUNCIL POLICY

CITY OF NATIONAL CITY

TITLE: City Council Policy Manual	POLICY #101
ADOPTED: July 14, 1987	AMENDED: October 8, 2013

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 this "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 reproduced, distributed and included in the "City Council Policy Manual" 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 policy. Only the City Council can waive the applicability of an adopted policy.
5. Each policy statement shall include: (a) a brief background description of the 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 provisions in the Municipal Code, Administrative Regulations, etc.
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.

TITLE: City Council Policy Manual

POLICY #101

ADOPTED: July 14, 1987

AMENDED: October 8, 2013

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, or the City Attorney from bringing to the Councils' attention any suggestions for manual revisions at other times during the year.
8. All newly elected City Council Members will receive a copy of the City Council Policy manual, and orientation from applicable department staff.

Related Policy References

None

Prior Policy Amendments

None

CITY COUNCIL POLICY

CITY OF NATIONAL CITY

TITLE: City Council Meeting Times

POLICY #102

ADOPTED: April 7, 1981

AMENDED: October 8, 2013

Purpose

To set forth the regular meeting schedule and how meetings may be scheduled for and by the City Council.

Policy

- A. Regular meetings. The City Council shall hold regular meetings on the first and third Tuesday of each month. The meetings shall be held in the Council Chambers 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.
1. Location of meetings. The City Council may hold a regular meeting, special meeting, or adjourned regular or 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 consistent with the Ralph M. Brown Act ("Brown Act").
 2. Holidays or elections. In the event that the regular meeting of the City Council falls on 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 on such day. Any regular meeting may be dispensed with by a majority vote of the City Council.
- B. All regular, special and adjourned meetings 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

CITY COUNCIL POLICY

TITLE: SPECIAL COUNCIL MEETINGS

POLICY
NUMBER: 103

ADOPTED: JANUARY 6, 1987 AMENDED OR
REVISED:

Purpose

To establish a policy for calling and setting the time for Special Meetings of the City Council so that all Council members are, to the extent possible, given the maximum opportunity to attend and to vote on key issues that are the subject of special meetings.

Policy

City Council 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.

Related Policy References

None

**City of National City
City Council Policy #104**

**Rules of Procedure and Order for
City Council Meetings**

Adopted: December 13, 1983

Amended: April 2, 2019

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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 Chambers 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.

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 Council meetings and be prepared to discuss the agenda.
2. Members of the City Council shall arrive on time for all Council meetings.
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 or out of town trips 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 disposition of video recordings of those proceedings.

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 is to consult with Council on items of concern on the agenda and to pro-actively inform and protect Councilmembers from potential violations and conflicts of law.

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 Chambers 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.
- 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 need only identify the statutory basis for the closed session, and need not include the specific topic which is the subject of the closed session, unless otherwise required by law. For each closed session, the body must orally announce the subject matter of the closed session. If final action is taken in closed session, the body generally must report the action at the conclusion of the closed session.

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 thirteen (13) days without a regular or special meeting of the Council.

During any recess period, the City Manager is authorized to take such ministerial actions on matters of operational urgency as would normally be taken by the Council during the recess except for those duties specifically reserved to the 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 Council at its first regularly scheduled meeting following the recess of actions taken by the City Manager 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 Chambers unless appropriate notice is given pursuant to and the location of the meeting is 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 regular meeting of the City Council falls on 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 on such day. 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. 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 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 his or her use of such device.
- R. Translation Services: Simultaneous Spanish interpreting services are provided at City Council meetings, through the use of headsets. An interpreter is also available to interpret for speakers who wish to address the Council.
- 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 and commission 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, including auxiliary aids or services, to participate in the public meeting, may 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 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 "Request to Speak" 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. 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**: The City strives to provide simultaneous Spanish interpreting services at all regular City Council meetings, through the use of headsets. An interpreter is also available to interpret for speakers who wish to address the Council.
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 will not be 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 Chambers no earlier than 15 minutes before the meeting and up until 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 Council, unless simultaneous translation equipment is used to allow the 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.
- a. Donations of time from one speaker to another will not be permitted.
 - b. 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.
 - c. Speaker slips for agenda items will be accepted by the City Clerk in the Council Chambers 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 the individual to register support or opposition but do not wish to speak (individual must be present).
 - d. 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.

- e. 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.
 - 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 Council, unless simultaneous translation equipment is used to allow the Council to hear the translated public testimony simultaneously. (Government Code 54954.3)
4. Presentations to City Council: Any information presented to the City Council for its consideration in formats such as PowerPoint, Video VHS, or DVD must be submitted to the City Clerk's office no later than the Wednesday immediately prior to the Council meeting in order to have the presentation facilitated for 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 Council. Documents and presentations displayed during the Council meeting shall become a public record and must be submitted to the City Clerk for retention.

VII. AGENDA SEQUENCE AND ORDER OF BUSINESS

Generally, the agenda sequence and order of business at regularly scheduled meetings of the City Council shall be as follows, unless otherwise reordered by the Presiding Officer with the consensus of the City Council.

- 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.
- 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 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. Consent Calendar: Items of a routine or generally uncontested nature may be approved by the 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.
- J. Public Hearings: Ordinances & Resolutions: This portion of the meeting allows for 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. (Reference Section XI, Public Hearings)
- K. Non-Consent Resolutions: Items generally of a non-routine nature for City Council discussion and/or action.
- L. 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.
- M. Staff Reports: This portion of the meeting provides the City Manager and staff the opportunity to give general comments, updates, and announcements.
- N. 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. This is also the portion of the meeting for a Councilmember who is seeking to place an item on a future meeting agenda to make their request (Reference Section VIII-B, City Council Requests to Place Items on Future Agenda).

- O. 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.
- P. 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 Council meetings, items for discussion shall be placed on the agenda in accordance with established Council agenda deadlines and in compliance with the Brown Act. Generally, items not on the agenda cannot be discussed or considered during a Council meeting. This section of the policy discusses the limits upon non-agenda items and how to place those items onto the agenda, agenda setting, preparation and distribution, and the process by which Councilmembers request to place items on a future agenda.

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.
 - 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.
 - b. With regard to items directed by the City Council made during the regular City Council meeting, such items will be scheduled for the next Council meeting whenever possible. If an item requires additional staff work that cannot be completed in that time frame, the City Manager will advise the Council when staff anticipates the item will be scheduled for Council action.
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 his/her 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 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, Police Department, Library 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 Brown Act, off-agenda items requiring 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's) 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 Council finds that the need to take action arose subsequent to the agenda posting, pursuant to the criteria above, it shall make those findings by separate motion, including the factual reasons supporting the findings. The findings shall be reflected in the Council minutes.

- B. **City Council Requests to Place Items on Future Agenda:** A Councilmember seeking to place an item on a future agenda shall make such request under the "Mayor and City Council Comment" portion of the agenda; such request requires a majority vote of the Council.

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" for an affirmative vote, "Abstain" for an abstention, or "No" 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 question 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: Tie votes shall be lost motions and may be reconsidered.
- F. Changing Vote: A Councilmember may change his or her vote only if he or she 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 member wants to change a basic motion that is before the body, they would move to amend it.
3. The substitute motion. If a member wants to completely do away with 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 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:
 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 Council, other than the applicant/appellant, shall then be allowed to address the 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 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. 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 Council without reopening the public hearing through the Presiding Officer with consensus of the 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.
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 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 Chambers.
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 Chambers 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 phones and/or pagers while the City Council meeting is in session.

XIII. ENFORCEMENT

- A. Sergeant-at-Arms: The Chief of Police or his or her 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 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 Council may move to require the Presiding Officer to do so, and an affirmative vote of a majority of the Council shall require the Presiding Officer to do so. If the Presiding Officer fails to carry out the will of the majority of the Council, the majority may designate another member of the 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 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 credentialed 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 Council meeting by violating these Rules of Procedure and Order may be prosecuted under California Penal Code §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 his or her signature which were adopted in his or her presence, unless he or she is 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 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-sensitivity of the request.

XV. SOCIAL MEDIA

With the ever-growing use of social media, the 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 (commonly referred to as 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 mediums. Social mediums 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 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 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 before or against 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.

XVI. 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 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 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 Chambers 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.

XVII. DEFINITIONS

Abstain	To publicly refrain from voting usually because of a conflict of 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 (§ 54956.5). A dire emergency is defined as a crippling disaster, mass distribution, 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.
Emergency Meeting	When a majority of the legislative body determines that an emergency situation exists, it may call an emergency meeting (§ 54956.5). An emergency is defined as a crippling activity, work stoppage or other activity which severely impairs public health, safety or both.
Legislative Body	City Councilmembers are legislators. Together they 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 place to hear, discuss or deliberate upon any matter which is under the subject matter jurisdiction of the agency. (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 or 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 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 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, such as the speaker has strayed from the motion currently under consideration.
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.
Recess	A period of time longer than thirteen (13) days without a regular or special meeting of the Council.
Resolution	Represents 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 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

- 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

CITY COUNCIL POLICY

CITY OF NATIONAL CITY

TITLE: Off Agenda Items and Placing Non-Agenda Items on the Agenda	POLICY #105
ADOPTED: March 12, 1985	AMENDED: March 21, 2017

Purpose

In order for both the City Council and City staff to be adequately prepared to discuss City business during Council meeting, items for discussion shall be placed on the agenda in accordance with established Council agenda deadlines and in compliance with the Ralph M. Brown Act. Generally, items not on the agenda cannot be discussed or considered during a Council Meeting. This policy discusses the limits upon non-agenda items and how to place those items onto the agenda; and the process through which Councilmembers request to place items on a future agenda (refer to Section B below).

Policy

A. Non-Agenda Items Requiring Immediate Action

Matters requiring Council action must be placed onto a Council Agenda in a timely manner in order for Council to consider the matter. It is the policy of the City Council that in accordance with the Ralph M. Brown Act, off-agenda items requiring Council approval will not be considered by the City Council except under the following two circumstances:

1. An emergency situation exists; or,
2. The Council determines by a two-thirds vote, or by a unanimous vote if less than two-thirds of the Council is present, that:
 - a. there is a need for immediate action, and
 - b. the need to take action on the item arose after the posting of the agenda;

If the Council finds that the need to take action arose subsequent to the agenda posting, pursuant to criteria 2 above, it shall make those findings by separate motion, including the factual reasons supporting the findings. The findings shall be reflected in the Council minutes.

B. Councilmember Comments and Requests to Place Items on a Future Agenda

1. A Councilmember seeking to place an item on a future agenda shall make such request under City Council Comments.
2. City Council Comments shall also be the opportunity for Councilmembers to give an informational report on any item not on the agenda, providing that no discussion or action takes place on that item.

**TITLE: Off Agenda Items and Placing Non-Agenda
Items on the Agenda**

POLICY #105

ADOPTED: March 12, 1985

AMENDED: March 21, 2017

3. Councilmember requests for items to be placed on a future agenda either under bullet 1 of this section or in response to and/or continuation of a report made under bullet 2 of this section require a majority vote of the City Council.

The scheduling, consideration, and action taken on all agenda items will be made subject to the Ralph M. Brown Act.

C. Non-agenda Public Comment / Public Oral Communications

Citizens 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. The City Council may listen to the speaker's comments, but cannot discuss or take action on, citizen communications not on the agenda. Non-agenda public comment may be referred to staff for administrative action or placement on a subsequent agenda, as deemed appropriate by staff.

D. Requests To Speak

All request-to-speak forms must be completed and submitted to the City Clerk prior to the beginning of the item in question.

Related Policy References

National City Municipal Code, Chapter 2.04
Ralph M. Brown Act

Prior Policy Amendments

October 8, 2013

CITY COUNCIL POLICY

CITY OF NATIONAL CITY

TITLE: Preparation of City Council Meeting Minutes

POLICY #106

ADOPTED: June 17, 1986

AMENDED: October 8, 2013

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 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 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, 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 Council meeting minutes 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 Council meeting agendas and minutes will be 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.

Related Policy References

None

Prior Policy Amendments

None

CITY COUNCIL POLICY

CITY OF NATIONAL CITY

TITLE: Appointments to Boards and Commissions

POLICY #107

ADOPTED: June 17, 1986

AMENDED: May 19, 2020

PURPOSE

To establish a procedure to serve as a guide in making appointments to various City Boards and Commissions. The City currently has the following boards, commissions, and committees (generally referred to as Boards and Commissions) to which this Policy would apply: Board of Library Trustees; Civil Service Commission; Community and Police Relations Commission; Park, Recreation and Senior Citizens Advisory Committee; Planning Commission; Public Art Committee; Traffic Safety Committee; and, Veterans and Military Families Advisory Committee.

POLICY

Appointment Process

- A. Opportunity to apply. All interested individuals shall be given an opportunity to submit applications for vacancies on City Board and Commissions. Incumbent Commissioners 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 Commissioner was appointed to fill an unexpired term and the Commissioner has served for less than one year in that position, the Council may re-appoint the incumbent without considering other applicants.
- C. Vacancies. When Commissioner vacancies occur, the following procedure shall be followed:
 1. Schedule vacancy. When a term is or has expired, a public notice of the vacancy shall be made. Interested individuals will be invited to submit applications for the vacancy on a form provided by the City Clerk.
 2. Unscheduled vacancy. An unscheduled vacancy shall be filled pursuant to and consistent with Government Code section 54974, which provides generally as follows: When 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 and the National City Library, 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 shall not be made by the City Council for at least 10 working days after the posting of the notice in the City Clerk's office. However, the City Council 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.

3. Applications will be reviewed by the entire City Council and applicants will be interviewed by the entire City Council.

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

1. Preparation of appointments list by the City Council. On or before December 31 of each year, the City Council via the City Clerk shall prepare an appointments list (known as the Local Appointments List) of all regular and ongoing boards, commissions, and committees which are appointed by the Mayor and/or the City Council, in compliance with Government Code section 54972, which generally requires a list of all appointive terms which will expire during the next calendar year, the name of the incumbent appointee, the date of appointment, the date the term expires, and the necessary qualifications for the position; and a list of all boards, commissions, and committees whose members serve at the pleasure of the City Council, and the necessary qualifications for each position.
2. Notice. Placement of a legal/public notice in a local San Diego newspaper advertising appointive vacancies;
3. Expiration of term. A letter to be sent to all office holders as their terms expire asking if they would like to re-apply for the position;
4. Interviews. Interviews to be held for those who file applications for all committees with current vacancies. Each applicant will have the opportunity to make a brief (approximately 5 minute) presentation of their interests and qualifications before the City Council at a regular Council meeting. 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.

- E. Vacancies for Council Appointed Positions. If the vacancy is for a Council- appointed position, and there is more than one applicant for a given position, the voting process will proceed as follows
1. Once the interviews are complete, each Councilmember votes for his/her choice via a written ballot. Each Councilmember shall print and sign his/her name on the ballot. All ballots shall be considered a public record and open to inspection by the public.
 2. The ballots are passed to the City Clerk who announces the number of votes for each candidate. In the event of a tie, each Councilmember votes again until one (1) candidate has the majority vote, and is declared to be the new Commissioner.
 3. Re-appointment beyond two terms. Anyone wishing to be re-appointed to any Board or Commission, and has served two or more full terms already, must be approved a four-fifths vote of the Council. In these instances, if all five members of the Council are not present or if one member abstains or recuses his/her vote, the four-fifths requirement would be changes to require only a simple majority.
- F. 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:
1. A special vacancy notice shall be posted in the Office of the City Clerk and the National City Library, 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.
 2. The Appointing Authority may appoint the former resident to a Non-Residential position if a Non-Residential position is vacant.
 3. However, the Appointing Authority may, if it finds that an emergency exist, 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.

TITLE: Appointments to Boards and Commissions

POLICY #107

ADOPTED: June 17, 1986

AMENDED: May 19, 2020

- G. Only City Residents may be elected to Chair. 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.

Appointing Authority

Under the Government Code, the Mayor has appointment power to all Boards and Commissions, subject to ratification by the City Council, unless there is a State law which directly, or by implication, grants the appointment power to the City Council. The following is a list of City Boards and Commissions divided between the Mayor and City Council as the Appointment power exists.

Mayor's Appointments:

Board of Library Trustees
Traffic Safety Committee
Parks, Recreation and Senior Citizens Advisory Committee
Sweetwater Authority
Community and Police Relations Commission (CPRC)
Public Art Committee
Veterans and Military Families Advisory Committee

City Council Appointments:

Planning Commission (including Committee for Housing and
Community Development)
Port Commission
Civil Service Commission

Related Policy References

Government Code section 40605
Government Code section 54970, et.seq.
National City Municipal Code Title 16 (pending)

Prior Policy Amendments

None

CITY COUNCIL POLICY

CITY OF NATIONAL CITY

TITLE: City Manager as Chief Administrative Officer

POLICY #108

ADOPTED: November 22, 1982

AMENDED: October 8, 2013

Background

The City of National City operates under the Council/Manager form of government, a system that combines the policy leadership of elected officials in the form of a City Council, with the managerial expertise of an appointed City Manager.

The Council is the legislative body that represents the community and is empowered to formulate citywide policy. The City Council is comprised of the Mayor and four councilmembers who are elected by the community at-large.

The City Manager is appointed by the Council and serves as the chief administrative officer of the organization. The City Manager is responsible for administration of City affairs, day-to-day operations, implementation of Council policies and is the liaison between the Council and the City staff.

Purpose

The purpose of this policy is to clarify the City Manager's responsibilities and establish guidelines in the Council issuing directives to City staff members.

Policy

In accordance with the National City Municipal Code, Section 2.01.030, except for the purpose of inquiry, the City Council shall deal with the administrative departments solely through the City Manager, and neither the City Council nor any member thereof shall give orders to any of employee of the City Manager. This policy is based on the principle that departments carry on their approved activities and do not alter approved priorities or policies on the basis of a request that has not been approved by the Council as a body.

The City Manager shall act as chief administrative officer for the various appointed department directors as well as the City Clerk's office. The City Manager's duties and responsibilities are codified in National City Municipal Code Chapter 2.01.

Related Policy References

National City Municipal Code, Chapter 2.01
Government Code section 34851, et. seq.

Prior Policy Amendments

None

CITY COUNCIL POLICY

CITY OF NATIONAL CITY

TITLE: Reimbursement for Expenses Incurred in the Performance of Official Duties	POLICY #109
ADOPTED: September 19, 2006	AMENDED: June 20, 2017

Purpose

Government Code Sections 53232.2, 53232.3, and 53232.4, enacted pursuant to AB 1234, require the governing body of a local agency to adopt a written policy addressing reimbursement for travel and training expenses incurred in the performance of official duties. The City Council deems it desirable to adopt a uniform policy applicable to City employees, board and commission members, members of the City Council and other elected officials, governing reimbursement for such expenses.

The purpose of this administrative policy is to establish uniform policies and procedures concerning expenses incurred by members of the City Council, board or commission members, and City employees while traveling or attending events on City business.

Policy

A City Council member, elected official, board or commission member or City employee who is required to travel in the performance of their duties or to attend an authorized meeting, conference, or seminar which is of direct benefit to the City shall be reimbursed for reasonable expenses incurred, including transportation, meals, lodging and other incidental expenses directly related to such official City business.

Expenses specifically disallowed for reimbursement include purchase of personal use items, alcoholic beverages, and entertainment (including in-room movies).

All requests for City-related travel must be reviewed/approved by the Purchasing Review Committee ("PRC") prior to making any travel commitments or arrangements. Estimated cost information must be sent to the Department of Finance / Purchasing Division. Upon approval by the PRC, travel plans may be made. PRC approval numbers must be noted on expense reports and invoices submitted for payment or reimbursement.

Existing City purchasing policies and procedures must be followed when obtaining cost estimates, and making arrangements associated with travel. See Municipal Code, Chapter 2.60 regarding purchasing policies and procedures.

CITY COUNCIL POLICY

CITY OF NATIONAL CITY

TITLE: Reimbursement for Expenses Incurred in the Performance of Official Duties	POLICY #109
ADOPTED: September 19, 2006	AMENDED: June 20, 2017

A. Transportation.

The following modes of transportation may be allowed for the purpose of traveling on City business:

1. Air Travel. Air travel shall be authorized and reimbursed at the lowest fare class offered by the airline. Other than the lowest possible fare class may be authorized when bona fide, business related, scheduling restrictions do not permit use of the lowest possible fare. Individuals opting for a higher fare class for their personal convenience shall be required to pay the difference between the lowest fare class and the option selected.

The individual, or authorized designee, shall attempt to book air travel as to take advantage of discounts offered for purchasing flight tickets in advance of departure; i.e., 14 or 21 days, and take advantage of non-refundable ticket fares where practical.

Receipts for air passage must be retained for submission with the expense report.

2. Personal Vehicle. With specific approval from the department director or the City Manager, personal vehicles may be used for out-of-town travel. Reimbursement shall be based on actual mileage used for the official travel. Any mileage used for personal purposes or otherwise not directly related to official City business shall be deducted from total miles traveled to arrive at the net reimbursable mileage. Reimbursement shall be at the prevailing IRS standard mileage rate.

When use of a personal vehicle is authorized, individuals shall adequately account for their use of the personal vehicle on a daily basis on the Travel Expense Report. Total reimbursable transportation expense through use of a personal vehicle shall in no case exceed the allowable expense of transportation by air, when transportation by air is available to such destination.

Individuals receiving compensation in lieu of an auto allowance shall be eligible for mileage reimbursement for travel beyond the county limits.

3. City-owned Vehicle. Use of City-owned vehicle shall be authorized when this mode of transportation can be demonstrated as the most economical means available. For determining advisability of usage, individuals shall be supplied with estimated cost of travel via a City-owned vehicle by Public Works upon request. Use of a City-owned

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vehicle shall not be authorized when the estimated cost exceeds the authorized cost of air travel and associated expenses (i.e., taxis and shuttles).

When use of a City-owned vehicle is authorized, individuals shall adequately account for their use of the City-owned vehicle on a daily basis in the Travel Expense Report. Individuals shall be charged at the prevailing IRS standard mileage rate for every mile of personal use of the City-owned vehicle. The cost of personal use of a City-owned vehicle shall be deducted from the total allowable travel expenses.

Individuals should contact the Public Works Equipment Maintenance Supervisor immediately for direction should the City-owned vehicle become inoperable or otherwise unsafe to drive. If the Equipment Maintenance Supervisor authorizes repairs requiring an out of pocket payment, all receipts for such repairs must be retained and forwarded to Public Works for approval prior to reimbursement. Anyone that is unable to pay for the cost of emergency repairs shall notify his/her supervisor and the Public Works Department immediately to make other arrangements.

Individuals using a city-owned vehicle outside of normal business hours must be sure to have the Equipment Maintenance Supervisor's after-hours telephone number in case an emergency occurs outside of normal business hours.

4. Rail. Travel by rail may be authorized when the cost of the rail transportation and other associated expenses (i.e., buses, shuttles, taxis, hotel stays, meals, etc.) is less than or equal to the cost, including associated expenses, of air or automobile (personal or City-owned vehicle) travel.

B. Lodging.

1. General provisions. Reimbursement will be made for the cost of lodging required to conduct the assigned City business. Dated receipts and meeting and travel schedules must be retained for submission with the Travel Expense Report.

Lodging will be allowed for the night prior to the commencement of the meeting if the time set for the start of the meeting requires the individual to leave home prior to 6 a.m. of the day of the meeting. Lodging will be allowed for the night following the meeting if the individual could not have arrived home prior to 12:00 midnight following the meeting.

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Lodging in connection with separate, consecutive meetings or conferences shall be permitted if it is less costly than returning to the city for the nights between the meetings.

In instances where an individual has the option to travel by air and the individual opted to travel by car, reimbursement for lodging shall be allowed on the same basis as if the individual traveled by air.

2. Rate of Reimbursement. Lodging reimbursement shall be based on the standard room rate charged at the headquarters hotel for the conference or the hotel most proximate to the site of the meeting. In the event the individual occupies a more expensive room accommodation (e.g., a suite), s/he will be reimbursed at the standard room rate.

C. Meals.

Allowable meals include breakfast, lunch, and/or dinner meeting the criteria established below.

Reimbursement for meals shall be allowable when travel on official business reasonably requires an overnight stay or when the purchase of a meal(s) is a required component of the conference, meeting, or training. Reimbursement shall be on the basis of actual cost when the meal(s) is a component of the conference, meeting or training with proper documentation. All other meals will be reimbursed, up to a maximum allowance not to exceed the daily meal allowance established by the US Department of General Services Administration (GSA) for breakfast, lunch, and dinner for the location of the travel. For information regarding the current GSA standard daily meal allowance rate, please contact the Finance Director.

Itemized receipts from the dining establishment must be retained for submission with the expense report. Other forms of documentation or receipts that are not itemized may be accepted at the discretion of the City Manager or designee.

In claiming reimbursement, time of commencement and termination of travel need to be accounted for. Reimbursement for breakfast is not allowed on the day of departure unless the trip starts prior to 7:00 a.m. Reimbursement for dinner is not allowed on the day of return unless the trip ends later than 7:00 p.m.

CITY COUNCIL POLICY

CITY OF NATIONAL CITY

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Reimbursement is not allowed for meals purchased in lieu of a meal(s) included in the fee for the conference, meeting or training unless approved by the City Manager or designee.

D. Registration Fees.

Fees charged for registration at a conference or meeting which an individual is authorized to attend are reimbursable. Receipts or other acceptable evidence of the amount of the fees, such as a copy of the conference program/invitation setting forth the fee rates, shall be retained for submission with the claim form.

E. Incidental Expenses.

1. Taxi and Bus Fares. Reimbursement will be allowed for taxi, bus fare or other transportation costs when such transportation is necessary in the conduct of City business. No receipts need be provided for such expenses, except for individual charges exceeding \$10.00. Such expenses shall be itemized on the Travel Expense Report.

2. Communications. Telephone, fax and internet charges will be reimbursed for official calls. Unofficial calls charged to the hotel bill should be identified and deducted from the total hotel bill. Individuals that have been issued a City-owned cellular phone, laptop, tablet, or other communication device shall use such devices in the conduct of business whenever feasible.

3. Parking, Garage, and Toll Charges. Parking, garage, and toll expenses will be reimbursed when an automobile is used for transportation. Parking and garage charges will be reimbursed based on the lowest available rate. Valet and preferred or VIP parking/garage rates shall not be allowable unless there is no other option at or within a reasonable proximity to the travel destination.

4. Airport Parking. Expenses for parking a City or personal vehicle at the airport are reimbursable based on receipts. However, airport parking expenses shall be limited to the rates for long-term parking when travel requires parking in excess of 24 hours. When an airport shuttle is used in lieu of personal vehicle, the cost will be reimbursed as well.

5. Tips, Gratuities, and Services Fees. Customary tips of up to 15 percent will be permitted on reimbursable items. Tips shall be itemized on the claim form.

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6. Miscellaneous. All items of expense not included in any of the other categories but which nonetheless can be clearly identified as incidental to the undertaking of city business shall also be allowed reimbursement. Receipts for these items must be submitted. Examples of such expenses are duplicating expenses and the cost of publications of value to the city being distributed at conferences or meetings.

F. POST Expenses.

Expenditures in training Police Department personnel under the POST Program shall be authorized and reimbursed by the City in accordance with established POST guidelines. In case of conflict between the POST guidelines and this policy, the POST guidelines shall prevail but only in the case of expenditures properly reimbursable under the POST Reimbursement Program.

Should the POST reimbursement be insufficient to cover the actual cost of meals and/or lodging, the City will pay the cost of the difference provided all other travel and meeting expense guidelines outlined in this policy are followed.

G. Per Diem and Cash Advance.

It is encouraged that individuals use their personal money or credit cards to finance trips then claim reimbursement upon return.

If, in the judgment of a department director, it is determined an employee is unable to finance the trip and be reimbursed upon his/her return, the department director may authorize advance payment for the estimated cost of meals. The amount of the advance payment shall be equal to the GSA per diem for breakfast, lunch, and dinner for each required meal, based on the duration of the travel consistent with the guidelines established by this policy. Upon return, the employee shall provide receipts for all meals and return any excess funds.

Typically, travel/training is for a duration of one week or less. On occasion, however, extended travel may be necessary, (e.g., advanced training or education for sworn Police personnel). For travel exceeding fourteen (14) days, a per diem not exceeding the GSA per diem for breakfast, lunch, and dinner may be provided prior to the departure date; however, a document issued by the training institution indicating attendance or completion of the course by the individual must be submitted to the Department of Finance within three (3) working days upon return.

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The department director may authorize payment of a maximum of \$200 to the individual for travel expenses. An advance in excess of \$200 must have the approval of the City Manager or designee. Approval of cash advance does not constitute approval for expenditure of the amount so advanced. All actual expenditures must be justified and approved based on limits and allowances set by this policy.

H. Direct Payment of Expenses by City Check Required, Where Possible.

Notwithstanding the permissibility of reimbursement for the travel expenses included in this policy, where possible and feasible, travel expenses must be paid in advance by City check directly to the vendors or organizations providing goods or services.

Procedures

A. Reimbursement of Business Travel Expenses.

The individual shall submit a signed Travel Expense Report to the department director after completion of travel. Such report shall show the details of official business expenses incurred and should be accompanied by supporting documents required under this policy. The department director shall review the report for compliance with this policy and affix their signature to signify approval. The Travel Expense Report must be forwarded to the Department of Finance within three (3) working days upon return. City Council members and members of boards and commission shall submit the Travel Expense Report to the City Manager for approval.

B. Air.

Allowance for air travel will be actual round trip via the lowest possible fare. Travel Expense Reports will be accompanied by air passage receipts when filed.

C. Personal Vehicle.

Individuals shall account for use of their vehicle on a daily basis through use of a Travel Expense Report, which is to be submitted when filing a claim.

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D. City-owned Vehicle.

Authorized personal use of a City vehicle will be accounted for on a Travel Expense Report, which will be submitted when filing for reimbursement. Individuals will be charged the prevailing IRS standard mileage rate for each mile, and shall be deducted from the total allowable travel expenses.

Emergency repair receipts must be submitted to Public Works for approval prior to reimbursement.

E. Lodging.

Receipts indicating date, accompanied by meeting and travel schedules must be submitted with the Travel Expense Report when filing a claim.

F. Meals

All meal receipts will be submitted with the Travel Expense Report. Receipts must be detailed and itemized, showing exactly what was purchased (not just credit card receipts).

G. Registration Fees.

Receipts, or other acceptable evidence of the amount paid, must be submitted with the Travel Expense Report.

H. Incidental Expenses.

Incidental expenses (except for alcohol, entertainment, and items for personal use) shall be itemized on the Travel Expense Report, and receipts shall be provided when appropriate and possible.

I. Cash Advance.

Approved requests for travel advances (submitted on a Request for Warrant Form – see Administrative Policy 03.06) shall be submitted to the Department of Finance at least ten (10) working days prior to departure for travel. Except when the schedule of an employee approved to attend training may prevent secure delivery of a travel advance

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prior to his/her departure, funds will be released no earlier than three (3) working days prior to the departure date. In such a case, the travel advance payment may be released up to ten (10) working days prior to the departure date, provided an approved travel advance request has been submitted to the Department of Finance at least fifteen (15) working days prior to the departure date.

The Department of Finance shall deduct from the total expenses claimed, any expense item found to be inconsistent with this policy, and shall furnish the individual with an itemized list of items disallowed. Any amount due the individual shall be paid within ten (10) working days from receipt of the Travel Expense Report by the Department of Finance.

Alternative Proof of Payment for Training Expenses.

A. Individuals periodically request alternative proof of payment methods for reimbursable training expenses (i.e., registration/tuition fees) advanced, when receipts or cancelled checks are not available.

B. As an exception, only when receipts are impractical to obtain, the following may be used in place of receipts or cancelled checks for reimbursement purposes:

1. course announcement specifying the amount of fees, and
2. a document issued by the training institution indicating attendance or completion of the course by the individual.

Use of City Credit Card for Travel Purposes.

City staff members occasionally attend job-related training and conferences, upon approval of the PRC. Job-related training is often required by state mandates. In order to make airline and hotel reservations, a credit card number must be provided to guarantee the reservations.

Prior to use, any individual wishing to use a City-issued credit card, must read and adhere to the City's Credit Card Policy (Administrative Policy 03.14).

Per Administrative Policy 03.14, credit cards may never be used to circumvent established competitive purchasing procedures, or dollar limits established by the City's

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Municipal Code, City Ordinances, or Purchasing Division procedures. Credit cards shall only be used to pay for PRC-authorized travel and training expenses. Individuals may not use City credit cards for personal expenses even if the intent is to reimburse the City later. See Administrative Policy 03.14 for complete rules and details.

Summary

This Policy cannot cover every issue, exception, or contingency that may arise in obtaining reimbursement for travel and training expenses incurred in the performance of official duties, and in the use of City credit cards.

Individuals are expected to exercise good judgment and show proper regard for economy when traveling in conjunction with official City business. Any expense for which an individual requests reimbursement should directly and manifestly relate to the conduct of City business and, in the event of an audit, should leave no doubt that such expenditure was pre-approved by the PRC, and is, in fact, reasonable and necessary in the conduct of City business. Accordingly, the basic standard that should always prevail is to use common sense and good judgment in the use and stewardship of City resources.

This Policy shall supersede all previously-adopted policies and procedures pertaining to reimbursement for travel and training expenses and to the use of City credit cards, including Administrative Policies 03.03, 03.04, 03.05 and 03.14 of the City Administrative Manual. This Policy satisfies the requirements of Government Code Sections 53232.2 and 53232.3.

Related Policy References

Government Code Sections: 53232.2, 53232.3, 53232.4

Assembly Bill 1234

City Administrative Manual Policies 03.03, 03.04, 03.05, 03.14

Municipal Code, Chapter 2.60

Forms:

Travel Expense Report: available from the Department of Finance or the City's Intranet site.

Credit Cardholder Use Agreement: available from the Department of Finance

CITY COUNCIL POLICY
CITY OF NATIONAL CITY

TITLE: Reimbursement for Expenses Incurred in the Performance of Official Duties	POLICY #109
ADOPTED: September 19, 2006	AMENDED: June 20, 2017

Prior Policy Amendments

September 19, 2006

October 8, 2013

October 18, 2016

CITY COUNCIL POLICY

CITY OF NATIONAL CITY

TITLE:

POLICY # 110

DISPLAY OF FLAGS

ADOPTED: July 14, 1987

AMENDED: October 18, 2016

Purpose

To establish guidelines governing the flying of the following 15 flags:

United States of America
State of California
City of National City
Army
Navy
Marine Corps
Air Force
United States Coast Guard
POW
Army Retired
Navy Retired
Air Force Retired
World War II Commemorative
Korea War Veterans
Vietnam Veterans

Policy

The City of National City observes the following protocol with respect to the display of the flags.

- 1) The flags will be displayed from sunrise to sunset unless properly lighted.
- 2) The flags will be hoisted briskly and lowered ceremoniously.
- 3) The flags will not be displayed on days when the weather is inclement, except when an all-weather flag is displayed.
- 4) The City Manager is authorized to display at City buildings the United States flag at half-staff in accordance with the rules set forth below and at such times as the President of the United States, the Governor of the State of California, or a request by the City Manager and concurrence by the Mayor with notification to the City Council during the next available City Council meeting shall prescribe such action.

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TITLE:

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ADOPTED: July 14, 1987

AMENDED: October 18, 2016

- a) Thirty days from the death of a President or former President.
 - b) Ten days from the day of death of a Vice-President, Chief -Justice of the United States or a Speaker of the House of Representatives.
 - c) The day of death and on the following day for a United States Senator or Representative, the Governor of the State of California, and any elected official of the City of National City.
 - d) On the closest working day to the date of internment for an employee of the City of National City.
- 5) The flags will be flown at half-staff on the following days:
- a) Peace Officers Memorial Day, May 15th, unless that day is also Armed Forces Day (sunrise to sunset).
 - b) Memorial Day, last Monday in May, sunrise to noon.
 - c) Patriot Day, September 11, sunrise to sunset.
 - d) Pearl Harbor Remembrance Day, December 7, sunrise to sunset.
 - e) National Firefighters Memorial Day, rotating date in October, typical a Sunday (sunrise to sunset).
- When flying the flags at half-staff, the flags will be hoisted to the peak for an instant and then lowered to the half-staff position.
- 6) At Kimball Bowl, the United States, State of California, and the City of National City flags will be flown 24 hours, 7 days a week, except in the case of inclement weather. These flags shall be lighted during nighttime hours.
 - 7) All locations will fly the United States and the State of California flags on the holidays listed below. In addition, the Kimball Bowl will fly other flags on certain holidays as listed below:
 - a) Inauguration Day – January 20th

CITY COUNCIL POLICY

CITY OF NATIONAL CITY

TITLE:

POLICY # 110

DISPLAY OF FLAGS

ADOPTED: July 14, 1987

AMENDED: October 18, 2016

- b) President Day – 3rd Monday in February
 - c) Armed Forces Day – 3rd Saturday in May (Ceremonial flags will be flown at Kimball Bowl)
 - d) Memorial Day – the last Monday in May (Ceremonial flags will be flown at Kimball Bowl)
 - e) Flag Day – June 14 (Ceremonial flags will be flown at Kimball Bowl)
 - f) Independence Day – July 4 (Ceremonial flags will be flown at Kimball Bowl)
 - g) Labor Day – 1st Monday in September
 - h) California Admission Day – September 9
 - i) Patriot Day – September 11 (Ceremonial flags will be flown at Kimball Bowl)
 - j) Veterans Day – November 11 (Ceremonial flags will be flown at Kimball Bowl)
 - k) Pearl Harbor Day – December 7 (Ceremonial flags will be flown at Kimball Bowl)
 - l) Other days that may be proclaimed by the President of the United States
- 8) The following departments are responsible for raising and lowering the flags at the listed locations:
- a) Las Palmas Park – Public Works Department
 - b) Las Palmas Municipal Pool - Public Works Department
 - b) Library – Public Works Department
 - c) Civic Center – Public Works Department
 - d) Police Department – Public Works Department
 - e) Fire Department (Stations # 31 and # 34) – Fire Department
 - f) Kimball Bowl – Public Works Department
 - g) Kimball Recreation Center – Public Works Department

CITY COUNCIL POLICY

CITY OF NATIONAL CITY

**TITLE: Utilization of City Vehicles in Non-Safety
Related Capacities**

POLICY #111

ADOPTED: February 9, 1988

AMENDED: October 8, 2013

Purpose

To establish guidelines for the utilization of city vehicles, whether static or in motion, in non-safety related capacities including parades, funerals and other events.

Policy

City vehicles may be made available for parades, funerals and other special events which promote the City of National City or honor its employees or residents. Requests for such use must be approved by the City Manager with the exception of those activities directly related to department operations, routine maintenance, or road testing. The City Manager shall notify the City Council when requests are approved.

Related Policy References

New Administrative Policy # _____

Prior Policy Amendments

January 7, 1992

CITY COUNCIL POLICY

TITLE: DOCUMENT REPRODUCTION

POLICY
NUMBER: 112

ADOPTED: OCTOBER 17, 1989 AMENDED OR
REVISSED:

PURPOSE:

To insure that the reproduction of public records is carried out in a uniform manner throughout all City Departments.

POLICY:

The City Manager shall establish an administrative procedure to insure that appropriate public documents are available to the public. The City Manager shall also establish a uniform fee schedule, which from time to time is adjusted for inflation and other impacting factors.

RELATED POLICY REFERENCES:

City Administrative Policy

Finance 301 "DOCUMENT REPRODUCTION PROCEDURES AND FEE SCHEDULE".

CITY COUNCIL POLICY

CITY OF NATIONAL CITY

TITLE: Unauthorized Disclosure of Information Revealed in Closed Sessions	POLICY #113
ADOPTED: March 12, 1996	AMENDED: October 8, 2013

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 of 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 member may be censured by a majority vote of the City Council. Prior to imposing censure, the member subject to censure must first be provided 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.

TITLE: Unauthorized Disclosure of Information Revealed in Closed Sessions	POLICY #113
ADOPTED: March 12, 1996	AMENDED: October 8, 2013

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

Government Codes 1098, 1222, 3060, 54957.1, 54963

City Attorney Memorandum: Original Feb. 29, 1996. Revised Jan. 7, 2013 (attached)

Prior Policy Amendments

None

**TITLE: Unauthorized Disclosure of Information
Revealed in Closed Sessions**

POLICY #113

ADOPTED: March 12, 1996

AMENDED: October 8, 2013

=== 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).)

**TITLE: Unauthorized Disclosure of Information
Revealed in Closed Sessions**

POLICY #113

ADOPTED: March 12, 1996

AMENDED: October 8, 2013

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 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/REVISED: October 18, 2016

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 Application" form 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/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 proposals of outside funding that are allowed to go forward, 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" 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: Donation of Surplus City Property and Police Dept. Unclaimed Personal Property	POLICY #115
ADOPTED: June 17, 2003	AMENDED: October 8, 2013

Purpose

To establish a policy for donating surplus City property, and Police Department unclaimed personal property to local, non-profit 501(c)(3) organizations, and/or other municipal agencies.

Definitions

- **Municipal Agencies:** public/government agencies, and Sister Cities.
- **Local Non-Profit 501(c)(3) Organizations:** As defined by the IRS: non-profit 501(c)(3) organizations “must be organized and operated exclusively for exempt purposes set forth in section 501(c)(3), and none of its earnings may inure to any private shareholder or individual. In addition, it may not be an action organization, i.e., it may not attempt to influence legislation as a substantial part of its activities and it may not participate in any campaign activity for or against political candidates.” Organizations are “commonly referred to as charitable organizations”. In order to be considered “local”, the organization must have a physical address within the City limits, and a valid National City Business License. The organization must be able to show proof of ‘local’ and ‘non-profit’ 501(c)(3) status.
- **Surplus City Property:** is defined by Municipal Code 2.42 as “supplies or equipment belonging to the City which are no longer used or which have become obsolete or worn out or which are otherwise of no further use.”
- **Police Department Unclaimed Personal Property:** is defined in Municipal Code Chapter 2.44 as “goods or chattels which are no longer possessed by their lawful owner and for which demand by right has not been asserted by such lawful owner.” After a specified retention period, the Police Department may release items for distribution or disposal in accordance with Code.

**TITLE: Donation of Surplus City Property and
Police Dept. Unclaimed Personal Property**

POLICY #115

ADOPTED: June 17, 2003

AMENDED: October 8, 2013

- “Request for Donation” form: available from the City’s Intranet or the Finance Department/Purchasing Division. This form provides documentation of the agency and donation, and includes a Release of Liability.

Policy

The City Council may authorize the donation of surplus City property, or Police Department unclaimed personal property, to municipal agencies or local, non-profit 501(c)(3) organizations as defined above, consistent with Municipal Code section 2.42.040 (B)(4). The City Council may also direct the City Manager to conduct a “donation event” (see below) in the event that multiple agencies are requesting the same items.

Surplus City Property: Per Municipal Code Chapter 2.42, surplus City property must first be offered to all City Departments, before it can be disposed of in any way. Only items with a value of under \$1000 may be donated.

Police Department Unclaimed Personal Property: Per Municipal Code Chapter 2.44: “If after the expiration of the applicable retention period, the city manager or his/her authorized designee determines any unclaimed property in the possession of the police department is needed for public use, such property shall be retained by the city.” Once it becomes City property, the City may dispose of it in accordance to Municipal Code.

Liability Issues: To reduce liability, City forces will not be involved in the loading, distribution or delivery of donated items. The recipient must provide their own labor force, loading equipment and vehicles, and they must pick the item(s) up from wherever it is being stored. The recipient must submit a signed “Donation Request” Form which includes a Release of Liability.

Gift of Public Funds: if the non-profit 501(c)(3) is a local organization, then assisting them will also assist the National City residents they serve, and the donation will benefit the community.

**TITLE: Donation of Surplus City Property and
Police Dept. Unclaimed Personal Property**

POLICY #115

ADOPTED: June 17, 2003

AMENDED: October 8, 2013

Procedures

Municipal agencies and local, non-profit 501(c)(3) organizations may request donations by submitting the "Request for Donation" form to the Finance Department/Purchasing Division. The Purchasing Division will obtain City Council approval.

The Finance Department/Purchasing Division will:

- notify the City Council prior to sending anything to auction, to allow them the opportunity to consider donation instead
- seek Council approval for all donation requests
- develop a lottery system in the event that multiple agencies request the same item
- coordinate the donation process and paperwork
- provide details regarding the type of property that is available, upon request
- upon approval by the City Council, make the property available to the requesting agency
- verify local, non-profit 501(c)(3) status via physical proof, and website registries such as: www.guidestar.com
- confirm valid business license for local non-profit 501(c)(3) agencies
- ensure completion of a "Request for Donation" form and signatures
- document the donation
- ensure that City property tags, and other sensitive City information (hard drives, etc) have been removed from the property
- notify the Finance Department to remove applicable items from the City's Fixed Asset Inventory.

Related Policy References

Municipal Code Chapter 2.42

Municipal Code Chapter 2.44

IRS Code 501(c)(3)

Donation Request Forms are available from the Purchasing Division of the Finance Department

Prior Policy Amendments

April 20, 2004

CITY COUNCIL POLICY

CITY OF NATIONAL CITY

TITLE: Procedure for Disclosure of Ex Parte Contacts	POLICY #116
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ADOPTED: February 6, 2007	AMENDED: October 8, 2013
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Purpose

To establish a procedure, applicable to the City Council and all City boards and commissions, 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 or commissions, receive information, 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, 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 city councilmembers in the following cases: *Mennig v. City Council of the City of Culver City*, (city council became personally embroiled in controversy over police chief's termination); *Clark v. City of Hermosa Beach*, (court held that a councilmember'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 council 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 councilman talked with property owners concerning the

TITLE: Procedure for Disclosure of Ex Parte Contacts

POLICY #116

ADOPTED: February 6, 2007

AMENDED: October 8, 2013

advantages of a parking district and made a personal visit to the area. The court concluded that the councilman's vote should not be counted.

Fortunately, 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 public 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 boards and commissions 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 board or commission 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 boards or commissions 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 boards or commissions 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, board or commission. Such conduct is violative of the Ralph M. Brown Act.

Related Policy References

None

Prior Policy Amendments

None

CITY COUNCIL POLICY

CITY OF NATIONAL CITY

TITLE: Distribution and Reporting of Tickets and Passes Distributed to, or at the behest of, a City Official	POLICY #117
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ADOPTED: April 19, 2011	AMENDED: October 8, 2013
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Background

The City strives to provide impartial and high quality services to its residents, businesses and visitors. The receipt by City officials of gifts or other items of value can be perceived as attempts to influence City operations and the City wishes to avoid any appearance of impropriety or favoritism. Additionally, however, City official attendance at public events is necessary to achieve the goals of governance, both to promote the policies of the City and to maintain close contact with the residents and interests groups within the City.

Purpose

The purpose of this Policy is to ensure that tickets and passes provided to and distributed by the City to, or at the behest of, a City official are in furtherance of a governmental and/or public purpose as required under Section 18944.1 of Title 2, Division 6 of the California Code of Regulations.

This policy is subject to all applicable California Fair Political Practices Commission (FPPC) regulations, as well as the Political Reform Act. Nothing in this Policy is intended to alter, amend, or otherwise affect the obligations of City officials under the Political Reform Act and its implementing regulations or the City of National City's Conflict of Interest Code.

Organizations Affected

The City of National City, the Community Development Commission of the City of National City (CDC), and the Successor Agency to the Community Development Commission as the National City Redevelopment Agency (SA). All references within this Policy to "City" shall also apply to the CDC and the SA.

1.0 References

- a. Title 2, Division 6 of the California Code of Regulations, Sections 181000, et seq.
- b. California Political Reform Act (Government Code Sections 81000, et seq.) and implementing regulations. (Title 2, Division 6 of the California Code of Regulations).

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- c. National City Conflict of Interest Code.
- d. Government Code Section 82048
- e. California Code of Regulations Sections 18944.1 and 18701.

2.0 Policy

- 2.1 This Policy applies to tickets and passes that provide admission to a facility, event, show, or performance for an entertainment, amusement, recreational, or similar purpose, and are:
 - a. gratuitously provided to the City by an outside source; or
 - b. acquired by the City by purchase; or
 - c. acquired by the City pursuant to the terms of a contract for use of public property; or acquired by City because the City controls the event.
- 2.2 This Policy shall only apply to the City's distribution of tickets/passes to, or at the behest of, a City official. This Policy does not apply to any other item of value provided to the City or any City official, regardless of whether received gratuitously or for which consideration is provided. This includes food, beverages or gifts provided to a City official at an event that is not included in the fair market value of the ticket.

3.0 Definitions

Unless otherwise expressly provided herein, words and terms used in the Policy shall have the same meaning as in the California Political Reform Act of 1974 (Government Code Sections 81000 et seq., as amended from time to time) and the related FPPC Regulations (Title 2, Division 6 of the California Code of Regulations, Sections 18100 et seq., as amended from time to time).

TITLE: Distribution and Reporting of Tickets and Passes Distributed to, or at the behest of, a City Official	POLICY #117
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3.1 "City" or "City of National City" means and includes the City of National City, the Community Development Commission of the City of National City, the Successor Agency to the Community

Development Commission as the National City Redevelopment Agency (SA) and any other affiliated agency created or activated by the National City City Council, and any commission, committee, board or department thereof.

3.2 "City official" means every member, officer, employee, or consultant of the City of National City, as defined in Government Code 82048 and FPPC Regulation 18701, who must file a Statement of Economic Interests.

3.3 "FPPC" means the California Fair Political Practices Commission.

3.4 "Immediate Family" means an individual's spouse and dependent children.

3.5 "Policy" means City Policy which governs the distribution, use and reporting of tickets and passes controlled by the City.

3.6 "Ticket" means any ticket or pass that grants admission privileges to a facility, event, show, or performance for an entertainment, amusement, recreations, or similar purpose.

4.0 General Provisions

4.1 No Right to Tickets: The distribution of Tickets pursuant to this Policy is a privilege extended by the City and not the right of any person to whom the privilege may from time to time be extended.

4.2 Limitation on Transfer of Tickets: Tickets distributed to a City official pursuant to this Policy shall not be transferred to any other

TITLE: Distribution and Reporting of Tickets and Passes Distributed to, or at the behest of, a City Official	POLICY #117
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person, except to members of the City official's immediate family solely for their personal use.

- 4.3 Prohibition Against Sale of or Receiving Reimbursement for Tickets: No person who receives a Ticket pursuant to this Policy shall sell, receive reimbursement for, or receive any other consideration in exchange for the Ticket.
- 4.4 Implementation of Policy: The City Manager in his/her sole discretion shall have the authority to determine whether the City should accept or decline Tickets offered to the City and to distribute Tickets as he/she deems appropriate, provided such action conforms with this Policy.
- 4.5 Designation of Agency Head: The City Manager shall be the "Agency Head" for purposes of implementing the provisions of this Policy. The City Manager shall promptly report all Tickets distributed pursuant to this Policy to the City Clerk, who shall be responsible for posting disclosure form(s) provided by the FPPC on the City's website in compliance with FPPC regulations and Section 6.2 of this Policy.
- 4.6 No Earmarking of Tickets: No Ticket gratuitously provided to the City by an outside source shall be earmarked by the original source for distribution to a particular City official.
- 4.7 Valuation of Tickets: The City Manager shall determine the face value of all Tickets distributed by the City pursuant to this Policy.

5.0 Distribution of Tickets

- 5.1 The distribution of the Ticket(s) to, or at the behest of, a City official accomplishes a governmental and/or public purpose including, but not limited to, any of the following:

**TITLE: Distribution and Reporting of Tickets and
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- a. The performance of a ceremonial role or function by a City official on behalf of the City at an event.
- b. The official duties of the City official require his or her attendance at the event.
- c. Promotion of intergovernmental relations and/or cooperation with other governmental agencies, including but not limited to, attendance at an event with or by elected or appointed public officials from other jurisdictions, their staff members and their guests.
- d. Promotion of City resources and/or facilities available to National City residents.
- e. Promotion of City initiated, sponsored or supported community programs or events.
- f. Promoting, supporting and/or showing appreciation for programs or services rendered by charitable and non-profit organizations benefiting National City residents.
- g. Promotion of business activity, development, and/or redevelopment within the City.
- h. Promotion of City tourism.
- i. Increasing public awareness of the various recreational, cultural, and educational venues and facilities available to the public within the City.
- j. Attracting and/or rewarding volunteer public service.
- k. Encouraging or rewarding significant academic, athletic, or public service achievements by National City students, residents or businesses.

- l. Attracting and retaining City employees.
 - m. Recognizing or rewarding meritorious service by City employees.
 - n. Promoting enhanced City employee performance or morale.
 - o. Recognizing contributions made to the City by City officials who are leaving the City's service.
- 5.2 When a City official treats the Ticket as income consistent with applicable state and federal income tax laws, the distribution of the ticket to that official shall be disclosed in accordance with Section 6.2 of this Policy.

6.0 Disclosure Requirements

- 6.1 This policy shall be permanently posted on the City's website in a prominent fashion.
- 6.2 Tickets distributed pursuant to this Policy shall be disclosed on a form provided by the FPPC (Form 802), and posted on the City's website in a prominent fashion within thirty (30) days from the date Tickets are received by, or distributed at the behest of, a City official. Form 802 shall remain on the City's website for a minimum of two (2) years from the date of posting. The original Form 802 shall be retained in the Office of the City Clerk for a four (4) year period. The disclosure from shall include the following information:
- a. The name of the recipient, except that if the recipient is an organization other than the City, the City may post the name, address, description of the organization and number of ticket provided to the organization in lieu of posting the names of each recipient;
 - b. A description of the event;

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- c. The date of the event;
 - d. The face value of the Ticket;
 - e. The number of Tickets provided to each person.
 - f. If the Ticket was distributed at the behest of a City official, the name of the City official who made the behest; and
 - g. A description of the public purpose(s) furthered by the Ticket distribution or, alternatively, that the City official is treating the Ticket as income.
- 6.3 Tickets distributed by the City for which the City receives reimbursement from the City official shall not be subject to the disclosure provisions of Section 6.2

7.0 Exceptions

- 7.1 A Ticket to a non-profit fundraising dinner is generally treated as a gift to the individual under FPPC Regulation 18946.4. This Policy would not apply because the Ticket is not for admission to an event or facility "for an entertainment, amusement, recreational or similar purpose." The Ticket is reportable on the official's Statement of Economic Interests.
- 7.2 Where admission to a luncheon, dinner, or reception is not provided by a Ticket, but by invitation, this Policy does not apply. The value of the admission is reportable on the official's Statement of Economic Interests, unless the admission is provided by the City to the official who is attending the event as part of his/her official duties, in which case the admission is not reportable by the individual, but by the City under FPPC Regulation 18944.2.

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ADOPTED: April 19, 2011

AMENDED: October 8, 2013

Related Policy References

See Section 1.0 above

Prior Policy Amendments

none

CITY COUNCIL POLICY

CITY OF NATIONAL CITY

TITLE: City Council Attendance at Staff-level Working Groups	POLICY # 118
ADOPTED: June 21, 2016	AMENDED:

Background:

The City of National City operates under the council-manager form of government. The 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. 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, decision making 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

TITLE: City Council Attendance at Staff-level Working Groups	POLICY # 118
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ADOPTED: June 21, 2016	AMENDED:
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a continuing subject matter jurisdiction, or a meeting schedule fixed by charter, ordinance, resolution, or formal action of a legislative body are legislative bodies for purposes of this chapter.

Government Code § 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.

TITLE: City Council Attendance at Staff-level Working Groups	POLICY # 118
ADOPTED: June 21, 2016	AMENDED:

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.

TITLE: City Council Attendance at Staff-level Working Groups	POLICY # 118
ADOPTED: June 21, 2016	AMENDED:

Related Policy References

City Council Policy #108
National City Municipal Code, Chapter 2.01
Government Code section 34851, et. seq.
Ralph M. Brown Act
Rosenberg's Rules of Order

Prior Policy Amendments

None

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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ADOPTED: September 4, 2018	AMENDED:
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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.

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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.

II.

SCOPE

The provisions of this Code of Ethics and Conduct shall apply to the Mayor and members of the City Council, the Council appointed positions of City Manager and City Attorney, and to all members of the boards, 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 ad-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 appointed officials, and board and commission 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 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.
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 appointed 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 and will not be permitted. Members shall

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refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other elected officials, Council appointed 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 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. 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 Council policy decisions by City staff.
6. **Communication.** Members shall publicly disclose substantive information that is relevant to a matter under consideration by the Council or boards, commissions and committees, which they may have received from sources 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

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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.
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/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

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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, 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 – AB 1234

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 commissions, 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

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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.

How to File a Complaint:

- Conflict of Interest, financial or campaign disclosures
 - California Fair Political Practices Commission
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

behavior	External appearance or action; manner of behaving, carriage of oneself.
censure	A formal statement or resolution by the Council officially reprimanding a National City elected official, council appointed official, or member of any city board, commission and committee.
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.

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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 elected official, council appointed official, and member of any city board, commission and committee 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.
values	A person's principles or standards of behavior; one's judgment of what is important in life. Also refers to National City's <i>Core Values</i> wherein members pledge to provide (1) <i>Commitment</i> – We strive for excellence, as we serve the public and each other with integrity, compassion, responsiveness, and professionalism; (2) <i>Customer Service</i> – We provide excellent service to residents, businesses, visitors, and colleagues; (3) <i>Courtesy</i> – We treat everyone with dignity and respect; (4) <i>Communication</i> – We communicate openly, honestly, and with clear, consistent messages; and (5) <i>Collaboration</i> – We work to achieve common goals and value our differences.

RELATED POLICY REFERENCES

- National City Municipal Code
- Government Code section 34851, et. seq.
- Ralph M. Brown Act

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- 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

CITY COUNCIL POLICY

CITY OF NATIONAL CITY

TITLE: Selection of Vice Mayor	POLICY: # 120
ADOPTED: November 20, 2018 AMENDED:	

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 four (4) year term. The City Council shall select the Vice Mayor in accordance with the procedure set forth herein.

1. As a general law city, selection of the Vice Mayor is governed by Sections 36801 and 34905 of the California Government Code. Section 36801 provides:

The city 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 “vice 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.

TITLE: Selection of Vice Mayor

POLICY: #120

ADOPTED: November 20, 2018

AMENDED:

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 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 certification of the election 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 consecutive years. In the event two or more Councilmembers have equal seniority and have not been Vice Mayor in the last three 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
- California Elections Code

CHAPTER 200

FINANCIAL SERVICES

CITY COUNCIL POLICY

CITY OF NATIONAL CITY

TITLE: Maintenance of Reserve Funds	POLICY #201
ADOPTED: June 26, 1985	AMENDED: September 17, 2019

Purpose

The City will establish reserves to strengthen its ability to withstand unexpected financial emergencies such as those that may result from national disasters, revenue shortfalls, or unanticipated expenditures of a non-recurring nature and to accumulate funds for large-scale purchases.

Policy

The City Manager is charged with the responsibility of accumulating and maintaining the City's reserves at the following target levels:

- **GENERAL FUND CONTINGENCY RESERVE:** an amount equal to between twenty-five percent (25%) and fifty percent (50%) of a single year's budgeted General Fund operating expenditures. "Operating expenditures" shall be defined as all expenditures, except those of a capital nature, plus operating subsidies provided to the Library Fund, Parks Fund, Nutrition Fund, and Personnel Compensation Fund.

- **GENERAL FUND FACILITIES MAINTENANCE RESERVE:** an amount equal to between ten percent (10%) and fifteen percent (15%) of the total acquisition cost of the City's building assets. "Building assets" shall be defined as all permanent or nonpermanent structures constructed or installed to provide a workplace for City employees or house City assets and/or operations.

- **GAS TAXES FUND CONTINGENCY RESERVE:** an amount equal to a minimum of five percent (5%) of the estimated annual revenue of the Gas Taxes Fund.

- **SEWER SERVICE FUND OPERATIONS / CASH FLOW RESERVE:** an amount equal to between twenty-five percent (25%) and fifty percent (50%) of a single year's budgeted Sewer Service Fund operating expenditures.

- **SEWER SERVICE FUND METRO CASH FLOW RESERVE:** an amount equal to the City's estimated portion of the projected cash needs for capital costs of the San Diego Metropolitan Sewerage System's wastewater treatment program.

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ADOPTED: June 26, 1985

AMENDED: September 17, 2019

- **SEWER SERVICE FUND CAPITAL REPLACEMENT RESERVE:** an amount equal to between ten percent (10%) and fifteen percent (15%) of a single year's budgeted Sewer Service Fund operating expenditures.
- **SEWER SERVICE FUND CAPITAL EXPANSION RESERVE:** an amount equal to between ten percent (10%) and fifteen percent (15%) of a single year's budgeted Sewer Service Fund operating expenditures.
- **SEWER SERVICE FUND EMERGENCY / NATURAL DISASTER RESERVE:** an amount equal to a minimum of fifteen percent (15%) of a single year's budgeted Sewer Service Fund operating expenditures.
- **LIABILITY INSURANCE RESERVE:** an amount sufficient to ensure liability insurance claim assets of the Liability Insurance Fund equal to the eighty percent (80%) Confidence Level of Adequacy applicable to estimated liability insurance claims, as established biennially by the City's actuary.
- **WORKERS' COMPENSATION RESERVE:** an amount sufficient to ensure Workers' Compensation claim assets of the Liability Insurance Fund equal to the eighty percent (80%) Confidence Level of Adequacy applicable to estimated Workers' Compensation claims, as established biennially by the City's actuary.
- **DEBT SERVICE RESERVES:** in each fund from which debt service is paid, an amount equal to the total required by applicable indenture(s) and/or other agreement(s), but in no case less than one year's debt service requirement of all long-term City obligations, excluding inter-fund loans.
- **IRREVOCABLE SUPPLEMENTAL PENSION TRUST RESERVE:** an amount equal to the total net pension liability of the City's pension plans. The balance of this reserve shall not be subject to the "Replenishment of Reserves" guidelines.
- **IRREVOCABLE OTHER POST-EMPLOYMENT BENEFITS TRUST RESERVE:** an amount equal to the total net other post-employment benefits (OPEB) liability of the City's OPEB plans. The balance of this reserve shall not be subject to the "Replenishment of Reserves" guidelines.
- **VEHICLE REPLACEMENT RESERVE:** an amount equal to between the accumulated depreciation and estimated replacement value of the motor vehicle assets of the Vehicle Replacement Fund. For the purposes of this policy, "motor vehicle" shall be defined as a self-propelled, wheeled vehicle with propulsion provided by an engine or motor which must be operated by one or more persons to perform the function(s) for which it is designed.

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The actual amount of each reserve shall be determined each year by the City Manager as part of the budgeting process and shall be annually reported to the City Council as part of or in conjunction with the Comprehensive Annual Financial Report (CAFR); however, nothing in this policy shall prevent determining or reporting on the level of any reserves at other times during the year.

The above requirements may be suspended only upon approval of Council.

Replenishment of Reserves

If its balance falls below the minimum required level, the City shall strive to restore it to the minimum required balance by any feasible means, including, but not limited to, adopting a budgetary surplus; applying any cost savings, over-realized revenues, and/or surpluses realized within the applicable fund; or transferring a portion of the General Fund Contingency Reserve. Unless otherwise noted, the following guidelines will be used to restore a reserve fund:

- If a reserve is drawn down to 75-99% of its minimum required balance, it shall be restored to 100% over a 1 to 3 year period.
- If a reserve is drawn down to 50-74% of its minimum required balance, it shall be restored to 100% over a 3 to 5 year period.
- If a reserve is drawn down below 50% of its minimum required balance, it shall be restored to 100% over a 5 to 7 year period.

These guidelines may be suspended, in whole or part, if financial or economic circumstances prevent meeting any or all of the timelines.

Once established or increased, a reserve balance shall become committed fund balance, as defined by Governmental Accounting Standards Board Statement Number 54, within the applicable fund and, as such, shall require Council approval for all transfers and expenditures therefrom.

Related Policy References

None

Prior Policy Amendments

November 21, 2017

June 7, 2016

October 7, 2014

December 10, 2013

March 12, 2002

Policy #202

Contributions

DELETED

CITY COUNCIL POLICY

CITY OF NATIONAL CITY

TITLE: Investments	POLICY #203
ADOPTED: October 23, 1990	AMENDED: August 18, 2020

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.

TITLE: Investments	POLICY #203
ADOPTED: October 23, 1990	AMENDED: August 18, 2020

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 that may be reasonably anticipated.
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 Director of Finance 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.

TITLE: Investments	POLICY #203
ADOPTED: October 23, 1990	AMENDED: August 18, 2020

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 Director of Finance and/or Financial Service Officer.

The Director of Finance and/or Financial Services Officer will be responsible for all transactions undertaken and will establish a system of procedures and controls to regulate the activities of subordinate employee.

- 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 Director of Finance and/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.

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- 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 Director of Finance and/or Financial Services Officer 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 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. Are rated in the category of “A” or better by at least two nationally recognized statistical rating organizations; and
 - b. No more than 5% 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 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 organization (NRSRO); and have long-term debt obligations which are rated “A” or higher by at least two nationally recognized statistical rating organization;
 - 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:

- 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 organization; and whose long-term obligations are rated “A” or higher by at least two nationally recognized statistical rating organization; and
- d. No more than 25% of the portfolio is invested in commercial paper and no more than 5% per issuer.

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 Director of Finance 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” category or better by at least two nationally recognized statistical rating organization; and
- d. Holdings of medium-term notes may not exceed 30% of the portfolio and no more than 5% per issuer.

12. Mortgage pass-through securities and asset-backed securities, provided that such securities:

- a. Have a maximum stated final maturity of 5 years.
- b. Be rated in a rating category of “AA” or its equivalent or better by a nationally recognized statistical rating organization.
- c. 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.

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- 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.

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.
- 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.

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 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 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 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 Director of Finance and/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:

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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 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 Finance and/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 Director of Finance and/or Financial Services Officer.
- B. **Internal Controls:** The Director of Finance and/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 described in the City’s investment procedures manual.

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XII. REPORTING AND REVIEW

- A. **Monthly reports:** The 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 Director of Finance and/or Financial Services Officer to the City Council, at an agenda meeting. 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 the City

- C. **Annual policy review:** 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.

Related Policy References

California Government Code Sections: 16429.1 – 16429.4, and 53600 – 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”

TITLE: Investments	POLICY #203
ADOPTED: October 23, 1990	AMENDED: August 18, 2020

Prior Policy Amendments

November 20, 2018

October 17, 2017

December 6, 2016

December 15, 2015

December 16, 2014

December 10, 2013

January 10, 2012

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
Director of Finance
Financial Services Officer

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 rate of interest. Callable securities have reinvestment risk as the investor may receive its principal back when interest 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 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.

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 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) year's time.

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.

CITY COUNCIL POLICY

CITY OF NATIONAL CITY

TITLE: Donation Acceptance Policy

POLICY #204

ADOPTED: October 21, 2003

AMENDED: December 10, 2013

Purpose

From time to time, individuals, community groups and businesses may wish to make donations to the City in either cash or in-kind contributions that enhance projects, facilities, and programs, and the need for such projects, facilities and programs often exceeds the City's ability to fund them. Accordingly, it is an acceptable and appropriate practice to accept donations, in order to enhance city programs and/or facilities to provide a higher level of service to the public.

The purpose of this policy is to establish an orderly and efficient process for the acceptance of donations made to the City. It is also important to process donations in such a way so as to distinguish between donations made to the City, versus those made to individuals (ie gifts or campaign contributions).

Policy

All donations made to the City shall be accepted and processed according to the following:

1. The donation must have a purpose consistent with City goals and objectives.
2. The City Council may decline any donation without comment or cause.
3. The donation must not be in conflict with any provision of the law.
4. In-kind donations will be aesthetically acceptable to the City of National City.
5. The donation will not add to the workload of the City Council or staff unless it provides a net benefit to the City.
6. The donation will not require hidden costs such as starting a program the City would be unwilling to fund when the donation was exhausted. To the extent the donation is for specific funding of a program or position, any such donation can be accepted but will not be conditioned on continuing funding for that program or position beyond the donation amount.
7. The donation must place no restriction on the City, unless agreed to by the City Council.

TITLE: Donation Acceptance Policy

POLICY #204

ADOPTED: October 21, 2003

AMENDED: December 10, 2013

8. The donation shall become the property of the City.
9. All donations will receive recognition appropriate to the level and nature of the donation as determined by the City. For those of a capital nature, that may be in the form of signage, marking or naming, as determined by the City Council. Regardless of the recognition strategy selected, the intent shall be to appropriately honor the donor for their contribution to the community. The appearance of traditional commercial advertising or product endorsements that promote the donor shall be prohibited.
10. All monetary donations shall be submitted to the Finance Department staff. A receipt shall be made available from the Finance Department, upon request. Recipient departments shall notify the Finance Department of all donations received, whether monetary or otherwise.
11. Cash donations exceeding \$5,000, and in-kind donations exceeding \$5,000 in value, must be submitted through a written agreement consistent with these guidelines and approved by the City Council. In-kind capital donations will be subject to normal City review, permitting, inspection and insurance requirements.
12. At the time of acceptance, all donations, regardless of value, will be acknowledged in writing, by the recipient department, in a format approved by the City Attorney. The original acknowledgement will be sent to the donor and a copy forwarded to the Finance Department.

Related Policy References

Council Policy #115: Donating City Property & Police Unclaimed Property

Council Policy #117: Distribution & Reporting of Tickets and Passes

Two templates for "Donation Acceptance" agreements are attached to this policy

Prior Policy Amendments

None

**UNCONDITIONAL DONATION OF PERSONAL PROPERTY (ART WORK) TO
THE CITY OF NATIONAL CITY**

_____ (hereinafter referred to as "the Donor") hereby
(Name of Donor)
makes an unconditional donation, in perpetuity, of _____
(Description of Donation)

(hereinafter referred to as "the Donation") to the City of National City. The Donor understands and acknowledges that pursuant to Sections 37354 and 37355 of the California Government Code, the City is authorized to accept said donation for any public purpose that the City desires.

Due to the nature of the donation work of art and the site on which it is installed, the DONOR and his/her agents, heirs, successors and assigns hereby waive any and all rights they may have under the California Art Preservation Act, as set forth in Civil Code Section 987. The DONOR agrees that upon completion, the physical work of art which is created pursuant to this Agreement shall be transferred to and shall vest in the City of National City, and the DONOR hereby expressly waives and releases all rights of ownership to the work of art, including those under Civil Service Code Section 988. The DONOR, his/her agents, heirs, successors and assigns also agree not to attempt to defeat this waiver by cooperating with any organization which seeks to bring an action under Civil Code Section 989.

The Donor hereby releases the City of National City and its officers, employees and volunteers, against and from any and all liability, loss, damages to property, claims, demands, suits, actions, proceedings, costs or attorney's fees, of any kind or nature, resulting from or arising out of the City's use of the Donation.

The individual executing this document on behalf of the Donor represents that he/she has the legal power, right and authority to bind the Donor; that all requisite action (corporate, trust, partnership or otherwise) has been taken by the Donor in connection with authorizing the execution of this document; that this document shall be legally enforceable as to the Donor; and that the execution of this document does not conflict with or result in the breach of any contract, bond, note or other agreement or instrument to which the Donor is a party.

Dated: _____ DONOR
By: _____
(Authorized Representative)

For Office Use Only

Certificate of Insurance Approved _____ Date _____

**UNCONDITIONAL DONATION OF PERSONAL PROPERTY
TO THE CITY OF NATIONAL CITY**

_____ (hereinafter referred to as "the Donor") hereby
(Name of Donor)
makes an unconditional donation, in perpetuity, of _____
(Description of Donation)

(hereinafter referred to as "the Donation") to the City of National City. The Donor understands and acknowledges that pursuant to Sections 37354 and 37355 of the California Government Code, the City is authorized to accept said donation for any public purpose that the City desires.

As a condition of the granting of permission by the City of National City to the donor to conduct its activities on public property, the donor hereby agree(s) to defend, indemnify and hold harmless the City of National City 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 attorneys fees and the costs of litigation, arising out of or related to the use of public property by the donor or its agents, employees or contractors. The Donor agrees 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. A certificate of insurance must be attached to this form.

The individual executing this document on behalf of the Donor represents that he/she has the legal power, right and authority to bind the Donor; that all requisite action (corporate, trust, partnership or otherwise) has been taken by the Donor in connection with authorizing the execution of this document; that this document shall be legally enforceable as to the Donor; and that the execution of this document does not conflict with or result in the breach of any contract, bond, note or other agreement or instrument to which the Donor is a party.

Dated: _____ DONOR
By: _____
(Authorized Representative)

For Office Use Only
Certificate of Insurance Approved _____ Date _____

CITY COUNCIL POLICY

TITLE: Intrabudget Adjustment Request Policy for the Mayor
and City Council

**POLICY
NUMBER:** 205

ADOPTED: January 16, 2007

**AMENDED OR
REVISED:**

Page 1 of 2

PURPOSE

To establish a procedure for the transfer of funds from one account to another for accounts within the control of the Mayor or a City Councilmember.

POLICY

The intrabudget adjustment request (IBAR) is the procedure that is utilized to transfer funds from one account to another within a department. In the event of a transfer of funds from one account to another account for accounts within the control of a Councilmember, the intrabudget adjustment request shall be signed by the Councilmember initiating the request, and also by the Mayor. For accounts within the control of the Mayor, the intrabudget adjustment request shall be signed by the Mayor, and also by a Councilmember. In addition, a copy of the request shall be sent by email to all members of the City Council.

The Intrabudget Adjustment Request attached to this Policy is to be used in making such requests.

TITLE: Intrabudget Adjustment Request Policy for the Mayor and City Council

POLICY NUMBER: 205

ADOPTED: January 16, 2007

AMENDED OR REVISED:

Page 2 of 2

DATE: _____

INTRABUDGET ADJUSTMENT REQUEST

<u>DEPARTMENT</u>	<u>ACTIVITY OR DIVISION</u>

STATEMENT OF PROBLEM AND TIME URGENCY

AMOUNT NEEDED
\$ _____

TRANSFER:

DEPARTMENT HEAD

THIS PORTION TO BE COMPLETED BY FINANCE DEPARTMENT		
<u>UNENCUMBERED BALANCE</u>	<u>AS OF</u>	<u>FINANCE INITIAL</u>

ACCT. #

TITLE

FROM:

TO:

<u>ORIGINAL APPROPRIATION</u>	<u>PREVIOUS TRANSFERS</u>	<u>IN/OUT</u>
-------------------------------	---------------------------	---------------

ADMINISTRATIVE REVIEW / COMMENTS

<input type="checkbox"/>	Approval
<input type="checkbox"/>	Disapproval
<u>CM.</u> _____	
<u>Date</u> _____	

<input type="checkbox"/>	Approval
<input type="checkbox"/>	Disapproval
<u>FIN. DIR.</u> _____	
<u>Date</u> _____	

cc: Budget File - White
Requesting Dept. Head - Yellow
City Manager - Pink
Originating Dept. - Goldenrod

Date Posted _____

CITY COUNCIL POLICY

CITY OF NATIONAL CITY

TITLE: Debt Management	POLICY #206
ADOPTED: August 15, 2017	AMENDED:

I. POLICY

This debt management policy (hereafter “Policy”) sets forth debt management objectives for the City of National City, the National City Joint Powers Financing Authority, the Successor Agency to the National City Redevelopment Agency, and any other entity for which the City Council acts as legislative body. The term “City” shall refer to each of such entities.

This Policy establishes general parameters for issuing and administering debt. Recognizing cost-effective access to the capital markets depends upon prudent management of the Debt Program, the City Council has adopted this Policy by resolution.

This Policy is intended to comply with California Government Code Section 8855(i).

II. SCOPE

The guidelines established by this Policy will govern the issuance and management of all debt financing for long-term capital needs and not for general operating functions. When used in this Policy, “debt” refers to all forms of indebtedness. The City recognizes changes in the capital markets and other unforeseen circumstances may require action that deviates from this Policy. City Council approval shall be required for implementation of any exceptions to this Policy for such circumstances.

III. GOALS & OBJECTIVES

The purpose of this Policy is to assist the City in pursuit of the following equally important goals and objectives, while providing full and complete financial disclosure and ensuring compliance with applicable state and federal laws:

- minimize debt service and issuance costs;
- maintain access to cost effective borrowing;
- achieve the highest practical credit rating;
- ensure full and timely repayment of debt;

TITLE: Debt Management

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ADOPTED: August 15, 2017

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- maintain full and complete financial disclosure and reporting;
- ensure compliance with applicable state and federal laws.

IV. RELATIONSHIP OF DEBT TO, AND INTEGRATION WITH, THE CITY'S CAPITAL IMPROVEMENT PROGRAM AND BUDGET

Capital Improvement Program – The City Manager or his/her designee (hereafter, “City Manager”) shall assess and identify the capital needs of the City and review the current Capital Improvement Program to develop a schedule for when facilities should be improved or acquired. The City Manager shall identify potential funding sources and financing options and match those resources to the capital needs identified in the Capital Improvement Program. In making such determination, the City Manager shall consider the maximum term; average maturity; amortization of debt service; optional redemption features; and use of variable or fixed-rate debt, credit enhancements, and other structuring considerations, as further discussed below.

Budget Integration – The decision to incur new indebtedness should be integrated with the policy decisions embedded in the City Council-adopted annual operating and capital budget. The annual debt service payments shall be included in the operating budget.

The City will integrate its debt issuances with the goals of its Capital Improvement Program by timing issuance of debt to ensure projects are available when needed in furtherance of the City's public purposes. The City will seek to issue debt in a timely manner to avoid having to make unplanned expenditures for capital improvements or equipment from its General Fund.

Biennial Review – Recognizing cost-effective access to the capital market depends upon prudent management of the City's debt program, a review of the Policy should be performed at least biennially. The Policy shall be included as an appendix in the annual budget adopted by the City Council. Any substantive changes to the Policy shall be brought to the City Council for consideration and approval.

V. POLICY GOALS RELATED TO THE CITY'S PLANNING GOALS AND OBJECTIVES

In following this Policy, the City shall pursue the following goals:

1. attain the best possible credit rating for each debt issue in order to reduce interest costs, within the context of preserving financial flexibility and meeting capital funding requirements;

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ADOPTED: August 15, 2017

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2. take all practical precautions and proactive measures to avoid financial decisions that will negatively impact the City's credit ratings on existing or future debt issues;
3. consider market conditions and City cash flows when timing the issuance of debt;
4. determine the amortization (maturity) schedule which will fit best within the City's overall debt structure at the times new debt is issued;
5. match the term of the issue to the useful lives of assets funded by that issue, when practicable and economical, while considering repair and replacement costs of those assets to be incurred in future;
6. when issuing debt, assess financial alternatives so as to minimize the impact on the City's General Fund or special funds, as applicable;
7. when planning for the sizing and timing of debt issuance, consider the ability to expend the proceeds in a timely, efficient, and economical manner.

VI. DELEGATION AUTHORITY

Pursuant to the provisions of Section 37209 and 40805.5 of the Government Code of the State of California and to Chapter 2.16.090 of the National City Municipal Code, the Director of Finance, under the direction and control of the City Manager, is responsible for the administration of the financial functions of the City. This Policy grants the City Manager or the Director of Finance the authority to select the financing team, coordinate the administration and issuance of debt, communicate with rating agencies, and fulfill all pre-issuance and post-issuance requirements imposed by or related to state law, federal tax law, and federal securities law.

Financing Team Definitions and Roles – The Financing Team is the working group of City staff and outside consultants necessary to complete a debt issuance, including, but not limited to, bond counsel, disclosure counsel, underwriter, municipal advisor, trustee, pricing consultant, and/or arbitrage analyst.

Typically, the Director of Finance, the City Attorney, the City Manager, and appropriate department head(s) form the City staff portion of the Financing Team. Other staff members or designees may also be appointed to the Financing Team.

Consultant Selection – The City will consider the professional qualifications and experience of consultants as they relate to the specific bond issue or other financing under consideration. In certain instances, the City will conduct a request for proposal/qualification process to select such consultants. Other professionals may be selected by the City Manager or Director of Finance on an as-needed basis.

TITLE: Debt Management

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ADOPTED: August 15, 2017

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VII. METHODS OF FINANCING – TYPES OF DEBT THAT MAY BE ISSUED AND PURPOSES OF DEBT

The City will investigate all possible financing alternatives, including, but not limited to, bonds, loans, state bond pools, and grants. The City also has an impact fee program whereby new development pays its fair share for the increased capital costs that result from new construction. Although impact fee payments are restricted to specific projects or types of projects, the use of these payments, when permitted, can be an important source of financing for certain capital projects.

Cash Funding – The City may fund capital improvements from current revenues or accumulated reserves.

Inter-fund Borrowing – The City may borrow internally from other funds with surplus cash in lieu of issuing bonded debt. Purposes warranting the use of this type of borrowing could include short-term cash flow imbalances, interim financing pending the issuance of bonds, or long-term financing in lieu of bonds for principal amounts of under \$5.0 million. The City funds from which the money is borrowed shall be repaid with interest based upon the earning rate the City deems appropriate given the length of term, repayment source, and other considerations. The City Manager and Director of Finance shall also exercise due diligence to ensure it is financially prudent to borrow from the fund loaning the money. Inter-fund loans will be evaluated on a case-by-case basis. Borrowing between two City funds requires approval by the City Council by resolution. The purpose of inter-fund borrowing is to finance high-priority needs and to reduce costs of interest, debt issuance, and/or administration.

Bank Loans / Lines of Credit – Although the City does not typically utilize lines of credit for the financing of capital projects, financial institution credit is an option for municipal issuers and may be evaluated as a financing option.

Other Loans – The City will evaluate other loan programs, including, but not limited to, State or federal loans.

Bond Financing – The City may issue any bonds which are allowed under federal and state law, including, but not limited to, general obligation bonds, certificates of participation, revenue bonds, land-secured (assessment and special tax) bonds, refunding bonds, and other obligations (see below for details).

General Obligation Bonds – General obligation (“GO”) bonds may only be issued with two-thirds approval of the City’s registered voters. The California State Constitution (Article XVI, Section 18) limits the use of the proceeds from GO bonds to “the acquisition

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or improvement of real property.” Parks, libraries, and public safety facilities are examples of the types of facilities which may be financed with GO bonds.

Lease Financings – Lease financings may take a variety of forms, including certificates of participation, lease revenue bonds, and direct leases (typically for equipment). When the City finances acquisition or construction of capital improvements or equipment with a lease financing, the City agrees to lease either the financed asset or a different asset and, most commonly, the City’s lease payments are securitized in the form of certificates of participation or lease revenue bonds. This type of financing requires approval of the City Council.

Revenue Bonds – Revenue bonds are generally issued by the City for enterprise funds which are financially self-sustaining without the use of taxes and, therefore, rely on the revenues collected by the enterprise fund to repay the debt. This type of financing requires approval of City Council.

Assessment Bonds – The Improvement Bond Act of 1915 (Streets and Highways Code Section 8500 et seq.) and other state laws, subject to Article XIID of the California Constitution, allow the City to issue bonds to finance improvements which provide “specific benefit” to the assessed real property. Installments are collected on the secured property tax roll of the County. This type of financing is secured by the lien upon and assessments paid by the real property owners and does not obligate the City’s General Fund or other funds.

Special Tax Bonds – Under the Mello-Roos Community Facilities Act of 1982, the City may issue bonds on behalf of a community facilities district (“CFD”) to finance capital facilities, most commonly in connection with new development. These bonds must be approved by a two-thirds vote of the qualified electors in the CFD, which the Mello-Roos Act defines to mean registered voters if there are 12 or more registered voters in the CFD and, if there are fewer than 12 registered voters, the landowners in the CFD. Bonds issued by the City under the Mello-Roos Act are secured by a special tax on the real property within the CFD. The financed facilities do not need to be physically located within the CFD. As this type of financing is secured by the special tax lien upon the real property, it does not obligate the City’s General Fund or other funds.

Refunding Obligations – Pursuant to the Government Code and various other financing statutes applicable in specific situations, the City Council is authorized to provide for the issuance of bonds for the purpose of refunding any long-term obligation of the City. Absent any significant non-economic factors, a refunding should produce net debt service savings (net of reserve fund earnings and other offsets and accounting for transaction costs) of at least 3% of the par value of the refunded bonds on a net present value basis, using the

refunding issue's true interest cost ("TIC") as the discount rate, unless the City determines a lower savings percentage is acceptable for issues or maturities with short maturity dates. Additionally, the City may determine there are other, compelling "non-economic" reasons (i.e., removal of onerous covenants, terms, or conditions) to issue refunding obligations.

Other Obligations – There may be special circumstances when other forms of debt are appropriate and may be evaluated on a case-by-case basis. Such other forms include, but are not limited to: bond anticipation notes, grant anticipation notes, tax allocation bonds, lease revenue bonds, pension obligation bonds, etc.

VIII. STRUCTURE & TERM

Term of Debt – Debt will be structured for the shortest period possible, consistent with a fair allocation of costs to current and future users of the assets being financed. The standard term of long-term debt borrowing is typically 15-30 years.

Consistent with its philosophy of keeping its capital facilities and infrastructure systems in good condition and maximizing the useful lives of its capital assets, the City will make every effort to allocate sufficient resources to finance ongoing maintenance needs and to provide reserves for periodic replacement and renewal of capital assets. Generally, no debt will be issued for a period exceeding the useful life or average useful lives of projects to be financed.

Debt Repayment Structure – In structuring a bond issue, the City will manage the amortization of the debt and, to the extent possible, match its cash flow to the anticipated debt service payments. In addition, the City will seek to structure debt with aggregate level debt service payments over the life of the debt. Structures with uneven debt service will be considered when one or more of the following exists:

- natural disasters or extraordinary unanticipated external factors make payments on the debt in the early years prohibitive;
- such structuring is beneficial to the City's aggregate overall debt payment schedule;
- such structuring will allow debt service to more closely match project revenues during the early years of the project's operation.

Bond Maturity Options – For each issuance, the City will select serial bonds or term bonds, or both. On the occasions where circumstances warrant, capital appreciation bonds (CABs) may be used. The decision to use term, serial, or CABs is typically driven by market conditions.

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Interest Rate Structure – The City currently issues securities on a fixed interest rate basis only. Fixed rate securities ensure budget certainty through the life of the issue and avoid the volatility of variable rates.

Credit Enhancement – Credit enhancement may be used to improve or establish a credit rating on a City debt obligation. Types of credit enhancement include letters of credit, bond insurance, and surety policies. A credit enhancement may be used if it reduces the overall cost of the proposed financing or if the use of such credit enhancement furthers the City's overall financial objectives.

Debt Service Reserve Fund – Debt service reserve funds are typically held by a trustee to make principal and interest payments to bondholders in the event the pledged revenues are insufficient to do so. The City will fund debt service reserve funds when it is in the City's overall best financial interest. The City may decide not to utilize a reserve fund if the City, in consultation with the underwriter and municipal advisor, determines there would be no adverse impact to the City's credit rating or interest rates.

Per Internal Revenue Service rules, the size of the reserve fund on tax-exempt bond issuance shall be the lesser of:

- 10% of the initial principal amount of the debt;
- 125% of average annual debt service; or
- 100% of maximum annual debt service.

In lieu of holding a cash funded reserve, the City may substitute a surety bond or other credit instrument in its place. The decision to cash fund a reserve fund rather than to use a credit facility is dependent upon the cost of the credit instrument and the investment opportunities.

Call Options / Redemption Provisions – A call option or optional redemption provision gives the City the right to prepay or retire debt prior to its stated maturity date. This option may permit the City to achieve interest savings in the future through the refunding of the bonds. Often the City will pay a higher interest rate as compensation to the buyer for the risk of having the bond called in the future. In addition, if a bond is called, the holder may be entitled to a premium payment (call premium). Because the cost of call options can vary depending on market conditions, an evaluation of factors will be conducted in connection with each issuance. The City, in consultation with the underwriter and municipal advisor, shall evaluate the use of a call option on a case-by-case basis.

Debt Limits – California Government Code Section 43605 states the City shall not incur bonded indebtedness payable from the proceeds of property tax which exceeds 15 percent of the assessed value of all real and personal property of the city.

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ADOPTED: August 15, 2017	AMENDED:

The cumulative annual debt service of all bond issues supported by the General Fund is restricted to no more than 15 percent of annual General Fund revenue.

Bond issues supported by enterprise funds or other self-supporting funds should maintain a minimum ratio of net operating income to annual debt service (“coverage ratio”) the City concludes is financially prudent. Typically, a higher coverage ratio produces a better credit rating and lower interest rates, yet, if too high, may restrict efficient enterprise operations or unduly induce user rate increases. Therefore, the City should balance the benefits of higher ratings with the operational impact of high coverage ratios.

IX. METHOD OF ISSUANCE AND SALE; DISCLOSURE

Debt issues are sold to a single underwriter or to an underwriting syndicate, either through a competitive sale or a negotiated sale. A negotiated sale may involve the sale of securities to investors through an underwriter or the private placement of the securities with a financial institution or other sophisticated investor. The selected method of sale will be that which is most beneficial to the City in terms of lowest net interest rate, most favorable terms in financial structure, and market conditions. The City will review conditions in conjunction with information and advice presented by the City’s municipal advisor.

Competitive Sales of Bonds – In a competitive sale, the terms of the debt will be defined by the City, and the price of the debt will be established through an impartial bidding process amongst qualified underwriters and/or underwriting syndicates. The issue is awarded to the underwriter judged to have submitted the best bid which offers the lowest true interest cost, taking into account underwriting spread, interest rates, and any discounts or premiums.

Negotiated Sale of Bonds – A method for sale of bonds, notes, or other financing vehicles in which the City selects in advance, based upon proposals received or by other means, one or more underwriters to work with it in structuring, marketing, and offering an issue to investors. The negotiated sale method is often used when the issue is: a first-time sale by an issuer (a new credit); a complex security structure, such as variable rate transaction; an unusually large issue; or in a highly volatile or congested market where flexibility as to bond sale timing is important.

Private Placement – A private placement is a variation of a negotiated sale in which the City, usually with the help of a municipal advisor and placement agent, will attempt to place the entire new issue directly with an investor. The investor will negotiate the specific terms and conditions of the financing before agreeing to purchase the issue. Private placements are generally undertaken because the transaction is complex or unique, requiring direct

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negotiations with the investor, or because the issue is small or of a shorter duration and a direct offering provides economies of scale, lower interest costs, and reduced continuing disclosure.

Derivative Products – Because of their complexity, unless otherwise amended, derivative products such as interest rate swaps, interest floaters, and other hybrid securities are prohibited by this Policy.

Initial Disclosure Requirements – The City acknowledges its disclosure responsibilities. Under the guidance of disclosure counsel, the City will distribute or cause an underwriter to distribute its preliminary official statement and final official statement. (Neither is typically required in a private placement, although in some cases a “private placement memorandum” may be required by the investor.)

The Financing Team shall be responsible for soliciting “material” information (as defined in Securities and Exchange Commission Rule 10b-5) from City departments and identifying contributors who may have information necessary to prepare portions of the official statement or who should review portions of the official statement. In doing so, the Financing Team shall confirm the official statement accurately states all “material” information relating to the decision to buy or sell the subject bonds and that all information in the official statement has been critically reviewed by an appropriate person.

In connection with an initial offering of securities, the City and other members of the Financing Team will:

- identify material information which should be disclosed in the official statement;
- identify other persons who may have material information (contributors);
- review and approve the official statement;
- ensure the City’s compliance, and that of its related entities, with federal and state security laws, including notification to the California Debt and Investment Advisory Commission (CDIAC) of the proposed debt issue no later than 30 days prior to the sale of any debt issue, and submission of a final report of the issuance to the CDIAC by any method approved by the CDIAC.

The Financing Team shall critically evaluate the official statement for accuracy and compliance with federal and state securities laws. The approval of an official statement shall be placed on the City Council agenda, and shall not be considered as a consent calendar item. The staff report will summarize the City Council’s responsibilities with respect to the official statement and provide the City Council the opportunity to review a substantially final official statement. The City Council shall undertake such review as deemed necessary by the City Council to fulfill the City Council’s securities law responsibilities.¹

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For any privately placed debt with no official statement, the final staff report describing the issue and such other documents will be provided to the City Council for approval.

X. CREDITWORTHINESS OBJECTIVES

Ratings are a reflection of the general fiscal soundness of the City and the capabilities of its management. Typically, the higher the credit ratings are, the lower the interest cost is on the City’s debt issues. To enhance creditworthiness, the City is committed to prudent financial management, systematic capital planning, and long-term financial planning, and, to that end, has an objective of maintaining a credit rating of at least AA- (Standard and Poor’s). However, the City also recognizes that external economic, natural, or other events may, from time to time, affect the creditworthiness of its debt.

The most familiar nationally recognized bond rating agencies are Standard and Poor’s, Moody’s Investors Service, and Fitch Ratings. When issuing a credit rating, rating agencies consider various factors, including, but not limited to:

- the issuer’s fiscal status
- the issuer’s general management capabilities;
- economic conditions which may impact the stability and reliability of debt repayment sources;
- the issuer’s general reserve levels;
- the issuer’s debt history and current debt structure;
- project being financed; and
- covenants and conditions in the governing legal documents.

Bond Ratings – The Financing Team will assess whether a credit rating should be obtained for an issuance. The City typically seeks a rating from at least one nationally recognized rating agency on new and refunding issues to be sold in the public market. The Financing Team shall be responsible for determining which of the major rating agencies the City shall request to provide a rating. When applying for a rating on an issue, the Financing Team shall prepare a presentation for the rating agency when it is determined a presentation is in the best interests of the City.

Rating Agency Communications – The City is responsible for maintaining relationships with the rating agencies that assign ratings to the City’s debt obligations. This responsibility includes providing the rating agencies with the City’s financial statements, if applicable, and any additional information requested.

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XI. POST ISSUANCE ADMINISTRATION – INTERNAL CONTROLS

Notification to the CDIAC – The City shall work with its bond counsel to submit a report of final sale to the CDIAC by any method approved by the CDIAC no later than 21 days after the sale of the debt. The report shall include the information required by CDIAC.

Investment of Proceeds – The City shall invest bond proceeds and reserve funds in accordance with each issue’s indenture or trust agreement, utilizing competitive bidding when possible. All investments will be made in compliance with the City’s investment policy objectives of safety, liquidity, then yield. The investment of bond proceeds and reserve funds shall comply with federal tax law requirements specified in the indenture or trust agreement and the tax certificate.

When feasible, unexpended bond proceeds shall be held by the trustee. The trustee will be responsible for recording all investments and transactions relating to the proceeds and providing monthly statements regarding the investments and transactions.

Use of Bond Proceeds – The City is responsible for ensuring debt proceeds are spent for the intended purposes identified in the related legal documents and that the proceeds are spent in the time frames identified in the tax certificate prepared by the City’s bond counsel. When reasonably possible, proceeds of debt will be held by a trustee, until the City submits written requisitions for such proceeds. The City will submit a requisition only after obtaining the signature of the City Manager or Director of Finance. In those cases where it is not feasible for the proceeds of debt to be held by a trustee, the Director of Finance shall retain records of all expenditures of proceeds for the term of the bonds plus 3 years.

Continuing Disclosure – The Director of Finance or designee will ensure the City’s annual financial statements and associated reports are posted on the City’s web site. The City may also contract with consultant(s) to comply with the Securities and Exchange Commission Rule 15c2-12(b)(5) by filing its annual financial statements, other financial and operating data, and notices of enumerated events for the benefit of its bondholders on the Electronic Municipal Market Access (EMMA) website of the Municipal Securities Rulemaking Board (MSRB).

The City shall submit an annual report to the CDIAC for any issue of debt for which it has submitted a report of final sale on or after January 21, 2017. The annual report shall comply with the requirements of Government Code Section 8855 and related regulations.

Arbitrage Rebate Compliance and Reporting – The use and investment of bond proceeds must be monitored to ensure compliance with arbitrage restrictions. Existing regulations require that issuers calculate rebate liabilities related to any bond issues, with rebates paid to the federal government every five years and as otherwise required by applicable provisions of the Internal

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Revenue Code and regulations. The City shall contract with a specialist to ensure proceeds and investments are tracked in a manner which facilitates accurate, complete calculations, and if necessary, timely rebate payments.

Compliance with Other Bond Covenants – In addition to continuing disclosure and arbitrage monitoring requirements, the City is also responsible for verifying compliance with all undertakings, covenants, and agreements of each bond issuance on an ongoing basis. This typically includes ensuring:

- annual budgetary appropriations to meet debt service payments;
- taxes/fees are levied and collected where applicable;
- timely transfer of debt service payments to the trustee;
- compliance with insurance requirements;
- compliance with rate covenants; and
- post-issuance procedures established in the tax certificate for any tax-exempt debt.

Retention – A copy of all relevant documents and records will be maintained by the City for the term of the bonds (including refunding bonds, if any) plus 3 years. Relevant documents and records will include sufficient documentation to support the requirements relating to the tax-exempt status.

Investor Relations – While the City shall post its annual financial reports and other financial reports on the City’s website, this information is intended for the citizens of the City. Information the City intends to reach the investing public, including bondholders, rating analysts, investment advisors, or any other members of the investment community, shall be filed on the EMMA system.

Additional requirements for financial statements – It is the City’s policy to hire an independent auditing firm with the technical skills and resources to properly perform an annual audit of the City’s financial statements. More specifically, the firm shall be a recognized expert in the accounting rules applicable to the City and shall have the resources necessary to review the City’s financial statements on a timely basis.

XII. TRAINING

The City shall ensure that the members of the City staff involved in the initial or continuing disclosure process and the City Council are properly trained to understand and perform their responsibilities.

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AMENDED:

The City Manager or Director of Finance shall arrange, as necessary, for disclosure training sessions conducted by the City's disclosure counsel. Such training sessions shall include education on the "Initial Disclosure Requirements" and "Continuing Disclosure" sections of this Policy, the City's disclosure obligations under applicable federal and state securities laws, and the disclosure responsibilities and potential liabilities of members of the City's staff and members of the City Council. Such training sessions may be conducted using a recorded presentation.

¹ The Securities and Exchange Commission (SEC), the agency with regulatory authority over the City's compliance with the federal securities laws, has issued guidance as to the duties of the City Council with respect to its approval of the preliminary official statement ("POS"). In its "Report of Investigation in the Matter of County of Orange, California as it Relates to the Conduct of the Members of the Board of Supervisors" (Release No. 36761 / January 24, 1996) (the "Release"), the SEC stated that, if a member of the City Council has knowledge of any facts or circumstances of which an investor would want to be aware prior to investing in the bonds, whether relating to their repayment, tax-exempt status, undisclosed conflicts of interest with interested parties, or otherwise, he/she should endeavor to discover whether such factors are adequately disclosed in the official statement. In the Release, the SEC stated the steps a member of the City Council would take include becoming familiar with the POS and questioning staff and consultants about the disclosure of such facts.

APPENDIX

GLOSSARY

Ad Valorem Tax: a tax calculated “according to the value” of property. Such a tax is based on the assessed valuation of real property and a valuation of tangible personal property.

Amortization: the gradual reduction in principal of an outstanding debt based upon a specific repayment schedule, which details specific dates and repayment amounts on those dates.

Arbitrage: the gain that may be obtained by borrowing funds at a lower (often tax-exempt) rate and investing the proceeds at higher (often taxable) rates. The ability to earn arbitrage by issuing tax-exempt securities has been severely curtailed by the Internal Revenue Code of 1986, as amended.

Assessed Valuation: the appraised worth of property as set by a taxing authority through assessments for purposes of ad valorem taxation

Bond: a security that represents an obligation to pay a specified amount of money on a specific date in the future, typically with periodic interest payments.

Bond Anticipation Notes: short-term notes issued usually for capital projects and paid from the proceeds of the issuance of long-term bonds. Provide interim financing in anticipation of bond issuance.

Bond Counsel: a specialized, qualified attorney retained by the issuer to give a legal opinion concerning the validity of securities. The bond counsel’s opinion usually addresses the subject of tax exemption. Bond counsel typically prepares and/or advises the issuer regarding legal structure, authorizing resolutions, trust indentures, and the like.

Bond Insurance: a type of credit enhancement whereby an insurance company indemnifies an investor against default by the issuer. In the event of failure by the issuer to pay principal and interest in full and on time, investors may call upon the insurance company to do so. Once issued, the municipal bond insurance policy is generally irrevocable. The insurance company receives its premium when the policy is issued and this premium is typically paid out of the bond issue.

Call Option: the right to redeem a bond prior to its stated maturity, either on a given date or continuously. The call option is also referred to as the optional redemption provision. Often a call premium is added to the call option as compensation to the holders of the earliest bonds called.

Capital Appreciation Bond: a municipal security on which the investment return on an initial principal amount is reinvested at a stated compounded rate until maturity, at which time the investor receives a single payment representing both the initial principal amount and the total investment return.

CDIAC: California Debt and Investment Advisory Commission

Certificates of Participation: a financial instrument representing a proportionate interest in payments such as lease payments by one party (such as a city acting as a lessee) to another party (often a joint powers authority or non-profit).

Competitive Sale: a sale of bonds in which an underwriter or syndicate of underwriters submit sealed bids to purchase the bonds. Bids are awarded on a true interest cost (TIC) basis, provided other bidding requirements are satisfied. Competitive sales are recommended for simple financings with a strong underlying credit rating. This type of sale differs from a negotiated sale.

Continuing Disclosure: the requirement by the Securities and Exchange Commission for most issuers of municipal debt to post current financial information and notices of enumerated events on the MSRB’s EMMA website for access by the general marketplace.

Credit Rating Agency: a company that rates the relative credit quality of a bond issue and assigns a letter rating. These rating agencies include Moody's Investors Service, Standard & Poor's, and Fitch Ratings.

Debt Limit: the maximum amount of debt legally permitted by applicable charter, constitution, or statutes.

Debt Service: the amount necessary to pay principal and interest requirements on outstanding bonds for a given year or series of years.

Default: the failure to pay principal or interest in full or on time and, in some cases, the failure to comply with non-payment obligations after notice and the opportunity to cure.

Derivative: a financial instrument which derives its own value from the value of another instrument, usually an underlying asset such as a stock, bond, or an underlying reference such as an interest rate index.

Disclosure Counsel: a specialized, qualified attorney retained to provide advice on issuer disclosure obligations, to prepare the official statement and to prepare the continuing disclosure undertaking.

Discount: the difference between a bond's par value and the price for which it is sold when the latter is less than par. Also known as "underwriter discount," this is the fee paid to the underwriter its banking and bond marketing services.

Enterprise Activity: revenue generating project or business. The project often provides funds necessary to pay debt service on securities issued to finance the facility. Common examples include water, wastewater, and solid waste enterprises.

Financing Team: the working group of City staff and outside consultants necessary to complete a debt issuance.

General Obligation ("GO") Bond: a bond secured by an unlimited property tax pledge. Requires a two-thirds vote by the electorate. GO bonds usually achieve lower rates of interest than other financing instruments since they are considered to be a lower risk.

Indenture: a contract between the issuer and the trustee stipulating the characteristics of the financial instrument, the issuer's obligation to pay debt service, and the remedies available to the trustee in the event of default.

Issuance Costs: the costs incurred by the bond issuer during the planning and sale of securities. These costs include, but are not limited to, municipal advisory, bond counsel, disclosure counsel, printing, advertising costs, credit enhancement, rating agencies fees, and other expenses incurred in the marketing of an issue.

Lease: an obligation wherein a lessee agrees to make payments to a lessor in exchange for the use of certain property. The term may refer to a capital lease or to an operating lease.

Lease Revenue Bonds: bonds secured by an obligation of one party to make annual lease payments to another.

Maturity Date: the date upon which a specified amount of debt principal or bonds matures, or becomes due and payable by the issuer of the debt.

Municipal Advisor: a consultant who provides the issuer with advice on the structure of the bond issue, timing, terms, and related matters for a new bond issue.

Municipal Securities Rulemaking Board (MSRB): a self-regulating organization established on September 5, 1975 upon the appointment of a 15-member board by the Securities and Exchange

Agreement. The MSRB, comprised of representatives from investment banking firms, dealer bank representatives, and public representatives, is entrusted with the responsibility of writing rules of conduct for the municipal securities market. The MSRB hosts the EMMA website, which displays information posted by issuers under their continuing disclosure undertakings.

Negotiated Sale: a sale of securities in which the terms of the sale are determined through negotiation between the issuer and the purchaser, typically an underwriter, without competitive bidding. The negotiated sales process provides control over the financing structure and issuance timing. Negotiated sales are recommended for unusual financing terms, period of market volatility, and weaker credit quality. A thorough evaluation, usually with the assistance of the City's municipal advisor, of the proposed bond's credit characteristics in conjunction with market conditions will be performed to ensure reasonable final pricing and underwriting spread.

Official Statement (Prospectus): a document published by the issuer in connection with a primary offering of securities which discloses material information on a new security issue, including the purposes of the issue, how the securities will be repaid, and the financial, economic, and social characteristics of the security for the bonds. Investors may use this information to evaluate the credit quality of the securities.

Par Value: the face value or principal amount of a security.

Pension Obligation Bonds ("POBs"): financing instruments used to pay some or all of the unfunded pension liability of a pension plan. POBs are issued as taxable instruments over a 10-40 year term or by matching the term with the amortization period of the outstanding unfunded actuarial accrued liability.

Premium: the excess of the price at which a bond is sold over its face value.

Present Value: the value of a future amount or stream of revenues or expenditures.

Pricing Consultant: the pricing consultant provides a fairness letter to the City or its agent regarding the pricing of a new issue of municipal securities.

Private Placement: a bond issue structured specifically for one purchaser. Private placements are typically carried out when extraneous circumstances preclude public offerings. A private placement is considered to be a negotiated sale.

Redemption: Depending on an issue's call provisions, an issuer may on certain dates and at certain premiums, redeem or call specific outstanding maturities. When a bond or certificate is redeemed, the issuer is required to pay the maturities' par value, the accrued interest to the call date, plus any premium required by the issue's call provisions.

Refunding: a procedure whereby an issuer refinances an outstanding debt issue by issuing a new debt issue.

Rule 15c2-12: rule adopted by the Securities and Exchange Commission setting forth certain obligations of (i) underwriters to receive, review and disseminate official statements prepared by issuers of most primary offering of municipal securities, (ii) underwriters to obtain continuing disclosure agreements from issuers and other obligated persons to provide ongoing annual financial information on a continuing basis, and (iii) broker-dealers to have access to such continuing disclosure in order to make recommendations of municipal securities in the secondary market.

Reserve Fund: a fund established by the indenture of a bond issue into which money is deposited for payment of debt service in case of a shortfall in current revenues.

Revenue Bond: a bond which is payable from a specific source of revenue and to which the full faith and credit of an issuer is not pledged. Revenue bonds are payable from identified sources of

revenue, and do not permit the bondholders to compel a jurisdiction to pay debt service from any other source. Pledged revenues often are derived from the operation of an enterprise.

Secondary Market: the market in which bonds are sold after their initial sale in the new issue market.

Serial Bonds: bonds of an issue which mature in consecutive years or other intervals and are not subject to mandatory sinking fund provisions.

Special Tax Bonds: bonds issued to fund eligible improvements and paid with special taxes levied in a community facilities district formed under the Mello-Roos Community Facilities Act of 1982, as amended, or other applicable law.

State Revolving Funds: the State Revolving Fund (SRF) loan is a low interest loan program for the construction of water infrastructure projects.

Tax Allocation Bonds: Historically, tax allocation bonds referred to bonds issued under the Community Redevelopment Law to fund eligible capital facilities located within a redevelopment project area. However, as a result of the passage of AB X1 26, the National City Redevelopment Agency has been dissolved and the successor agency's obligations are limited to performing certain enforceable obligations. The California Legislature has enacted a number of laws which establish alternative tax increment financing mechanisms, and tax allocation bonds may be issued under these laws in the future.

Tax and Revenue Anticipation Notes (TRANS): short-term notes issued in anticipation of receiving tax receipts and revenues within a fiscal year. TRANS allow the municipality to manage the period of cash shortfalls resulting from a mismatch between timing of revenues and timing of expenditures.

Term Bonds: bonds which come due in a single maturity but where the issuer may agree to make periodic payments into a sinking fund for mandatory redemption of term bonds before maturity and for payment at maturity.

True Interest Cost ("TIC"): Under this method of computing the interest expense to the issuer of bonds, true interest cost is defined as the rate necessary to discount the amounts payable on the respective principal and interest payment dates to the purchase price received for the new issue of bonds. Interest is assumed to be compounded semi-annually. TIC computations produce a figure slightly different from the net interest cost ("NIC") method because TIC considers the time value of money while NIC does not.

Trustee: a bank retained by the issuer as custodian of bond proceeds and official representative of bondholders. The trustee ensures compliance with the indenture. In many cases, the trustee also acts as paying agent and is responsible for transmitting payments of interest and principal to the bondholders.

Underwriter: a broker-dealer which purchases a new issue of municipal securities from the issuer for resale in a primary offering. The bonds may be purchased either through a negotiated sale with the issuer or through a competitive sale.

Yield: the net rate of return, as a percentage, received by an investor on an investment. Yield calculations on a fixed income investment, such as a bond issue, take purchase price and coupon into account when calculating yield to maturity.

CHAPTER 300

LEGAL AND LEGISLATIVE SERVICES

CITY COUNCIL POLICY

CITY OF NATIONAL CITY

TITLE: Legislative and Judicial Platform

POLICY #301

ADOPTED: February 24, 1991

AMENDED: December 10, 2013

Purpose

To establish guidelines which allow staff to respond to proposed legislation and pending litigation quickly and effectively and to serve as broad statement of City policy on a variety of public issues.

Policy

The City Council shall adopt a legislative and judicial platform and annual legislative priorities, developed by staff as policy parameters in order to respond to proposed legislation and pending litigation quickly. The direction provided in the legislative and judicial platform will encompass principles fundamental to the needs of the City. This platform shall be updated and revised by the Council as necessary. In addition, the Council shall adopt legislative priorities annually. These Council endorsed legislative priorities may address specific and pending regional, state, and federal policy issues for the City of National City. Generally, the legislative priorities document shall include only those items of a direct and substantial impact on municipal operations. The City will work with local legislators, as appropriate, in advancing the City's adopted legislative platform.

The City of National City legislative platform and priorities formally establishes the City's position on pending legislative matters. With this policy guidance, the City Manager's Office shall advocate for and against legislative matters as appropriate without waiting for Council approval. The method of communication and level of engagement will be determined by the City Manager's Office based on the Council priorities, legislative climate, and urgency of the legislative proposal. The City Council will be provided with legislative updates and copies of correspondence sent on behalf of the City. Similarly, the platform and priorities allow the staff to provide input into the judicial system, such as by adding the City's name to amicus curiae briefs, by corresponding with appellate courts, or by supporting efforts of the League of California Cities' Legal Advocacy Committee, without waiting for Council approval. Written correspondence to the appellate courts or requests to participate in amicus curiae briefs will be signed by the City Attorney or designee, with a copy to the City Council.

Council approval is required on those issues which do not fall within the parameters of the legislative and judicial platform or legislative priorities, unless scheduling and approval is not possible due to the emergency nature of the legislation or litigation or to

TITLE: Legislative and Judicial Platform

POLICY #301

ADOPTED: February 24, 1991

AMENDED: December 10, 2013

the necessity of City action which prevents such scheduling in a timely manner. In such cases, the City Manager shall determine the appropriate course of action as to legislative matters, after considering the recommendation of the Department Director; and the City Attorney shall make such determinations on litigation issues.

Timeline

The Council shall periodically update the legislative and judicial platform as needed. The Council shall annually adopt legislative priorities. On or before November 15th, the City Manager shall submit legislative policy recommendations to the Council for review. On or before the final City Council Meeting in December, the City Council shall formally adopt the annual Legislative Priorities.

On or before April 1st, the City Manager's office shall compile items to be submitted for inclusion in the state and/or federal budget. On or before June 1st, the City Council shall formally adopt the budget items for inclusion on behalf of National City.

The priorities and timelines may be amended by the City Council from time to time when action on a matter appears to be of sufficient urgency that it would not be in the city's best interest to wait until the next legislative year.

Related Policy References

Legislative and Judicial Platform Memo attached as part of this policy

Prior Policy Amendments

November 18, 2008



2009 CITY OF NATIONAL CITY LEGISLATIVE AND JUDICIAL PLATFORM AND CORE PRIORITIES

The National City Council urges the Legislature to:

- Preserve and enhance the City's ability to deliver quality and cost-effective services to National City's residents and visitors.
- Preserve and enhance the City Council's ability to serve National City residents by retaining local decision making authority and maintaining state legislative and voter commitments for revenue resources.

LEGISLATIVE PLATFORM

MUNICIPAL CORE LEGISLATIVE PRIORITIES

The following eight core legislative priorities highlight issues that could significantly affect National City and legislative advocacy efforts which will be focused in these priority areas.

I. HOME RULE / FISCAL SUSTAINABILITY

Home Rule and Local Control

The City believes strongly in the principles of home rule authority and local control and its ability to increase the effectiveness and efficiency of local government services. The City encourages the Legislature to respect and support home rule and opposes legislation that attempts to weaken municipal home rule authority and flexibility.

Fiscal Sustainability

The City supports the retention of local taxing authority, the maintenance of fiscally balanced revenue sources, and measures that would provide fiscal independence to cities.

The City supports the full disbursement levels of existing revenue streams and directed funding sources including sales tax, property tax, transient occupancy tax (TOT) and vehicle in-lieu fees. The City opposes diversions and reallocations of these funds by the Legislature in a manner that would negatively affect local government.

The City opposes unfunded mandates placed on local jurisdictions, and encourages the legislature to evaluate the fiscal impact such mandates will have on communities prior to considering the issue.

II. INFRASTRUCTURE

The City supports the retention of infrastructure funding and bonding for street projects, housing and infill infrastructure projects and parks. The city recognizes that funding for these key project areas will help to spur economic activity in National City.

The City supports efforts to provide more flexibility in raising revenue for necessary infrastructure projects.

The City supports federal and state economic stimulus initiatives that provide the necessary resources and funds to invest in necessary infrastructure projects to improve the transfer of goods and services throughout the region, create jobs and encourage economic development.

III. TRANSPORTATION

The City believes the movement of goods and people is vital to continued economic success and to the maintenance of a high quality of life. In order to preserve these, the City encourages the Legislature to invest in the maintenance and expansion of the State's multi-modal transportation network. The City supports regional coordination in transportation planning but opposes efforts that limit local control in the transportation decision-making process.

The City supports measures to finance local and regional multi-modal transportation improvements and to enhance transportation funding equity.

The City opposes proposals that would adversely affect the quality of National City and its surrounding area. Furthermore, the council supports efforts that grant cities and towns the additional ability to provide for transportation improvements.

IV. PORT RELATED LEGISLATION

The City and the Port of San Diego have attempted to work cooperatively to address the disparity that has long existed between the regional benefits of the Port and the unique local impacts of the Port on the City and its residents. The City is committed to pursuing public policy that would achieve the balance necessary between the Port, the Working Waterfront and National City consistent with the following six principles agreed upon by the parties:

1. Protection of Maritime Uses
2. Enhancement of the Working Waterfront
3. Environmental Compliance
4. Public and/or Visitor Serving Amenities
5. Financial Benefits to the Port and National City
6. Public Participation within National City

Generally, the City is supportive of any legislative measures that are consistent with the policies and intent of one or more of the foregoing principles. Further, the City Council supports efforts that grant Port communities the ability to fully address the economic and environmental impacts directly and indirectly attributed to the Port. National City is also supportive of public policy that provides financial incentives to Port communities for the preservation and expansion maritime activities within its jurisdiction.

V. ENERGY CONSERVATION & ENVIRONMENTAL PROTECTION

The City recognizes the importance of working cooperatively with other governmental and private sector entities to implement and manage efficient, cost-effective, and sound environmental programs and services that secure clean air, water and land.

The City supports appropriate legislation and regulation that promotes pollution prevention, supports energy conservation efforts and encourages green development without imposing unfunded mandates.

The City opposes efforts that place a severe financial burden on municipalities.

VI. LAND USE PLANNING

The City supports maintaining local authority in land use planning issues and supports legislative efforts that promote more orderly growth and opposes efforts that impede growth management, including the preservation of local authority to set land use policies.

The City supports efforts to assist local governments in implementing sustainable development practices.

The City opposes legislation that would restrict a municipality's ability to redevelop under-performing areas.

VII. ECONOMIC DEVELOPMENT

The City supports efforts to enhance the range of economic development mechanisms at a municipality's disposal that would strengthen the abilities of local agencies to prepare for, and implement growth, development, redevelopment, conservation and beautification projects.

The City opposes any attempt to limit local control over, or ability to execute economic development projects including through the diversion of redevelopment funding.

The City opposes any state or federal proposals that reduce economic investment opportunities at the local level. This includes reductions and restrictions to block grants and housing subsidies.

VIII. AFFORDABLE HOUSING

The City recognizes the importance of housing for all income levels as critical to the balanced and healthy growth of the city and its communities. The City supports affordable housing efforts as a key component to workforce recruitment and retention. This includes support for federal and state participation and financial support of programs to provide adequate housing for the elderly, disabled and low income persons throughout the community.

LEGISLATIVE PLATFORM CONTINUED

The following platform statements address additional legislative issues that may arise, and appear regularly at the federal and state levels.

GOVERNMENTAL PUBLIC LIABILITY POLICY

The City supports efforts to reinforce public entity design and discretionary act immunity.

The City supports efforts to abolish lump-sum awards for damages and to substitute installment payments projected over the plaintiff's life span, to cease at time of death.

The City supports efforts to develop statutory provisions calling for the reimbursement of all public entity defense costs and expenditures incurred in the defense of frivolous and spurious claims and lawsuits.

The City supports efforts to change the legal principal of "joint and several liability" to protect, ensure and otherwise provide that the City will not be a "deep pocket" liability target.

The City opposes efforts to further erode governmental tort immunity.

The City opposes any efforts to remove or weaken any statutory time limits as to the filing and serving of claims and lawsuits as well as any efforts to open public entities to liability for punitive or exemplary damages.

The City opposes any efforts to expand situations in which public entities may be liable to pay for litigants' attorneys' fees or other litigation expenses.

EMPLOYEE RELATIONS AND BENEFITS

The City supports efforts that provide the City with necessary resources and authority to establish appropriate working conditions and benefits to its employees. This includes preserving and enhancing equal employment opportunities for all people seeking employment, and opposing efforts that remove the local decision making authority in employee issues.

The City is supportive of efforts that result in improved public and private sector labor management relations and opposes efforts that impose state mandates.

The City supports efforts to prevent abuses within the compensation system, which in turn results in increased costs to the municipality.

PUBLIC SAFETY AND EMERGENCY SERVICES

The City supports initiatives to preserve and enhance the ability of local governments to strategically plan for and respond to emergencies and efforts to ensure that the greatest level of public safety and emergency services are provided to the community without creating an unfunded mandate

The City supports the retention of revenue streams for funding public safety employees, disaster preparedness, crime and fire prevention and suppression, emergency medical services and public safety training

TELECOMMUNICATIONS

The City supports efforts that ensure consumer access to telecommunications services in an efficient and cost effective manner while retaining local government's authority. This includes retaining local government's ability to negotiate franchise agreements, the ability to regulate the use of public rights-of-way and collect appropriate revenues in order to maximize benefits to the consumer.

CHAPTER 400

MUNICIPAL PLANNING AND DEVELOPMENT

CITY COUNCIL POLICY

CITY OF NATIONAL CITY

TITLE: Environmental Guidelines

POLICY #401

ADOPTED: November 25, 1980

AMENDED: December 2, 2014

Purpose

To establish local guidelines for implementation of the California Environmental Quality Act (CEQA).

Policy

The City Council adopted Resolution No.13,474 which established City procedures for environmental review on November 25, 1980. The procedures were updated and replaced with Council adoption of Resolution No. 15,625 on May 24, 1988. The City Council also adopted Resolution No. 2005-243 in November 2005 regarding the 2005 local guidelines.

The environmental guidelines establish requirements and procedures for environmental review, including adoption of negative declarations and preparation of environmental impact reports. A copy of the guidelines is maintained in the Planning Department.

Related Policy References

Council Resolution No. 13,474

Council Resolution No. 15,625

Council Resolution No. 2005-243

Prior Policy Amendments

November 12, 1991

CITY COUNCIL POLICY

CITY OF NATIONAL CITY

TITLE: Procedures and Requirements for Development Agreements	POLICY # 402
ADOPTED: September 6, 2011	AMENDED: December 10, 2013

Purpose

To adopt regulations establishing procedures and requirements for consideration of development agreements.

Policy

Under a development agreement, both the City and the developer commit themselves to proceed with a development in accordance with the terms of the agreement. The city may agree to process further applications in accordance with the City's building regulations and planning and zoning ordinances, regulations, and standards in effect at the time of the agreement, and not to subject the development to changes in those ordinances, regulations and standards for a specified time. In return, the developer may agree to construct specific improvements, provide public facilities and services, pay development impact fees, develop according to a specified time schedule or make other commitments that the City might otherwise have no authority to require a developer to perform. A development agreement is enforceable despite any changes to the General Plan, a specific plan, zoning, subdivision, or building regulations.

The development agreement may provide that the developer shall be subject to future changes in development impact fees. Any fees received or costs recovered by the City shall comply with Government Code Section 66006.

A development agreement is distinguishable from a "disposition and development agreement" entered into between a developer and a redevelopment agency, wherein the agency typically participates financially in the project in some way. The commitments made by a developer under a development agreement may be different in kind and scope than the exactions imposed by a city under the Mitigation Fee Act (Government Code Section 66000, et. seq.), which authorizes a city to impose impact fees on a development project involving the issuance of a permit for construction, but not a permit to operate; such fees are collected for the purpose of defraying the cost of public facilities related to the development project.

TITLE: Procedures and Requirements for Development Agreements	POLICY # 402
ADOPTED: September 6, 2011	AMENDED: December 10, 2013

A. Requirements for Applications and Agreements

A.1 Forms and Information

- a. The City Attorney shall prescribe the form for each application and notice required under this Policy for the preparation and implementation of development agreements.
- b. The City Manager, or designee, may require an applicant to submit such information and supporting data as deemed necessary to process the application.

A.2 Fees

The City Council may include in the City's Fee Schedule the fees and charges imposed for the filing and processing of each application and document required under this Policy.

A.3 Qualification as an Applicant

Only a qualified applicant may file an application to enter into a development agreement with the City. A qualified applicant is a person who has a legal or equitable interest in the real property that is the subject of the agreement. "Applicant" includes an authorized agent of the person who has such an interest. The City Manager, or designee, may require an applicant to submit proof of his or her interest in the real property and of the authority of the agent to act for the applicant. Before the application is processed, the City Attorney shall determine the sufficiency of the applicant's interest in the real property to enter into the agreement.

A.4 Form and Contents of Development Agreement

In applying for a development agreement, a developer may submit a form of agreement prepared by the developer. Whether prepared by the City or the developer, the agreement shall specify the following:

- a. The duration of the agreement;
- b. The permitted uses of the real property;
- c. The density or intensity of use;
- d. The maximum height and size of proposed structures;

**TITLE: Procedures and Requirements for
Development Agreements**

POLICY # 402

ADOPTED: September 6, 2011

AMENDED: December 10, 2013

- e. Provisions for reservation or dedication of land for public purposes;
- f. The nature and timing of construction of improvements;
- g. The date by which construction shall commence;
- h. The date by which construction of the development and each phase of the development shall commence;
- i. Other commitments by the developer including, but not limited to, an agreement to construct specific improvements, provide public facilities and services, pay development impact fees, or make other commitments that the City requires;
- j. A commitment by the City to process the developer's application in accordance with the City's building regulations and planning and zoning ordinances, regulations, and standards in effect at the time the agreement is entered into, and not to subject the development to changes in such ordinances, regulations, and standards for a specified period of time; and
- k. For phased developments, and developments of long duration, the City and the developer may agree that the period of time for which the development will not be subject to changes in the City's building, planning, and zoning ordinances and regulations will be for a specified time that is less than the term of the agreement.
- l. Other conditions, terms, restrictions, and requirements provided they do not prevent the development of the real property for the uses and to the density or intensity of development set forth in the agreement.

A.5 Review of Applications; Submission to Planning Commission.

The City Manager, or designee, shall review the application and shall reject it if it is inaccurate or incomplete for processing. If City staff finds the application is complete and contains the information necessary to complete the development agreement, he or she shall accept it for filing. When both the application and agreement are determined by the City to be complete, the City Manager, or designee, shall submit the agreement to the Secretary of the Planning Commission, who shall place the agreement on a Commission agenda for a public hearing to consider the agreement for approval. At the time the City Manager, or designee, submits the agreement to the Secretary of the Planning Commission, City Attorney shall submit with the agreement a report indicating whether or not

**TITLE: Procedures and Requirements for
Development Agreements**

POLICY # 402

ADOPTED: September 6, 2011

AMENDED: December 10, 2013

the agreement would be consistent with the General Plan and any applicable specific plan.

A.6 Hearing by City Council

After the development agreement is considered by the Planning Commission, the City Manager, or designee, shall cause to have it placed on a City Council agenda to have it considered for approval by the Council after public hearing. The City Attorney shall submit with the agreement a report indicating whether or not the agreement would be consistent with the General Plan and any applicable specific plan.

A.7 Concurrent Processing

A development agreement may be processed concurrently with other applications for development for the same property.

A.8 Other Parties

In addition to the City and the developer, any federal, state, or local government agency may be included as a party to the development agreement under the authority of the Joint exercise of Powers Act (Government Code Section 6500 et seq.) or other authority.

B. Notices and Hearings

B.1 Notice of Intention

The City Clerk shall give notice of the intention to consider adoption of a development agreement at least ten days before the public hearings of the Planning Commission and the City Council. The notice shall be given as provided in Section 65091 of the Government Code.

B.2 Form of Notice

The form of Notice of Intention to consider adoption of a development agreement shall contain:

- a. The time and place of the hearing;
- b. A general explanation of the matter to be considered, including a general description of the area affected; and
- c. Other information required by specific provisions of this Policy or that the City Manager, or designee, considers necessary or desirable.

B.3 Manner of Notice

Notice of the intention to consider adoption of a development agreement shall be given as provided in Government Code Section 65091.

B.4 Failure to Receive Notice

The failure of any person or entity to receive notice shall not affect the authority of the City to enter into a development agreement, or affect the validity of a development agreement.

B.5 Rules Governing Conduct of Public Hearings

A public hearing at which a development agreement is considered shall be conducted as nearly as possible in accordance with the procedural standards adopted under Government Code Section 65804 for the conduct of zoning hearings. Each person interested in the matter shall be given an opportunity to be heard. The developer has the burden of proof at the public hearing.

C. Standards of Review, Findings, and Decision

C.1 Recommendation by Planning Commission

After the public hearing is held by the Planning Commission, the Commission shall adopt a resolution making its recommendation to the City Council as to whether the development agreement should be approved. The resolution shall set forth the reasons for the Commission's recommendation, including findings setting forth the Commission's determinations regarding the following:

- a. Whether the development agreement is consistent with the objectives, policies, land uses, and programs specified in the General Plan and any applicable specific plan;
- b. Whether the development agreement is compatible with the uses and regulations for the zone in which the property is located;
- c. Whether the development agreement is in conformity with the public convenience, general welfare, and good land use practice;
- d. Whether the development agreement will not be detrimental to the health, safety, and general welfare;
- e. For a development agreement that is to be entered into in connection with a subdivision, as defined in Government Code Section 66473.7,

TITLE: Procedures and Requirements for Development Agreements	POLICY # 402
ADOPTED: September 6, 2011	AMENDED: December 10, 2013

whether the agreement provides that any tentative map will comply with the provisions of that section.

f. Whether the development agreement offers to the City Substantial benefit in exchange for the vested right benefit granted to the developer.

C.2 Decision by City Council

a. After receipt of the recommendation of the Planning Commission, the City Council shall hold a public hearing. The Council may accept, disapprove, or modify the recommendation of the Planning Commission. The Council may, but is not required to, refer matters not previously considered by the Planning Commission during its hearing back to the Planning Commission for report and recommendation. The Planning Commission shall consider at a public meeting all matters referred back to it by the City Council and may, but is not required to, hold a public hearing on such matters.

b. The City Council may not approve the development agreement unless it finds that the agreement is in compliance with the standards set forth in Section C.1.

c. The decision whether to enter into a development agreement is within the sole discretion of the City Council.

C.3 Approval of Development Agreement

If the City Council approves the development agreement, it shall do so by the adoption of an ordinance. The City may enter into the agreement after the ordinance approving the agreement takes effect.

D. Amendment and Cancellation of Development Agreement by Mutual Consent

D.1 Initiation of Amendment or Cancellation

A development agreement may be amended, or cancelled in whole or in part, by mutual consent of the parties to the agreement or their successors in interest. Either party may initiate such amendment or cancellation.

D.2 Procedure

a. The procedure for proposing and adopting an amendment to or cancellation in whole or in part of the development agreement is the same

**TITLE: Procedures and Requirements for
Development Agreements**

POLICY # 402

ADOPTED: September 6, 2011

AMENDED: December 10, 2013

as the procedure for entering into an agreement in the first instance, as set forth in Sections "B" and "C" of this Policy.

b. If the City initiates the proposed amendment to or cancellation in whole or in part of the development agreement, it shall first give notice to the developer of its intention to initiate such proceedings at least 30 days in advance of the giving of the Notice of Intention to consider the amendment or cancellation required by Section "B".

E. Recordation

E.1 Recordation of Development Agreement, Amendment or Cancellation

a. Within 10 days after the City enters into the development agreement, the City Clerk shall have the agreement recorded with the County Recorder. The agreement shall run with the land and inure to the benefit of and bind successors in interest.

b. If the City and the developer or the developer's successor in interest amend or cancel the agreement as provided in Government Code Section 65868, or if the City terminates or modifies the agreement as provided in Government Code Section 65865.1 for failure of the applicant to comply in good faith with the terms or conditions of the agreement, the City Clerk shall cause notice of such action to be recorded with the County Recorder within 10 days.

F. Periodic Review

F.1 Time for Initiation of Review

The City Council shall review the development agreement at a public hearing at least every 12 months from the date the agreement is entered into. The time period before which review may occur may be shortened either by agreement of the City and the developer or by initiation in one or more of the following ways:

a. Recommendation of the City Manager, or designee; or

b. Action of the City Council. The failure to conduct a review in any 12 month period does not preclude a later review.

F.2 Notice of Review

The City shall begin the review proceeding by giving notice that the City Council intends to undertake a review of the development agreement.

F.3 Delegation or Referral to Planning Commission

At the time the development agreement is reviewed by the City Council, the Council may:

- a. Review the development agreement itself; or
- b. Delegate the review to the Planning Commission for a determination; or
- c. Refer the review to the Planning Commission for a recommendation as to the action to be taken by the City Council.

F.4 Procedure

The notice and hearing procedure for review of the development agreement is the same as the procedure for entering into the agreement in the first instance, as set forth in Section "B" of this Policy.

F.5 Public Hearing

The decision-making body shall conduct a public hearing at which the developer must demonstrate good faith compliance with the terms of the agreement. The burden of proof on this issue is with the developer. At the time and place set for hearing, the developer shall be given an opportunity to be heard.

F.6 Findings

- a. At the conclusion of the public hearing, the decision-making body shall adopt a resolution making findings based on substantial evidence as to whether or not the developer has, for the period of time under review, complied in good faith with the terms and conditions of the development agreement.
- b. If the decision-making body finds and determines on the basis of substantial evidence that the developer has complied in good faith with the terms and conditions of the development agreement during the period of time under review, the review for that period is concluded.
- c. If the decision-making body finds and determines on the basis of substantial evidence that the developer has not complied in good faith with the terms and conditions of the development agreement during the period of time under review, it shall in its resolution modify or terminate the agreement. If the agreement is modified, the decision-making body may impose those conditions to its action as it considers necessary to protect the interests of the City. If the decision-making body determines to modify the agreement, it shall do so only in a manner reasonably related to

addressing the lack of compliance identified under Subsection (b) of this Section.

d. If the review is conducted by the Planning Commission for a determination the developer or any interested person may appeal the determination under Subsections (b) and (c) of this Section to the City Council in accordance with the City's procedures for appeals to the City Council.

F.7 Decision of the City Council Final

In all proceedings under Section "F", the decision of the City Council shall be final.

F.8 Costs of Review

The developer shall pay the City's reasonable costs for staff time expended on the annual review.

G. Judicial Review

G.1 Standard of Review

Judicial review of the initial approval by the City of a development agreement shall be by writ of mandate under Code of Civil Procedure Section 1085. Judicial review of a City action taken pursuant to this Policy, other than the initial approval of development agreements, shall be by writ of mandamus under Code of Civil Procedure Section 1094.5. Any action or proceeding to attack, review, set aside, void, or annul any decision of the City to approve or amend a development agreement under this Policy shall be commenced within 90 days of the date of the decision.

Related Policy References

Government Code Sections: 65091, 65804, 65864-65869.5, 66000, 66006, 66473.7
Code of Civil Procedure Sections: 1085, 1094.5

Prior Policy Amendments

None

CHAPTER 500

PUBLIC WORKS

POLICY #501 – SEWER STOPPAGE REPAIRS

DELETED

CITY COUNCIL POLICY

TITLE: PUBLIC IMPROVEMENTS OR PROFESSIONAL SERVICE POLICY
CONTRACT CHANGE ORDERS NUMBER 502

ADOPTED: FEBRUARY 6, 1990

AMENDED OR
REVISED March 2, 2010

PURPOSE

The purpose of this policy is to establish authorization limits and standard methods for the approval of changes in contracts.

DEFINITIONS

Construction Contract: A written contract with a properly licensed contractor to construct public improvements within the City of National City that conforms to the Standard Specifications for Public Works Construction (hereinafter, "Green book") and special provisions.

Construction Change Order: A Construction Change Order is a written directive to the contractor to make changes in the work within the general scope of the contract during the construction period. Changes might involve additions to or deletions from the contract, adjustment of bid or line item quantities exceeding the limits set by the latest edition of the Standard Specifications for Public Works Construction (Green Book), and special provision as follows:

- Addition of an item of work not specified in the original contract.
- Deletion of an item of work specified in the original contract or subsequent approved change order.
- Adjustment of line item quantities beyond the limits allowed in the latest edition of the Standard Specifications for Public Works Construction (hereinafter "Green book") and/or special provisions.
- Adjustment of contract time for reasons other than those allowed in the Green book or special provisions.

On-Call Consultant Contract: A written agreement between the City and a professional services provider that specifies the services to be provided to the City at defined rates on an as-needed basis as requested by the City through written work orders.

On-Call Consultant Work Order: Written request from the City to an on-call consultant that authorizes the consultant to perform work on a specific project within the budget, scope and schedule defined in the work order that are within the scope and budget of the On-Call Consultant Contract.

On-Call Consultant Contract Amendment: A written agreement with a consultant to make specified changes to the On-Call Consultant Contract. An On-Call Consultant Contract Amendment shall specify changes to services, rates, schedule adjustments

CITY COUNCIL POLICY

TITLE: PUBLIC IMPROVEMENTS OR PROFESSIONAL SERVICE POLICY
CONTRACT CHANGE ORDERS NUMBER 502

ADOPTED: FEBRUARY 6, 1990 AMENDED OR
REVISED March 2, 2010

and/or overall contract value. The Amendment must be agreed to by the City and the Consultant.

Standard Consultant Contract: A written agreement between the City and a professional services provider that specifies the services to be provided to the City at defined specific rates for a specific project within a specific time.

Standard Consultant Contract Amendment: A written agreement with a consultant to make specified changes to the Standard Consultant Contract. A Standard Consultant Contract Amendment shall specify changes to services, rates, schedule adjustments and/or overall contract value. The amendment must be agreed to by the City and the Consultant.

POLICY

1. Public improvement projects shall be administered in accordance with the latest edition of the Green book, specifications and contract special provisions.
2. Adjustment of bid or line item quantities may be approved by the City Engineer for adjustments within the limits set by the latest edition of the Green book and special provisions. Adjustment of line item quantities that exceed the latest edition of the Green book and/or the special provisions (whichever is greater) shall proceed under the Contractor Change Order policy limits as prescribed below.
3. Designated officials of the City are authorized to approve Contract Change Orders to public improvement contracts and amendments to on-call consultant contracts within the scope of the contract, Council approved funding and the limits set forth as follows:

<u>Designated Official</u>	<u>Limits</u>
City Engineer	Aggregate Contract Change Orders, Amendments to On-Call Consultant Contracts and Standard Consultant Contracts up to 15% of the original contract amount, not to exceed a maximum of \$25,000 per change order or amendment.
City Engineer	Adjustments of contract time for justifiable delays within the limits of the latest edition of the Green book and special provisions.

CITY COUNCIL POLICY

TITLE:PUBLIC IMPROVEMENTS OR PROFESSIONAL SERVICE POLICY
CONTRACT CHANGE ORDERS NUMBER 502

ADOPTED: FEBRUARY 6, 1990

AMENDED OR
REVISED March 2, 2010

City Manager

Aggregate Contract Change Orders, Amendments to On-Call Consultant Contracts and Standard Consultant Contracts up to 25% of the original contract amount, not to exceed a maximum of \$50,000 per change order or amendment.

City Manager

May exceed the limits of authorization set forth herein, if in the City Manager's opinion the situation requiring the Contract Change Order is of a nature that presents an emergency in which there is a concern for public safety, or if delay would cause un-necessary additional expenses. In such a case, the Contractor Change Order will subsequently be presented to the City Council for ratification at the next regular City Council meeting.

City Council

Contract Change Orders, Amendments to On-Call Consultant Contracts and Standard Consultant Contracts that exceed 25% of the original contract amount or \$50,000 for a single Change Order or Amendment.

CITY COUNCIL POLICY

TITLE: PUBLIC IMPROVEMENT OR PROFESSIONAL
SERVICE CONTRACT CHANGE ORDERS

**POLICY
NUMBER:** 502

ADOPTED: FEBRUARY 6, 1990 **AMENDED OR
REVISED:**

PURPOSE

To establish a standard method for approval of changes in contract amounts due to change orders and adjustments of quantities.

POLICY

1. Adjustment of bid or line item quantities may be approved by the City Engineer for adjustments within the limits set by the adopted edition of the Standard Specifications for Public Works Construction.
2. The following designated officials of the City are authorized to approve change orders to public improvement within the scope of the contract and funding limits:

<u>Designated Official</u>	<u>Limits</u>
Authorization by City Engineer	Up to 5% of the contract amount or a maximum of \$5,000 per change order
Authorization by City Manager	Up to 10% of the contract amount, with a maximum of \$10,000 per change order

3. Adjustments of quantities which exceed the limits set by the adopted edition of the San Diego Regional Standard Specification for Public Works Construction, shall be processed as a change order subject to the limitation set in Item No. 2 above.
4. All change orders exceeding the policy limits set forth in this policy shall be submitted to the City Council for approval.
5. Increase in project cost due to the quantity adjustments and change orders would be limited to the budget appropriation approved by the City Council.
6. Change Orders for professional service agreements and consultant contracts may be approved by the City Engineer subject to the same limits as public improvements contracts.
7. Adjustment to contract time may be approved by the City Engineer for justifiable delays and in accordance with the adopted edition of the Standard Specifications for Public Works Construction.

Policy #503

Policy for the Underground
Conversion of Overhead Utility Line
on Private Properties

DELETED

**TITLE: National City Boulevard, Mile of Cars
Banner Policy**

POLICY #504

ADOPTED: January 13, 1998

DELETED: November 15, 2016

Reason for deletion:

Addressed through TUP process. Content reviewed for consistency with NCMC Chapter 18.47 (Sign Ordinance)

DELETED

TITLE: National City Street Banner Program

POLICY #505

ADOPTED: May 4, 2004

DELETED: November 15, 2016

Reason for deletion:

Addressed through TUP process. Content reviewed for consistency with NCMC Chapter 18.47 (Sign Ordinance)

DELETED

CITY OF NATIONAL CITY	POLICY NO. 506
Adopted: May 7, 2019	
City Council Policy on Small Wireless Facilities and Other Infrastructure Deployments within the Public Rights-of-Way	

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SECTION 1. BACKGROUND AND INTRODUCTION

In 1996, Congress adopted the Telecommunications Act to balance the national interest in advanced communications services and infrastructure with legitimate local government authority to enforce zoning and other regulations to manage infrastructure deployments on private property and in the public rights-of-way. Under section 704, which applies to personal wireless service facilities (*i.e.*, cell sites), local governments retain all their traditional zoning authority subject to specifically enumerated limitations.¹ Section 253 preempts local regulations that prohibit or effectively prohibit telecommunication services (*i.e.*, common carrier services) except competitively neutral and nondiscriminatory regulations to manage the public rights-of-way and require fair and reasonable compensation.

Communication technologies have significantly changed since 1996. Whereas cell sites were traditionally deployed on tall towers and rooftops over low frequency bands that travel long distances, cell sites are increasingly installed on streetlights and utility infrastructure on new frequency bands that travel shorter distances. According to the Federal Communications Commission (“FCC”) and the wireless industry, these so-called “small wireless facilities” or “small cells” are essential to the next technological evolution. The industry currently estimates that each national carrier will need to deploy between 30 and 60 small cells, connected by approximately 8 miles of fiber optic cable, per square mile.

On September 27, 2018, the FCC adopted a *Declaratory Ruling and Third Report and Order*, FCC 18-133 (the “*Small Cell Order*”), in connection with two informal rulemaking proceedings entitled *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, WT Docket No. 17-79, and *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84. In general, the *Small Cell Order*: (1) restricts the fees and other compensation state and local governments may receive from applicants; (2) requires all aesthetic regulations to be reasonable, no more burdensome than those applied to other infrastructure deployments, objective and published in advance; (3) mandates that local officials negotiate access agreements, review permit applications and conduct any appeals within significantly shorter timeframes; and (4) creates new evidentiary presumptions that make it more difficult for local governments to defend themselves if an action or failure to act is challenged in court. The regulations adopted in the *Small Cell Order* significantly curtail the local authority over wireless and wireline communication facilities reserved to State and local governments under sections 253 and 704 in the Telecommunications Act.

¹ Local zoning regulations cannot prohibit or effectively prohibit personal wireless services, unreasonably discriminate among functionally equivalent services or regulate based on environmental impacts from radiofrequency (“RF”) emissions. In addition, local decisions must be made within a reasonable time and any denial requires a written decision based on substantial evidence in the written record.

SECTION 2. PURPOSE AND INTENT

- (a) The City of National City intends this policy to establish reasonable, uniform and comprehensive standards and procedures for small wireless facilities deployment, construction, installation, collocation, modification, operation, relocation and removal within the City's territorial boundaries, consistent with and to the extent permitted under federal and California state law. The standards and procedures contained in this policy are intended to, and should be applied to, protect and promote public health, safety and welfare, and balance the benefits that flow from robust, advanced wireless services with the City's local values, which include without limitation the aesthetic character of the City, its neighborhoods and community. This policy is also intended to reflect and promote the community interest by (1) ensuring that the balance between public and private interests is maintained; (2) protecting the City's visual character from potential adverse impacts and/or visual blight created or exacerbated by small wireless facilities and related communications infrastructure; (3) protecting and preserving the City's environmental resources; (4) protecting and preserving the City's public rights-of-way and municipal infrastructure located within the City's public rights-of-way; and (5) promoting access to high-quality, advanced wireless services for the City's residents, businesses and visitors.
- (b) This policy is intended to establish clear procedures for application intake and completeness review. The City Council finds that chronically incomplete applications significantly contribute to unreasonable delay and create barriers to infrastructure deployment. Chronically incomplete applications unfairly prejudice other applicants who may be prepared to submit complete applications for infrastructure in the same or substantially the same location. Chronically incomplete applications also unfairly prejudice the City's ability to act on such applications within the "presumptively reasonable" timeframes established by the FCC. The provisions in this policy afford applicants and City staff opportunities for direct, real-time communication about completeness issues to mitigate incomplete applications prior to submittal. The provisions in this policy also encourage applicants to timely respond to incomplete notices.
- (c) This policy is intended to establish regulations, standards and guidelines for all infrastructure deployments unless specifically prohibited by applicable law. The City Council recognizes that different infrastructure deployments may be managed through other mechanisms, such as franchise or license agreements. Although such deployments may be exempt from the "ROW use permit" established in this policy, the City Council intends that the City official or department that administers such deployment shall apply the same regulations, standards and guidelines to the permit or other approval issued in connection with a request for authorization under such franchise, license or other agreement. The City Council also recognizes that different infrastructure deployments may have different impacts on the public rights-of-way that require different

regulations, standards or guidelines to protect public health, safety and welfare. However, to the extent that different regulations, standards or guidelines are applied to small wireless facilities or other infrastructure deployments, the City Council intends that one set be no more burdensome than the other when viewed under the totality of the circumstances.

- (d) This policy is not intended to, nor shall it be interpreted or applied to: (1) prohibit or effectively prohibit any personal wireless service provider's ability to provide personal wireless services; (2) prohibit or effectively prohibit any entity's ability to provide any telecommunications service, subject to any competitively neutral and nondiscriminatory rules, regulations or other legal requirements for rights-of-way management; (3) unreasonably discriminate among providers of functionally equivalent personal wireless services; (4) deny any request for authorization to place, construct or modify personal wireless service facilities on the basis of environmental effects of radio frequency emissions to the extent that such wireless facilities comply with the FCC's regulations concerning such emissions; (5) prohibit any collocation or modification that the City may not deny under federal or California state law; (6) impose any unreasonable, discriminatory or anticompetitive fees that exceed the reasonable cost to provide the services for which the fee is charged; or (7) otherwise authorize the City to preempt any applicable federal or California law.

SECTION 3. DEFINITIONS

The definitions in this section 3 be applicable to the terms, phrases and words this policy. Undefined terms, phrases or words will have the meanings assigned to them in 47 U.S.C. § 151 or, if not defined therein, will have the meaning assigned to them in Municipal Code or, if not defined in either therein, will have their ordinary meanings. If any definition assigned to any term, phrase or word in this section 3 conflicts with any federal or state-mandated definition, the federal or state-mandated definition will control.

“accessory equipment” means equipment other than antennas used in connection with a small wireless facility or other infrastructure deployment. The term includes “transmission equipment” as defined by the FCC in 47 C.F.R. § 1.6100(b)(8), as may be amended or superseded.

“antenna” means the same as defined by the FCC in 47 C.F.R. § 1.6002(b), as may be amended or superseded.

“arterial road” means a road designed to feed through-traffic to freeways, multi-lane highways and interstates, provide access to adjacent land uses – mostly at intersections – and feature traffic control measures. The term “arterial road” as used in this policy is defined in the Circulation Element of the National City General Plan.

“batched application” means more than one application submitted at the same time.

“collector road” means a road designed to provide access to adjacent land uses and feed local traffic to arterials. The term “collector road” as used in this policy includes collectors and residential collectors as defined in the Circulation Element of the National City General Plan.

“collocation” means the same as defined by the FCC in 47 C.F.R. § 1.6002(g), as may be amended or superseded.

“CPUC” means the California Public Utilities Commission established in the California Constitution, Article XII, § 5, or its duly appointed successor agency.

“decorative pole” means any pole that includes decorative or ornamental features, design elements and/or materials intended to enhance the appearance of the pole or the public rights-of-way in which the pole is located.

“City Engineer” means the City Engineer or the City Engineer’s designee.

“FCC” means the Federal Communications Commission or its duly appointed successor agency.

“FCC Shot Clock” means the presumptively reasonable time frame, accounting for any tolling or extension, within which the City generally must act on a request for authorization in connection with a personal wireless service facility, as such time frame is defined by the FCC and as may be amended or superseded.

“local road” means a road with low speeds and high accessibility to adjacent land uses that generally feed into collector roads and are not intended for through traffic. The term “local road” as used in this policy is defined in the Circulation Element of the National City General Plan.

“ministerial permit” means any City-issued non-discretionary permit required to commence or complete any construction or other activity subject to the City’s jurisdiction. Ministerial permits may include, without limitation, any building permit, construction permit, electrical permit, encroachment permit, excavation permit, traffic control permit and/or any similar over-the-counter approval issued by the City’s departments.

“OTARD” means an “over-the-air reception device” and includes all antennas and antenna supports covered by 47 C.F.R. § 1.4000(a)(1), as may be amended or superseded.

“personal wireless services” means the same as defined in 47 U.S.C. § 332(c)(7)(C)(i), as may be amended or superseded.

“personal wireless service facilities” means the same as defined in 47 U.S.C. § 332(c)(7)(C)(i), as may be amended or superseded.

“persons entitled to notice” means the record owners and legal occupants of all properties within 300 feet from the proposed project site and any other person who requests notice consistent with National City Municipal Code § 18.15.050.C.2. Notice to the legal occupants shall be deemed given when sent to the property’s physical address.

“RF” means radio frequency or electromagnetic waves.

“Section 6409” means Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156, codified as 47 U.S.C. § 1455(a), as may be amended or superseded.

“shot clock days” means calendar days counted toward the presumptively reasonable time under the applicable FCC Shot Clock. The term “shot clock days” does not include any calendar days on which the FCC Shot Clock is tolled. As an illustration and not a limitation, if an applicant applies on February 1, receives a valid incomplete notice on February 5 and then resubmits on February 20, only four “shot clock days” have elapsed because the time between the incomplete notice and resubmittal are not counted.

“small wireless facility” means the same as defined by the FCC in 47 C.F.R. § 1.6002(l), as may be amended or superseded.

“support structure” means a “structure” as defined by the FCC in 47 C.F.R. § 1.6002(m), as may be amended or superseded.

“technically infeasible” means a circumstance in which compliance with a specific requirement within this policy is physically impossible and not merely more difficult or expensive than a noncompliant alternative.

“underground district” means any area in the City within which overhead wires, cables, cabinets and associated overhead equipment, appurtenances and other improvements are either (1) prohibited by ordinance, resolution or other applicable law; (2) scheduled to be relocated underground within 18 months from the time an application is submitted; or (3) primarily located underground at the time an application is submitted.

SECTION 4. APPLICABILITY

- (a) **Small Wireless Facilities.** Except as expressly provided otherwise, the provisions in this policy shall be applicable to all existing small wireless facilities and all applications and requests for authorization to construct, install, attach, operate, collocate, modify, reconstruct, relocate, remove or otherwise deploy small wireless facilities within the public rights-of-way within the City’s jurisdictional and territorial boundaries.

- (b) **Other Infrastructure Deployments.** To the extent that other infrastructure deployments, including without limitation any deployments that require approval pursuant to Municipal Code chapter 13.12, involve the same or substantially similar structures, apparatus, antennas, equipment, fixtures, cabinets, cables or improvements, the departments and/or officials responsible to review and approve or deny requests for authorization in connection with such other infrastructure deployment shall apply the provisions in this policy unless specifically prohibited by applicable law.

SECTION 5. REQUIRED PERMITS AND APPROVALS

- (a) **ROW Use Permit.** A “ROW use permit”, subject to the City Engineer’s review and approval in accordance with this policy, shall be required for all small wireless facilities and other infrastructure deployments located in whole or in part within the public rights-of-way.
- (b) **Exemptions.** Notwithstanding anything in this policy to the contrary, a ROW use permit shall not be required for:
 - (1) wireless facilities or other infrastructure deployments owned and operated by the City for its use;
 - (2) OTARD facilities;
 - (3) requests for approval to collocate, replace or remove transmission equipment at an existing wireless tower or base station submitted pursuant to Section 6409 will be subject to the current FCC rules and regulations “eligible facilities requests” as defined by FCC and as may be amended or superseded; or
 - (4) wireless facilities or other infrastructure deployments covered by a valid franchise, pole license or other encroachment agreement between the applicant and the City.
- (c) **Other Permits and Approvals.** In addition to a ROW use permit, the applicant must obtain all other permits and regulatory approvals as may be required by any other federal, state or local government agencies, which includes without limitation any ministerial permits and/or other approvals issued by other City departments or divisions. All applications for ministerial permits submitted in connection with a proposed small wireless facility or other infrastructure deployment must contain a valid ROW use permit issued by the City for the proposed facility. Any application for any ministerial permit(s) submitted without such ROW use permit may be denied without prejudice. Any ROW use permit granted under this policy shall remain subject to all lawful conditions and/or legal requirements associated with such other permits or approvals. Furthermore, and to avoid potential confusion, an exemption from the ROW use permit requirement

under section 5(b) does not exempt the same wireless facilities or other infrastructure deployments from any other permits or approvals, which includes without limitation any ministerial permits from the City.

SECTION 6. APPLICATION AND REVIEW PROCEDURES

- (a) **Application Requirements for Small Wireless Facilities.** In addition to any other publicly-stated requirements, all ROW use permit applications for small wireless facilities must include the following information and materials:
- (1) **Application Form.** The applicant shall submit a complete, duly executed ROW use permit application on the then-current form prepared by the City Engineer.
 - (2) **Application Fee.** The applicant shall submit the applicable ROW use permit application fee established by City Council resolution. Batched applications must include the applicable ROW use permit application fee for each small wireless facility in the batch. If no ROW use permit application fee has been established, then the applicant must submit a signed written statement that acknowledges that the applicant will be required to reimburse the City for its reasonable costs incurred in connection with the application within 10 days after the City issues a written demand for reimbursement.
 - (3) **Construction Drawings.** The applicant shall submit true and correct construction drawings, prepared, signed and stamped by a licensed or registered engineer, that depict all the existing and proposed improvements, equipment and conditions related to the proposed project, which includes without limitation any and all poles, posts, pedestals, traffic signals, towers, streets, sidewalks, pedestrian ramps, driveways, curbs, gutters, drains, handholes, manholes, fire hydrants, equipment cabinets, antennas, cables, trees and other landscape features. The construction drawings must: (i) contain cut sheets that contain the technical specifications for all existing and proposed antennas and accessory equipment, which includes without limitation the manufacturer, model number and physical dimensions; (ii) identify all potential support structures within 350 feet from the proposed project site and call out such structures' overall height above ground level; (iii) depict the applicant's preliminary plan for electric and data backhaul utilities, which shall include the anticipated locations for all conduits, cables, wires, handholes, junctions, transformers, meters, disconnect switches, and points of connection; and (iv) demonstrate that proposed project will be in full compliance with all applicable health and safety laws, regulations or other rules, which includes without limitation all building codes, electric codes, local street standards and specifications, and public utility regulations and orders.
 - (4) **Site Survey.** For any small wireless facility, the applicant shall submit a survey prepared, signed and stamped by a licensed or registered engineer.

The survey must identify and depict all existing boundaries, encroachments and other structures within 75 feet from the proposed project site and any new improvements, which includes without limitation all: (i) traffic lanes; (ii) all private properties and property lines; (iii) above and below-grade utilities and related structures and encroachments; (iv) fire hydrants, roadside call boxes and other public safety infrastructure; (v) streetlights, decorative poles, traffic signals and permanent signage; (vi) sidewalks, driveways, parkways, curbs, gutters and storm drains; (vii) benches, trash cans, mailboxes, kiosks and other street furniture; and (viii) existing trees, planters and other landscaping features.

- (5) **Photo Simulations.** The applicant shall submit site photographs and photo simulations that show the existing location and proposed small wireless facility in context from at least three vantage points within the public streets or other publicly accessible spaces, together with a vicinity map that shows the proposed site location and the photo location for each vantage point. At least one simulation must depict the small wireless facility from a vantage point approximately 50 feet from the proposed support structure or location. The photo simulations and vicinity map shall be incorporated into the construction plans submitted with the application.
- (6) **Project Narrative and Justification.** The applicant shall submit a written statement that explains in plain factual detail whether and why the proposed facility qualifies as a “small wireless facility” as defined by the FCC in 47 C.F.R. § 1.6002(l). A complete written narrative analysis will state the applicable standard and all the facts that allow the City to conclude the standard has been met—bare conclusions not factually supported do not constitute a complete written analysis. As part of the written statement the applicant must also include (i) whether and why the proposed support is a “structure” as defined by the FCC in 47 C.F.R. § 1.6002(m); and (ii) whether and why the proposed wireless facility meets each required finding for a ROW use permit as provided in section 8(b).
- (7) **RF Compliance Report.** The applicant shall submit an RF exposure compliance report that certifies that the proposed small wireless facility, both individually and cumulatively with all other emitters in the vicinity (if any), will comply with applicable federal RF exposure standards and exposure limits. The RF report must be prepared and certified by an RF engineer acceptable to the City Engineer. The RF report must include the actual frequency and power levels (in watts effective radiated power) for all existing and proposed antennas at the site and exhibits that show the location and orientation of all transmitting antennas and the boundaries of areas with RF exposures in excess of the uncontrolled/general population limit (as that term is defined by the FCC) and also the boundaries of areas with RF exposures in excess of the controlled/occupational limit (as that term is defined by the FCC). Each

such boundary shall be clearly marked and identified for every transmitting antenna at the project site.

- (8) **Structural Analysis.** The applicant shall submit a report prepared and certified by an engineer (or other qualified personnel acceptable to the City) that evaluates whether the underlying pole or support structure has the structural integrity to support all the proposed equipment and attachments. At a minimum, the analysis must be consistent with all applicable requirements in CPUC General Order 95 (including, but not limited to, load and pole overturning calculations), the National Electric Safety Code, and any safety and construction standards required by the utility.
- (9) **Public Notices.** The applicant shall include with the application a list that identifies all persons entitled to notice (as defined in this policy) together with three preaddressed envelopes with correct postage for each person entitled to notice.
- (10) **Regulatory Authorization.** The applicant shall submit evidence of the applicant's regulatory status under federal and California law to provide the services and construct the small wireless facility proposed in the application.
- (11) **Pole License Agreement.** For any small wireless facility proposed to be installed on any structure owned or controlled by the City and located within the public rights-of-way, the applicant shall submit an executed Pole License Agreement on a form prepared by the City that states the terms and conditions for such non-exclusive use by the applicant. No changes shall be permitted to the City's Pole License Agreement except as may be indicated on the form itself. Any unpermitted changes to the City's Pole License Agreement shall be deemed a basis to deem the application incomplete. Refusal to accept the terms and conditions in the City's Pole License Agreement shall be an independently sufficient basis to deny the application.
- (12) **Title Report and Property Owner's Authorization.** For any small wireless facility proposed to be installed on a support structure in the public right-of-way, the applicant must submit a written authorization from the support structure owner(s) that authorizes the applicant to submit and accept a ROW use permit in connection with the subject structure.
- (13) **Acoustic Analysis.** The applicant shall submit an acoustic analysis prepared and certified by a licensed engineer for the proposed small wireless facility and all associated equipment including all environmental control units, sump pumps, temporary backup power generators and permanent backup power generators demonstrating compliance with the City's noise regulations. The acoustic analysis must also include an analysis of the manufacturers' specifications for all noise-emitting equipment and a depiction of the proposed equipment relative to all adjacent property lines. In lieu of an acoustic

analysis, the applicant may submit evidence from the equipment manufacturer(s) that the ambient noise emitted from all the proposed equipment will not, both individually and cumulatively, exceed the applicable noise limits.

- (b) **Voluntary Presubmittal Conference.** The City strongly encourages, but does not require, applicants to schedule and attend a presubmittal conference with the City Engineer and other City staff. This voluntary, presubmittal conference does not cause the FCC Shot Clock to begin and is intended to streamline the review process through collaborative, informal discussion that includes, without limitation, the appropriate project classification and review process; any latent issues in connection with the proposed project and/or project site, including compliance with generally applicable rules for public health and safety; potential concealment issues or concerns (if applicable); coordination with other City departments implicated by the proposed project; and application completeness issues. Presubmittal conferences are especially encouraged when an applicant seeks to submit one or more batched applications so that the City Engineer may advise the applicant about any staffing or scheduling issues that may hinder the City's ability to meet the presumptively reasonable timeframes under the FCC Shot Clock. To mitigate unnecessary delays due to application incompleteness, applicants are encouraged (but not required) to bring any draft applications, plans, maps or other materials so that City staff may provide informal feedback and guidance about whether such applications or other materials may be incomplete or unacceptable in their then-current form. The City Engineer will use reasonable efforts to provide the applicant with an appointment within approximately five working days after receiving a written request and any applicable fee or deposit to reimburse the City for its reasonable costs to provide the staff time and services rendered in the presubmittal conference. The City Engineer may grant a written waiver of the alternative location analysis when the applicant: (1) proposes to site the small wireless facility on an existing structure within an arterial street and not within a residential district, Morgan Square or Brick Row; and (2) participates in a voluntary presubmittal conference. Any waiver shall be limited to applications for the proposed small wireless facilities discussed at the presubmittal conference and described in the written waiver signed by the City Engineer, and shall not be applicable to any other applications for any other small wireless facilities.
- (c) **Submittal Appointments.** All applications must be submitted in person to the City at a pre-scheduled appointment with the City Engineer. Prospective applicants may generally submit one application per appointment, or up to five individual applications per appointment as a batch. Potential applicants may schedule successive appointments for multiple applications whenever feasible and not prejudicial to other applicants for any other development project as determined by the City Engineer. The City Engineer shall use reasonable efforts to offer an appointment within five working days after the City Engineer receives a written request from a potential applicant. Any purported application received

without an appointment, whether delivered in-person, by mail or through any other means, will not be considered duly filed, whether the City retains, returns or destroys the materials received.

- (d) **Incomplete Applications Deemed Withdrawn.** Any application governed under this policy shall be automatically deemed withdrawn by the applicant when the applicant fails to submit a substantive response to the City Engineer within 60 calendar days after the City Engineer deems the application incomplete by written notice. As used in this subsection (d), a “substantive response” must include, at a minimum, the complete materials identified as incomplete in the written incomplete notice.
- (e) **Additional Administrative Requirements and Regulations.** The City Council authorizes the City Engineer to develop, publish and from time to time update or amend permit application requirements, forms, checklists, guidelines, informational handouts and other related materials that the City Engineer finds necessary, appropriate or useful for processing any application governed under this policy. The City Engineer further authorizes the City Engineer to establish other reasonable rules and regulations for duly filed applications, which may include without limitation regular hours for appointments and/or submittals without appointments, as the City Engineer deems necessary or appropriate to organize, document and manage the application intake process. All such requirements, materials, rules and regulations must be in written form and publicly stated to provide all interested parties with prior notice.
- (f) **Independent Expert Review; Staff Augmentation.**
 - (1) **Authorization.** The City Council authorizes the City Engineer to, in his or her discretion, select and retain independent experts, consultants, contractors and other professionals (collectively “augmented staff”) with expertise in telecommunications satisfactory to the City Engineer in connection with any ROW use permit application(s).
 - (2) **Scope.** The City Engineer may request augmented staff review on any issue in connection with the ROW use permit application. Such issues may include, but are not limited to: (A) ROW use permit application completeness or accuracy; (B) planned compliance with applicable RF exposure standards; (C) whether technically feasible and potentially available alternative locations and designs exist; (D) the applicability, reliability and sufficiency of analyses or methodologies used by the applicant to reach conclusions about any issue within this scope; (E) compliance with the provisions in this policy; and (F) any other issue that requires expert or specialized knowledge identified by the City Engineer.
 - (3) **Deposit.** The applicant must pay for the cost of such review and for the augmented staff’s testimony in any hearing as requested by the City Engineer

and must provide a reasonable advance deposit of the estimated cost of such review with the City prior to the commencement of any work by the augmented staff. The applicant must provide an additional advance deposit to cover the augmented staff's testimony and expenses at any meeting where that testimony is requested by the City Engineer. Where the advance deposit(s) are insufficient to pay for the cost of such review and/or testimony, the City Engineer shall invoice the applicant for any and all additional, actual and reasonable costs incurred by the City in connection with the augmented staff that exceeds the initial amount from the fee. The applicant shall pay the invoice in full within ten calendar days after receipt of the invoice. No ROW use permit shall issue to an applicant where that applicant has not timely paid a required fee, provided any required deposit or paid any invoice as required in this policy.

SECTION 7. PUBLIC NOTICES

- (a) **Application Submittal Notice.** Within approximately 10 calendar days after an application is received and prior to any approval, conditional approval or denial, the City shall mail public notice to all persons entitled to notice. The notice must contain: (1) a general project description, which must include the nature of the project, the project location and an accurate diagram or photo simulation; (2) the City's file number for the application; (3) the applicant's identification and contact information as provided on the application submitted to the City; (4) contact information for the City Engineer and a deadline for interested parties to submit written comments; (5) a statement that the City Engineer will act on the application without a public hearing but that any interested person or entity may appeal the City Engineer's decision directly to the City Council; and (6) if the application is for a small wireless facility, a general statement that the FCC requires the City to take final action on such applications within 60 days for collocations and 90 days for facilities on new support structures.
- (b) **Application Decision Notice.** Within five calendar days after the City Engineer acts on a ROW use permit application, the City Engineer shall provide written notice to the applicant and all persons entitled to notice. If the City Engineer denies an application (with or without prejudice) for a small wireless facility, the written notice must also contain the reasons for the denial.

SECTION 8. DECISIONS

- (a) **Initial Administrative Decision.** Not less than 10 calendar days after the public notice required in section 7(a) is sent, and not more than 29 shot clock days after the application has been deemed complete, the City Engineer shall approve, conditionally approve or deny a complete and duly filed ROW use permit application without a public hearing.

- (b) **Required Findings for Approval.** The City Engineer may approve or conditionally approve a complete and duly filed application for a ROW use permit when the City Engineer finds:
- (1) the proposed project complies with all applicable design standards in this policy;
 - (2) the proposed project would be in the most preferred location within 350 feet from the proposed site in any direction or the applicant has demonstrated with clear and convincing evidence in the written record that any more-preferred location(s) within 350 feet would be technically infeasible;
 - (3) the proposed project would not be located on a prohibited support structure identified in this policy;
 - (4) the proposed project would be on the most preferred support structure within 350 feet from the proposed site in any direction or the applicant has demonstrated with clear and convincing evidence in the written record that any more-preferred support structure(s) within 350 feet would be technically infeasible;
 - (5) if the proposed project involves a wireless facility, the proposed project fits within the definition for a “small wireless facility” as defined by the FCC;
 - (6) if the proposed project involves a wireless facility, the applicant has demonstrated that the proposed project will be in planned compliance with all applicable FCC regulations and guidelines for human exposure to RF emissions; and
 - (7) all public notices required for the application have been given.
- (c) **Conditional Approvals; Denials Without Prejudice.** Subject to any applicable federal or California laws, nothing in this policy is intended to limit the City Engineer’s ability to conditionally approve or deny without prejudice any ROW use permit application as may be necessary or appropriate to ensure compliance with this policy.
- (d) **Appeals.** Any interested person or entity may appeal the decision by the City Engineer to the City Council; provided, however, that appeals from an approval shall not be permitted when based solely on the environmental effects from radio frequency emissions that are compliant with applicable FCC regulations and guidelines. An appeal notice must be filed within seven calendar days after the date on the City Engineer’s decision notice. The notice must contain a short and plain statement about the basis for the appeal, which may be supplemented after the notice period has expired but before the appeal hearing. The City Council shall hear appeals *de novo* and issue the applicant a written decision within five

calendar days after the appeal hearing. If the City Council denies the application on appeal (whether by affirmation or reversal), the written notice shall contain the reasons for the decision.

SECTION 9. CONDITIONS OF APPROVAL

- (a) **Standard Conditions.** Except as may be authorized in subsection (b), all ROW use permits issued under this policy shall be automatically subject to the conditions in this subsection (a).
- (1) **Permit Term.** This permit will automatically expire 10 years and one day from its issuance unless California Government Code § 65964(b) authorizes the City to establish a shorter term for public safety reasons. Any other permits or approvals issued in connection with any collocation, modification or other change to this wireless facility, which includes without limitation any permits or other approvals deemed-granted or deemed-approved under federal or state law, will not extend this term limit unless expressly provided otherwise in such permit or approval or required under federal or state law.
 - (2) **Permit Renewal.** Not more than one year before this ROW use permit expires, the permittee may apply for permit renewal. The permittee must demonstrate that the subject small wireless facility or other infrastructure deployment complies with all the conditions of approval associated with this ROW use permit and all applicable provisions in the Municipal Code and this policy that exist at the time the decision to renew or not renew is rendered. The City Engineer may modify or amend the conditions on a case-by-case basis as may be necessary or appropriate to ensure compliance with the Municipal Code, this policy or other applicable law. Upon renewal, this ROW use permit will automatically expire 10 years and one day from its issuance.
 - (3) **Post-Installation Certification.** Within 60 calendar days after the permittee commences full, unattended operations of a small wireless facility or other infrastructure deployment approved or deemed-approved, the permittee shall provide the City Engineer with documentation reasonably acceptable to the City Engineer that the small wireless facility or other infrastructure deployment has been installed and/or constructed in strict compliance with the approved construction drawings and photo simulations. Such documentation shall include without limitation as-built drawings, GIS data and site photographs.
 - (4) **Build-Out Period.** This ROW use permit will automatically expire 12 months from the approval date (the “build-out period”) unless the permittee obtains all other permits and approvals required to install, construct and/or operate the approved small wireless facility or other infrastructure deployment, which includes without limitation any permits or approvals required by the any federal, state or local public agencies with jurisdiction over the subject property, support structure or the small wireless facility or other infrastructure

deployment and its use. If the permittee cannot obtain all other permits and approvals before build-out period expires, the City will not extend the build-out period but the permittee may resubmit a complete application, including all application fees, for the same or substantially similar project.

- (5) **Site Maintenance.** The permittee shall keep the site, which includes without limitation any and all improvements, equipment, structures, access routes, fences and landscape features, in a neat, clean and safe condition in accordance with the approved construction drawings and all conditions in this ROW use permit. The permittee shall keep the site area free from all litter and debris at all times. The permittee, at no cost to the City, shall remove and remediate any graffiti or other vandalism at the site within 48 hours after the permittee receives notice or otherwise becomes aware that such graffiti or other vandalism occurred.
- (6) **Compliance with Laws.** The permittee shall maintain compliance at all times with all federal, state and local statutes, regulations, orders or other rules that carry the force of law (“laws”) applicable to the permittee, the subject property, the small wireless facility or other infrastructure deployment or any use or activities in connection with the use authorized in this ROW use permit, which includes without limitation any laws applicable to human exposure to RF emissions. The permittee expressly acknowledges and agrees that this obligation is intended to be broadly construed and that no other specific requirements in these conditions are intended to reduce, relieve or otherwise lessen the permittee’s obligations to maintain compliance with all laws. No failure or omission by the City to timely notice, prompt or enforce compliance with any applicable provision in the Municipal Code, this policy any permit, any permit condition or any applicable law or regulation, shall be deemed to relieve, waive or lessen the permittee’s obligation to comply in all respects with all applicable provisions in the Municipal Code, this policy, any permit, any permit condition or any applicable law or regulation.
- (7) **Adverse Impacts on Other Properties.** The permittee shall use all reasonable efforts to avoid any and all unreasonable, undue or unnecessary adverse impacts on nearby properties that may arise from the permittee’s or its authorized personnel’s construction, installation, operation, modification, maintenance, repair, removal and/or other activities on or about the site. The permittee shall not perform or cause others to perform any construction, installation, operation, modification, maintenance, repair, removal or other work that involves heavy equipment or machines except during normal construction work hours authorized by the Municipal Code. The restricted work hours in this condition will not prohibit any work required to prevent an actual, immediate harm to property or persons, or any work during an emergency declared by the City or other state or federal government agency or official with authority to declare an emergency within the City. The City

Engineer may issue a stop work order for any activities that violates this condition in whole or in part.

- (8) **Inspections; Emergencies.** The permittee expressly acknowledges and agrees that the City's officers, officials, staff, agents, contractors or other designees may enter onto the site and inspect the improvements and equipment upon reasonable prior notice to the permittee. Notwithstanding the prior sentence, the City's officers, officials, staff, agents, contractors or other designees may, but will not be obligated to, enter onto the site area without prior notice to support, repair, disable or remove any improvements or equipment in emergencies or when such improvements or equipment threatens actual, imminent harm to property or persons. The permittee, if present, may observe the City's officers, officials, staff or other designees while any such inspection or emergency access occurs.
- (9) **Permittee's Contact Information.** Within 10 days from the final approval, the permittee shall furnish the City with accurate and up-to-date contact information for a person responsible for the small wireless facility or other infrastructure deployment, which includes without limitation such person's full name, title, direct telephone number, facsimile number, mailing address and email address. The permittee shall keep such contact information up-to-date at all times and promptly provide the City with updated contact information if either the responsible person or such person's contact information changes.
- (10) **Indemnification.** The permittee and, if applicable, the property owner upon which the small wireless facility or other infrastructure deployment is installed shall defend, indemnify and hold harmless the City, City Council and the City's boards, commissions, agents, officers, officials, employees and volunteers (collectively, the "indemnitees") from any and all (i) damages, liabilities, injuries, losses, costs and expenses and from any and all claims, demands, law suits, writs and other actions or proceedings ("claims") brought against the indemnitees to challenge, attack, seek to modify, set aside, void or annul the City's approval of this ROW use permit, and (ii) other claims of any kind or form, whether for personal injury, death or property damage, that arise from or in connection with the permittee's or its agents', City Engineers', officers', employees', contractors', subcontractors', licensees' or customers' acts or omissions in connection with this ROW use permit or the small wireless facility or other infrastructure deployment. In the event the City becomes aware of any claims, the City will use best efforts to promptly notify the permittee and the private property owner (if applicable) and shall reasonably cooperate in the defense. The permittee expressly acknowledges and agrees that the City shall have the right to approve, which approval shall not be unreasonably withheld, the legal counsel providing the City's defense, and the property owner and/or permittee (as applicable) shall promptly reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. The permittee expressly

acknowledges and agrees that the permittee's indemnification obligations under this condition are a material consideration that motivates the City to approve this ROW use permit, and that such indemnification obligations will survive the expiration, revocation or other termination of this ROW use permit.

- (11) **Performance Bond.** Before the City issues any permits required to commence construction in connection with this permit, the permittee shall post a performance bond from a surety and in a form acceptable to the City Engineer in an amount reasonably necessary to cover the cost to remove the improvements and restore all affected areas based on a written estimate from a qualified contractor with experience in wireless facilities or other infrastructure removal. The written estimate must include the cost to remove all equipment and other improvements, which includes without limitation all antennas, radios, batteries, generators, utilities, cabinets, mounts, brackets, hardware, cables, wires, conduits, structures, shelters, towers, poles, footings and foundations, whether above ground or below ground, constructed or installed in connection with the wireless facility, plus the cost to completely restore any areas affected by the removal work to a standard compliant with applicable laws. In establishing or adjusting the bond amount required under this condition, the City Engineer shall take into consideration any information provided by the permittee regarding the cost to remove the small wireless facility or other infrastructure deployment to a standard compliant with applicable laws. The performance bond shall expressly survive the duration of the permit term to the extent required to effectuate a complete removal of the subject wireless facility or other infrastructure deployment in accordance with this condition.
- (12) **Permit Revocation.** Any permit granted under this policy may be revoked in accordance with the provisions and procedures in this condition. The City Engineer may initiate revocation proceedings when the City Engineer has information that the facility may not be in compliance with all applicable laws, which includes without limitation, any permit in connection with the facility and any associated conditions with such permit(s). Before any public hearing to revoke a permit granted under this policy, the City Engineer must issue a written notice to the permittee that specifies (i) the facility; (ii) the violation(s) to be corrected; (iii) the timeframe in which the permittee must correct such violation(s); and (iv) that, in addition to all other rights and remedies the City may pursue, the City may initiate revocation proceedings for failure to correct such violation(s). A permit granted under this policy may be revoked only by the City Council after a duly notice public hearing. The City Council may revoke a permit when it finds substantial evidence in the written record to show that the facility is not in compliance with any applicable laws, which includes without limitation, any permit in connection with the facility and any associated conditions with such permit(s). Any decision by the City Council to revoke or not revoke a permit shall be final and not subject to any further appeals. Within five business days after the City Council adopts a resolution

to revoke a permit, the City Engineer shall provide the permittee with a written notice that specifies the revocation and the reasons for such revocation.

- (13) **Record Retention.** Throughout the permit term, the permittee must maintain a complete and accurate copy of the written administrative record, which includes without limitation the ROW use permit application, ROW use permit, the approved plans and photo simulations incorporated into this approval, all conditions associated with this approval, any ministerial permits or approvals issued in connection with this approval and any records, memoranda, documents, papers and other correspondence entered into the public record in connection with the ROW use permit (collectively, “records”). If the permittee does not maintain such records as required in this condition, any ambiguities or uncertainties that would be resolved by inspecting the missing records will be construed against the permittee. The permittee shall protect all records from damage from fires, floods and other hazards that may cause deterioration. The permittee may keep records in an electronic format; provided, however, that hard copies or electronic records kept in the City’s regular files will control over any conflicts between such City-controlled copies or records and the permittee’s electronic copies, and complete originals will control over all other copies in any form. The requirements in this condition shall not be construed to create any obligation to create or prepare any records not otherwise required to be created or prepared by other applicable laws. Compliance with the requirements in this condition shall not excuse the permittee from any other similar record-retention obligations under applicable law.
- (14) **Abandoned Facilities.** The small wireless facility or other infrastructure deployment authorized under this ROW use permit shall be deemed abandoned if not operated for any continuous six-month period. Within 90 days after a small wireless facility or other infrastructure deployment is abandoned or deemed abandoned, the permittee and/or property owner shall completely remove the small wireless facility or other infrastructure deployment and all related improvements and shall restore all affected areas to a condition compliant with all applicable laws, which includes without limitation the Municipal Code. In the event that neither the permittee nor the property owner complies with the removal and restoration obligations under this condition within said 90-day period, the City shall have the right (but not the obligation) to perform such removal and restoration with or without notice, and the permittee and property owner shall be jointly and severally liable for all costs and expenses incurred by the City in connection with such removal and/or restoration activities.
- (15) **Landscaping.** The permittee shall replace any landscape features damaged or displaced by the construction, installation, operation, maintenance or other work performed by the permittee or at the permittee’s direction on or about the site. If any trees are damaged or displaced, the permittee shall hire and

pay for a licensed arborist to select, plant and maintain replacement landscaping in an appropriate location for the species. Only International Society of Arboriculture certified workers under the supervision of a licensed arborist shall be used to install the replacement tree(s). Any replacement tree must be substantially the same size as the damaged tree. The permittee shall, at all times, be responsible to maintain any replacement landscape features.

- (16) **Cost Reimbursement.** The permittee acknowledges and agrees that (i) the permittee's request for authorization to construct, install and/or operate the wireless facility will cause the City to incur costs and expenses; (ii) the permittee shall be responsible to reimburse the City for all costs incurred in connection with the permit, which includes without limitation costs related to application review, permit issuance, site inspection and any other costs reasonably related to or caused by the request for authorization to construct, install and/or operate the wireless facility or other infrastructure deployment; (iii) any application fees required for the application may not cover all such reimbursable costs and that the permittee shall have the obligation to reimburse City for all such costs 10 days after a written demand for reimbursement and reasonable documentation to support such costs; and (iv) the City shall have the right to withhold any permits or other approvals in connection with the wireless facility until and unless any outstanding costs have been reimbursed to the City by the permittee.
- (17) **Future Undergrounding Programs.** Notwithstanding any term remaining on any ROW use permit, if other utilities or communications providers in the public rights-of-way underground their facilities in the segment of the public rights-of-way where the permittee's small wireless facility or other infrastructure deployment is located, the permittee must also underground its equipment, except the antennas and any approved electric meter, at approximately the same time. Accessory equipment such as radios and computers that require an environmentally controlled underground vault to function shall not be exempt from this condition. Small wireless facilities and other infrastructure deployments installed on wood utility poles that will be removed pursuant to the undergrounding program may be reinstalled on a streetlight that complies with the City's standards and specifications. Such undergrounding shall occur at the permittee's sole cost and expense except as may be reimbursed through tariffs approved by the state public utilities commission for undergrounding costs.
- (18) **Electric Meter Upgrades.** If the commercial electric utility provider adopts or changes its rules obviating the need for a separate or ground-mounted electric meter and enclosure, the permittee on its own initiative and at its sole cost and expense shall remove the separate or ground-mounted electric meter and enclosure. Prior to removing the electric meter, the permittee shall apply for any encroachment and/or other ministerial permit(s) required to perform the

removal. Upon removal, the permittee shall restore the affected area to its original condition that existed prior to installation of the equipment.

- (19) **Rearrangement and Relocation.** The permittee acknowledges that the City, in its sole discretion and at any time, may: (A) change any street grade, width or location; (B) add, remove or otherwise change any improvements in, on, under or along any street owned by the City or any other public agency, which includes without limitation any sewers, storm drains, conduits, pipes, vaults, boxes, cabinets, poles and utility systems for gas, water, electric or telecommunications; and/or (C) perform any other work deemed necessary, useful or desirable by the City (collectively, "City work"). The City reserves the rights to do any and all City work without any admission on its part that the City would not have such rights without the express reservation in this ROW use permit. If the City Engineer determines that any City work will require the permittee's small wireless facility located in the public rights-of-way to be rearranged and/or relocated, the permittee shall, at its sole cost and expense, do or cause to be done all things necessary to accomplish such rearrangement and/or relocation. If the permittee fails or refuses to either permanently or temporarily rearrange and/or relocate the permittee's small wireless facility or other infrastructure deployment within a reasonable time after the City Engineer's notice, the City may (but will not be obligated to) cause the rearrangement or relocation to be performed at the permittee's sole cost and expense. The City may exercise its rights to rearrange or relocate the permittee's small wireless facility or other infrastructure deployment without prior notice to permittee when the City Engineer determines that the City work is immediately necessary to protect public health or safety. The permittee shall reimburse the City for all costs and expenses in connection with such work within 10 days after a written demand for reimbursement and reasonable documentation to support such costs.
- (20) **Truthful and Accurate Statements.** The permittee acknowledges that the City's approval relies on the written and/or oral statements by permittee and/or persons authorized to act on permittee's behalf. In any matter before the City in connection with the ROW use permit or the small wireless facility or other infrastructure approved under the ROW use permit, neither the permittee nor any person authorized to act on permittee's behalf shall, in any written or oral statement, intentionally provide material factual information that is incorrect or misleading or intentionally omit any material information necessary to prevent any material factual statement from being incorrect or misleading.
- (b) **Modified Conditions.** The City Council authorizes the City Engineer to modify, add or remove conditions to any ROW use permit as the City Engineer deems necessary or appropriate to: (1) protect and/or promote the public health, safety and welfare; (2) tailor the standard conditions in subsection (a) to the particular facts and circumstances associated with the deployment; and/or (3) memorialize any changes to the proposed deployment need for compliance with the Municipal

Code, this policy, generally applicable health and safety requirements and/or any other applicable laws. To the extent required by applicable FCC regulations, the City Engineer shall take care to ensure that any different conditions applied to small wireless facilities are no more burdensome than those applied to other infrastructure deployments.

SECTION 10. LOCATION STANDARDS

- (a) **Location Preferences.** To better assist applicants and decision-makers understand and respond to the community's aesthetic preferences and values, this subsection sets out listed preferences for locations to be used in connection with small wireless facilities in an ordered hierarchy. The most preferred locations are those on arterial streets, outside any residential district, Morgan Square or Brick Row. Applications that involve lesser-preferred locations may be approved so long as the applicant demonstrates by clear and convincing evidence in the written record that either (1) no more preferred locations or structures exist within 350 feet from the proposed site; or (2) any more preferred locations or structures within 350 feet from the proposed site would be technically infeasible as supported. The City prefers small cells in the public rights-of-way to be installed in locations, ordered from most preferred to least preferred, as follows:
- (1) locations within commercial or industrial districts on or along arterial streets;
 - (2) locations within commercial or industrial districts on or along collector streets;
 - (3) locations within commercial or industrial districts on or along local streets;
 - (4) locations within residential districts on or along arterial streets;
 - (5) locations within residential districts on or along collector streets;
 - (6) locations within residential districts on or along local streets;
 - (7) locations within open space districts, including without limitation Morgan Square, on or along any street;
 - (8) locations along Brick Row;
 - (9) any location within 350 feet from an existing small wireless facility;
 - (10) any location within 350 feet from any structure approved for a residential use.
- (b) **Prohibited Support Structures.** Except when authorized as a pre-approved design pursuant to this policy, small cells shall not be permitted on the following support structures:

- (1) decorative poles;
 - (2) traffic signal poles, cabinets or related structures;
 - (3) new, nonreplacement wood poles;
 - (4) any utility pole scheduled for removal or relocation within 18 months from the time the City Engineer acts on the small cell application;
- (c) **Encroachments Over Private Property.** No small wireless facilities, other infrastructure deployments, accessory equipment or other improvements may encroach onto or over any private or other property outside the public rights-of-way without the property owner's express written consent.
- (d) **No Interference with Other Uses.** Small wireless facilities and other infrastructure deployments and any associated antennas, accessory equipment or improvements shall not be located in any place or manner that would physically interfere with or impede access to any: (1) worker access to any above-ground or underground infrastructure for traffic control, streetlight or public transportation, including without limitation any curb control sign, parking meter, vehicular traffic sign or signal, pedestrian traffic sign or signal, barricade reflectors; (2) access to any public transportation vehicles, shelters, street furniture or other improvements at any public transportation stop; (3) worker access to above-ground or underground infrastructure owned or operated by any public or private utility agency; (4) fire hydrant or water valve; (5) access to any doors, gates, sidewalk doors, passage doors, stoops or other ingress and egress points to any building appurtenant to the rights-of-way; or (6) access to any fire escape.
- (e) **Replacement Pole Location.** All replacement poles must: (1) be located as close to the removed pole as possible; (2) be aligned with the other existing poles along the public rights-of-way; and (3) be compliant with all applicable standards and specifications by the City Engineer.
- (f) **Additional Placement Requirements.** In addition to all other requirements in this policy, small wireless facilities, other infrastructure deployments and all related equipment and improvements shall:
- (1) be placed as close as possible to the property line between two parcels that abut the public rights-of-way;
 - (2) not be placed directly in front of any door or window;
 - (3) not be placed within any sight distance triangles at any intersections;

- (4) be placed at least five feet away from any driveway or established pedestrian pathway between a residential structure and the public rights-of-way;
- (5) be placed at least 50 feet away from any driveways for police stations, fire stations or other emergency responder facilities.

SECTION 11. DESIGN STANDARDS

- (a) **Finishes.** All exterior surfaces shall be painted, colored and/or wrapped in flat, nonreflective hues that match the underlying support structure or blend with the surrounding environment. All surfaces shall be treated with graffiti-resistant sealant. All finishes shall be subject to the City Engineer's prior approval.
- (b) **Noise.** Small cells and all associated antennas, accessory equipment and other improvements must comply with all applicable noise control standards and regulations in Title 12 of the Municipal Code, as either may be amended or superseded, and shall not exceed, either on an individual or cumulative basis, the noise limit in the applicable district.
- (c) **Lights.** All lights and light fixtures must be aimed and shielded so that their illumination effects are directed downwards and confined within the public rights-of-way in a manner consistent with any other standards and specifications by the City Engineer. All antennas, accessory equipment and other improvements with indicator or status lights must be installed in locations and within enclosures that mitigate illumination impacts visible from publicly accessible areas.
- (d) **Trees and Landscaping.** Small wireless facilities and other infrastructure deployments on or beneath the ground shall not be installed (in whole or in part) within any tree drip line. Small wireless facilities and other infrastructure deployments may not displace any existing tree or landscape features unless: (A) such displaced tree or landscaping is replaced with native and/or drought-resistant trees, plants or other landscape features approved by the City Engineer and (B) the applicant submits and adheres to a landscape maintenance plan. Only International Society of Arboriculture certified workers under a licensed arborist's supervision shall be used to install the replacement tree(s). Any replacement tree must be substantially the same size as the damaged tree unless approved by the City Engineer. The permittee shall, at all times, be responsible to maintain any replacement landscape features.
- (e) **Signs and Advertisements.** All small wireless facilities and other infrastructure deployments that involve RF transmitters must include signage that accurately identifies the site owner/operator, the owner/operator's site name or identification number and a toll-free number to the owner/operator's network operations center. Small wireless facilities and other infrastructure deployments may not bear any other signage or advertisements unless expressly approved by the City,

required by law or recommended under FCC or other United States governmental agencies for compliance with RF emissions regulations.

- (f) **Site Security Measures.** Small wireless facilities and other infrastructure deployments may incorporate reasonable and appropriate site security measures, such as locks and anti-climbing devices, to prevent unauthorized access, theft or vandalism. The City Engineer shall not approve any barbed wire, razor ribbon, electrified fences or any similarly dangerous security measures. All exterior surfaces on small wireless facilities shall be constructed from or coated with graffiti-resistant materials.
- (g) **Compliance with Health and Safety Regulations.** All small wireless facilities and other infrastructure deployments shall be designed, constructed, operated and maintained in compliance with all generally applicable health and safety regulations, which includes without limitation all applicable regulations for human exposure to RF emissions and compliance with the federal Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12101 *et seq.*).
- (h) **Antennas.** The provisions in this subsection (h) are generally applicable to all antennas.
 - (1) **Shrouding.** All antennas and associated cables, jumpers, wires, mounts, masts, brackets and other connectors and hardware must be installed within a single shroud or radome. For pole-top antennas, the shroud shall not exceed two times the median pole diameter and must taper down to pole. For side-arm antennas, the shroud must cover the cross arm and any cables, jumpers, wires or other connectors between the vertical riser and the antenna.
 - (2) **Antenna Volume.** Each individual antenna associated with a single small cell shall not exceed three cubic feet. The cumulative volume for all antennas on a single small cell shall not exceed: (A) three cubic feet in residential areas; or (B) six cubic feet in nonresidential areas.
 - (3) **Overall Height.** No antenna may extend more than five feet above the support structure, plus any minimum separation between the antenna and other pole attachments required by applicable health and safety regulations.
 - (4) **Horizontal Projection.** Side-mounted antennas, where permitted, shall not project: (A) more than 24 inches from the support structure; (B) over any roadway for vehicular travel; or (C) over any abutting private property. If applicable laws require a side-mounted antenna to project more than 24 inches from the support structure, the projection shall be no greater than required for compliance with such laws.

- (i) **Accessory Equipment Volume.** The cumulative volume for all accessory equipment for a single small wireless facility or other infrastructure deployment shall not exceed: (A) nine cubic feet in residential areas or (B) seventeen cubic feet in nonresidential areas. The volume limits in this subsection do not apply to any undergrounded accessory equipment.

- (j) **Undergrounded Accessory Equipment.**
 - (1) **Where Required.** Accessory equipment (other than any electric meter (where permitted) emergency disconnect switch) shall be placed underground when proposed in any (A) underground district or (B) any location where the City Engineer finds substantial evidence that the additional above-ground accessory equipment would incommode the public's uses in the public rights-of-way. Notwithstanding the preceding sentence, the City Engineer may grant an exception when the applicant demonstrates by clear and convincing evidence that compliance with this section would be technically infeasible.

 - (2) **Vaults.** All undergrounded accessory equipment must be installed in an environmentally controlled vault that is load-rated to meet the City's standards and specifications. Underground vaults located beneath a sidewalk must be constructed with a slip-resistant cover. Vents for airflow shall be flush-to-grade when placed within the sidewalk and may not exceed two feet above grade when placed off the sidewalk.

- (k) **Pole-Mounted Accessory Equipment.** The provisions in this subsection (k) are applicable to all pole-mounted accessory equipment in connection with small wireless facilities and other infrastructure deployments.
 - (1) **Preferred Concealment Techniques.** Applicants should propose to place any pole-mounted accessory equipment in the least conspicuous position under the circumstances presented by the proposed pole and location. Pole-mounted accessory equipment may be installed behind street, traffic or other signs to the extent that the installation complies with applicable public health and safety regulations.

 - (2) **Minimum Vertical Clearance.** The lowest point on any pole-mounted accessory equipment shall be at least eight feet above ground level adjacent to the pole. If applicable laws require any pole-mounted accessory equipment component to be placed less than eight feet above ground level, the clearance from ground level shall be no less than required for compliance with such laws.

 - (3) **Horizontal Projection.** Pole-mounted accessory equipment shall not project:
 - (i) more than 24 inches from the pole surface;
 - (ii) over any roadway for vehicular travel; or
 - (iii) over any abutting private property.All pole-mounted accessory equipment shall be mounted flush to the pole surface. If applicable

laws preclude flush-mounted equipment, the separation gap between the pole and the accessory equipment shall be no greater than required for compliance with such laws and concealed by opaque material (such as cabinet “flaps” or “wings”).

- (4) **Orientation.** Unless placed behind a street sign or some other concealment that dictates the equipment orientation on the pole, all pole-mounted accessory equipment should be oriented away from prominent views. In general, the proper orientation will likely be toward the street to reduce the overall profile when viewed from the nearest abutting properties. If orientation toward the street is not feasible, then the proper orientation will most likely be away from oncoming traffic. If more than one orientation would be technically feasible, the City Engineer may select the most appropriate orientation.

- (l) **Ground-Mounted or Base-Mounted Accessory Equipment.** The provisions in this subsection (l) are applicable to all ground-mounted and base-mounted accessory equipment in connection with small wireless facilities and other infrastructure deployments.
 - (1) **Ground-Mounted Concealment.** On collector roads and local roads, the City prefers ground-mounted accessory equipment to be concealed as follows: (A) within a landscaped parkway, median or similar location, behind or among new/existing landscape features and painted or wrapped in flat natural colors to blend with the landscape features; and (B) if landscaping concealment is not technically feasible, disguised as other street furniture adjacent to the support structure, such as, for example, mailboxes, benches, trash cans and information kiosks. On arterial roads outside underground districts, proposed ground-mounted accessory equipment should be completely shrouded or placed in a cabinet substantially similar in appearance to existing ground-mounted accessory equipment cabinets.

 - (2) **Public Safety Visibility.** To promote and protect public health and safety and prevent potential hazards hidden behind large equipment cabinets, no individual ground-mounted accessory equipment cabinet may exceed 4.5 feet in height or 4.5 feet in width. Ground-mounted and base-mounted equipment cabinets shall not have any horizontal flat surfaces greater than 1.5 square inches to prevent litter or other objects left on such surfaces.

- (m) **Utilities.** The provisions in this subsection (m) are applicable to all utilities and other related improvements that serve small wireless facilities and other infrastructure deployments.
 - (1) **Overhead Lines.** The City Engineer shall not approve any new overhead utility lines in underground districts. In areas with existing overhead lines, new communication lines shall be “overlashed” with existing communication lines

to the extent feasible. No new overhead utility lines shall be permitted to traverse any roadway used for vehicular transit.

- (2) **Vertical Cable Risers.** All cables, wires and other connectors must be routed through conduits within the pole or other support structure, and all conduit attachments, cables, wires and other connectors must be concealed from public view. To the extent that cables, wires and other connectors cannot be routed through the pole, such as with wood utility poles, applicants shall route them through a single external conduit or shroud that has been finished to match the underlying pole.
- (3) **Spools and Coils.** To reduce clutter and deter vandalism, excess fiber optic or coaxial cables shall not be spooled, coiled or otherwise stored on the pole outside equipment cabinets or shrouds.
- (4) **Electric Meters.** Small cells and other infrastructure deployments shall use flat-rate electric service or other method that obviates the need for a separate above-grade electric meter. If flat-rate service is not available, applicants may install a shrouded smart meter. If the proposed project involves a ground-mounted equipment cabinet, an electric meter may be integrated with and recessed into the cabinet, but the City Engineer shall not approve a separate ground-mounted electric meter pedestal.
- (5) **Existing Conduit or Circuits.** To reduce unnecessary wear and tear on the public rights-of-way, applicants are encouraged to use existing conduits and/or electric circuits whenever available and technically feasible. Access to any conduit and/or electric circuits owned or exclusively controlled by the City shall require prior written consent by the City Engineer, which the City Engineer may withhold or condition in his or her sole and absolute discretion.

SECTION 12. PREAPPROVED DESIGNS

- (a) **Purpose.** To expedite the review process and encourage collaborative designs among applicants and the City, the City Council authorizes the City Engineer to designate one or more preapproved designs for small wireless facilities and other infrastructure deployments. This section 12 sets out the process to establish or repeal a preapproved design and the expedited review procedures and findings applicable to these applications.
- (b) **Adoption.** The City Engineer may, in the City Engineer's discretion, establish a preapproved design when the Engineer finds that a proposed preapproved design substantially conforms to the design standards in this policy. The City Engineer shall post a public notice posted at the Public Works Department offices and with the City Clerk. The notice must generally describe the preapproved design, include a photograph or photo simulation and specify whether the preapproved design would be limited or restricted in any districts.

The preapproved design shall become effective 15 days from the notice required in this subsection. A decision by the City Engineer not to adopt a proposed preapproved design or the City Engineer's failure to act on a request for a proposed preapproved design is not appealable.

- (c) **Repeal.** The City Engineer may repeal any preapproved design by written notice posted at Public Works Department offices and with the City Clerk. The repeal shall be immediately effective. The City Engineer's repeal, refusal to repeal or failure to act on a request to repeal a preapproved design is not appealable.
- (d) **Modified Review Process.** In nonresidential districts, applications for a preapproved design shall not be subject to the notice requirements in section 7(a) or any potential appeals under section 8(d). In residential districts, applications for a preapproved design shall remain subject to the notice requirements in section 7 and any potential appeals under section 8(d).
- (e) **Modified Findings.** When an applicant submits a complete application for a preapproved design, the City Engineer shall presume that the findings for approval in sections 8(b)(1) and 8(b)(5) are satisfied and shall evaluate the application for compliance with the findings for approval in sections 8(b)(2), 8(b)(3), 8(b)(4), 8(b)(6) and 8(b)(7).
- (f) **Nondiscrimination.** Any applicant may propose to use any preapproved design whether the applicant initially requested that the City Engineer adopt such preapproved design or not. The City Engineer's decision to adopt a preapproved design expresses no preference or requirement that applicants use the specific vendor or manufacturer that fabricated the design depicted in the preapproved plans. Any other vendor or manufacturer that fabricates a facility to the standards and specifications in the preapproved design with like materials, finishes and overall quality shall be acceptable as a preapproved design.

CHAPTER 600

PERSONNEL SERVICES

CITY COUNCIL POLICY

TITLE: EMPLOYER-EMPLOYEE RELATIONS

POLICY
NUMBER: 601

ADOPTED: MARCH 14, 1972

AMENDED OR
REVISED:

Purpose

To establish guidelines for handling employer-employee relations within the City.

Policy

All matters pertaining to employer-employee relations in the City of National City shall be administered by the City Manager or a representative appointed by the City Council.

All inquiries directed to the City Council relating to matters discussed or to be discussed in formal or informal negotiations with any association or employee will be referred to the City Manager.

This policy does not affect the right of the City Council to approve or disapprove the recommendations made jointly by the City Manager or any recognized association in a written Memorandum of Understanding, or, upon request, to make a final determination on any matters not agreed upon. At such time as these matters may be presented to the City Council, any representative of a recognized employee association shall have the right to appear before the City Council for the purpose of presenting information pertinent thereto.

Related Policy References

Resolution No. 10,596 adopted March 14, 1972

CITY COUNCIL POLICY

TITLE:	CITY COUNCIL CLERICAL STAFF AND EXECUTIVE ASSISTANT TO THE MAYOR	POLICY NUMBER:	602
ADOPTED:	August 20, 1985	AMENDED OR REVISED:	January 21, 1986 December 16, 2008
<p><u>Purpose</u></p> <p>To establish guidelines for the evaluation or replacement of the City Council Clerical Staff and Executive Assistant to the Mayor.</p> <p><u>Policy</u></p> <p>It shall be the responsibility of the Vice Mayor to confer with the Mayor to coordinate the joint performance evaluations or replacement of the City Council Clerical Staff and Executive Assistant to the Mayor. The Vice Mayor shall confer with the Mayor to jointly make recommendations on performance, pay increases, and the need for temporary assistance in case of absences.</p> <p>The Vice Mayor will also be responsible to confer with the Mayor for the joint annual review and evaluation of the performance of the City Council Clerical Staff and Executive Assistant to the Mayor.</p> <p><u>Related Policy Procedures</u></p> <p>None.</p>			

CITY COUNCIL POLICY

CITY OF NATIONAL CITY

TITLE: Use of Volunteers by the City Council

POLICY #603

ADOPTED: February 6, 2018

AMENDED: February 4, 2020

Purpose

Members of the City Council may require support in their efforts to stay abreast of local, state and federal legislative matters that may impact the City, attend community meetings with individuals and groups, receive and respond to constituent questions/concerns (both in person and in written communications), and serve on various boards and commissions. In addition to the administrative support provided by employees assigned to the City Council, individual members of the City Council may require additional periodic or on-going support which may be achieved through the use of volunteers. The duties performed by volunteers may vary dependent upon the knowledge, skills and abilities of the individual(s) and the needs of the Council office. The purpose of this policy is to establish guidelines for the use of volunteers by members of the City Council.

Definitions

City Council – the legislative body elected to govern the City of National City, comprised of the Mayor and City Councilmembers.

Confidential Materials - information that is classified, private, secret, or sensitive that is transmitted or provided to city councilmembers by, for or through the city attorney staff or city department, or city departmental staff, in the course of the confidential attorney-client relationship or confidential departmental communication. Confidential material includes any documents that are exempt from public disclosure under the Public Records Act, or documents/materials that are privileged, or are protected attorney work product, under the Brown Act, Evidence Code, Rules of Professional Responsibility or any state or federal statute, code, regulation or case.

Elected Official – for purposes of this policy, elected official refers to the Mayor and City Councilmembers.

Political Event - an organized event having as its primary purpose the exercise of expressive activities of a political nature, including but not limited to speech making, picketing, protesting, marching, demonstrating, or debating public issues or fundraising for political candidates.

Volunteer – an individual who is donating time to the City without monetary compensation for hours worked. Volunteers include unpaid student interns and students seeking community service hours in compliance with school district graduation requirements.

Policy

Elected Officials:

1. The decision to use volunteers shall be at the discretion of each individual elected official.
2. The elected official has the sole responsibility for the selection of volunteers, the assignment of duties and the establishment of a work schedule.
3. Elected officials shall not assign a volunteer to represent them in meetings that require the presence of an appointed (an elected official serving as an appointed board member or commissioner) or elected official.

Volunteers:

1. Volunteers shall serve at the will of the elected official with no rights to permanent employment (either paid or unpaid); and with no rights to an appeal if the volunteer assignment is terminated by the elected.
2. In all communications representing the Council office, including those with City staff, community members, businesses or other agencies, volunteers shall only represent the interests and/or opinions of the elected official to whom he/or she reports. At no time shall a volunteer be granted the authority to represent the interest and/or opinions of the City Council as a body or the City as an agency.
3. Elected officials and City staff shall take reasonable precautions to ensure that volunteers do not have access to confidential materials.
4. Volunteers may be given name tags to be worn when assigned to work in the community or when attending meetings on behalf of the elected official. All such name tags shall be in conformance with the City's adopted standard for such a name tag. Name tags shall not be worn by volunteers at times when they are not schedule or assigned to work in their volunteer capacity, or at political events.
5. Volunteers may not engage in political activities on City premises or using City equipment; or during periods of time when on duty as a volunteer. Volunteers are considered on duty during periods of an assigned work schedule or when otherwise asked by an elected official to work in the office or to attend an event on his/her behalf as their representative.

Procedures

The selection and use of volunteers by elected officials shall be subject to the general administrative guidelines established by the City Manager under Administrative Policies 04.09 and 04.13, Volunteers and Unpaid Interns; and Criminal History Checks, respectively, including but not limited to the preparation and submission of attendance logs for all volunteers.

TITLE: Use of Volunteers by the City Council

POLICY #603

ADOPTED: February 6, 2018

AMENDED: February 4, 2020

Related Policy References

Administrative Policy 04.09 – Volunteers and Unpaid Interns

Administrative Policy 04.13 – Criminal History Checks

CITY COUNCIL POLICY

CITY OF NATIONAL CITY

TITLE: Discrimination and Harassment	POLICY #604
ADOPTED: July 3, 2018	AMENDED:

I. POLICY STATEMENT

It is the policy of the City of National City that all employees, applicants, volunteers, and independent contractors (collectively referred to as “workers”) have a right to work in an environment free of discrimination, which encompasses freedom from harassment based on such factors as sex, sexual orientation, gender or gender identity,, gender expression, marital status, pregnancy (including childbirth or related conditions), race, color, religion, national origin or ancestry, age, physical or mental disability, medical condition, genetic condition, family care or medical leave status, military or veteran status, or any other characteristic protected by law. These characteristics shall be referred to as “protected classifications.” City workers are expected to treat members of the public and their fellow workers with respect and dignity. The City strongly disapproves of discrimination and harassment in any form and will not tolerate this behavior under any circumstance. Any employee, supervisor, manager, elected official or third party is prohibited from engaging in such conduct, and doing so may result in disciplinary action up to and including dismissal.

In addition, retaliation against a worker for reporting violations of this Policy in good faith, or for participating in the investigation of a harassment or discrimination complaint, is strictly prohibited and may result in disciplinary action up to and including dismissal.

Workers who have complaints of discrimination, harassment, or retaliation against anyone at work, including supervisors, co-workers, visitors, or vendors are urged to report such conduct to designated City officials so that the City may investigate and resolve the problem. The City will investigate all complaints in conformance with procedures outlined in this Policy. Where investigators confirm the allegations, appropriate corrective action will be taken.

The City will maintain the confidentiality of information provided in the complaint and investigation process, except to the extent disclosure is required by law, as part of the investigatory or disciplinary process, or as otherwise reasonably necessary.

II. DEFINITIONS

Discrimination means unequal or abridged treatment of a person’s right or opportunity to seek, obtain, hold, and prosper in an employment relationship with the City on the basis of any of the protected classifications.

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TITLE: Discrimination and Harassment	POLICY #604
ADOPTED: July 3, 2018	AMENDED:

Harassment includes conduct based on a protected classification that has the purpose or effect of unreasonably interfering with an individual’s work performance; creating an intimidating, hostile, threatening or offensive working environment; or adversely affecting the worker’s performance, evaluation, assigned duties or any other condition of employment or career development.

Sexual harassment means unwelcome sexual advances; requests for sexual favors, and other verbal or physical conduct of a sexual nature which occurs under any of the following circumstances:

- Submission to such conduct is made either expressly or by implication a term or condition of an individual’s employment;
- Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting the individual; or
- Verbal or physical conduct of a sexual nature that has the purpose or effect of substantially interfering with the employee’s ability to do their job or creating an intimidating, hostile, or offensive working environment.

Other examples of sexual harassment include unwelcome sexual flirtations or propositions; verbal abuse of a sexual nature; graphic verbal comments about an individual's body; sexually degrading words used to describe an individual; and the display or use in the work environment of sexually suggestive objects or pictures, posters, jokes, cartoons, or calendar illustrations.

Prohibited sexual harassment need not be motivated by sexual desire.

III. PROCEDURES

A. Worker’s Responsibility

It is important that workers inform the City as soon as possible about any prohibited discrimination, harassment, or retaliation because nothing can be done to remedy the situation if the City does not know that it exists.

Any worker who feels comfortable doing so should also let a co-worker know when that co-worker’s behavior or comments are offensive or unwelcome, even if the situation does not rise to the level of a violation of this Policy. However, individuals are not required to handle these situations on their own and individuals should report such issues to the appropriate person as listed below.

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Any individual who believes that they have been or are being discriminated against, harassed, or retaliated against in violation of this Policy shall immediately report this violation to his or her supervisor, their department head, the Director of Human Resources, the City Manager, or any other department head or supervisor with whom the individual feels comfortable speaking.

Any individual who is aware or suspects that another individual has been discriminated against, harassed, or retaliated against in violation of this Policy shall immediately report this violation to his or her supervisor, their department head, the Director of Human Resources, the City Manager, or any other department head or supervisor with whom the individual feels comfortable speaking. Workers may also file a complaint of discrimination, harassment, or retaliation with the California Department of Fair Employment and Housing or U.S. Equal Employment Opportunities Commission. Utilization of the grievance procedure is not a prerequisite to the pursuit of such other remedies.

Employee's reporting possible violations of this Policy will be requested to fill out a Harassment Complaint Form.

Each worker is also responsible for his or her own behavior in observing the City's Discrimination and Harassment Policy.

B. Supervisor Responsibility/City Responsibility

It is the responsibility of each department head and supervisor to maintain a work environment free of harassment, discrimination, and retaliation. This includes being available to discuss this Policy with the workers they supervise and to assure the workers that they are not required to endure any form of prohibited harassment, discrimination, or retaliation. If someone reports allegations of potential violations of this Policy to a supervisor, it is the responsibility of the supervisor to take immediate action by documenting the incident(s) through the use of the Harassment Complaint Form and reporting the allegations to the Director of Human Resources.

Any supervisor who fails to take appropriate action to report or address discrimination, harassment, or retaliation issues may be subject to disciplinary action up to and including termination and also may be found personally liable under Federal and State law.

The Director of Human Resources is responsible for the direction and coordination of the City's efforts regarding this Policy. Also, the Director of Human Resources shall be available for advising employees, managers, and supervisors concerning

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TITLE: Discrimination and Harassment	POLICY #604
ADOPTED: July 3, 2018	AMENDED:

individual issues and this Policy in general. This Policy shall be disseminated to all City workers.

C. Investigation

The City will document and investigate all complaints of harassment in a prompt, objective, and thorough manner, including interviews of those with relevant knowledge. The investigation will be designed to maintain, to the extent possible, the privacy and confidentiality of all parties and witnesses involved. Complete confidentiality cannot occur, however, due to the need to investigate fully and to take effective remedial action. The Director of Human Resources or the appropriate department head or supervisor will be responsible for directing an investigation into such allegations and for implementing appropriate remedial action, where warranted. The extent of the investigation and the designation of the investigator will depend on the circumstances of the complaint. In certain circumstances, the City may also designate an outside investigator to conduct the investigation. The City will not disclose a completed investigation report except as it deems necessary to support disciplinary action, to take remedial action, to defend itself in adversarial proceedings, or as otherwise required by law.

D. Resolution

After investigation, the City will communicate the confidential findings (i.e., sustained or not sustained) to the complainant, the alleged harasser, and members of management with a legitimate need to know.

If there is a finding that discrimination, harassment, or retaliation in violation of this Policy or applicable laws has occurred, the City will take appropriate and immediate action to end any discrimination, harassment, or retaliation and prevent its recurrence. Any employee found to have violated this Policy will be disciplined up to and including termination. Specific action taken will depend upon the specific circumstances.

Knowingly, falsely accusing someone of violating this Policy or otherwise knowingly giving false or misleading information in an investigation regarding this Policy shall be grounds for disciplinary action, up to and including, termination of employment.

IV. HARASSMENT INVOLVING THE PUBLIC

The City strictly prohibits harassment or retaliation of any member of the public by any City worker.

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In addition, if a worker feels that he or she is being subjected to harassment, as defined above, by a member of the public, the worker should report such harassment to his or her supervisor (or other person listed above) for investigation and appropriate action.

V. TRAINING PROGRAMS

Training programs to implement this Policy shall be developed and presented. It shall be mandatory that each management and supervisory employee attend one of these programs at least once every two years as required by State law. In addition, the City shall take measures periodically to ensure that all workers are made aware of the implications of this Policy. The emphasis in these programs shall include:

- the commitment of the City to eradicate sexual and other described forms of harassment;
- effective methods of deterring the incidence of such harassment;
- awareness of the importance and seriousness of this problem;
- the specific procedures of responding to complaints of harassment;
- discussion of abusive conduct/bullying.

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Name and telephone numbers of any witnesses or persons having first hand information about this situation.

1. _____
2. _____
3. _____

Nature of relief sought: _____

Signature of complainant: _____ Date: _____

Name & Title of City of National City _____ Date _____
Official receiving complaint: _____ Received: _____

Did complainant discuss this situation with alleged offender? (when & where?):

Did complainant discuss this situation with alleged offender's or their immediate supervisor?
(when and where and action taken by supervisor?): _____

Was an in-depth investigation conducted? (give details): _____

Action to be taken (give details): _____

Has this complaint been reviewed by the City Attorney? Yes No
Does this action satisfy the complainant? Yes No

If "yes", signature of complainant: _____
(If not, refer the complaint to the Director of Human Resources for resolution)

Signature of receiving City official _____ Date: _____

Forward this form to the Director of Human Resources upon completion at the departmental level.

CITY COUNCIL POLICY

CITY OF NATIONAL CITY

TITLE: Workplace Violence and Security Policy	POLICY #605
ADOPTED: May 15, 2018	AMENDED:

I. POLICY STATEMENT

It is the policy of the City of National City (“City”) that every employee is entitled to work in a safe environment. Therefore, the City has adopted a “zero tolerance” policy regarding workplace violence. Consistent with this Policy, acts or threats of physical violence, including intimidation, harassment, or coercion, which involve or affect the City or which occur on City property will not be tolerated. Acts or threats of violence include conduct which is sufficiently severe, offensive, or intimidating to alter the employment conditions at the City by creating a hostile, abusive, or intimidating work environment for one or several City employees, or in any way interfering with the maintenance of a safe work place. To this end, the City Council adopts the following policy.

1. No employee of the City shall threaten or commit an act of violence toward another employee, member of the public, or property of the City.
2. All acts or threats of violence shall be reported immediately to a supervisor, superintendent, Department Director, the Risk Manager and/or Human Resources Director.
3. All reported acts or threats of violence will be timely investigated by the City. Appropriate actions will be taken to prevent further violent conduct or threats of violent conduct from occurring or being repeated.
4. Unless pre-authorized or a condition of employment (i.e. sworn Police personnel), no employee shall bring to the worksite or any City property or building, on their person, or in their belongings or vehicle any non-job related weapon or dangerous material of any type. Job-related weapons or tools that could be deemed a weapon must be authorized by the employee’s supervisor.
5. This prohibition against workplace violence applies to all persons involved in City operations, including but not limited to City personnel, contract workers, temporary employees, and anyone on City property or conducting City business off City property.

- 6. Individuals who commit acts or threats of violence or otherwise violate the provisions of this policy are subject to disciplinary action up to and including termination. Even in the absence of prior progressive disciplinary action, violating policy may be cause for dismissal from employment. Other corrective action may include, but is not limited to, referral to law enforcement agencies for illegal or criminal actions and/or the City seeking a workplace violence restraining order on behalf of the affected employee(s).
- 7. All employees and elected officials are responsible for using safe work practices, for following written procedures and policies, and for assisting in maintaining a safe and secure work environment.
- 8. The City recognizes that individuals may experience difficulties related to their work, their relationships with co-workers, supervisors, superintendents, managers or members of the public. The City offers an Employee Assistance Program (EAP) for all City employees to receive support in handling any personal difficulties that may arise. When such difficulties are known, departments should inform affected employee(s) of the services provided by the EAP.

Definitions

- 1. **Workplace Violence:** An intense and extreme behavior used to frighten, intimidate, injure, or damage another person or property at the place of work. It is usually an expression of anger, and can take the following forms:
 - a. gestures
 - b. innuendo
 - c. intimidation
 - d. physical force
 - e. retaliation
 - f. rough action
 - g. self-prediction of loss of control
 - h. stalking
 - i. fostering strong negative feeling or emotion
 - j. threats
 - k. violation of another’s rights, property or sensibilities
- 2. **Threat:** A direct or implied expression of intent to inflict physical harm and/or actions that a reasonable person would perceive as a threat to physical safety or property. Additionally, because intent may not always be perceived by co-workers, jokes about physical acts of violence will not be tolerated.

All individuals have the right to self-expression. However, the City will not tolerate abuse of this right.

Examples

Specific examples of conduct that may be considered threats or acts of violence include, but are not limited to, the following:

- a. Striking, punching, slapping, shoving or otherwise physically assaulting another person.
- b. Fighting or challenging another person to a fight, grabbing, pinching or touching another person in an unwanted fashion (whether sexually or otherwise).
- c. Threatening an individual or his or her family, friends, associates, or property with harm in any way, whether verbal, written or physical.
- d. The intentional destruction or threat of destruction of property.
- e. Harassing or threatening phone calls.
- f. Harassing surveillance or stalking.
- g. The suggestion or intimation that violence is appropriate.
- h. Unauthorized possession or inappropriate use of a firearm, knife, explosive or destructive device or other dangerous weapon. This includes individuals that have permits to carry a concealed weapon.
- i. Any intimidating behavior reasonably perceived as a threat, including, but not limited to, yelling, shouting, swearing in anger, throwing things or slamming doors.

II. RESPONSIBILITIES UNDER THIS POLICY**Management**

All employees in a supervisory role or position shall maintain his or her workplace free from workplace violence or threats of workplace violence. All managers, superintendents and supervisors are responsible for:

- Ensuring each employee is aware of the policy and complies with this workplace violence prevention program in their work areas.

- Supervising, evaluating, and documenting employee behavior and performance in conformance with safe work practices.
- Immediately reporting any threats or acts of violence which they have witnessed, received, or have been told that another person has witnessed or received to the Department Head and/or Human Resources, and to the police if the potential for a criminal violation exists.
- Ensuring reception and other appropriate employees are immediately made aware of a potential threat. Taking immediate measures in conjunction with law enforcement and the Human Resources Director to make sure all individuals who pose an immediate threat to the safety of others are removed from the workplace.

The City supports a communication system that promotes and encourages a continuous flow of safety, health and security information between management and employees without fear of reprisal. Within the City it is recognized that in order to maintain a safe, healthy and violence-free workplace, there must be open and two-way communication between all employees, supervisors, superintendents and managers on workplace safety, health and security issues.

Employee

Employees are charged with adhering to this City policy against workplace violence and are responsible for immediately reporting any threats or acts of violence which they have witnessed or received to their supervisor or Department Director. This includes threats by employees, as well as threats by customers, vendors, solicitors, or other members of the public as against City employees in the workplace. All suspicious individuals must be reported to a supervisor, Department Director or law enforcement as soon as possible. Employees who witness acts of criminal behavior or the planning of a criminal act that results or could result in workplace violence are responsible for immediately reporting such acts or planned acts to law enforcement and to their supervisor or Department Director.

III. COMPLIANCE

The procedure for ensuring that all employees, including supervisors, superintendents, and managers, comply with work practices that are designed to make the workplace more secure and free of violence, and do not engage in verbal threats or physical actions which create a security hazard for others in the workplace, includes:

1. Informing employees, supervisors, superintendents and managers of the provisions of the Workplace Violence and Security Policy;
2. Evaluating the performance of all employees for compliance with the Workplace Violence and Security measures;
3. Recognizing employees who perform work practices which promote security in the workplace;
4. Providing training and/or counseling to employees whose performance in complying with work practices designed to ensure workplace security is deficient;
5. Disciplining workers for failure to comply with the Workplace Violence and Security Policy and practices up to and including termination.

IV. TRAINING

Procedures

All employees, including managers, superintendents and supervisors, shall be instructed on general and job-specific workplace security practices by their immediate supervisor.

All new employees and all other employees, for which instruction has not been provided and documented, shall be instructed on this policy, sign an acknowledgement receipt and comply with the policy.

All employees, supervisors, superintendents and managers shall be re-instructed on this policy whenever the City is made aware of a new or previously unrecognized security hazard, violent behavior or other tendencies on the part of the employee that may lead to violence or security problems.

V. INCIDENT INVESTIGATION AND REPORTING

Reporting

Any employee who is the victim of any violent or threatening conduct, or who observes such conduct shall report the conduct to his or her immediate supervisor, Department Director, or the Human Resources Director, as well as to law enforcement, if appropriate under the circumstances. This includes threats by employees, as well as threats by customers, vendors, solicitors, or other members of the public as against City employees in the workplace. All suspicious individuals or activities must also be reported as soon as possible.

Immediately after the threat of or act of workplace violence by, a written report on a form provided by the Human Resources Department shall be completed by:

The Employee who the act or threat was committed against and the supervisor/superintendent where the incident took place.

If an employee has been threatened by someone outside the work place and has reason to believe there is a risk of violence in the workplace, the employee should notify their supervisor immediately so the City can evaluate whether or not seeking a workplace restraining order is appropriate. Employees who have obtained a civil restraining order against another person for violence occurring outside the workplace should notify their supervisor.

Investigating

It is the responsibility of the Department Director to report and investigate all threats or acts of violence that occur in their department. The Department Director shall consult with the Risk Manager or Human Resources Director before initiating an investigation into a violent or potentially violent incident. An investigation, in such detail as may be appropriate, shall be initiated immediately following a report of an act or threat of violence and shall be concluded as soon as possible. The Department Director in coordination with the Human Resources Director may designate another manager, as appropriate, to conduct the investigation. The investigator shall coordinate with Human Resources and law enforcement as necessary. A written summary of the investigation, and a description of the resolution, if any, shall be issued by the investigating officer/Department Director to both the Risk Manager and Human Resources Director.



City of National City
Human Resources Department

OCCUPATIONAL SAFETY OR SECURITY PROGRAM

INCIDENT REPORT

This form must be completed by the employee and the supervisor when an incident of violence, safety or security has occurred.

Employee(s) Name(s): _____
Job Title: _____ Department: _____
Date of Incident: _____ Time: _____ a.m./p.m.
Location of Incident: _____

Person(s) involved and witness(es) to the incident:

Name: _____ Tel. No. _____ Home/Work/Cell _____
Name: _____ Tel. No. _____ Home/Work/Cell _____
Name: _____ Tel. No. _____ Home/Work/Cell _____

Description of the Incident: _____

Employee's Signature: _____ Date: _____

Describe personal and/or property damage resulting from incident and any injury medical treatment required: _____

Preventable? _____ Non-Preventable? _____ Safety Equipment Used? Yes No

What actions have been taken with regard to incident? _____

How could similar incidents be prevented? _____

Supervisor's Signature: _____ Date: _____

Department Director's Signature: _____ Date: _____

CITY COUNCIL POLICY

CITY OF NATIONAL CITY

TITLE: Alcohol and Drug-Free Workplace	POLICY# 606
ADOPTED: May 15, 2018	AMENDED:

ARTICLE 1 - PURPOSE

Employees are the most valuable resource for a governmental organization. Their health and safety are of utmost importance. The City of National City (City) will not tolerate the use of any illegal drug, alcohol or other controlled substance that imperils the health and well-being of City employees or threatens the City’s operations.

The use of illegal drugs, abuse of alcohol or other controlled substances, on or off duty, is inconsistent with the law-abiding behavior expected of all citizens. Employees who abuse illegal drugs, alcohol or other controlled substances tend to be less productive, less reliable and prone to greater absenteeism resulting in the potential for increased cost, delay and risk in the conduct of City business. Furthermore, all employees have the right to work in an alcohol and illegal drug-free environment, and to work with persons free from the effects of alcohol and illegal drug abuse. Employees who abuse illegal drugs, alcohol or other controlled substances are a danger to themselves, to co-workers and to the public.

The City Council is committed to maintaining a safe and healthy workplace free from the influence of illegal drugs, alcohol and other controlled substances. The City intends to comply with all applicable federal regulations governing workplace anti-drug programs and safety-sensitive employees, including the Drug-Free Workplace Act of 1988, the California Drug-Free Workplace Act of 1990, and the Omnibus Transportation Employee Testing Act of 1991 and the Federal Transportation Administration (FTA) and Federal Motor Carrier Safety Administration (FMCSA) of the Department of Transportation (DOT). All covered employees are required to submit to drug and alcohol tests in accordance with these regulations as a condition of employment. Due to the additional regulatory requirements placed on covered employees by state and federal law and regulations (the term “covered employees” is defined in section 2.2 of this policy on the next page), some provisions of this Policy apply only to covered employees. The provisions applicable to covered employees only are clearly identified in this Policy.

ARTICLE 2 - INDIVIDUALS COVERED

Section 2.1 External Applicants and City Employees

This Policy applies both to external applicants for City jobs and to City employees. Each employee must sign a statement certifying that he or she received a copy of this Policy and understands its contents. Employees should direct any questions regarding their rights and obligations under this Policy to their supervisors or to the Human Resources Department.

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Section 2.2 Covered Employees

This Policy applies to covered employees as defined by DOT regulations. DOT regulations call for specific drug and alcohol testing of drivers who operate commercial motor vehicles requiring a commercial driver’s license as well as employees who perform “safety-sensitive” functions. Individuals who are required to have a commercial driver’s license to operate commercial motor vehicles and those performing “safety-sensitive” functions are considered “covered employees.” Covered employees are prohibited from being under the influence of or in possession of illegal drugs, alcohol or other controlled substances while on-duty or on on-call status.

The following employees are considered **covered employees** subject to random drug/alcohol testing:

- (a) **Individuals who operate commercial motor vehicles if the vehicle:**
 - (1) Weighs at least 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds;
 - (2) Has a gross vehicle weight of at least 26,001 pounds;
 - (3) Is designed to transport 16 or more passengers, including the driver; or
 - (4) Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the vehicle to be placarded under the Hazardous Materials Regulations.

- (b) **Employees who perform any of the following safety-sensitive functions:**
 - (1) Driving a commercial motor vehicle that requires the driver to have a commercial driver’s license (CDL);
 - (2) Waiting to be dispatched to operate a commercial motor vehicle;
 - (3) Inspecting, servicing or conditioning any commercial motor vehicle;
 - (4) All time spent at the driving controls of a commercial motor vehicle;

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- (5) Performing all other functions in or upon a commercial motor vehicle (except time spent resting in the sleeper berth);

- (6) Loading or unloading a commercial motor vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or giving or receiving receipts for shipments being loaded or unloaded; or

- (7) Repairing, obtaining assistance or remaining in attendance upon a disabled vehicle.

A covered employee is considered to be performing a safety-sensitive function during any period in which that employee is actually performing, ready to perform, or immediately available to perform any safety-sensitive function, including off-site lunch periods and breaks.

ARTICLE 3 - SAFETY EMPLOYEES CONDUCTING OFFICIAL DUTIES

This Policy shall not prevent a Safety Employee of the City Police Department from consuming alcohol on duty or from possessing alcohol, illegal drugs, or other controlled substances on duty upon the approval of the Chief of Police or designee as part of his or her official duties and when in furtherance of the mission of the Police Department.

ARTICLE 4 - DEFINITIONS

1. **Alcohol** – The intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols including methyl and isopropyl alcohol.

2. **Alcohol Use** – The consumption of any beverage, liquid mixture or preparation (including any prescription or over-the-counter medication) containing alcohol.

3. **Cannabis** – All parts of the plant Cannabis sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant. The term cannabis also means marijuana and marihuana.

4. **City Property** – All City owned or leased property , including but not limited to buildings and other real estate, parking lots, roads, driveways and right-of-ways, vehicles, equipment, lockers, file cabinets and desks. This includes any property used for City business or privately owned property that City employees may use while conducting City business.

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5. ***Controlled Substance*** – A drug or other substance, or immediate precursor whose manufacture, possession or use is regulated by the federal government and that has a stimulant, depressant, or hallucinogenic effect on the central nervous system, including but not limited to cannabis, cocaine, opiates, Phencyclidine (PCP), and amphetamines (including methamphetamines).
6. ***Conviction*** – A finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.
7. ***Covered Employee*** – An employee who performs safety-sensitive functions or operates certain commercial motor vehicles as defined by DOT Regulations and is subject to mandatory post-accident testing pursuant to the FMCSA and FTA.
8. ***Covered Position*** – A job classification which is listed in the Civil Service Medical Guidelines as requiring drug testing or as defined by DOT Regulations.
9. ***Criminal Drug Statute*** – A federal or non-federal criminal statute involving manufacture, distribution, dispensation, use or possession of any controlled substance.
10. ***Disabling Damage*** – Damage requiring the motor vehicle to be transported away from the scene of an accident by tow truck or other motor vehicle.
11. ***Drug or Drugs*** – A natural or synthetic substance which, when taken into a living body, affects its functioning or structure and is capable of altering the mood, perception, or judgment of the individual ingesting the substance.
12. ***Drug Testing*** – A technical analysis of a biological specimen, for example urine, blood, breathe, and/or saliva, to determine the presence or absence of illegal drugs or other controlled substances, their immediate precursor, or their metabolites.
13. ***Employee*** – An individual who is employed to perform services for the City. This includes supervisory and management personnel and covered employees.
14. ***Follow-Up Testing*** – A written follow-up drug and/or alcohol testing plan determined by an employee’s Substance Abuse Professional (SAP) after the employee resumes performance of safety-sensitive functions after committing a DOT drug or alcohol regulation violation. The SAP must require an employee to submit to a minimum of six unannounced follow-up tests in the first twelve months of safety-sensitive duty following

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the employee’s return to safety-sensitive functions, but may require more frequent testing for up to five (5) years. The City determines the specific dates to test the employee according to the SAP’s written follow-up drug and/or alcohol testing plan.

15. ***Illegal Drug*** – Any controlled substance that is not legally obtainable under federal law or a prescription drug obtained or used without the benefit of a prescription issued to the employee or applicant in question by a licensed physician.

16. ***Job Applicant/Pre-Employment*** – A person, independent contractor, or person hired by an independent contractor who applies to become an employee of or to perform work for the City.

17. ***Post-Accident Testing*** – A DOT requirement that the City test surviving employee drivers for alcohol and controlled substances following an occurrence involving a commercial motor vehicle operating on a public road in commerce if: (1) the driver was performing safety-sensitive functions with respect to the vehicle and the accident involved the loss of human life; or (2) the driver received a citation within 8 hours of the occurrence under State or local law for a moving traffic violation arising from the accident if the accident involved bodily injury to any person who, as a result of the injury, immediately received medical treatment away from the scene of the accident or if one or more motor vehicles incurred disabling damage requiring the motor vehicle to be transported away from the scene by tow truck or other motor vehicle.

18. ***Pre-employment Testing*** – Testing of individuals proposed to be hired or promoted into a job classification designated for drug testing by the Medical Guidelines established by the Civil Service Commission or when required by DOT Regulations.

19. ***Prescription Drug*** – A drug or medication that an applicant or employee can lawfully obtain or possess under federal law pursuant to a prescription issued to the applicant or employee in question by a licensed physician.

20. ***Random Testing*** – An unannounced and random selection for drug and alcohol testing of employees who are in job classifications listed in the Civil Service Medical Guidelines for random drug/alcohol testing or designated as safety-sensitive positions by DOT Regulations.

21. ***Reasonable Suspicion Testing*** – A test ordered by a trained supervisor who believes based on specific, contemporaneous and articulable observations concerning the appearance, behavior, speech or body odors of any employee and reasonable inferences drawn from those facts related specifically to job performance, that the employee poses a

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threat to him or herself or the safety of others because of illegal drugs, alcohol or other controlled substances, or an employee’s own self-admission of recent use.

- 22. ***Return-to-Duty Testing*** – A DOT requirement that the City test an employee returning to work after committing a DOT drug or alcohol regulation violation before the employee in question may return to the performance of safety-sensitive functions.

- 23. ***Safety-Sensitive Personnel*** – Employees identified as having safety-sensitive work responsibilities as defined by the DOT. This includes all full-time, part-time, intermittent and backup employees performing safety-sensitive functions.

- 24. ***Substance Abuse Professional (SAP)*** – A licensed physician (medical doctor or doctor of osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional or an alcohol and illegal drug abuse or addiction counselor certified by the National Association of Alcohol and Drug Abuse Counselors (NAADAC) Certification Commission or by the International Certification Reciprocity Consortium/Alcohol & Other Drug Abuse (ICRCJ), with knowledge or any clinical experience in the diagnosis and treatment of alcohol and controlled substances disorders. A SAP evaluates employees who have violated the City’s DOT Drug and Alcohol Policy or other regulations and makes recommendations concerning education, treatment, follow-up testing and aftercare. The SAP is the only professional authorized to return a DOT regulated employee to safety-sensitive duties, following a violation of this Policy.

- 25. ***Work-Related Problems*** – Include, but are not limited to, substandard or unsafe work performance, excessive tardiness or regular failure to meet deadlines, obvious impairment, insubordinate behavior, inability to complete the basic requirements of one’s position or other repeated disciplinary issues or occurrences.

ARTICLE 5 - PROHIBITED CONDUCT

Section 5.1 Prohibited Conduct Applicable to Applicants and Employees

The City prohibits all applicants and employees from engaging in the following conduct:

- 1. Possessing, using, or being under the influence of alcohol, an illegal drug or other controlled substance while on City property, while performing their duties (regardless of whether on City property) or at any time when use of alcohol, an illegal drug or other controlled substance would impair, to any extent, the employee’s ability to perform his or her duties or to operate any City equipment;

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2. Possessing, using, or reporting to work with prescription drug(s) in his or her system, unless a licensed physician lawfully prescribed the prescription drug(s) to the employee in question;
3. Using any over-the-counter medication during working hours if such use may detrimentally affect or impair the safety of the employee, coworkers, customers or members of the public, or interfere with safe or efficient City operations;
4. Being on duty or operating a City vehicle or equipment while possessing alcohol;
5. Using or being under the influence of any legally obtained drug or prescription drug, on the job, on City property or while conducting City business to the degree that work performance is impaired and safety of the employee, coworkers and the public is jeopardized;
6. Reporting for duty or remaining on duty when the employee has used any controlled substance, unless the use is pursuant to the instructions of a physician who has advised the employee that the substance does not adversely affect the employee's ability to operate or use a vehicle or other City equipment safely;
7. Using or being under the influence of alcohol, illegal drugs or other controlled substances while on on-call status;
8. Reporting to work while under the influence of alcohol, illegal drugs, controlled substances or other mind-altering chemicals. Any employee who is under the influence of alcohol, illegal drugs, controlled substances or other mind-altering chemicals while on on-call status, when reporting to work or during working hours, is in violation of this Policy, regardless of when or where the substance entered the employee's system;
9. Possessing an unsealed alcoholic beverage container or using or possessing alcohol, any substance containing alcohol or any other impairing substances while on City premises or while in a City vehicle or equipment;
10. Directly or through a third party, manufacturing, selling, distributing, dispensing, using or otherwise attempting to manufacture, sell, or distribute illegal drugs or controlled substances or engaging in any illegal drug activities in any form on or off duty;
11. Manufacturing, using, consuming, possessing, transferring, distributing, displaying, transporting, selling or growing cannabis in the workplace;

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12. Refusing to submit to any alcohol, illegal drug or controlled substance test required by state or federal regulations. An employee who refuses to submit to a legally required drug/alcohol test will be treated in the same manner as an employee who has tested 0.04 or greater on an alcohol test or tested positive on a controlled substances test;
13. Refusing to provide a urine sample for a drug test;
14. An inability to provide a urine sample without a valid medical explanation;
15. Refusing to complete and sign the breath alcohol testing form, or otherwise to cooperate with the testing process in a way that prevents the completion of the test;
16. An inability to provide breath or to provide an adequate amount of breath without a valid medical explanation;
17. Tampering with or attempting to adulterate the urine specimen or collection procedure;
18. Not reporting to the collection site in the time allotted by the supervisor or manager who directs the employee to be tested;
19. Leaving the scene of an accident without a valid reason as to why authorization was not obtained from a supervisor or manager;
20. Consuming alcohol during the eight (8) hours immediately following an accident involving City equipment or vehicle; and
21. Reporting for duty or remaining on duty after a confirmed positive alcohol, illegal drug, or controlled substance test before receiving clearance to return to work from Director of Human Resources or designee.

Section 5.2 Additional Prohibited Conduct Applicable to Covered Employees

Additionally, the City also prohibits covered employees from engaging in the following conduct:

1. Reporting for duty or remaining on duty requiring the performance of safety-sensitive functions while having an alcohol concentration level of 0.01 or greater; and
2. Performing a safety-sensitive function while using alcohol or within four (4) hours after using alcohol.

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ARTICLE 6 - AFFIRMATIVE DUTY

Any employee who believes that alcohol, illegal drugs or other controlled substances are being illegally manufactured, distributed, dispensed or used on City premises or on City time, must immediately and without delay notify the appropriate supervisor.

ARTICLE 7 - CONSEQUENCES FOR VIOLATIONS

Section 7.1 Applicants

Any selected applicant whose test results are verified positive for an illegal drug, alcohol or other controlled substance will have the offer of employment withdrawn by the City.

Section 7.2 Employees

Employee compliance with the City’s Alcohol and Drug-Free Workplace Policy is a condition of continued employment. Any employee who violates this Policy is subject to disciplinary action, up to and including termination of employment.

Employees who test positive or refuse testing for illegal drugs, alcohol or other controlled substances are subject to disciplinary action, up to and including termination. Employees are also subject to all state and federal law consequences governing these violations.

Off-duty activities that involve an employee, which negatively affect the employee’s performance or safety on the job or threaten the public’s confidence, constitute grounds for discipline up to and including termination of employment.

In any situation where a supervisor determines that an employee’s consumption or use of alcohol, an illegal drug or other controlled substance, regardless of whether it results in impairment or adversely affects job performance, safety or public confidence, the City may impose discipline, up to and including termination of employment.

The City may, in its sole discretion, impose disciplinary measures, up to and including termination of employment, upon employees for rule violations and work-related problems, separate and apart from violations of this Policy, even if such rule violations or work-related problems result from substance abuse.

ARTICLE 8 - CRIMINAL DRUG STATUTE CONVICTIONS

To fulfill its obligation under the Federal Drug-Free Workplace Act of 1988, the City requires any employee who is convicted of any criminal drug statute, for a violation occurring in the

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workplace, to provide written notice of the conviction to the Director of Human Resources no later than five (5) days after the conviction. Within thirty (30) days of receiving notice from the employee, the City will take an appropriate personnel action up to and including termination.

ARTICLE 9 - MEDICINAL AND RECREATIONAL CANNABIS

Although California law exempts use of cannabis by individuals with a California Department of Public Health issued medicinal cannabis identification card and by adults over age 21 under the Adult Use of Marijuana Act from criminal prosecution in state court, neither of these laws affect an employer's rights and obligations to maintain an illegal drug and alcohol free workplace. Similarly, these laws do not require employers to permit or accommodate the use, consumption, possession, transfer, display, transportation, sale, or growth of cannabis in the workplace or affect the employer's ability to have policies prohibiting the use of cannabis by employees and prospective employees. Cannabis remains an illegal drug under the federal Controlled Substances Act and California laws do not prevent employers from complying with federal law. Accordingly, employers in California can continue to enforce workplace substance abuse policies, test for controlled substances, and refuse to hire applicants who test positive for controlled substances, even in instances where the employee or applicant was legally using cannabis under the state's Compassionate Use Act or under the Adult Use of Marijuana Act.

Therefore, both medicinal use and non-medicinal recreational use of cannabis that may be legal under state law do not constitute an acceptable explanation or excuse for a positive drug test under this Policy and do not hinder or affect the City's ability to fail or refuse to hire an applicant because of a positive drug test.

ARTICLE 10 - PRESCRIPTION DRUGS

Employees are permitted the appropriate use of federally approved and legally prescribed medications issued to the employee by a licensed physician. Employees should ascertain from the prescribing physician whether the prescription drug would interfere with their ability to perform their assigned job duties safely. To the extent an employee's job performance is impaired due to the use of a federally approved prescribed medication, the employee should notify his or her supervisor immediately. The City may temporarily reassign the employee until the City determines that the employee's work performance is no longer impaired and the safety of the employee, coworkers and the public is no longer at risk. An employee may be required to provide a statement from a licensed physician, nurse practitioner or physician's assistant indicating when the employee is able to work safely while taking the prescribed medications.

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ARTICLE 11 - CONSENT

Section 11.1 Consent Form

Before administering a drug test, the City will ask that employees and job applicants sign a consent form. The consent form shall authorize the City to administer the appropriate test(s) and diagnostic procedures and shall permit the release of test results to a designated City representative with a need to know. The consent form shall provide a space for employees and applicants to acknowledge that they have been notified of the City's drug testing policy.

Section 11.2 Refusal to Consent

The City will deny employment to job applicants who refuse to consent to a drug test. The City shall consider an employee's failure to submit to a drug/alcohol test required by this Policy equivalent to testing positive on a drug or alcohol test. An employee's refusal to submit to drug and/or alcohol testing may subject an employee to disciplinary action, up to and including termination of employment.

A **covered employee** who refuses to submit to drug or alcohol testing must be removed immediately from performing safety-sensitive functions until successful completion of the return-to-duty process with a DOT-qualified SAP.

ARTICLE 12 - APPLICANT / PRE-EMPLOYMENT DRUG TESTS

Section 12.1 Pre-Employment Drug Tests for Non-Covered Positions

Every individual the City proposes to hire shall be free of illegal drug abuse. Every offer of employment for positions designated in the Medical Guidelines established by the City's Civil Service Commission for drug testing shall be conditional upon the passing of a pre-employment urine test for illegal drugs. The City will not hire or promote any applicant for any such designated position who fails to pass the pre-employment or pre-promotion urine test for illegal drugs.

Section 12.2 Pre-Employment Drug Tests for Covered Positions

Every offer of employment for covered positions designated by DOT Regulations for drug testing shall be conditional upon the passing of a pre-employment urine test for illegal drugs. The City will not hire or promote any applicant for any such designated covered positions who fails to pass the pre-employment or pre-promotion urine test for illegal drugs. This Policy adheres to and incorporates the minimum thresholds defined in DOT Regulations 49 CFR Part 40 for the cut-off levels used to determine when a drug test is positive.

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1. Pre-employment drug tests are conducted after extending a conditional offer of employment or transfer with respect to safety-sensitive positions. The City must receive a negative pre-employment drug test result before an applicant or employee considered for a safety-sensitive position can first perform safety-sensitive functions. If a pre-employment test is cancelled, the individual will be required to undergo another test and successfully pass with a verified negative result before performing safety-sensitive functions.
2. All pre-employment and promotional health screens for covered positions will include a urine drug test designed to detect the presence of cannabinoids, cocaine, phencyclidine, opioids, amphetamines, barbiturates, benzodiazepines, methadone, methaqualone, propoxyphene or other controlled substance so designated by federal law. No pre-employment alcohol test is required.
3. If a covered employee has not performed a safety-sensitive function for 90 consecutive calendar days, and has not been in the random testing pool during that time, the employee must take and pass a pre-employment test before he or she can return to a safety-sensitive function.
4. The City shall obtain applicants' drug and alcohol testing information from their previous employers for the two (2) year period preceding the commencement of employment with the City.
5. The City reserves the right to withdraw an offer of conditional employment from any applicant who refuses to undergo a pre-employment drug test.
6. Test results will be sent to only those individuals on a need-to-know basis.
7. If the test results are negative, the City will contact the applicant and give him or her a date to report to work.
8. If the test results are positive, the City will inform the individual that he or she has not passed the pre-employment or promotional physical and that the job offer has been withdrawn. No other elaboration will be made even if requested.
9. No prospective employee may begin work prior to employee health approval and will not be allowed to begin work at all if any illegal drugs or controlled substances are identified during the employment health screening process.

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10. While the City recognizes its obligations under the disability discrimination laws, the use of or being under the influence of medicinal cannabis by a job applicant being considered for a safety-sensitive position is grounds for withdrawal of a job offer. Cannabis remains an illegal drug under the federal Controlled Substances Act and California laws do not prevent employers from complying with federal law.

ARTICLE 13 - REASONABLE SUSPICION DRUG AND ALCOHOL TESTING

Section 13.1 Reasonable Suspicion Testing Procedure

If a supervisor reasonably suspects that an employee is under the influence of alcohol, an illegal drug or other controlled substance while performing job duties or operating City equipment and, upon prior approval by the Department head or Human Resources Director, the supervisor may require the employee to submit to a drug and/or alcohol test. A reasonable suspicion test may only be conducted when a trained supervisor has observed specific, contemporaneous, articulable observations concerning the appearance, speech, body odor, or behavior of the employee. (See the attached *Illegal Drug and Alcohol Reasonable Suspicion Evaluation Form* for reasonable suspicion factors)

An employee shall submit to testing for the on-duty use of illegal drugs, alcohol or other controlled substances when ordered to do so by any supervisory personnel. The conduct upon which reasonable suspicion is based must be witnessed by a supervisor trained in the detection of illegal drugs, alcohol or other controlled substances. The supervisor must be knowledgeable in the identification of actions, appearance, or conduct of an employee that are indicative of illegal drugs, alcohol and other controlled substances.

The documentation of the employee's conduct shall be prepared and signed by a trained supervisor and any witness(es), utilizing the *Illegal Drug and Alcohol Reasonable Suspicion Evaluation Form* (see attachments) as soon as possible after the observed behavior and before the results of the test are released.

The reasonable suspicion alcohol test should be administered within two (2) hours of the observation. If not, the supervisor must provide written documentation as to the reasons the test was not promptly conducted. No test may be administered eight (8) hours or more following the observation.

The reasonable suspicion drug test should be administered as soon as possible. If not administered within thirty-two (32) hours of the observation, the supervisor must prepare a statement explaining the reasons a test was not administered.

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Section 13.2 Reasonable Suspicion Testing Following an Accident

A reasonable suspicion drug and/or alcohol test may be conducted following a work-related accident, incident or mishap that resulted in death, injury requiring medical treatment away from the scene of the accident, or property damage, where drug and/or alcohol use by the employee cannot be ruled out as a contributing factor. The supervisor must follow the testing procedure outlined in Article 13, including receiving approval by the Department head or Human Resources Director and completing the *Illegal Drug and Alcohol Reasonable Suspicion Evaluation Form* (see attachments).

ARTICLE 14 - DRUG AND ALCOHOL TESTING FOR COVERED EMPLOYEES

Section 14.1 DOT Threshold Levels

This Policy adheres to and incorporates the minimum thresholds defined in DOT Regulations 49 CFR Part 40 for the cut-off levels used to determine when a drug test is positive.

Section 14.2 DOT Alcohol Guidelines

The DOT published amended regulations, 49 CFR Part 40, adding breath alcohol testing to the Federal Highway Administration's (FHWA) regulations pertaining to safety-sensitive personnel possessing a commercial driver's license (CDL) and operating a commercial motor vehicle (CMV). The City adheres to 49 CFR Part 40 and to state laws pertaining to personnel possessing a CDL and operating CMVs.

The following Policy is established for personnel with a CDL and includes those other employees performing safety-sensitive functions (see "safety-sensitive personnel" under definitions). This Policy prohibits the use of alcoholic beverages within four (4) hours of reporting to work and also prohibits a driver from driving while having a measurable alcohol concentration in his or her system, amounting to 0.04 or greater alcohol limitation for CMV operators.

If an employee is called to perform safety-sensitive duties during the employee's off-duty time or while on on-call status, the employee may report to work only if he or she has not consumed alcohol at any time during the previous four (4) hours. When an employee in a safety-sensitive position has consumed alcohol during the four (4) hours immediately before a "call-back," he or she will be expected to acknowledge such use at the time he or she is called. An employee on on-call status who has consumed alcohol during the four (4) hour period immediately prior to a "call-back" may be subject to discipline up to and including termination.

The City also prohibits covered employees performing safety-sensitive functions from:

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1. Consuming alcohol on the job while on or off duty and
2. Refusing to submit to the required alcohol tests.

A covered employee who violates any of these prohibitions shall be removed from performing safety-sensitive functions until he or she has met the conditions for returning to a safety-sensitive function. If an employee has an alcohol concentration of 0.02 or greater, or if the employee is under the influence of or impaired by alcohol, as indicated by behavior, speech and/or performance indicators of alcohol misuse, and a reasonable suspicion alcohol test result cannot be obtained, the employee shall be removed from safety-sensitive duties for a minimum of twenty-four (24) hours until a City test result indicates a zero (0) alcohol concentration.

Section 14.3 Random Drug and Alcohol Testing Procedure for Covered Employees

Only **covered employees** will be subject to random illegal drug and alcohol testing throughout the year for the purpose of determining the presence of alcohol, illegal drugs or controlled substances. Covered employees are those with safety-sensitive duties, as defined in this Policy, such as equipment operators, street and sewer maintenance workers, tree trimmers, traffic painters, sweeper operators, park caretakers, mechanics and classifications that have responsibilities involving the operation of commercial vehicles (i.e., requiring non-exempt class A or B licenses) for the City. Random testing will be conducted at all times of the day when safety-sensitive functions are performed.

The following items regarding the random selection and testing procedure will apply:

1. The number of tests conducted annually shall equal or exceed fifty percent (50%) of the average number of employees for which testing is required.
2. The City shall use a random selection process to select and shall issue a verbal or written directive to the employee to be tested for the use of alcohol, illegal drugs or controlled substances on the same day the test is to be taken.
3. An employee shall submit to alcohol, illegal drugs or controlled substance testing when selected by a random selection process. Refusal may be considered as sufficient grounds for discipline, including termination.
4. A covered employee will only be randomly tested for alcohol misuse while the employee is performing safety-sensitive functions, just before the employee is to perform safety-sensitive functions, or just after the employee has ceased performing such functions. A covered employee may be randomly tested for illegal drug use anytime while on duty. A

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covered employee who is notified of selection for random drug or random alcohol testing must immediately proceed to the designated testing site.

Section 14.4 Selecting Covered Employees for Random Drug and Alcohol Testing

The City utilizes a computerized system to conduct random drug/alcohol testing. Using this method, the City loads a random number-generating program into a computer along with the names or identification numbers of the covered employees. The computer then generates a list of employees to be tested during the testing period.

The selection process is repeated until the required number of employees is selected. Once the computer generates a list of covered employees to be tested, covered employees should not be informed that they have been selected for random testing until they are notified to report for testing. **Advance notice of random testing shall not be given to any covered employee.**

To assure that the process is in fact random, all covered employees, regardless of whether they have been chosen for testing in the past, will remain in the pool of employees for each subsequent period. This procedure assures that the probability of any individual being selected each period is always the same during each selection period, regardless of whether the individual was selected in a previous period. While it may be statistically improbable, a single individual could theoretically be selected for testing on two (2), three (3) or even four (4) occasions within a calendar year. It also is important to remember that the testing occasions will be evenly distributed throughout each calendar year.

This requirement is expected to serve as a deterrent for those employees who, believing that they are exempt from further testing following a recent negative test, might consider using alcohol, illegal drugs or other controlled substances. If an employee is off work due to temporary lay-off, illness, injury or vacation, the employee's name will not be removed from the random pool so long as there is a reasonable expectation of the employee's return.

Section 14.5 Post-Accident Drug and Alcohol Testing for Covered Employees

A **covered employee** who is subject to post-accident testing must make him or herself readily available for the test, or he or she will be deemed to have refused the test. For purposes of this Policy, an accident does not include minor accidents where the vehicle does not incur disabling damage.

14.5.1 Post-Accident Alcohol Testing

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Following an occurrence involving a City commercial motor vehicle operating on a public road, the City shall require post-accident alcohol testing for each of its surviving City employees who were functioning as drivers:

1. Who were performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or
2. Who receives a citation within eight (8) hours of the occurrence for a moving traffic violation arising from the accident, if the accident involved bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or one or more motor vehicles incurring disabling damage as a result of the accident requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

Post-accident alcohol tests should be administered within two (2) hours following the accident, but in no case later than eight (8) hours. The need for testing is presumed and any determination not to test must be made by the employer/supervisor based on information that alcohol use by the employee could not have contributed to the accident/incident. If alcohol testing is not administered within two hours following the accident, the City shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If alcohol testing is not administered within eight hours following the accident, the City shall cease attempts to administer an alcohol test and will prepare and maintain on file a record stating the reasons the test was not administered.

14.5.2 Post-Accident Drug Testing

Following an occurrence involving a City commercial motor vehicle operating on a public road, the City shall require post-accident illegal drug/controlled substances testing for each of its surviving City employee drivers:

1. Who were performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or
2. Who receives a citation within thirty-two (32) hours of the occurrence for a moving traffic violation arising from the accident, if the accident involved bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or if one or more motor vehicles incurring disabling damage as a result of the accident requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

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If illegal drug or controlled substance testing is not administered within thirty-two (32) hours following an accident, the City will cease attempts to administer a drug or controlled substance test and prepare and maintain on file a record stating the reasons the test was not promptly administered.

Section 14.6 Procedure after a Positive Drug and/or Alcohol Test

If a **covered employee** is not terminated after a positive drug and/or alcohol test, the covered employee:

1. Must be removed from performing any safety-sensitive function;
2. Must submit to an examination by a SAP. Upon a determination by the SAP, the employee may be required to undergo treatment for his or her alcohol or illegal drug abuse. If the employee follows a prescribed course of rehabilitation, he or she may not return to the safety-sensitive position until the SAP determines that he or she has completed the program. The City is not required to pay for this treatment;
3. May not be returned to his or her former safety-sensitive position until the employee has been evaluated by a SAP, complied with any recommended treatment, has been re-evaluated by a SAP, has been allowed to return to work by the SAP, and has submitted to a return-to-duty and follow-up testing for controlled substances and/or alcohol test which indicates an alcohol concentration level of less than 0.01 or a negative result on a controlled substance test;
4. Must submit to unannounced follow-up testing after he or she has been returned to his or her safety-sensitive position; and
5. May perform any duties for the City that are not considered “safety-sensitive functions.” This may include handling of materials exclusively in a warehouse, regardless of whether the materials are considered hazardous as long as safety-sensitive functions are not performed.

Section 14.7 Return to Duty and Follow-Up Testing

Any employee who has tested positive, refused to submit to testing, or otherwise violated this Policy and who has completed the return-to-duty process with a DOT-qualified Substance Abuse Professional (SAP), shall comply with the following guidelines:

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1. Employees who violate this Policy shall have a return-to-duty test that requires the employee to test negative for illegal drugs, alcohol or other controlled substances.
2. A positive test result will indicate the problem has not been resolved, and therefore, requires referral to the SAP for further assessment.
3. If the SAP suspects use of a specific illegal drug, alcohol or other controlled substance, the SAP may recommend some or all substances be included in the return-to-duty testing.

NOTE: The decision to return the employee to his or her job duty functions and to conduct the test ultimately belongs to the City. The SAP's function is to advise the City as to whether the employee has complied with any recommended program of treatment.

4. All employees, including covered employees, identified by the SAP as needing assistance will be subject to follow-up testing upon returning to duty. Such employees will be subject to a minimum of six (6) unannounced tests over the following twelve (12) months. The SAP can recommend additional testing during this period or for an additional period up to a maximum of sixty (60) months or five (5) years from the date the employee returns to duty. The SAP can withdraw the recommendation for the follow-up testing in excess of the minimum at any time, if the SAP determines that the testing is no longer necessary and this determination is supported by the City.
5. Follow-up testing may include tests for other substances beyond the employee's initial positive test for alcohol or illegal drug(s) when the SAP has reason to suspect other illegal drug, alcohol or controlled substance use during the follow-up period.
6. A covered employee who has engaged in prohibited conduct must submit to a return-to-duty test before returning to his or her position. The test result must indicate an alcohol concentration of less than 0.01 or a verified negative result on a drug or controlled substance test. The City requires that a return-to-duty testing be directly observed, and that it receives a negative test result before the employee may resume safety-sensitive duties.

Section 14.8 Substance Abuse Professionals

The City offers the assistance of a SAP to employees requesting assistance or identified as having problems with illegal drugs and/or alcohol under acceptable circumstances. If necessary, the SAP will refer the employee for counseling, rehabilitation or employee assistance programs such as those available through the City's Employee Assistance Program (EAP) or Group Health Programs.

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ARTICLE 15 - REQUIRED TRAINING FOR DOT SUPERVISORS

All persons designated to supervise drivers are required to take 60 minutes of training on the symptoms of alcohol abuse and another 60 minutes of training on the symptoms of controlled substances use (120 minutes in total). This training is aimed to teach supervisors to identify circumstances and indicators that may create reasonable suspicion that a driver is using or under the influence of alcohol or illegal drugs, that supports referral of an employee for testing.

ARTICLE 16 - CONFIDENTIALITY

No employee or applicant will be labeled an “illegal drug user,” and there will be no disclosure of such information to a third party who does not have a need to know about results, corrective action, or treatment involving an employee.

Any information about an employee’s use of prescription or non-prescription medication, the results of any pre-employment or reasonable suspicion drug or alcohol testing, or an employee’s past or present participation in rehabilitation or treatment for substance abuse, will be considered confidential personnel information. The information received in enforcing this Policy shall be disclosed only as necessary for disciplinary actions and appeals, interactive process meetings and reasonable accommodation efforts, or resolving legal issues. Any reports or test results generated pursuant to this Policy shall be stored in a confidential file, accessible only to those authorized to receive the information, and separate and distinct from the employee’s personnel file.

ARTICLE 17 - IMPLEMENTATION

To provide a safe, alcohol and illegal drug-free working environment, the City will:

1. Assign to the City Manager the overall responsibility for the implementation of this Policy. The City Manager may designate a coordinator who shall be immediately responsible for the implementation of all aspects of this Policy. The coordinator for this program shall be either an employee with management status or an individual with suitable professional expertise who is contracted to perform this service.
2. The coordinator shall be responsible for the following:
 - a. Disseminating this Policy to all current and new employees;

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- b. Coordinating educational materials and supervisory drug training programs. Training programs may be provided by an Employee Assistance Program (EAP) provider or other person or organization with suitable expertise in this field.
 - c. Providing oversight and evaluation of any EAP provider. The coordinator shall act as liaison between the EAP providers and the City. The coordinator shall review all reports of EAP activities and, as necessary, make any recommended changes;
 - d. Reporting as necessary to the City Manager actions taken to implement the training program and identify options for making the program more effective;
 - e. Ensuring that the appropriate federal agency is informed of any criminal drug statute convictions of City employees for violations occurring in the workplace.
3. Contract with an independent drug program administrator to provide the Substance Abuse Professionals (SAP) random selection and drug testing as well as pre-employment and other drug testing services.
4. Assist in the resolution of employees' confirmed illegal drug and alcohol problems by encouraging employees to seek help through the City's EAP, health benefit plans, counseling services, SAP or other available resources.
5. Cooperate with law enforcement agencies to the extent permissible by law.

ARTICLE 18 - EMPLOYEE RESPONSIBILITY

The City believes that each employee has the responsibility to:

- 1. Report to work at all times free of alcohol or other illegal drugs and their influence/effects.
- 2. Not possess or use illegal drugs, alcohol or controlled substances during working hours, while on-call and subject to duty, on breaks, or at any time while on City property, operating a City vehicle or equipment, or in City uniform.
- 3. Notify his or her immediate supervisor when taking any medications or drugs, prescription or non-prescription, which may interfere with safe and effective job performance.

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4. Notify his or her immediate supervisor within five (5) days of any conviction for violating a criminal drug statute while in the workplace.
5. Participate in and support City sponsored illegal drug and alcohol education programs.
6. Seek and accept assistance for alcohol and other illegal drug abuse related problems before job performance is affected.
7. Support City efforts to eliminate alcohol and other illegal drug abuse among employees where it exist.



City of National City

PROCEDURE FOR SUPERVISORS OF EMPLOYEES IN COVERED EMPLOYEE POSITIONS TO FOLLOW WHEN IT IS BELIEVED THAT THEY MAY BE UNDER THE INFLUENCE OF ILLEGAL DRUGS AND/OR ALCOHOL

There may be instances when a supervisor has reasonable cause to believe that:

- An employee has consumed or ingested illegal drugs, alcohol or controlled substances on City premises;
- An employee reported to work under the influence of illegal drugs, alcohol or controlled substances; or
- An employee's off-duty abuse of illegal drugs, alcohol or controlled substances has resulted in work-related problems.

Under these circumstances, the supervisor must request a drug/alcohol test even though the employee is not believed to be impaired. The drug/alcohol test is not intended to prove impairment, but to confirm the presence of the drug and/or alcohol. Regardless of whether impairment is suspected, if the supervisor has reason to consider requiring a drug/alcohol test, use the following process to validate the reasons for considering a drug/alcohol test:

1. The supervisor should personally escort the employee to an office or other private area and have another supervisor present as a witness, if possible.
2. The supervisor should confront the employee with reasons for suspecting illegal drug and/or alcohol policy violations. Use the reasonable suspicion checklist to question and to document information from the employee. Complete the form and in conversation with the employee, determine whether the employee has consumed or ingested illegal drugs and/or alcohol on City premises or during work duty and is under the influence of illegal drugs, alcohol or controlled substances, or whether the employee's off-duty abuse of illegal drugs, alcohol or controlled substances has resulted in work-related problems.
3. If the employee does not appear to be under the influence of illegal drugs, including prescription drugs, and has not consumed illegal drugs during work duty or on City premises, or the employee has not engaged in off-duty consumption or abuse of illegal drugs, alcohol or controlled substances which resulted in work-related problems, and the

employee is able to perform regular work duties, have him or her return to the work unit and resume work.

4. If the supervisor believes the employee is under the influence of, or has consumed illegal drugs, alcohol or controlled substances on City premises or during work duty, or that the employee's off-duty consumption or abuse of illegal drugs, alcohol or controlled substances has resulted in work-related problems, advise the employee that City Policy has been violated and that he or she is being directed to provide a blood, urine, breath or other sample for illegal drug, alcohol or controlled substance testing. Personally escort the employee (with another supervisor when possible) to the approved drug/alcohol testing site.
5. Require the employee to read and sign a consent form, available at the testing location, agreeing to the test. Advise the employee that refusal to sign the form or give a specimen will be treated as a refusal to obey a direct order, and will constitute an admission that the suspicion is reasonable and may be grounds for termination. Once the specimen is taken and initialed by the employee, suspend him or her with pay, pending results and a review of the circumstances.
6. If it is believed that the employee is impaired, make arrangements to have the employee taken home. Do not permit the employee to leave the premises or drive alone. If the employee refuses any assistance, make sure a witness can verify that the employee refused such assistance. If the supervisor cannot control the employee's actions and the employee departs without assistance, immediately call the police department to inform them of the employee's condition and refusal for assistance. Tell the law enforcement officials the employee's name and a description of the automobile including the license number.
7. A thorough review of documentation, test results, and circumstances will be made before making a decision regarding the employee. A final decision will be made and communicated to the employee within a reasonable period unless there are extenuating circumstances.
8. If the test results are negative and the employee is returned to work with no corrective action, the suspended time is paid and the employee's record is cleared.
9. In all cases where the involvement of illegal drugs, alcohol or controlled substances is confirmed or suspected, recommend the employee seek support from an illegal drug/alcohol abuse program.

NOTE: Covered employees involved with or contributing to an accident or other incident involving actual or potentially serious injury where illegal drugs/alcohol cannot be discounted are required to submit to a post-accident drug/alcohol test. Consequently, steps #1 through #3 of the above procedures do not apply.

**ILLEGAL DRUG AND ALCOHOL
REASONABLE SUSPICION EVALUATION FORM**

Employee Name: _____ Job Title: _____
Observation Date: _____ Time: _____ a.m. /p.m. to
_____ a.m./p.m.
Location of Employee: _____
Location of Supervisor(s): _____
Others Present During Activities or Observations: _____
Incident(s) Observed Which Gave Cause for Reasonable Suspicion: _____

The City may require a blood test, urinalysis, or other illegal drug and/or alcohol testing of any employee a trained Supervisor reasonably suspects is under the influence of an illegal drug and/or alcohol at work. Reasonable suspicion exists if, based on two or more of the objective factors listed below, a trained Supervisor would believe that the employee is under the influence of an illegal drug and/or alcohol at work.

CAUSE FOR SUSPICION

1. Presence of alcohol, alcohol containers, illegal drugs or illegal drug paraphernalia (specify): _____

2. **Appearance:**

<input type="checkbox"/> Normal	<input type="checkbox"/> Flushed	<input type="checkbox"/> Puncture Marks
<input type="checkbox"/> Disheveled	<input type="checkbox"/> Bloodshot/Glassy eyes	<input type="checkbox"/> Unusual Skin Sores
<input type="checkbox"/> Dilated/Constricted Pupils	<input type="checkbox"/> Profuse Sweating	<input type="checkbox"/> Smell of Alcohol
<input type="checkbox"/> Dry-mouth Symptoms	<input type="checkbox"/> Runny Nose/Sores	<input type="checkbox"/> Smell of Cannabis
<input type="checkbox"/> Tremors	<input type="checkbox"/> Inappropriate Wearing of Sunglasses	

Other: _____

3. **Behavior/Speech**

<input type="checkbox"/> Normal	<input type="checkbox"/> Incoherent	<input type="checkbox"/> Slurred
<input type="checkbox"/> Silent	<input type="checkbox"/> Confused	<input type="checkbox"/> Slowed
<input type="checkbox"/> Whispering	<input type="checkbox"/> Angry/Hostile	<input type="checkbox"/> Happy
<input type="checkbox"/> Agitated	<input type="checkbox"/> Sleeping on the Job	<input type="checkbox"/> Unconscious

Other: _____

4. **Awareness:**

<input type="checkbox"/> Normal	<input type="checkbox"/> Mood Swings	<input type="checkbox"/> Euphoria
<input type="checkbox"/> Confused	<input type="checkbox"/> Paranoid	<input type="checkbox"/> Disoriented
<input type="checkbox"/> Lethargic	<input type="checkbox"/> Lack of Coordination	

Other: _____

5. **Motor Skills/Balance:**

- | | | |
|-------------------------------------|---|--|
| <input type="checkbox"/> Normal | <input type="checkbox"/> Swaying | <input type="checkbox"/> Falling |
| <input type="checkbox"/> Staggering | <input type="checkbox"/> Unsteady | <input type="checkbox"/> Arms Raised for Balance |
| <input type="checkbox"/> Stumbling | <input type="checkbox"/> Reaching for Support | |

Other: _____

6. **Walking & Turning:**

- | | |
|------------------------------------|--|
| <input type="checkbox"/> Normal | <input type="checkbox"/> Arms Raised for Balance |
| <input type="checkbox"/> Stumbling | <input type="checkbox"/> Reaching for Support |

Other: _____

7. **Work Performance:**

- | | |
|---|--|
| <input type="checkbox"/> Unusual Recent Absenteeism | <input type="checkbox"/> Frequent Accidents, Mistakes or Tardiness |
| <input type="checkbox"/> Frequent Complaints of Illness Negatively Affecting Work Performance | <input type="checkbox"/> Frequently Misses Deadlines or Takes More Time to Complete Job than Necessary |
| <input type="checkbox"/> Increased High/Low Periods of Productivity | <input type="checkbox"/> Takes Needless Risks |
| <input type="checkbox"/> Frequent Lapses in Concentration or Judgment | <input type="checkbox"/> Disregard for Safety of Others |
| <input type="checkbox"/> Repeated Difficulty in Recalling Instructions | <input type="checkbox"/> Frequent Complaints from Co-workers |
| <input type="checkbox"/> Constant Complaining | <input type="checkbox"/> Frequently Borrowing Money from Co-Workers |
| <input type="checkbox"/> Bringing Domestic or Personal Problems to Work | |

Other: _____

8. **Other Observed Actions or Behavior (specify):** _____

Witnessed by:

Signature Title Date Time a.m. /p.m.

Signature Title Date Time a.m. /p.m.

This document must be prepared and signed by the witnesses within 24 hours of the observed behavior or before the results of the tests are released, whichever is earlier.

CHAPTER 700

TRAFFIC AND PUBLIC SAFETY

TITLE: Yield & Stop Signs Installation Policy

POLICY #701

ADOPTED: September 15, 1987

DELETED: November 15, 2016

Reason for deletion:

Warrants / guidelines provided through CA Manual on Uniform Traffic Control Devices

DELETED

TITLE: Pedestrian Crosswalk Installation Policy

POLICY #702

ADOPTED: September 15, 1987

DELETED: November 15, 2016

Reason for deletion:

Warrants / guidelines provided through CA Manual on Uniform Traffic Control Devices and Americans with Disabilities Act (ADA)

DELETE

CITY COUNCIL POLICY

TITLE: PURCHASE OF PRODUCTS CONTAINING FULLY POLICY
HALOGENATED CHLOROFLUOROCARBONS (CFC's) NUMBER: 703

ADOPTED: November 15, 1988

AMENDED OR
REVISED:

Purpose

To establish policy restricting purchase of products containing fully halogenated chlorofluorocarbons (CFC's) which are harmful to our environment.

Policy

The use of fully halogenated chlorofluorocarbons has been determined to be harmful to our environment and, therefore, should cease. Unfortunately, there are some products containing these chlorofluorocarbons (CFC's) which are essential to our operations, and must be used. In order to limit the use of these chlorofluorocarbons to necessary, Purchasing Agent is hereby directed to include on all applicable purchasing documents the following clause:

"In accordance with National City Council Policy, vendor shall not provide or deliver any product containing fully halogenated chlorofluorocarbons (CFC's) unless specifically authorized by the National City Purchasing Agent."

Related Policy References

None

CITY COUNCIL POLICY

TITLE: Limitation on city approved
 Special events within the City

POLICY 704
NUMBER

ADOPTED: November 15, 1988

AMENDED OR October 7, 2008
REVISED

Purpose

Page 1 of 3

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 than 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 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.

CITY COUNCIL POLICY

TITLE: Limitation on city approved
 Special events within the City

POLICY 704
NUMBER

ADOPTED: November 15, 1988

AMENDED OR October 7, 2008
REVISED

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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 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 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.

CITY COUNCIL POLICY

TITLE: Limitation on city approved
 Special events within the City

POLICY 704
NUMBER

ADOPTED: November 15, 1988

AMENDED OR October 7, 2008
REVISED

T.U.P. Processing Fee Waivers

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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 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 or portable systems.
- 3) Fireworks or similar pyrotechnic displays
- 4) Other activities or events which the City Council deems warrant notification.

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

CITY COUNCIL POLICY

TITLE: INSTALLATION OF FIRE HYDRANTS

POLICY
NUMBER: 705

ADOPTED: 11-14-89

AMENDED OR
REVISED:

Purpose

Page 1 of 6

The purpose of this Policy is to provide a uniform and equitable procedure applicable to the installation of fire hydrants for the protection of life and property.

Policy

The provisions of this Policy shall apply to all properties located within the corporate limits of National City whether those properties be privately owned or public domain.

The Chief of the Fire Department (the Fire Marshal, or other persons authorized to represent the Fire Chief) is hereby authorized and directed to administer the provisions of this Policy. For such purpose he shall receive the cooperation of other departments, divisions, etc. of the City.

The location of all fire hydrants and the required gallons per minute (GPM) fire flow for each hydrant shall be established by the Fire Chief, based upon minimum requirements of the Uniform Fire Code (U.F.C.); recommended standards as published by the Insurance Service Office (I.S.O.), and/or other applicable regulations.

When new hydrants are installed to reduce spacing, the following shall apply:

- (a) When existing fire hydrants located within the public right-of-way of any street or public way exceed a spacing in accordance with the Uniform Fire Code, or when in the opinion of the Fire Chief, the interest of public safety will be served, he may direct the water utility company to install additional fire hydrants.
- (b) Costs incurred by the installation of fire hydrants authorized under paragraph (a) of this section shall be paid by the City provided that funds for such installations have been approved by the City Council and are included in the current City budget. Such costs shall be limited to installation charges only and shall not include water storage assessment fees, water main line extensions/replacement or other charges.
- (c) Fire hydrants installed under this policy for which payment is made from public funds, shall be available for the protection of the general public, and not for the sole protection of a particular building or group of buildings.

CITY COUNCIL POLICY

TITLE: INSTALLATION OF FIRE HYDRANTS

POLICY
NUMBER: 705

ADOPTED: 11-14-89

AMENDED OR
REVISED:

Policy (continued)

Page 2 of 6

When new hydrants are installed for construction projects, the following shall apply:

- (a) The application, plans, and specifications filed by an applicant for a building permit shall be reviewed by the Fire Chief to check compliance with rules and regulations under his jurisdiction. When such plan check confirms the requirement for the installation of an on-site or off-site fire hydrant(s) due to the proposed construction, that fact shall be clearly noted on the approved plans. The approximate location, minimum required GPM fire flow and/or any other pertinent data relating to the installation of the fire hydrant(s) shall also be noted as a plan correction.
- (b) It shall be the sole responsibility of the project developer or the owner of the property to negotiate with the water utility company for the complete installation of fire hydrant(s) required by the Fire Chief. Any and all costs assessed by the water utility company relating to the installation of such fire hydrant(s), the attendant properly sized water main lines (if required), water storage/assessment fees or other charges shall be borne by the project developer or other owner of the property. It shall not be incumbent upon the City of National City to participate in any such costs.

Related Policy References

City Council Resolution No. 13, 315, "Regulating the Installation of Fire Hydrants."

RESOLUTION NO. 13,315

NATIONAL CITY POLICY REGULATING THE INSTALLATION
OF FIRE HYDRANTS ON PRIVATE PROPERTY AND WITHIN
THE PUBLIC RIGHT-OF-WAY.

BE IT RESOLVED by the City Council of the
City of National City, California as follows:

WHEREAS, the purpose of this Administrative
Policy is to provide a uniform and equitable procedure
applicable to the installation of fire hydrants for the
protection of life and property; and

WHEREAS, the provisions of this Administrative
Policy shall apply to all properties located within the
corporate limits of National City whether those properties
be privately owned or public domain; and

WHEREAS, the Chief of the Fire Department (the
Fire Marshal, or other persons authorized to represent
the Fire Chief) is hereby authorized and directed to
administer the provisions of this Administrative Policy.
For such purpose he shall receive the cooperation of other
departments, divisions and agencies of the City as may be
required; and

WHEREAS, the location of all fire hydrants and
the required gallons per minute (GPM) fire flow for each
hydrant shall be established by the Fire Chief, based
upon minimum requirements of the Uniform Fire Code (U.F.C.)
recommended standards as published by the Insurance
Service Organization (I.S.O.), guidelines of the South
Bay Zone 5 Fire Chiefs, and/or other applicable regula-
tions; and

WHEREAS, the new hydrants are installed to
reduce spacing, the following shall apply:

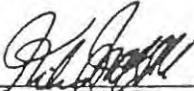
- (a) When existing fire hydrants located within the public right-of-way of any street or public way exceed a spacing of three hundred feet (300'), geographic or other physical barriers exist, or when, in the opinion of the Fire Chief, the interest of public safety will be served, he may direct the water utility company to install additional fire hydrants.
- (b) Costs incurred by the installation of fire hydrants authorized under paragraph (a) of this section shall be paid by the City provided that funds for such installations have been approved by the City Council and are included in the current City budget. Such costs shall be limited to installation charges only and shall not include water storage assessment fees, water main line extensions/replacement or other charges.
- (c) Fire hydrants installed under this policy - for which payment is made from public funds, shall be available for the protection of the general public, and not for the sole protection of a particular building or group of buildings.
- (d) The Fire Chief shall evaluate fire hydrant deficiencies of each neighborhood within the City and, based upon results of such evaluation, shall recommend an annual Capital Improvement Program budget to correct deficiencies.

WHEREAS, when new hydrants are installed for construction projects the following shall apply:

- (a) The application, plans, and specifications filed by an applicant for a building permit shall be reviewed by the Fire Chief to check compliance with rules and regulations under his jurisdiction. When such plan check confirms the requirement for the installation of an on-site or off-site fire hydrant(s) due to the proposed construction, that fact shall be clearly noted on the approved plans. The approximate location, minimum required GPM fire flow and/or any other pertinent data relating to the installation of the fire hydrant(s) shall also be noted as a plan correction.
- (b) It shall be the sole responsibility of the project developer or the owner of the property to negotiate with the water utility company for the complete installation of fire hydrants required by the Fire Chief. Any and all costs assessed by the water utility company relating to the installation of such fire hydrants, the attendant properly sized water main lines (if required), water storage/assessment fees or other charges shall be borne by the project developer or the owner of the property. It shall not be incumbent upon the City of National City to participate in any such costs.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of National City, that it hereby adopts "National City Policy Regulating the Installation of Fire Hydrants on Private Property and within the Public Right-of-Way" as shown in Exhibit "A" attached hereto and made a part hereof as though set forth in full.

PASSED AND ADOPTED this 22nd day of April, 1980.



MAYOR

ATTEST:



CITY CLERK

TITLE: Street Light Policy

POLICY #706

ADOPTED: February 24, 1987

DELETED: November 15, 2016

Reason for deletion:

Replaced by National City Street Light Manual

DELETED

CITY COUNCIL POLICY

TITLE: Alcohol Beverage License Application Review Process
and Alcohol Conditional Use Permit Standards

POLICY
NUMBER 707

ADOPTED: November 12, 1991

AMENDED OR
REVISED: July 17, 2018

Page 1 of 5

PURPOSE/BACKGROUND:

To streamline the process of alcohol license application review to ensure timely staff responses and/or protests to the Department of Alcoholic Beverage Control regarding these applications.

The City Municipal Code requires Conditional Use Permits for the sale of alcohol. Such land use regulation is designed to ensure that the health, safety and welfare of the community does not become negatively impacted. In order to minimize any potential adverse effects of alcohol sales for both on and off-site consumption, including public drunkenness, disorderly conduct, illegal sales or domestic violence, the City adopts conditions of approvals and enact policies designed to protect the public from such effects. The following sets forth the City Council's policy on the applicable alcohol standards for Conditional Use Permit applications for both on and off-sale alcohol sales, as well as the Department of Alcoholic Beverage Control application notification requirements.

POLICY:

The Department of Alcoholic Beverage Control (ABC) sends copies of all alcoholic beverage license applications to the Police Department. The City has thirty days from the date of the ABC mailing to provide comments to the ABC. If no protests are received within that time period, the ABC issues the license.

The Police Department is responsible for ensuring that an appropriate Conditional Use Permit (CUP) exists for the applicant business. If such a CUP exists, the copy of the application is simply filed by the Police Department in the existing file with the notation that there were no objections to the issuance of the license. If it is a new (in the case of an "original" license application) or expanding business or one seeking a license to effect a premises transfer, and no CUP exists, the Police Department is responsible for sending a letter to the ABC protesting the issuance of the license until a CUP is issued by the City.

Whenever such a protest letter is sent to the ABC, that agency notifies the applicant that they must begin the process of obtaining a CUP with the City's Planning Division and that the issuance of the alcoholic beverage license will be delayed until such time as the protest is withdrawn.

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Once a CUP has been issued, the Planning Division notifies the Police Department of that issuance and it is then the responsibility of the Police Department to notify the ABC that the protest is withdrawn.

The CUP application, approval and issuance process is such that it provides all the checks, balances and controls necessary to ensure that businesses seeking alcoholic beverage licenses are in compliance with local standards.

These conditions of approval shall apply to all new Conditional Use Permits (CUPs) for the sale of alcohol for on and/or off-site consumption and modifications of existing CUPs for such sales as specified by the preceding parenthetical references with each condition. These references specify to which type of alcohol CUP being applied for the conditions would apply to – on-sale (restaurant, bar, etc) or off-sale (market, grocery store, etc). Regulation of these conditions and allowances shall be enforced through the Conditional Use Permit process, specifically conditions of approval to read as follows:

1. **(off-sale alcohol)** The sale of beer or malt beverages in quantities of quarts, 22 ounce, 32 ounce, 40 ounce, or similar size containers is prohibited.
2. **(off-sale alcohol)** No beer products shall be sold of less than manufacturer's pre-packaged three-pack quantities of 24 ounce cans per sale. There shall be no sale of single cans or bottles.
3. **(off-sale alcohol)** No sale of wine shall be sold in containers of less than 750 milliliters. The sale of wine with an alcoholic content greater than 15% by volume is prohibited.
4. **(off-sale alcohol)** Flavored malt beverages, also known as premium malt beverages and flavored malt coolers, and sometimes commonly referred to as wine coolers, may be sold only by four-pack or other manufacturer's pre-packaged multi-unit quantities.
5. **(off-sale alcohol)** The consumption of alcoholic beverages is prohibited on the subject premises, and on all parking lots and outbuildings and any property or adjacent property under the control of the applicant.
6. **(off-sale alcohol)** All cups and containers shall be sold at or above prevailing prices and in their original multi-container packages of no fewer than 12, and no cups and containers shall be given free of charge.

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7. **(off-sale alcohol)** Ice may be sold only at or about prevailing prices in the area and in quantities of not less than three pounds per sale. Ice shall not be provided free of charge.
8. **(off-sale alcohol)** The display of alcoholic beverages shall be limited to an area in substantial conformance with Exhibit ____, Case File No. ____, dated ____.
9. **(off-sale alcohol)** Permittee shall post signs on the exterior building walls in compliance with Chapter 10.30.070 of the National City Municipal Code. Additionally, the permittee shall post signs, to be approved by the Planning Division, at each entrance to the applicant's premises and parking lot, prohibiting loitering and consumption of alcohol on the premises and adjacent property under his control. Said signs shall not be less than 17 by 22 inches in size, with lettering not less than one inch in height. The signs shall read as follows:
 - a. "No open alcoholic beverage containers are allowed on these premises."
 - b. "No loitering is allowed."
10. **(off-sale alcohol)** Containers of alcohol may not be stored on the premises, after being sold to patrons, for the purpose of later consumption.
11. **(off-sale alcohol)** Exterior advertising and signs of all types, promoting or indicating the availability of alcoholic beverages, including advertising/signs directed to the exterior from within, are prohibited. Interior displays of alcoholic beverages and signs, which are clearly visible to the exterior, shall constitute a violation of this condition.
12. **(off-sale alcohol)** The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of all other commodities during the same period. The applicant shall at all times keep records which reflect separately the gross sales of alcoholic beverages and the gross sales of all other items. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the City Finance Department and any Peace Officer of the California Department of Alcoholic Beverage Control upon demand.
13. **(on and off-sale alcohol)** All sellers and servers of alcohol shall receive Responsible Beverage Service and Sales (RBSS) training, including all owners, and managers. The RBSS training must be certified by the Department of Alcoholic Beverage Control (ABC). Proof of completion of an approved RBSS program must be provided prior to issuance of a city business license. As part -

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- of the RBSS training, the permittee shall make available a domestic violence training session as provided by the Institute of Public Strategies.

14. **(on-sale alcohol)** The sale of alcohol shall not exceed the sale of food. With the annual renewal of the City business license, the business proprietor shall submit a statement clearly indicating total alcoholic beverage sales and total food sales. Said statement shall be subject to audit and verification by employees of the City, who are authorized to examine, audit and inspect such books and records of the license, as may be necessary in their judgment to verify that the sale of alcohol does not exceed the sale of food. All information obtained by an investigation of records shall remain confidential.
15. **(on-sale alcohol)** Alcohol shall be available only in conjunction with the purchase of food.
16. **(on-sale alcohol with patio)** Permittee shall post signs in the patio dining area, including all exits to outdoor seating areas, indicating that alcoholic beverages must be consumed inside the restaurant or patio area and may not be taken off-premises.
17. **(tasting rooms)** The requirements that alcohol be available only with the purchase of food and that alcohol sales not exceed food sales shall not apply to tasting rooms.
18. **(tasting rooms)** Sales of sealed bottles or containers (commonly known as growlers) for off-site consumption of the product manufactured by the master licensee may be sold and/or consumed at this location.
19. **(tasting rooms)** Hours of operation of tasting rooms shall be limited to between 10:00 a.m. to 10:00 p.m. with last call being at 9:00 p.m.
20. **(tasting rooms)** With the submittal of a business license for a tasting room, the Police Department shall provide an ABC Risk Assessment for each business applicant that indicates whether the business is considered a low, medium, or high risk. In the event that a risk assessment for the business allocates or more than 15 points, no business license shall be issued without the issuance of a Conditional Use Permit.

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The sale of three-packs of 24-oz cans of beer shall apply retroactively to all existing off-sale CUPs where a condition exists limiting sales to no less than six-pack quantities. However, business wishing to avail themselves of this modification must conform with all regulations of the Department of Alcoholic Beverage Control (ABC).

The Council may, at its sole discretion, choose to waive or modify any of the above conditions.

TITLE: Speed Hump Policy

POLICY #708

ADOPTED: August 25, 1992

DELETED: November 15, 2016

Reason for deletion:

No longer applicable; all requests for traffic calming are reviewed by City Engineering; warrants for traffic calming measures are evaluated using state and regional traffic engineering guidelines and best practices.

DELETED

TITLE: Installation of Dusk-To-Dawn Lights

POLICY #709

ADOPTED: November 10, 1992

DELETED: November 15, 2016

Reason for deletion:

Program no longer applicable

DELETED

CITY COUNCIL POLICY

TITLE: RESIDENTIAL PERMIT PARKING PROGRAM

POLICY
NUMBER: 710

ADOPTED: August 23, 1994

AMENDED OR
REVISED:

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Purpose

The purpose of this policy statement is to regulate a Residential Permit Parking Program heretofore established by the City Council.

A petition for a Residential Permit Parking Area shall be directed to the Traffic Safety Committee. Before further processing of a request for a Residential Parking Permit District the petition shall be signed by 60% of the owners within the proposed boundaries of the Residential Parking Permit District.

The Traffic Safety Committee shall direct the City Engineer to proceed with the processing of this program in conformance with the following stated procedures.

SECTION 1. Definitions

- (a) "Residential Area" shall mean a contiguous area consisting of primarily residential uses containing public streets or parts thereof;
- (b) "Residential Permit Parking Area" shall mean the adjacent public street frontage to a residential area designated as herein provided wherein resident motor vehicles displaying a valid permit as described herein shall be exempt from parking restrictions established pursuant to this policy statement;
- (c) "Resident Vehicle" shall mean a motor vehicle parked in a residential area in which it is registered with the State of California Department of Motor Vehicles or a similar registering entity;
- (d) "Commuter Vehicle" shall mean a motor vehicle, other than one described in subparagraph (e) herein, parked in a residential area in which it is not registered with the State of California Department of Motor Vehicles;
- (e) "Transient Vehicle" shall mean a motor vehicle which has been issued a temporary residential parking permit pursuant to this policy statement;
- (f) "Motor Vehicle" shall include an automobile, truck, recreation vehicle, motorcycle or other motor-driven or self-propelled form of transportation.

CITY COUNCIL POLICY

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(g) "Owns" shall mean that a person has at least one-quarter interest in a parcel of real property within a residential permit parking area.

(h) "Lease" shall mean that a person pays rent or other remuneration for use of a parcel of real property as his residence or place of business.

(i) "Person" shall mean natural person, joint venture, Joint Stock Company, partnership association, club, company, corporation, business trust, organization, or the agent, employee, lessee, manager, officer or servant of any of them.

(j) "City Engineer" shall mean the City Engineer of the City of National City or his designee.

(k) "Clerk" shall mean the person or officer who is or acts as clerk of the City Council of the City of National City.

l) "Code" shall mean National City Municipal Code.

SECTION 2. Designation of Residential Permit Parking Areas

(a) The City Council shall, upon the recommendation of the Traffic Safety Committee and subsequent to a public hearing consider for designation as residential permit parking areas those residential areas meeting and satisfying the objective criteria therefore established in this policy statement.

(b) The City Council shall then designate by resolution certain residential areas as residential permit parking areas in which motor vehicles displaying a valid parking permit may stand or be parked without limitations by parking time or parking area restrictions established by this policy statement. Said resolution shall also state the applicable parking regulation and period of the day for its application, and the fee to be charged upon permit issuance.

CITY COUNCIL POLICY

TITLE: RESIDENTIAL PERMIT PARKING PROGRAM

POLICY
NUMBER: 710

ADOPTED: August 23, 1994

AMENDED OR
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SECTION 3. Designation Criteria

(a) A residential area shall be deemed eligible for consideration as a residential permit parking area if, based on studies prepared at the direction of the City Engineer, objective criteria establish that the residential area is impacted by commuter vehicles for any extended period during the day or night, or weekends, or during holidays.

(b) In determining whether a residential area identified as eligible for residential permit parking may be designated as a residential permit parking area, the City Council shall take into account factors which include but are not limited to the following:

- (1) The extent of the desire and need for the residents for residential permit parking;
- (2) The extent to which legal on-street parking spaces are occupied by motor vehicles during the period proposed for parking restriction;
- (3) The extent to which vehicles parking in the area during the period proposed for parking restriction are commuter vehicles rather than resident vehicles;
- (4) The extent to which motor vehicles registered to persons residing in the residential area cannot be accommodated by the number of available off-street parking spaces.

(c) The following are set forth as minimum criteria in determining whether to proceed with a recommendation for approval of a Residential Permit Parking District:

- (1) The Residential Parking Permit District shall consist of at least one side of a street section between two consecutive intersecting streets.
- (2) At least 70 percent of the available curbside parking spaces are occupied by commuter vehicles during the time the parking study is being conducted.

CITY COUNCIL POLICY

TITLE: RESIDENTIAL PERMIT PARKING PROGRAM

POLICY
NUMBER: 710

ADOPTED: August 23, 1994

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SECTION 4. Designation Process

- (a) When directed to do so by the Traffic Safety Committee, the City Engineer shall cause to have such surveys and studies as are deemed necessary to determine whether a residential area is eligible for residential permit parking.
- (b) Upon the completion of the surveys or studies, the City Engineer shall provide a written report to the Traffic Safety Committee on the subject of:
- (1) Eligibility of the residential area under consideration for residential permit parking;
 - (2) Tentative boundaries for the proposed residential permit parking area; and
 - (3) Appropriate area prohibition or time limitation on parking and the period of the day for its application.
- (c) The Traffic Safety Committee shall review the report and its findings and subsequently make a recommendation to the City Council to approve or deny the proposed Residential Parking Permit District. The City Council at the next possible Council meeting following the Traffic Safety Committee meeting may set a date for a public hearing on the establishment of the proposed Residential Permit Parking District.
- (d) The Clerk shall cause notice of such hearing to be published twice in a local newspaper of general circulation in the city. The first publication shall be not less than ten days prior to the date of such hearing.
- (e) The City Engineer shall cause notice of such hearing to be posted conspicuously, at not more than one hundred foot intervals and at all street intersections, in the proposed residential permit parking area.
- (f) The notice shall clearly state the purpose of the hearing; the location and date and time of the hearing; the tentative boundaries of the proposed residential permit parking area; and that any interested person shall be entitled to appear and be heard.

CITY COUNCIL POLICY

TITLE: RESIDENTIAL PERMIT PARKING PROGRAM

POLICY
NUMBER: 710

ADOPTED: August 23, 1994

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SECTION 5. Public Hearing

(a) At the public hearing, the City Council may review the written reports, surveys and studies, take public testimony and determine whether the proposed Residential Permit Parking District is justified and desired by the residents within the boundaries of the district and the immediate neighborhood. The City Council may then designate by resolution the new Residential Permit Parking District and direct the City Engineer to cause the appropriate signing of the District per Section 7.

SECTION 6. Issuance of Permits

(a) The City Engineer is hereby authorized and directed to issue, upon proper written application therefore, a parking permit. Each such permit shall list the license number of the motor vehicle for which it is issued, and the date when it was issued. No more than one parking permit shall be issued to each motor vehicle for which application is made. The City Engineer is authorized to issue such rules and regulations, not inconsistent with this policy statement, governing the manner in which persons shall qualify for parking permits;

(b) Parking permits may be issued for motor vehicles only upon application of the following persons;

(1) A legal resident of the residential permit parking area who has a motor vehicle registered in his/her name, or who has a motor vehicle for his/her exclusive use and under his/her control;

(2) A person who owns or leases commercial property and actively engages in business activity within a residential permit parking area. However, no more than one parking permit may be issued for each business establishment for a motor vehicle registered to or under the control of such a person.

(c) Proof of residency shall be demonstrated by providing rent or utility receipts or other such documents that verifies residency to the satisfaction of the City Engineer.

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TITLE: RESIDENTIAL PERMIT PARKING PROGRAM

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(d) Proof of motor vehicle ownership or vehicle use and control shall be demonstrated by providing a valid vehicle registration card and a valid drivers license.

(e) Temporary residential parking permits may be issued for vehicles which are:

(1) Owned, rented or under the operational control of any person who owns or leases property in the residential permit area, or (2) used in providing services to persons or property in the residential permit area. Temporary residential parking permits may also be issued to vehicles owned by temporary visitors who are residing in the residential permit parking area. Such temporary residential parking permits shall have all of the rights and privileges of a regular permit. A temporary parking permit shall be valid for no more than fourteen days from the date of issuance. No resident of a residential permit parking area shall be issued more than two temporary parking permits at one time. A temporary residential parking permit issued to a vehicle providing services or to vehicles owned by temporary visitors shall be considered to be a temporary permit issued to the resident of the property where the services are provided or the temporary visitors are residing.

(f) Long-term visitor parking permits may be issued to residents of a permit district who require regular service or care over a long period of time. The resident must establish the need for a long-term permit by indicating a disability or a hardship situation that requires regular at-home care or some other assistance for a period of more than two weeks. A resident shall be limited to one such long-term visitor permit which may be transferable to the vehicles of multiple care or service providers. Each care or service provider shall register their vehicle(s) with the Engineering Department. The long-term permit shall be valid for one year after the date of issuance. Long-term visitor parking permits issued per this paragraph shall be counted against the permit limits of paragraph (g).

(g) The number of permits issued to any one address in a residential area shall be limited to the number of curbside spaces along the property frontage or two, whichever is greater. Non-single family residential addresses shall be limited to two permits. The determination of the number of spaces along the property frontage shall be made by the City Engineer.

CITY COUNCIL POLICY

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SECTION 7. Posting of Residential Permit Parking Area

Upon adoption by the City Council of a resolution designating a residential permit parking area, the City Engineer pursuant to Title II of the Code shall cause appropriate signs to be erected in the area indicating, prominently, thereon the area prohibition or time limitation, period of the day for its application, and conditions under which permit parking shall be exempt therefrom.

SECTION 8. Display of Permits

Permits shall be displayed in a manner determined by the Chief of Police.

SECTION 9. Permit Parking Exemptions

A resident motor vehicle or transient motor vehicle on which is displayed a valid parking permit as provided for herein shall be permitted to stand or be parked in a residential permit parking area without being limited by time restrictions or area prohibitions established pursuant to this policy. Said resident motor vehicle or transient motor vehicle shall not be exempt from parking restrictions or prohibitions established pursuant to an authority other than this policy. All other motor vehicles other than vehicles specified in Title II of the Code and vehicles where the operator or the passenger being transported by said vehicle displays a license issued under the provisions of Section 22511.5 of the California Vehicle Code, parked within a residential permit parking area shall be subject to the time restrictions or area prohibitions adopted as provided in this policy, as well as the penalties provided for herein.

A residential parking permit shall not guarantee or reserve to the holder thereof an on-street parking space within the designated residential permit parking area.

SECTION 10. Application for and Duration of Permit

Each parking permit issued by the City Engineer shall be valid for not more than one year from the date of issuance. Permits shall expire on the last day of the anniversary month of the formation of the area in such manner as may be required by the City Engineer. Each application or reapplication for a parking permit shall contain information sufficient to identify the applicant, his residence address or address of real property owned or

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leased within a residential permit parking area, and the license number of the motor vehicle for which application is made, and such other information that may be deemed relevant by the City Engineer.

SECTION 11. Permit Fees

- (a) The annual renewal fee for a residential parking permit shall be \$10.00 and shall be revised by resolution at such time when user fees in general are updated.
- (b) The fee for a temporary residential parking permit shall be two dollars (\$2.00).

SECTION 12. Penalty Provisions

- (a) It shall be unlawful and a violation of this policy unless expressly provided to the contrary herein, for any person to stand or park a motor vehicle for a period exceeding the time limitation or in violation of the area prohibition established pursuant hereto. Said violation shall be an infraction punishable in accordance with the provisions of Title II of the Code.
- (b) It shall be unlawful and a violation of this policy for a person to falsely represent himself as eligible for a parking permit or to furnish false information in an application therefore;
- (c) It shall be unlawful and a violation of this policy for a person holding a valid parking permit issued pursuant hereto to permit the use or display of such permit on a motor vehicle other than that for which the permit is used. Such conduct shall constitute an unlawful act and violation of this policy both by the person holding the valid parking permit and the person who uses or displays the permit on a motor vehicle other than that for which it is issued;
- (d) It shall be unlawful and a violation of this policy for a person to copy, produce or otherwise bring into existence a facsimile or counterfeit parking permit or permits without written authorization from the City Engineer or designate. It shall further be unlawful and a violation of this policy for a person to knowingly use or

CITY COUNCIL POLICY

TITLE: RESIDENTIAL PERMIT PARKING PROGRAM

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display a facsimile or counterfeit parking permit in order to evade area prohibitions or time limitations on parking applicable in a residential permit parking area. A violation of this subsection shall be a misdemeanor punishable in accordance with the provisions of Section 11.12 of the Code.

SECTION 13. Revocation of Permit

The City Engineer or designate is authorized to revoke the residential parking permit of any person found to be in violation of this policy and, upon written notification thereof, the person shall surrender such permit to the City Engineer. Failure when so requested to surrender a residential parking permit so revoked shall constitute a violation of law and of this policy.

SECTION 14. Severability

The provisions of this policy area severable and if any provisions, clause, sentence, subsection, word or part thereof is held illegal, invalid, or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity, or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, sections, words or parts of the policy or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this policy would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, section, word or part had not been included therein, or if such person or circumstance to which the policy or part thereof is held inapplicable had been specifically exempted therefrom.

SECTION 15. Sunset Provision and Removal of Designation.

(a) Each residential permit parking area may be re-evaluated for eligibility 2 years after the date of designation and every 2 years thereafter. The City Engineer shall apply the same criteria as provided in Section 3 to determine if the area is still eligible for the designation.

(b) The designation process set forth in this policy statement shall be utilized by the City Engineer and the City Council in determining whether to remove a designation as a residential permit parking area from a particular residential area or portion thereof.

RESOLUTION NO. 94-122

RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF NATIONAL CITY
ADOPTING A REVISED RESIDENTIAL PERMIT
PARKING PROGRAM POLICY, AND
RESCINDING RESOLUTION NO. 14,357

WHEREAS, Section 22507 of the California Vehicle Code authorizes the City, by ordinance or resolution, to prohibit the stopping, parking or standing of vehicles under certain circumstances; and

WHEREAS, such prohibition may include a designation of certain streets upon which preferential parking privileges are given to residents adjacent to the streets for their use and the use of their guests, under which the residents may be issued a permit or permits which exempt them from the prohibition; and

WHEREAS, the City Council, pursuant to Resolution No. 14,357, adopted on June 19, 1984, approved a Residential Permit Parking Policy; and

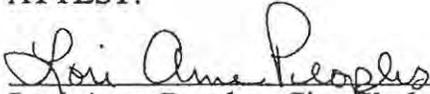
WHEREAS, the City Council now desires to adopt a revised Policy.

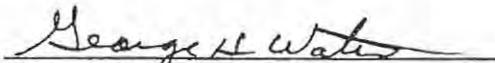
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of National City that the City Council does hereby approve the revised Residential Permit Parking Program Policy. Said revised policy is on file in the Office of the City Engineer.

BE IT FURTHER RESOLVED that Resolution No. 14,357 is hereby rescinded.

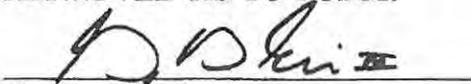
PASSED and ADOPTED this 23rd day of August, 1994.

ATTEST:


Lori Anne Peoples, City Clerk


George H. Waters, Mayor

APPROVED AS TO FORM:


George H. Eiser, III
City Attorney



City of National City
Office of the City Engineer

1243 National City Blvd., National City, California 91950-4397
(619) 336-4380

November 16, 1994

NOTIFICATION

To: RESIDENTS OF PERMIT PARKING DISTRICTS
Re: NEW PARKING STICKERS, PARKING FEES AND REGULATIONS

On August 23, 1994, the City Council of National City adopted a revised policy for the residential permit parking districts. This new policy provides for an annual \$10.00 permit fee for all permits issued beginning in October of this year. The new green stickers have an expiration date of January 31, 1996. The current stickers, which are bronze in color, will expire on January 31, 1995.

Beginning on February 1, 1995, any vehicle parked in any permit district without the new green sticker which has an expiration date of January 31, 1996 will be subject to a parking citation. The new stickers may be purchased at the National City Engineering Department located at 1243 National City Boulevard. The new policy also limits the number of permits issued to each address based on the available street parking.

If you have any questions regarding the new parking district policies, please call the Engineering Department at 336-4380.

Reviewed by:

Cameron Berkuti
Principal Civil Engineer

CB:BSM:gl

xc: Police Department

Approved by:

Burton S. Myers
City Engineer

CITY COUNCIL POLICY

TITLE: REQUIREMENTS FOR SUBMITTAL OF PROPOSALS TO QUALIFY FOR TAXICAB OR OTHER PARATRANSIT VEHICLE PERMITS

POLICY NUMBER: 711

ADOPTED: August 16, 2005

AMENDED OR REVISED:

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Purpose

The purpose of this policy statement is to set forth the basic requirements for submittal of proposals to qualify for taxicab or other paratransit vehicle permits to operate in the City of National City.

Policy

I. BASIC REQUIREMENTS

A. The Mayor and City Council will establish an Issuance Evaluation Committee, comprised of two councilmembers and a specified number of staff members, to review such submittals and make a determination as to granting or denying the request for permit(s) and medallions (in the case of taxicabs). Decisions as to the granting or denial of submittals may take up to 90 days. Submittals of all such proposals shall be to the Finance Department.

B. The Issuance Evaluation Committee will also make recommendations to the City Council from time to time concerning the establishment of numerical limits on the number of permits and/or taxicab medallions to be authorized

C. This procedure and its requirements are set forth in accordance with, and are consistent with, the City of National City Municipal Code, Section 11.70 *et seq.*, pertaining to the regulation and operating requirements of paratransit vehicles operating in the City of National City, and the Implementation Regulations for Paratransit Vehicles related thereto.

D. A minimum qualification for the submittal to the City of such a proposal requires that the submittal applicant is currently, and will continue in the future, to be able to comply with the above referenced ordinance and Implementation Regulations. Actual submittal of a proposal will constitute affirmation that compliance with said regulations will be effectuated by the permit applicant. Upon the City's grant of a permit to a new permit holder, completion of an application in accordance with the above regulations will thereafter be required with payment of the required fees, as set forth in Section 11.70 of the Municipal Code.

TITLE: REQUIREMENTS FOR SUBMITTAL OF PROPOSALS TO QUALIFY FOR TAXICAB OR OTHER PARATRANSIT VEHICLE PERMITS

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E. Applicants will not be discriminated against on the basis of race, creed, national origin, gender, religion, sexual orientation, age, and other such constitutionally protected classifications. Preference may be given to applicants who operate their paratransit vehicle headquarters in the City of National City. The City of National City reserves the right to reject any and all submittals at its discretion where the applicant's proposal does not meet the qualifying criteria.

F. By submitting a proposal, the applicant authorizes the City of National City to perform all investigations necessary to determine suitability and number availability for the issuance of additional permits and/or medallions by the City. The availability of permits and/or medallions to be issued by the City will be based on City Council approval of a maximum number of permits and/or medallions authorized, based on its discretion. The City Council may, in its discretion, reduce the number of authorized permits and/or medallions when deemed to be in the best interest of the City. The City Manager is not required to issue the maximum amount of permits and/or medallions set by City Council, unless in his or her discretion, it is warranted, based on need and qualifications of the proposals.

II. ELIGIBILITY

A. Paratransit operators who are immediately able to operate a legal paratransit vehicle in the City of National City are eligible to apply. They must provide:

1. A centralized fleet ownership of paratransit vehicles through a partnership, corporation, drivers' association, or a limited liability corporation.
2. A 24-hour staffed central dispatch system, demonstrating an operational management system for paratransit vehicles.
3. Usage of a GPS by at least 50% of the fleet.
4. Credit card acceptance from passengers for payment of fares.
5. Minimum driver age requirement of 21 years of age.
6. A 20 hour minimum of driver training requirement by the company.

TITLE: REQUIREMENTS FOR SUBMITTAL OF PROPOSALS TO QUALIFY FOR TAXICAB OR OTHER PARATRANSIT VEHICLE PERMITS

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7. Proof of minimal insurance requirements as set forth in the City's Implementation Regulations and Section 11.70 of the Municipal Code.
8. Agreement to comply with the City's Equal Employment Opportunity Plan and incorporation of the Plan into their operation.

B. Submittal of all required information is the responsibility of the applicant. Factual accuracy, completion of all required documentation, and timely submittal is required of the submittal applicant for eligibility.

III. REQUIRED INFORMATION FOR SUBMITTAL

A. General Applicant Information

1. Name, address, and telephone number of the applicant, and person submitting the proposal, if different.
2. Designation, details as to the form of the business, and supporting documentation as to the legal existence of the business entity, including all identification information for the business such as corporate number, Articles of Incorporation, bylaws, and related documents.

B. Five references of clients or business entities who can attest to the applicant's quality of service provided for paratransit vehicle service.

C. A Management Business Plan, to include descriptions of the following, all of which may be utilized to evaluate the decision to grant or deny the proposal request:

1. The provision of a centralized fleet ownership by the entity.
2. The Central Dispatch System, GPS, and communication technology employed by the applicant.
3. Experience, training, and qualifications of applicant and their managers, drivers, and owners.

TITLE: REQUIREMENTS FOR SUBMITTAL OF PROPOSALS TO QUALIFY FOR TAXICAB OR OTHER PARATRANSIT VEHICLE PERMITS

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4. Summary or report of response times for past three years (or a set standard for response times for new companies).
5. Proof of credit card usage for customer fares.
6. Customer Complaint Procedure.
7. Vehicle storage, repair and maintenance monitoring systems for the vehicles for effective functioning.
8. Drivers' hiring and retention criteria, training program, and minimum required experience.
9. Chart and description of existing personnel positions.
10. Submittal of a plan for ongoing monitoring and evaluation of the applicant's level and quality of service and accountability.
11. Record keeping system.
12. List of all other cities or other entities for which permits are currently held or intended in the year subsequent for paratransit vehicle service.
13. The dates, names, and explanation of all past license or permit revocations of any and all drivers, owners or managers of the applicant's entity.
14. Facilities and headquarters location and description.
15. Safety program details.

D. Submittal of a letter from an accredited financial institution stating that the applicant has the resources to fund the Management Business Plan within 90 days of the award of the permit(s).

CITY COUNCIL POLICY

CITY OF NATIONAL CITY

**TITLE: ENVIRONMENTALLY PREFERABLE
PURCHASES AND PRACTICES (EPPP)**

POLICY #713

ADOPTED: November 1, 2016

AMENDED:

Purpose

ENVIRONMENTALLY PREFERABLE PURCHASES

The City of National City provides that all departments shall, whenever possible, use recycled products and recycled materials to meet their needs. This policy is enacted to demonstrate compliance with the Waste Management Reduction Act and foster market development for recycled products.

PURCHASE POLICIES

- A. All City of National City departments shall use recycled products whenever practicable. Special emphasis shall be placed on the purchase of products manufactured with post-consumer recycled materials.
- B. All City of National City departments may, at their option and with purchasing concurrence, require procurement of designated recycled products or recycled products above the levels required by this policy.
- C. The City of National City shall require its contractors and consultants to use and specify recycled products in fulfilling contractual obligations whenever practicable.
- D. The City of National City shall promote the use of recycled products by publicizing its procurement policy whenever practicable.

PURCHASE RESPONSIBILITIES OF RECYCLED PRODUCTS AND MATERIALS COORDINATOR

The Purchasing Agent shall coordinate the implementation of this policy. He/she will establish a list of recycled products that shall be purchased by all City of National City departments whenever practicable and will develop the mechanism for maintenance, additions, and deletions to the list of recycled products available for procurement. Maintenance of the list will include addition of new products containing recycled material as they become available. Specifications of these new products and their suggested uses will be made available to all City of National City departments. The Purchasing Agent will also work with all departments to establish minimum recycled content standards for designated recycled products to maximize recycled product availability, recycled content, and competition. The Purchasing Agent will also be responsible for annual policy review.

CITY COUNCIL POLICY

CITY OF NATIONAL CITY

TITLE: ENVIRONMENTALLY PREFERABLE PURCHASES AND PRACTICES (EPPP)	POLICY #713
ADOPTED: November 1, 2016	AMENDED:

ENVIRONMENTALLY PREFERABLE PRACTICES

The City of National City will act to make resource conservation an integral part of its waste reduction and recycling programs. The practice of discarding materials used in the City of National City facilities is wasteful of natural resources, energy, and money.

PRACTICE POLICIES

1. The City of National City will integrate the concept of resource conservation, including waste reduction and recycling, into its environmental programs.
2. The City of National City will decrease the amount of waste of consumable materials by: a) reducing the consumption of consumable materials wherever possible; b) fully utilizing all materials prior to disposal; and c) minimizing the use of non-biodegradable products wherever possible.
3. The City of National City will cooperate with, and participate in, recycling efforts being made by the city and county. As systems for recovering waste and recycling develop within the City of National City, the City will participate by appropriately separating and allowing recovery of recyclable waste products.
4. The City of National City will purchase, where financially viable, recycled products. The City of National City will also encourage suppliers, both private and public, to make recyclable products and unbleached paper products available for purchase.
5. Representatives of the City of National City will actively advocate, where appropriate, for resource conservation practices to be adopted at the local, regional, and national levels.

CHAPTER 800

PUBLIC SERVICES FACILITIES

CITY COUNCIL POLICY

CITY OF NATIONAL CITY

TITLE: Recreational Field and Sports Facility Rules and Regulations **POLICY# 801**

ADOPTED: August 10, 1993

AMENDED: April 5, 2016

I. GENERAL POLICY

A. DEFINITIONS

For purposes of this document, the following definitions will be used:

Facility: Any City of National City recreational building, sports field, court, skate park or associated parklands.

Organized Team Event: Any sport teams with five (5) or more players participating in a sport with a coach present meeting more than twice at the same time and/or same place, working on individual team skills. All organized teams are required to obtain a Field/Facility Use Permit and pay applicable fees.

National City Resident Team: National City non-profit community based leagues, whose charters state service of adult or youth sports activities, with 70% of participants having a National City residency. These teams are required to obtain a Field/Facility Use Permit and provide proof of participant residency.

Club or Travel Team: Any single team that belongs in a league whose home office is not based in National City or travels to multiple cities during its season to play games. These teams are required to obtain a Field/Facility Use Permit and pay applicable fees.

Organized Training: Anyone conducting a group exercise class or training sessions or collecting fees for those services. All organized training groups are required to obtain a Field/Facility Use Permit and pay applicable fees.

Pick up Game, Exercise or Casual Use: Any sporting activity occurring on a one time or occasional unscheduled basis that is open to any participant at the park. Non-league or non-club teams using the fields or facilities in this capacity are not required to obtain a Field/Facility Use Permit.

B. INTENT

These Rules and Regulations are intended to promote the general health and welfare of the residents of the City of National City, by providing a fair manner of allocating team sports usage of City recreation facilities and sports fields based on the following rules:

1. Facilities, fields and services should be available to all people without discrimination.

2. The recreational program should include a wide variety of activities for all age groups and interests.
3. Fees may be charged for use of facilities and specialized programs.
4. Maintenance and renovation must be scheduled and implemented to maintain the community's high standards of aesthetics and sustain the playability of the City's facilities.
5. National City has a zero tolerance policy with regards to smoking, alcohol and violence. All participants and users of facilities should be able to enjoy sports and programs free of any violence. Thus teams and organizations must have a zero tolerance policy with regards to smoking, alcohol and violence. Weapons of any type and promotion of gang culture are prohibited.

C. NON-EXCLUSIVE USE

If the City allows other organizations, to share use of the facility on a one-time, occasional or permanent basis, the organization shall agree to such shared use. In return, the City shall adjust the organization's fees accordingly.

II. GENERAL RULES

A. FIELD/FACILITY USE PERMIT

A Field/Facility Use Permit must be obtained from the Public Works Department.

1. For purposes of this policy, seasons are established as follows:
 - a. Fall Sports (September – November): Football, Cross Country, Water Polo, Tennis, Volleyball;
 - b. Winter Sports (December–March): Soccer, Basketball, Water Polo;
 - c. Spring Sports (March – May): Volleyball, Baseball, Softball, Swimming, Tennis, Track & Field;
 - d. Summer Sports (June – August): Open.
 - e. Note: "In Season" calendar is based on California Interscholastic Federation (CIF) competition. Outdoor tennis and basketball courts are excluded from the sports season schedule. Any use other than the intended use of these courts is prohibited.
2. Field/Facility Use Permits will be issued for specific dates based on actual needs.
3. Priority will be given to those users whose sport has been classified as "In Season". With exception of the Summer Sports Season, priority will be given based on the organization that has the largest participant enrollment in the following order:
 - a. National City Resident Youth Teams
 - b. National City Resident Adult Teams
 - c. Non-Resident Youth Teams

- d. Non-Resident Adult Teams
- e. Note: If teams are tied with the same amount of enrollment, the team with the higher percentage of National City residents will get priority. If teams do not have any National City residents on a team roster, priority will be based on the team with the largest participants enrolled.
- 4. A group with a Field/Facility Use Permit has priority over groups without one.
- 5. Use of facilities will not be granted to groups for the purpose of profit making without prior City Council approval.
- 6. The organization shall mandate that all coaching staff and volunteers adhere to "Positive Coaching Alliance" standards or the Code of Conduct from their own professional organization, or similar programs and standards. National City encourages each organization to perform background checks on all coaching staff volunteers.
- 7. The City will be guided by, but not limited to, the following factors when considering Field/Facility Use Applications for approval:
 - a. Organization's history of compliance with City of National City codes, policies, rules, and regulations;
 - b. Organization's prior experience with the City of National City;
 - c. Organization's prior experience with other government or public agencies, sports leagues, clubs, travel teams and/or school districts;
 - d. Organization's prior history of acting in a responsible, safe and respectful manner while utilizing City facilities;
 - e. Organization's prior history of sportsmanship in its interactions with its team, other teams, City staff, and the community at large; and
 - f. Any other factor that the City deems applicable in order to provide the best services to the community as a whole.

B. APPLICATION PROCESS

- 1. Each organization is required to submit the following prior to being granted a Field/Facility Use Permit:
 - a. Field/Facility Use Application for each field/facility requested
 - b. Payment of applicable fees
 - c. Current roster and enrollment data
 - d. Current organization bylaws
 - e. Game schedule showing home and away games
 - f. A copy of 501(c)(3) status and current audited financial statement if applying for non-profit status
 - g. Adoption of the City of National City's zero-tolerance policy
 - h. Proof of insurance
- 2. The deadline to submit a Field/Facility Use Application, will be the months of June through July for fall/winter use, and December through January for spring/summer

use. Any organizations missing these deadlines may have access to remaining fields and facilities on an "as available" basis only.

3. Fees and deposits are to be paid at the time of approval unless special arrangements have been granted by the Public Works Director or designee.
4. Current rosters are due by the completion of the season's second week of league game play. The City reserves the right to amend the fees if residency information contained in the roster does not match original application. Applications submitted without a roster will be issued a temporary Field/Facility Use Permit which will be valid through the second week of play. Upon receipt of the final roster, a permanent Field/Facility Use Permit will be considered.
5. The Public Works Director or designee may hold field/facility allocation meetings as needed and will include one representative from each participating organization, City staff and a representative of the Parks and Recreation Advisory Board. This group will meet to review City policies and procedures, Field/Facility Use Application requests, allocate fields and facilities equitably, and encourage optimum cooperation between all user groups. If there is ample field space, a field allocation meeting may not be needed, and space will be given based on the priority list in Section II-H.
6. Any organization that has fields or facilities of their own must first fully utilize those resources before requesting City fields and facilities.

C. STANDARDS FOR ISSUANCE

The Public Works Director or designee may issue a Field/Facility Use Permit when it finds:

1. That the proposed activity or use of facility/field will not pose a hazard to public health, welfare, safety, or interfere with City recreation activities or programs.
2. That the proposed activity or use is not unlawful.
3. That the applicant will not disperse alcoholic beverages in, or on the facility/field.
4. That the applicant has adopted the City of National City's policy of zero-tolerance for violence, drugs, smoking and alcohol, which includes prohibiting weapons of any type and gang promotion. Articles of clothing that advertise, depict, or glorify alcohol, tobacco, drugs, obscenities, violence, illegal activities, gangs, or prison life shall be prohibited.
5. That the facilities desired have not been previously reserved.

D. REVOCATION

The Public Works Director or designee shall have the authority to revoke a Field/Facility Use Permit upon finding a violation of any provision hereof, or upon good cause shown.

E. SECURITY FOR TEAM ACTIVITIES WITH MINORS

Team activities for minors must be supervised by responsible adults on a minimum ratio of one (1) adult for every thirty (30) minors. The City may require the sponsoring group

to also provide security personnel to be in attendance. The proposed activity will not entail unusual, extraordinary or burdensome expense to the City or involve excessive police operations.

F. ADVERTISING

1. Except for specific team/league signs, no advertising signs shall appear on City property without prior approval of the Public Works Director or designee and compliance with appropriate City ordinances.
2. No soliciting, circulating of petitions, or use of sound trucks or platforms is permitted without written approval of the Public Works Director or designee and compliance with the appropriate City ordinances.

G. HOUSE RULES

1. Each organization that applies for a Field/Facility Use Permit will be given a copy of Policy Number 801, Recreational Field and Sports Facility Rules and Regulations.
2. Games and practices can begin no earlier than 12:00 noon on weekdays (Monday through Friday) and 8:00 a.m. on weekends (Saturday and Sunday) unless prior approval has been given by the Public Works Director or designee.
3. Games and practices must end no later than 10:00 p.m., unless prior written approval from the Public Works Director or designee.
4. Weekend use, on a regular basis, may be subject to limited hours at the discretion of the Public Works Director or designee.
5. No games and/or practices may be scheduled for the following dates: Thanksgiving, Christmas Eve, Christmas Day, New Years Eve, New Years Day, and the 4th of July, without prior approval from the Public Works Director or designee.
6. If keys have been issued, organizations must ensure that doors, windows, and gates have been locked and the field/facility is secured. The person who signed the Field/Facility Use Application is responsible for any keys issued and must ensure that they are kept safe and secure.
7. Organizations requesting lighted fields/facilities are required to submit schedules with their Field/Facility Use Applications outlining their usage time for lights at each requested facility, and inform the City of any changes. The City reserves the right to bill user groups for hourly energy costs.
8. Organizations are required to notify the City at least 24 hours in advance of scheduled changes, and/or when field/facility lights are not required. The City reserves the right to bill organizations for hourly energy costs incurred when lights are left on and the fields are not being used, when reserved or scheduled.
9. Use of metal cleats is prohibited without prior approval from the Public Works Director or designee.
10. At the conclusion of games, practices, and activities, organizations must leave the park, field, and/or facility clean and clear of debris. Failure to do so may result in a clean-up fee, forfeiture of deposit and/or a refusal of future application requests.

11. Due to maximum occupancy limits and parking availability, maximum group sizes may be instituted, or a request may be denied when applying for a facility permit.

H. PRIORITY

To ensure community recreation fields and facilities are used in the best interest of National City residents at large, the fields and facilities will be administered in accordance with the priority system.

1. **CITY PROGRAMS.** National City Programs shall have priority over any other programs or usage.
2. **CITY CO-SPONSORED PROGRAMS.** National City co-sponsored programs shall be given second priority.
3. **RESIDENT NON-PROFIT 501(C)(3), NATIONAL CITY YOUTH LEAGUES.** National City non-profit community-based leagues, whose charters state service of youth and youth sports activities, with 70% of participants having a National City residency and whose ages are eighteen (18) or younger at the beginning of the season.
4. **RESIDENT NON-PROFIT 501(C)(3), NATIONAL CITY ADULT LEAGUES.** National City non-profit community-based leagues, whose charters state service of adult sports activities, with 70% of participants having a National City residency and whose ages are eighteen (18) or older.
5. **NON-RESIDENT NON-PROFIT YOUTH LEAGUES.** Non-profit organizations whose charters state service of youth and youth sports activities with less than 70% of participants having a National City residency whose ages are eighteen (18) or younger at the beginning of the season.
6. **NON-RESIDENT YOUTH LEAGUES WITHOUT NON-PROFIT STATUS.** For-profit organizations with less than 70% of participants having a National City residency whose ages are eighteen (18) years or younger.
7. **PRO or SEMI-PRO TEAMS.** Team must have an office located within the City of National City. Team must be affiliated with a verifiable pro or semi-pro organization. Team rosters must be comprised of persons eighteen (18) years of age or older. For-profit teams must provide the City of National City with 40% of the gross profit for ticket sales, and documentation showing total ticket sales revenues for verification.
 - a. Pro or Semi-Pro Teams are considered a National City Resident Team and receive the resident rate if 60% of participants have a National City residency and the team has a National City identity with National City included in the team name.
8. **NON-RESIDENT NON-PROFIT ADULT LEAGUES.** Non-profit leagues, whose charters state service of adult sports activities, whose ages are eighteen (18) or older.
9. **OCCASIONAL USE AND RECREATIONAL PLAY.** Resident Non-Profit National City Youth Leagues will be given priority for occasional use. Those persons who require the use of a playing field for recreational play such as a company sponsored

ADOPTED: August 10, 1993

AMENDED: April 5, 2016

competition, or youth leagues without non-profit status, shall pay applicable fees at the non-resident rate in the current adopted City Fee Schedule.

10. TOURNAMENTS. Tournaments shall be defined as non-regular league play or off-season competitions with the primary purpose of fundraising or profit earning. Generally, tournament play is completed in three or less days including Resident Youth Leagues, Non-Resident Youth Leagues, Adult Non-Profit Leagues and Adult-for-Profit Leagues.
11. ADULT LEAGUES WITH FOR-PROFIT STATUS. Leagues whose rosters are comprised of persons eighteen (18) years of age or older, and do not have non-profit status. For-profit teams must provide the City of National City with 40% of the gross profit, and documentation showing total revenues for verification.

I. RESIDENT ROSTER AND NON-PROFIT STATUS FOR YOUTH AND ADULT LEAGUES

1. Each organization must present enrollment data from their current season indicating names, addresses, phone numbers, and birth dates of all participants. The number of participants within each organization's enrollment must be confirmed by the City prior to issuance of a Field/Facility Use Permit. Failure to provide an official or complete roster with the application may result in:
 - a. Being issued a temporary Field/Facility Use Permit valid through the end of the second game only; or
 - b. The league being placed in a non-resident fee status; applicable fees will be charged.
2. Each organization must present proof of current non-profit status to receive non-profit status priority.

J. FEES AND CHARGES

1. Organizations will be charged applicable fees for use of fields and/or facilities as established in the City Fee Schedule adopted by the City Council.
2. User Fees are required for organized team events, leagues, and practices that require exclusive use of outdoor tennis & basketball courts, indoor basketball courts, and baseball, softball, soccer and football fields.
3. City sponsored events, and Resident Teams will not be subject to a user fee. Resident Teams are defined as having a minimum of 70% National City residents on their roster.
4. A clean-up fee may be imposed, based on actual cost, when a field is left with an unusual amount of debris.
5. Ticket Sales Fee: Any team that charges spectators admission or collects fees, will be assessed fees equivalent to 40% of their documented gross ticket sales revenue. These fees must be paid to the City within two weeks after each event.

K. DAMAGE, CLEANLINESS, AND SUPERVISION

1. All field and sports facilities, including parking areas, restrooms, score shacks and snack shacks, shall be left clean and clear of debris and in orderly condition. If the field and sports field is not left clean, it will be cleaned by City staff or by contract, and the group will be billed accordingly.
2. In the event of physical damage to the facility, its equipment, its contents, or the surrounding grounds, an estimate of the cost of repairs and/or replacement will be made by the City, and the group will be billed accordingly.
3. Officers of organizations shall supervise the conduct of their members to avoid damage to City property.
4. Failure to comply may result in denial of future use of facilities.

L. MINIMUM FIELD USAGE

Fields cannot be reserved for less than two hours; fees are charged hourly.

M. PAYMENT OF FEES

Fees and deposits are to be paid at the time of approval unless special arrangements have been granted by the Public Works Director or Designee. Rain outs need to be made up during the season; the season cannot be extended. If the game cannot be made up, a refund will be given for the day missed.

N. MODIFICATION OF SPORTS FIELDS

All requests for permission to modify park grounds must be approved in writing by the City of National City. All installations become the property of the City. All requests must include a "Letter of Intent", accompanied by construction drawings and specifications. No modifications shall be made without prior approval.

O. INDEMNIFICATION

The applicant must complete a release, hold harmless and indemnity agreement which releases the City, its elected officials, employees, representatives, and/or agents from any and all claims asserted, suits or liability established for damages or injuries, including death, to any person or property, including injuries to applicant, caused by or alleged to be caused by any act or omission by the City, its elected officials, employees, representatives, and/or agents which arise out of or are in any matter directly or indirectly connected with the use or condition of the premises.

P. INSURANCE

1. All groups are required to have insurance to protect the City from liability occasioned by their use of City premises. Specifically, all insurance required by this policy shall be written by California admitted companies which are rated at least "A,VIII" by the current A.M. Best Rating Guide or by a company of equal financial stability which shall be approved by the City's Risk Manager.

2. Commercial General Liability coverage with limits of at least one million dollars (\$1,000,000) per occurrence must be provided. The City of National City must be named as an additional insured pursuant to a separate endorsement which will be provided to the City along with the Certificate of insurance prior to use of City fields/facilities. In addition, all deductibles and/or self-insured retentions must be disclosed to and approved by the City's Risk Manager.
3. Insurance coverage may be obtained through the City under terms, conditions, and rates applicable at the time, depending on the nature and duration of the proposed use. Organizations desiring to purchase such insurance through the City must contact the City's Risk Manager.

III. RULES GOVERNING USE OF SPORTS FACILITIES (Pool, Indoor Gym, Basketball Courts and Volleyball Courts)

A. APPLICATION AND PRIORITY

Organizations desiring to use a facility must apply at least ten (10) working days prior to use. Recreation sponsored classes and activities have priority and will not be changed to accommodate an organization unless authorized in writing by the Public Works Director and/or Community Services Division designee.

B. PRIVATE FUNCTIONS PROHIBITED

Sport facilities, such as the gym and pool, may not be used by any person or group for private functions, commercial purposes for personal financial gain, fundraisers, for-profit events, any profit-making endeavors, or any activity not consistent with the general business purpose of the building.

C. CANCELLATIONS

The Public Works Director and/or Community Services Division designee must be notified of cancellations at least 24 hours in advance. Failure to do so may result in denial of privileges in the use of facilities, or full/partial forfeiture of fees/deposits. Reservations of facilities may be subject to change or cancellation at any time by the Public Works Director and/or Community Services Division designee upon reasonable notice being given.

D. FOOD AND BEVERAGES

Food and/or beverages will be allowed only when authorized by Public Works Director and/or Community Services Division designee.

E. APPROVED SHOES

Basketball and volleyball players must wear white soled shoes.

IV. RULES GOVERNING USE OF COURT AREAS (Outdoor Tennis, Volleyball and Basketball Courts)

A. PRIORITY

City sponsored classes and tournaments shall have priority on all courts.

B. TYPES OF ACTIVITIES

Tennis courts are for tennis only or for such activities as may be scheduled by the Community Services Division designee. Bikes, skateboards, roller skates and roller blades are not allowed on any courts.

C. EQUIPMENT

Tennis players must provide their own equipment.

V. RULES GOVERNING USE OF ATHLETIC FIELDS

A. CANCELLATION

The Public Works Director or designee must be notified of cancellations at least 24 hours in advance. Failure to do so may result in denial of privileges in the use of facilities, or full/partial forfeiture of fees/deposits. Reservations of fields may be subject to change or cancellation at any time by the Public Works Director or designee upon reasonable notice being given.

B. EQUIPMENT

Each user group must provide its own bases, chalk and field preparation equipment.

C. VEHICLES

No vehicles are allowed on sports fields/surfaces or other park grounds, except when authorized by the City. Violators are subject to citation.

D. PEST CONTROL

No pesticides, herbicides, insecticides, fungicides, etc. may be applied without prior written consent of the City. This consent must be accompanied by a Pest Control Advisors Report. All work must be performed by a Licensed Pest Control Applicator.

E. WEATHER CONDITIONS

If the Public Works Director or designee determines fields cannot be used due to rain or wet conditions, he/she shall direct staff to post signs and update an information phone line and City website, notifying field users of the closure.

F. SCORE SHACK/SNACK BAR

Use of score shacks and snack bars by the permit holder is allowed; per the City fee schedule, all applicable fees will be applied. The organizations items must be removed within ten (10) business days of the end of the season or tournament. The facility must be left in a clean and orderly condition at all times. The City shall not be held responsible for the loss or theft of any item or equipment from Score Shacks and Snack Bars.

VI. RULES GOVERNING USE OF SKATE PARKS

A. PRIORITY

City sponsored classes and events shall have priority.

B. SAFETY

Helmets and proper protective gear must be worn at all times when using the facility. All users use the facility at their own risk.

VII. RULES GOVERNING THE MULTI-USE FIELD AT EL TOYON PARK

A. APPLICATION AND USAGE

Field is available for soccer or football by Field/Facility Use Permit only, to ensure that all users are aware of the rules. Permitted users may be limited to a specific number of hours on the field, in order to stay within the maximum usage allowed by the manufacturer's warranty. If teams participate in rotating league games, this field may only be used for "home" games.

B. EQUIPMENT

Teams are required to provide their own soccer goals and nets. Goals and nets must be removed at the end of the game and may not be stored on City property.

C. PROHIBITED ITEMS

Due to the fact that this is an artificial surface, the City and all permitted users must adhere to the following requirements in order to maintain the manufacturer's warranty:

1. No pets
2. No paints, chalks or permanent markings
3. No tape to mark the surface
4. Only non-metal, ½" molded 'grass' cleats are allowed
5. No bikes, skateboards, roller blades, roller skates or other wheeled sports
6. No shot put, javelin, or similar activities that may damage the turf
7. No food, drinks, sunflower seeds or gum
8. No glass bottles or containers
9. No vehicles on the field except as approved by the City
10. No cigarettes, cigars or other smoking materials

- 11. No fireworks or open flames
- 12. No driving stakes to anchor tents, canopies, etc.

D. FOOD AND BEVERAGES

Users who operate their own snack bars, must limit the type of food and beverages that are sold to ensure prohibited items listed in section C do not get onto the field.

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

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: February 4, 2020

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: February 4, 2020

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: February 4, 2020

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: February 4, 2020

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 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: February 4, 2020

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: February 4, 2020

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 Relay for Life	N.C. Chamber of Commerce American Cancer Society	August 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. 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 (such as 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.

TITLE: City Support for Special Events, Activities, Programs and Services **POLICY 802**

ADOPTED: October 3, 2006

AMENDED: February 4, 2020

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
A Kimball Holiday	Mayor's Office	December
Community Service Day	Community Services	April

CITY COUNCIL POLICY

CITY OF NATIONAL CITY

TITLE: Facility Use Guidelines and Regulations for the Use of Community Centers	POLICY# 803
ADOPTED: August 10, 1993	AMENDED: October 17, 2017

PURPOSE:

To establish a policy that defines appropriate facility usage and priorities and assigns responsibility for scheduling City of National City owned and operated community centers. This policy shall be applicable to all such facilities that are operated by City staff or by third party operators on behalf of the City.

The guidelines and regulations of this policy are subject to change or modification as deemed necessary by the City Council.

GENERAL POLICY:

National City Community Centers may be available for public meeting purposes, civic purposes, and non-profit organizations whose memberships substantially includes National City residents or whose purpose is to provide services to National City residents. Use of any City facilities shall not interfere with the daily routine of any City activity or operation.

City facilities may not be used by any person or group for private functions, commercial purposes for personal financial gain, fundraisers, for-profit events or any profit-making endeavors or any activity not consistent with the general business purpose of the building.

These guidelines and regulations are established to properly define the conditions under which the facilities may be used, operated, and preserved for future users. This City Council Policy 803 shall apply to all City-owned community center facilities over which the City exercises exclusive operation and control either through staff or third party operators acting on behalf of the City.

The following City-owned facilities are leased to third parties for purposes that are not under the exclusive operation and control of the City and are not subject to City Council Policy 803:

1. A Reason to Survive, 200 East 12th Street
2. The Boys and Girls Club, 1430 D Avenue
3. The Frank A Kimball House, 923 'A' Avenue
4. The National City Depot, 922 West 23rd Street
5. The Stein Family Farm, 1808 'F' Avenue
6. National City Golf Course, 1439 Sweetwater Road

Third parties shall not use City facilities for any use or purpose in violation of the laws of the United States of America, or the laws, ordinances, regulations, orders, or requirements of the State of California, the County of San Diego, the City, or of other applicable authorities.

Facilities Governed by this Policy and Available for Reservation

1. Martin Luther King Jr. Community Center, 140 East 12th Street
Facility includes a large hall that can be separated into two sections and a kitchen
2. Kimball Senior Center, 1221 D Avenue
Facility includes a hall and kitchen
3. Casa De Salud Center, 1408 Harding Avenue
Facility includes a hall and half kitchen
4. El Toyon Recreation Center, 2005 East 4th Street
Includes a hall and two small classrooms
5. Camacho Recreation Center, 1810 East 22nd Street
Facility includes 2 classrooms

Categories of Use by Priority

To ensure Community Centers are used in the best interest of National City residents, Community Centers will be administered in accordance with a priority system:

1. CITY PROGRAMS. National City programs, events and meetings shall have priority over any other program or usage.
2. CITY CO-SPONSORED PROGRAMS. National City co-sponsored programs shall be given second priority. Policy 802 governs the annual list of City Co-Sponsored events. Applications for co-sponsorship may be submitted to Neighborhood Services Department at any time. The Policy 802 Committee meets annually to review applications.
3. CITY STAFF PARTICPATION: Programs that include active participation and/or involvement by City staff to include, but not limited to, presentations, guest speaking and attendance. The City Manager or designee may approve the use to be categorized as City Staff Participation, as long as the program benefits City of National City employees and/or the community.
4. EDUCATIONAL GROUPS. Educational activities organized by any school located in National City.

5. **GOVERNMENTAL AGENCIES.** An administrative unit of government with specific responsibilities.
6. **CIVIC/SERVICE GROUPS.** An organization whose official goal is to improve National City neighborhoods through donations to local charities and volunteer work by its members.
7. **RESIDENT NON-PROFIT NATIONAL CITY GROUPS.** Non-profit organizations based within National City city limits.
8. **OTHER.** Proposed use not falling readily into one of the above categories of use will require approval from the City Manager or designee.

Prohibited Facility Use

City facilities are not available for the following purposes:

1. Private functions
2. Commercial purposes for personal financial gain
3. Fundraisers, for-profit events or any profit-making endeavors
4. Normally authorized groups sponsoring private usage
5. Any activity not consistent with the general business purpose of the building

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**TITLE: Facility Use Guidelines and Regulations for the Use of
Community Centers**

POLICY #803

ADOPTED: August 10, 1993

AMENDED: October 17, 2017

Fees and Deposits Based on Category

Category	Resident Fees	Non-Resident Fees	Facility Use Fee \$50	Kitchen Deposit \$60	Key Deposit \$100	Cleaning Deposit \$100	Audio/Visual Deposit \$100
1. City Programs	None	None	None	None	None	None	None
2. City Co-Sponsored Programs	None	None	None	None	None	None	None
3. City Staff Participation	None	None	None	None	None	None	None
4. Educational Groups	Custodial Fees	City Fees and Custodial Fees	Required	Required	Required	Required	Required
5. Governmental Agencies	Custodial Fees	City Fees and Custodial Fees	Required	Required	Required	Required	Required
6. Civic/Service Groups	Custodial Fees	City Fees and Custodial Fees	Required	Required	Required	Required	Required
7. Resident Non-Profit National City Groups	Custodial Fees	City Fees and Custodial Fees	Required	Required	Required	Required	Required
8. Other	Custodial Fees	City Fees and Custodial Fees	Required	Required	Required	Required	Required

Resident and Non-Resident Fees

City Fees and Custodial Fees are set forth in the City Council approved Fee Schedule.

Facility Use Fee

A Facility Use Fee of \$50 is required for all resident and non-resident groups using a facility, excluding City Programs and City Co-Sponsored Programs.

Refundable Deposits

1. **KITCHEN DEPOSIT.** A non-waivable, refundable kitchen deposit of \$60 is required. Kitchen equipment including major appliances, cooking tools, eating utensils, and the overall kitchen area shall be left thoroughly clean and ready for use by the next group, without any further cleanup required. If the kitchen is not left clean, it will be cleaned by city staff or by contract, and the group will forfeit their deposit and be subject to an additional cleanup fee.
2. **KEY DEPOSIT.** A non-waivable, refundable key deposit of \$100 is required. If the key is not returned within one (1) business day of the event, the group will forfeit their deposit.
3. **CLEANING DEPOSIT.** A non-waivable, refundable cleaning deposit of \$100 is required. The facility, grounds and parking areas will be left clean and clear of debris. If the facility is not left clean, it will be cleaned by City staff or by contract, and the group will forfeit their deposit and be subject to an additional cleanup fee.
4. **AUDIO/VISUAL DEPOSIT.** A non-waivable, refundable audio/visual deposit of \$100 is required when use of the City's audio/visual equipment is requested as a part of the facility use. If the equipment is missing or damaged, the group will forfeit their deposit. [NOTE: Other fines/charges may be assessed if the value of missing or damaged equipment exceeds the \$100 deposit.

Payment of Fees and Refundable Deposits

Fees for use of City facilities are set forth in the Council approved Fee Schedule, and must be paid in full at least ten (10) days prior to the event. If payment is not received, the event will be considered cancelled, and the organization will be advised. The City Manager or designee may, for sufficient reason, make exceptions to this clause, but in any event, payment must be received before the event occurs.

Deposits must be made with a separate check. Deposits will be refunded following the return of the issued key, where no damage or loss has occurred and where no extra clean-up is required. In the event of damage, loss or extra clean-up, as determined by the Public Works Department, the deposit may be forfeited and additional charges may be incurred.

TITLE: Facility Use Guidelines and Regulations for the Use of Community Centers	POLICY #803
ADOPTED: August 10, 1993	AMENDED: October 17, 2017

Fee and Deposit Structure

Fees and deposits listed in this policy may also be included in the City Council approved Fee Schedule. When there is a conflict between the Council Policy and the Fee Schedule, the higher of the two values will prevail unless the City Council expressly states otherwise.

Applicant Eligibility

When an application is submitted on behalf of a business entity or organization, it shall be signed by a person with authority to bind the company or organization. Applications for rental of City facilities will not be accepted from anyone less than 21 years of age. Youth groups must have adult sponsors who guarantee observation of the guidelines and regulations. A minimum of one adult per 20 people under the age of 18 is required at the activity.

Any misrepresentation as to the nature of the use or activity to occur at a City facility, the number of attendees expected, contact or payment information or any other falsification on rental application documents will result in the immediate cancellation of the proposed use or event and forfeiture of fees paid. Any such misrepresentation may result in denial of future rental requests and/or legal action.

Application Process

Reservations will be accepted on a first-come-first-served-basis. The Schedule will remain tentative until 30 days before an event. At any time prior to the 30 days before an event, a group of higher category may displace a group of lower category (although consideration will be given to previously scheduled events). At 30 days before an event, the schedule is locked in, and bumping will not be permitted, except for City Programs (category 1). The City reserves the right to cancel, reassign, or otherwise adjust reservations to comply with the demands of its own programs or emergency requirements.

Each organization is required to submit the following prior to being granted a Facility Use Permit:

1. Facility Use Application for each facility requested
2. Signed indemnity and hold harmless
3. Proof of insurance
4. Current roster and enrollment data (if applicable)
5. A copy of 501(c)(3) status and current audited financial statement if applying for non-profit status (if applicable)
6. Payment of applicable fees

TITLE: Facility Use Guidelines and Regulations for the Use of Community Centers	POLICY #803
ADOPTED: August 10, 1993	AMENDED: October 17, 2017

GENERAL RULES:

Facility Use Rules

1. The applicant is responsible to ensure that participants are respectful of the facilities and equipment.
2. At no time may the applicant extend the hours of the facility use.
3. The use of City facilities is a privilege and all requirements of the City staff will be met expeditiously.
4. City staff has the authority to direct that the event be terminated and that the premises be vacated and to request the Police Department's or Fire Department's assistance as necessary to clear the premises.
5. Failure to comply with any of the guidelines and regulations or a staff directive shall be grounds for denial of any future requests by the applicant.

Damage, Cleanliness and Supervision

1. All City facilities, including parking areas, grounds and restrooms, shall be left clean and clear of debris and in orderly condition. If the facility is not left clean, it will be cleaned by City staff or by contract, and the group will be billed accordingly.
2. In the event of physical damage to the facility, its equipment, its contents, or the surrounding grounds, an estimate of the cost of repairs and/or replacement will be made by the City, and the group will be billed accordingly.
3. Officers of organizations shall supervise the conduct of their members to avoid damage to City property.
4. Failure to comply may result in denial of future use of facilities.

Keys

If approved by the Public Works Director and/or the Community Services Division designee an organization may receive a key in order to access the facility. Facility keys must be picked up from the Public Works Department one business day before the permitted event between 7:30 a.m. and 5:30 p.m. Keys should be returned to Public Works Department within one (1) business day of the event or the group will forfeit their deposit.

TITLE: Facility Use Guidelines and Regulations for the Use of Community Centers	POLICY #803
ADOPTED: August 10, 1993	AMENDED: October 17, 2017

Facility Set Up

Organizations are required to submit a room diagram at the time the facility application is submitted. The City will be responsible for the set up and tear down of equipment. Any additional equipment that the group wants to use at a City facility must be included on the facility application and approved by the City Manager or designee.

Decorating

Use of glue guns, nails, thumbtacks, staples, masking or electrical tape inside the facility is not permitted. Only non-adhesive putty may be used on the walls. All decorations must be fire proof or fire-retardant materials. Organizations must bring their own extension cords. Decorating for an event is not permitted outside of the facility.

Indemnification

The applicant must complete a release, hold harmless and indemnity agreement which releases the City, its elected officials, employees, representatives, and/or agents from any and all claims asserted, suits or liability established for damages or injuries, including death, to any person or property, including injuries to applicant, caused by or alleged to be caused by any act or omission by the City, its elected officials, employees, representatives, and/or agents which arise out of or are in any matter directly or indirectly connected with the use or condition of the premises.

Insurance

All groups are required to have insurance to protect the City from liability occasioned by their use of City premises. Specifically, all insurance required by this policy shall be written by California admitted companies which are rated at least "A,VIII" by the current A.M. Best Rating Guide or by a company of equal financial stability which shall be approved by the City's Risk Manager.

Commercial General Liability coverage with limits of at least one million dollars (\$1,000,000) per occurrence must be provided. The City of National City must be named as an additional insured pursuant to a separate endorsement which will be provided to the City along with the Certificate of insurance prior to use of City fields/facilities. In addition, all deductibles and/or self-insured retentions must be disclosed to and approved by the City's Risk Manager.

Insurance coverage may be obtained through the City under terms, conditions, and rates applicable at the time, depending on the nature and duration of the proposed use. Organizations desiring to purchase such insurance through the City must contact the City's Risk Manager.

Alcohol Regulations

The use of alcohol is prohibited in National City Community Center governed by this policy except that alcohol may be served or sold in the Martin Luther King Community Center under the following conditions:

1. Alcohol shall be limited to events on the City Council approved list of sponsored and co-sponsored events (City Council Policy 802).
2. Alcohol may be served with a One-Day Use Permit approved by the Chief of Police.
3. Alcohol may be sold only at non-profit events with the One-Day Use Permit approved by the Chief of Police and an ABC License of an approved caterer who has their own license. A copy of the ABC license must be forwarded to Community Services offices 14 days prior to the event. A copy of the ABC license must be posted during the entire event.
4. Alcohol shall be limited to beer and wine.
5. No kegs of beer are allowed.
6. No alcohol will be served to any person under the age of twenty-one (21) years old.
7. No person shall consume, serve or sale any alcoholic beverage during times that the facility has been rented, with or without remuneration to the City, to house a youth event. Youth events and all events involving social groups whose participants and/or members are primarily under the age of twenty-one (21) years.
8. The distribution and consumption of alcohol shall be limited to the reserved meeting room(s) only. Alcohol is not permitted inside the lobby, restrooms or parking lots.

For purposes of this policy, patio areas are a meeting room available for reservation.
9. The event must have an approved Facility Use Permit governing all conditions of facility use, including any other conditions deemed appropriate when the event includes the distribution and/or sale of alcohol.

Smoking

Smoking is prohibited in any part of a City facility. Per Government Code Sections 7596-7598, smoking is prohibited within 20 feet of the main entrances, exits and operable windows of any facility owned, leased and occupied by the State, County, or City.

TITLE: Facility Use Guidelines and Regulations for the Use of Community Centers	POLICY #803
ADOPTED: August 10, 1993	AMENDED: October 17, 2017

Security

Applicants may be required to provide licensed, uniformed and contracted security guards for each event at the rate of one (1) security guard for each 200 attendees, as determined by the Public Works Director and/or the Community Services Division designee after consultation with the Police Department. Security may be required irrespective of the number of attendees if alcohol is served or sold.

Financial Statement

All organizations must submit a financial report on how they plan to use the funds raised from the event and how the funds raised will benefit the National City community. Any financial report must be filed with the City within fifteen (15) days subsequent to the event by any organization charging admission or by any group using the facility for fund-raising purposes. A sign-in log of attendees, with addresses, may be required.

No donations, under any guise or circumstance, or for any purpose, shall be solicited at any City facility for causes not directly related to the activity in progress.

Non-Discrimination

The applicant hereby assures that all programs and activities implemented at City facilities and open to the general public will be conducted in a non-discriminatory manner, without regard to an individual’s race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status.

Report Vandalism

Although staff inspects our park sites and facilities on a regular basis, damage or vandalism may occur between visits. If you notice any broken equipment or furnishings, unsafe conditions, or vandalism, please report it to the Public Works Department at (619) 336-4580 during regular business hours.

Prior Policy Amendments

April 5, 2016

Reference

City Council Policy 802 – City Support for Special Events, Activities, Programs and Services

CITY COUNCIL POLICY

CITY OF NATIONAL CITY

TITLE: Facility Use Guidelines and Regulations for the Use of the National City Aquatic Center and Granger Music Hall	POLICY# 804
ADOPTED: October 17, 2017	AMENDED:

PURPOSE:

Meeting room and event space availability is an integral part of a community, providing opportunities for both civic and social engagement. In order to assist in meeting the local need for meeting and event space, this policy establishes governance for the use and rental the City of National City Aquatic Center and Granger Music Hall.

The guidelines and regulations of this policy are subject to change or modification as deemed necessary by the City Council.

GENERAL POLICY:

These guidelines and regulations are established to properly define the conditions under which the facilities may be used, operated, and preserved for future users.

Facilities Governed by this Policy

1. National City Aquatic Center, 3300 Goesno Place
Facility includes meeting room and outdoor patio space
2. Granger Music Hall*, 1615 East 4th Street
Facility includes hall designed for concerts

*Granger Music Hall is current closed and shall not be made available for public use and rental until such time as the facility is rehabilitated and deemed safe to occupy by all appropriate regulatory departments.

Categories of Use by Priority

Each Facility Use application will be reviewed and classified into a group depending on the type of organization and the intended use of the facilities. To ensure the facilities are used in the best interest of National City residents, the review and approval of Facility Use applications will be administered in accordance with a priority system. User classifications are listed in order of priority:

1. CITY PROGRAMS. National City programs, events and meetings shall have priority over any other program or usage.

**TITLE: Facility Use Guidelines and Regulations for the Use of
the National City Aquatic Center and Granger Music Hall**

POLICY # 804

ADOPTED: October 17, 2017

AMENDED:

2. **CITY CO-SPONSORED PROGRAMS.** National City co-sponsored programs shall be given second priority. Policy 802 governs the annual list of City Co-Sponsored events. Applications for co-sponsorship may be submitted to Neighborhood Services Department at any time. The Policy 802 Committee meets annually to review applications.
3. **CITY STAFF PARTICIPATION:** Programs that include active participation and/or involvement by City staff to include, but not limited to, presentations, guest speaking and attendance. The City Manager or designee may approve the use to be categorized as City Staff Participation, as long as the program benefits City of National City employees and/or the community.
4. **EDUCATIONAL GROUPS.** Educational activities organized by any school located in National City.
5. **GOVERNMENTAL AGENCIES.** An administrative unit of government with specific responsibilities.
6. **RESIDENT CIVIC/SERVICE GROUPS.** An organization whose official goal is to improve National City neighborhoods through donations to local charities and volunteer work by its members.
7. **RESIDENT NON-PROFIT GROUPS.** Non-profit organizations based within National City city limits.
8. **RESIDENTS.** Individuals residing within National City city limits.
9. **RESIDENT BUSINESSES.** Businesses located within National City city limits.
10. **NON-RESIDENT NON-PROFIT GROUPS.** Non-profit organizations based outside of National City city limits.
11. **NON-RESIDENTS.** Individuals residing outside of National City city limits.
12. **NON-RESIDENT BUSINESSES.** Businesses located outside of National City city limits.

At the discretion of the City Manager or designee, a governmental agency may be placed in Category 1 when the rental purpose directly benefits the City of National City or is deemed to address an emergency or other urgent matter as deemed by local, state or federal officials.

Fees and Deposits

The use of the facilities shall be subject to use fees and deposits as set forth in the City Council approved Fee Schedule. Such fees and deposits may include but are not limited to:

- Fees
 - Facility Use
 - Equipment Rental
 - Resident or Non-Resident

- Non-waivable Deposits (Refundable)
 - Kitchen
 - Audio/Visual Equipment
 - Key
 - Cleaning/Damage

Payment of Fees and Refundable Deposits

Fees for use of City facilities are set forth in the City Council approved Fee Schedule, and must be paid in full at least ten (10) days prior to the event. If payment is not received, the event will be considered cancelled, and the organization will be advised. The City Manager or designee may, for sufficient reason, make exceptions to this clause, but in any event, payment must be received before the event occurs.

Deposits must be made with a separate check. Deposits will be refunded following the return of the issued key, where no damage or loss has occurred and where no extra clean-up is required. In the event of damage, loss or extra clean-up, as determined by the Public Works Department, the deposit may be forfeited and additional charges may be incurred.

Applicant Eligibility

When an application is submitted on behalf of a business entity or organization, it shall be signed by a person with authority to bind the company or organization. Applications for rental of City facilities will not be accepted from anyone less than 21 years of age. Youth groups must have adult sponsors who guarantee observation of the guidelines and regulations. A minimum of one adult per 20 people under the age of 18 is required at the activity.

Any misrepresentation as to the nature of the use or activity to occur at a City facility, the number of attendees expected, contact or payment information or any other falsification on rental application documents will result in the immediate cancellation of the proposed use or event and forfeiture of fees paid. Any such misrepresentation may result in denial of future rental requests and/or legal action.

Application Process

Reservations will be accepted on a first-come-first-served-basis. The Schedule will remain tentative until 30 days before an event. At any time prior to the 30 days before an event, a group of higher category may displace a group of lower category (although consideration will be given to previously scheduled events). At 30 days before an event, the schedule is locked in, and bumping will not be permitted, except for City Programs (Category 1). The City reserves the right to cancel, reassign, or otherwise adjust reservations to comply with the demands of its own programs or emergency requirements.

Each applicant is required to submit the following prior to being granted a Facility Use Permit:

1. Facility Use Application for each facility requested
2. Signed indemnity and hold harmless
3. Proof of insurance
4. Current roster and enrollment data (if applicable)
5. A copy of 501(c)(3) status and current audited financial statement if applying for non-profit status (if applicable)
6. Payment of applicable fees

Recurring Reservations

Outside of pre-approved, City-sponsored or co-sponsored events, Facility Use applications will not be accepted for any group or individual for multiple uses on a continuing basis. A reserved event must be completed before an application for a subsequent reservation will be approved.

GENERAL RULES:

Facility Use Rules

1. The applicant is responsible to ensure that participants are respectful of the facilities and equipment.
2. At no time may the applicant extend the hours of the facility use.
3. The use of City facilities is a privilege and all requirements of the City staff will be met expeditiously.

4. City staff has the authority to direct that the event be terminated and that the premises be vacated and to request the Police Department's or Fire Department's assistance as necessary to clear the premises.
5. Failure to comply with any of the guidelines and regulations or a staff directive shall be grounds for denial of any future requests by the applicant.

Damage, Cleanliness and Supervision

1. All City facilities, including parking areas, grounds and restrooms, shall be left clean and clear of debris and in orderly condition. If the facility is not left clean, it will be cleaned by City staff or by contract, and the group will be billed accordingly.
2. In the event of physical damage to the facility, its equipment, its contents, or the surrounding grounds, an estimate of the cost of repairs and/or replacement will be made by the City, and the group will be billed accordingly.
3. Officers of organizations shall supervise the conduct of their members to avoid damage to City property.
4. Failure to comply may result in denial of future use of facilities.

Keys

If approved by the Public Works Director and/or the Community Services Division designee an organization may receive a key in order to access the facility. Facility keys must be picked up from the Public Works Department one business day before the permitted event between 7:30 a.m. and 5:30 p.m. Keys should be returned to Public Works Department within one (1) business day of the event or the group will forfeit their deposit.

Facility Set Up

Organizations are required to submit a room diagram at the time the facility application is submitted. The City will be responsible for the set up and tear down of equipment. Any additional equipment that the group wants to use at a City facility must be included on the facility application and approved by the City Manager or designee.

Decorating

Use of glue guns, nails, thumbtacks, staples, masking or electrical tape inside the facility is not permitted. Only non-adhesive putty may be used on the walls. All decorations must be fire proof or fire-retardant materials. Organizations must bring their own extension cords. Decorating for an event is not permitted outside of the facility.

Indemnification

The applicant must complete a release, hold harmless and indemnity agreement which releases the City, its elected officials, employees, representatives, and/or agents from any and all claims asserted, suits or liability established for damages or injuries, including death, to any person or property, including injuries to applicant, caused by or alleged to be caused by any act or omission by the City, its elected officials, employees, representatives, and/or agents which arise out of or are in any matter directly or indirectly connected with the use or condition of the premises.

Insurance

All groups are required to have insurance to protect the City from liability occasioned by their use of City premises. Specifically, all insurance required by this policy shall be written by California admitted companies which are rated at least "A,VIII" by the current A.M. Best Rating Guide or by a company of equal financial stability which shall be approved by the City's Risk Manager.

Commercial General Liability coverage with limits of at least one million dollars (\$1,000,000) per occurrence must be provided. The City of National City must be named as an additional insured pursuant to a separate endorsement which will be provided to the City along with the Certificate of insurance prior to use of City fields/facilities. In addition, all deductibles and/or self-insured retentions must be disclosed to and approved by the City's Risk Manager.

Insurance coverage may be obtained through the City under terms, conditions, and rates applicable at the time, depending on the nature and duration of the proposed use. Organizations desiring to purchase such insurance through the City must contact the City's Risk Manager.

Alcohol Regulations

Alcohol may be served or sold according to the following guidelines:

1. Alcohol may be served with a One-Day Use Permit approved by the Chief of Police.
2. Alcohol may be sold only at non-profit events with the One-Day Use Permit approved by the Chief of Police and an ABC License of an approved caterer who has their own license. A copy of the ABC license must be forwarded to Community Services offices 14 days prior to the event. A copy of the ABC license must be posted during the entire event.
3. Alcohol shall be limited to beer and wine.
4. No kegs of beer are allowed.

5. No alcohol will be served to any person under the age of twenty-one (21) years old.
6. No person shall consume, serve or sale any alcoholic beverage during times that the facility has been rented, with or without remuneration to the City, to house a youth event. Youth events and all events involving social groups whose participants and/or members are primarily under the age of twenty-one (21) years.
7. The distribution and consumption of alcohol shall be limited to the reserved meeting room(s) only. Alcohol is not permitted inside the lobby, restrooms or parking lots.

For purposes of this policy, patio areas are a meeting room available for reservation.
8. The event must have an approved Facility Use Permit governing all conditions of facility use, including any other conditions deemed appropriate when the event includes the distribution and/or sale of alcohol.

Smoking

Smoking is prohibited in any part of a City facility. Per Government Code Sections 7596-7598, smoking is prohibited within 20 feet of the main entrances, exits and operable windows of any facility owned, leased and occupied by the State, County, or City.

Security

Applicants may be required to provide licensed, uniformed and contracted security guards for each event at the rate of one (1) security guard for each 200 attendees, as determined by the Public Works Director and/or the Community Services Division designee after consultation with the Police Department. Security may be required irrespective of the number of attendees if alcohol is served or sold.

Non-Discrimination

The applicant hereby assures that all programs and activities implemented at City facilities and open to the general public will be conducted in a non-discriminatory manner, without regard to an individual's race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status.

Report Vandalism

Although staff inspects our park sites and facilities on a regular basis, damage or vandalism may occur between visits. If you notice any broken equipment or furnishings,

TITLE: Facility Use Guidelines and Regulations for the Use of the National City Aquatic Center and Granger Music Hall	POLICY # 804
ADOPTED: October 17, 2017	AMENDED:

unsafe conditions, or vandalism, please report it to the Public Works Department at (619) 336-4580 during regular business hours.

CHAPTER 900

REAL ESTATE AND PUBLIC PROPERTY

CITY COUNCIL POLICY

CITY OF NATIONAL CITY

TITLE: Management of Real Property (Sale, Lease, Rental, Surplus)	POLICY # 901
ADOPTED: June 19, 1984	AMENDED: January 22, 2019

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.

**TITLE: Management of Real Property
(Sale, Lease, Rental, Surplus)**

POLICY # 901

ADOPTED: June 19, 1984

AMENDED: January 22, 2019

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.

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.
- The property is vacant and has no foreseeable use by the City.
- The property is a non-performing or under-performing asset and greater value can be generated by its sale.
- 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 (RFPs), 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 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

**TITLE: Management of Real Property
(Sale, Lease, Rental, Surplus)**

POLICY # 901

ADOPTED: June 19, 1984

AMENDED: January 22, 2019

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.

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ADOPTED: June 19, 1984

AMENDED: January 22, 2019

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

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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.

**TITLE: Management of Real Property
(Sale, Lease, Rental, Surplus)**

POLICY # 901

ADOPTED: June 19, 1984

AMENDED: January 22, 2019

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

CITY COUNCIL POLICY

TITLE:
STREET TREE REMOVAL AND REPLACEMENT

POLICY
NUMBER: 902

ADOPTED: September 1983

AMENDED OR
REVISED: November 13, 1990

Purpose

To establish guidelines for the removal, relocation or planting of trees on public property within National City.

Policy

The Street Tree and Parkway Committee was authorized by a resolution of the City Council in 1971, which gave the committee jurisdiction over all questions of the removal and/or relocation of trees on public property. Commercial property owners must pay City labor and equipment costs for tree removals, \$40 for the purchase and installation of 15 gallon trees that are approved by the City. Residential homeowners will only pay \$15 for the planting of each tree approved by the City. Tree planting requests at commercial and residential locations that do not require removals may be approved by the Director of Parks and Recreation. Costs will be \$40 per tree for commercial; \$15 per tree for residential. All funds received will go into a Tree Fund for purchasing trees.

No tree shall be removed from, relocated to or planted in public property without prior approval of the committee, except in emergencies when the City Manager shall have authority to have trees removed. Property owners desiring a tree removal must submit a letter to the committee outlining reasons for the removal. Trees will not be removed because they drop leaves or other debris or because they cause small cracks in curbs, gutter or sidewalks. Grounds for removal include trees damaging sewers or causing large cracks in the curbs, gutters or sidewalks to such an extent that they become safety risks or have the potential to cause future damage. All tree replacements/plantings will be allowed in parkways that are a minimum of 48" in width. If the committee determines the parkway is too narrow for a tree, and if there is adequate room in the front yard, the homeowner can purchase a tree for \$15 from the City, which will be delivered to the home and be planted by the owner in their front yard.

The committee will take action on each request and forward their recommendations to the City Council for final action and appropriate fees charged. Unless replacement is deemed impractical, the property owner then has the choice to suitable trees for replacement, which the City then orders and plants.

When feasible, trees will be transplanted rather than destroyed, as determined by the Parks & Recreation Director and committee.

Related Policy References - National City Municipal Code, Ch. 13.18



City of National City Parks & Recreation Department

140 E. 12th St., National City, CA 92050-3312
Phone: (619) 336-4290

HOURLY LABOR COSTS

Tree Trimmer	-	\$13.51
Assistant Tree Trimmer	-	\$12.34
Park Caretaker I	-	\$11.42

HOURLY EQUIPMENT COST

Asplundh aerial tower	-	\$30
Chipper & chipper truck	-	\$30
Chain saw	-	\$5
Stump chipper	-	\$15
Tractor	-	\$18
Dump truck	-	\$18

These costs are as of November 1, 1990. They will be updated as salaries increase and overhead costs increase.

**TITLE: Policy for 50/50 Curb and Gutter, Sidewalk,
Driveway and Retaining Wall Program**

POLICY #903

ADOPTED: November 15, 1988

DELETED: November 15, 2016

Reason for deletion:

Program no longer applicable

DELETE

CITY COUNCIL POLICY

CITY OF NATIONAL CITY

TITLE: Housing Loan Subordination Policy (Homebuyer and Single-Family Rehabilitation Assistance Loans)	POLICY # 904
ADOPTED: October 16, 2018	AMENDED:

Background:

The City of National City and Community Development Commission-Housing Authority of the City of National City collectively holds a portfolio of mortgages on real property that have assisted qualified buyers with the purchase of first home or existing homeowners to rehabilitate the property they occupy. From time to time, borrowers may desire to refinance their first mortgage to reduce the interest rate and lower their monthly housing payment. Typically a lender will require that the City subordinate the assistance loan to the new loan secured by the subject property. This Subordination Policy (“Policy”) is intended to standardize the manner in which subordination requests are submitted and approved by the City. The Policy also delegates the review and approval of subordination agreements for single-family housing assistance loans to City staff and provides for annual reporting of the subordinations made to the City Council.

Purpose:

This Subordination Policy (“Policy”) is intended to standardize the manner in which subordination requests are submitted and approved by the City. The Policy delegates the review and approval of subordination agreements for single-family housing assistance loans to City staff.

Policy:

- A. Subordination of the City of National City’s loan in favor of a new loan in the amount of the current balance of the original senior loan plus reasonable costs of refinancing is acceptable as long as the purpose of the refinance is to lessen the borrower’s monthly financial obligations (debt service) for housing costs, to reduce both the term and interest rate of a loan when the new total payment (principal, interest, taxes, insurance, and homeowner’s association fees) does not exceed 35% of the borrowers total gross monthly income, or when a senior lien becomes due and payable.

- B. No subordination will be approved which provides cash or equity being taken from the property (unless the cash is being used to pay reasonable closing costs or to remediate code violations at the property).

- C. The City of National City’s loan must be recorded in the same position as when it was originally recorded.

ADOPTED: October 16, 2018

AMENDED:

- D. City staff will review the new loan application and underwriter's summary, estimated buyer's settlement charges and title report to verify compliance with these criteria prior to execution of a subordination document by City.
- E. City staff will submit their review and recommendation to the Housing and Economic Development Director for final approval or denial of the subordination request.
- F. Staff will prepare an annual report to the City Council, City Manager, and Director of Finance that provides information on the new mortgage principal balance, rate, and term that the City assistance loan subordinated to.

Procedure:

The new lender will forward a request to the Housing and Economic Development Department that will include the following:

- A written request from the lender for a rate and term refinance with the borrower's authorization to release information form.
- A letter signed by the borrower explaining the purpose of the refinance.
- Copy of all pages of the loan application (1003) signed by the borrower.
- Copy of the Preliminary Title Report.
- Certified copy of the escrow instructions referencing the new lender, showing vesting, and the new loan amount. If no escrow is involved in the transaction, a statement from the new lender is required listing the new loan amount, exact vesting for borrower, and name of the lender **exactly** as it will appear on the loan documents.
- Copy of the Estimated HUD-1 Settlement Statement
- Pay-off statement from the existing first trust deed lien holder.
- Copy of the lender's Underwriting Transmittal Summary (1008), clearly showing the loan has been approved, the loan amount, interest rate, term of the loan, and the principal and interest payments. The new first trust deed loan must be a fixed rate loan, fully amortized over the life of the loan.

A non-refundable subordination fee will be charged for every subordination agreement processed. The lender must include a check made payable to the City of National City for \$344.00 per the subordination agreement executed by the City. The fee may be subject to change from time to time. Payment of the fee must be included with the submission of the subordination package.

**TITLE: Housing Loan Subordination Policy
(Homebuyer and Rehabilitation Assistance Loans)**

POLICY # 904

ADOPTED: October 16, 2018

AMENDED:

Upon receipt of a complete package, staff will present the request for subordination to Director of Housing and Economic Development for consideration. If approved, the lender will be notified of any contingencies. The City will draft the subordination agreement(s) based on the information provided by the lender or escrow company.

Related Policy References:

N/A

Prior Policy Amendments:

N/A

1000

RISK MANAGEMENT

CITY COUNCIL POLICY

CITY OF NATIONAL CITY

TITLE: Risk Management Policy	POLICY #1001
ADOPTED: October 23, 1990	AMENDED: October 17, 2017

Purpose

The City of National City recognizes the necessity to be protected against accidental loss which would significantly affect its personnel, property, finances or the ability of the City to fulfill its responsibility to the public. The City interprets its obligation in this area as requiring the highest possible concern for the safety of its employees and the public, combined with a concern that the appropriate protection be accorded City property to prevent financial loss.

Policy

The City will undertake to manage the risks of loss facing the City, in terms of both human and financial resources utilizing the basic steps of the risk management function: risk identification and measurement, and the treatment techniques of avoidance, transfer, reduction or retention.

Each City employee is responsible for his/her own safety and safe completion of assigned tasks according to recognized industrial standards and for bringing to the attention of their supervisor any needed repairs and/or maintenance of City facilities and equipment. Supervisors are obligated to look into such reported needed repairs and/or maintenance and to report needed repairs and/or maintenance to the Engineering/Public Works Department following established work order reporting procedures. The Director of the Engineering/Public Works Department is responsible for ensuring the completion of repairs and/or maintenance either by departmental staff or contractor. In the event it is determined by the Engineering/Public Works Department that any equipment or part of a facility is unsafe, it shall be taken out of operation or secured as inaccessible until such repairs and/or maintenance can be completed.

The City will avoid incurring disproportionate risks in contractual agreements and all undertakings. In contractual relationships, the City will transfer to others, whenever possible, all risks of loss, unless otherwise directed by the City Council.

The City will retain a risk with self-insurance or deductibles when it can be conveniently treated as a normal operating expense or when the potential loss is predictable enough to be budgeted for in a sound business manner. The guidelines established by City Council Policy 201, "Maintenance of Reserve Funds" will be followed.

The administration of the City's Liability Risk Management program is assigned to the Risk Manager reporting to the City Attorney, or designee.

TITLE: Risk Management Policy

POLICY #1001

ADOPTED: October 23, 1990

AMENDED: October 17, 2017

Related Policy References

Council Policy #201: "Maintenance of Reserve Funds"
Municipal Code, Chapter 600

Prior Policy Amendments

None