

## **Action Item II- Consideration of proposed edits to the Bylaws**

February 18, 2021 a subcommittee was established to review and provide recommendation on the Operating Procures and Bylaws. Commissioners Daniel Orth and Zachary Gomez were selected to serve as the subcommittee.

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

Below are the summary of changed to the Bylaws as provided by the subcommittee.

### **Summary of Changes:**

#### **ARTICLE I – THE COMMISSION:**

- Section 2. Mission Statement: Rewritten to give intent and later list the three focuses of the Mission of the Commission.
- Section 3. Duties: The language here mirrors that of the operating procedures which itself is taken from the municipal code. Therefore the duties/responsibilities of the CPRC are consistent across all three documents.
- Section 4. Membership:
  - Composition: According to the process outlined in Section 3.02 of the CPRC Operating Procedures.
  - B. Terms of Membership: Language to formalize the POA commissioner’s term with no term limit, and re-appointment by the discretion of National City Police Officers Association. \*was approved by NC POA
  - F. Filling of Vacancies: The language here mirrors that of the operating procedures which itself is taken from the municipal code. Therefore the filling of vacancies of the CPRC are consistent across all three documents.
  - \*example “b)”

#### **ARTICLE II – OFFICERS**

- Section 2. Chairperson: Language at the end is updated to reflect city council’s previous change and recommendation to reduce the risk of the perception of or actual bias in leadership role.
- Section 3. Vice Chairperson: Language at the end is to mirror “chair person’s” change (made by city council) and recommendation to reduce the risk of the perception of or actual bias in leadership role.
- Section 5. Election: Language is to formalize the process and timing that is already put in place for selecting Chair & Vice Chair.

#### **ARTICLE III – MEETINGS**

- Section 1. Regular Meetings: Recommendation to meet more frequently.
  - Four meetings to six meetings annually.
- Section 2. Special Meetings: Language to solidify vice chair’s duties
- Section 6. Excused and Unexcused Absences: Language added to take into consideration the recommendation of meeting more frequently - i.e. allowing more absences in light of the

additional meetings..

- Section 11. Docketing of Items for Agenda: Language to formalize the docketing of agenda items.

#### ARTICLE VII- ORDER OF PRECEDENCE

- Section 1. Conduct of Affairs: Updated to be listed in hierarchical order.

**NATIONAL CITY COMMUNITY AND  
POLICE RELATIONS COMMISSION  
BYLAWS**

**ARTICLE I – THE COMMISSION**

Section 1. Name of Commission

The name of the Commission shall be the “National City Community and Police Relations Commission” (hereinafter referred to as the “Commission”).

Section 2. Mission Statement

~~It is the intent of the Mayor and City Council that because of our actions, the relations between the citizens of the City of National City (“hereinafter referred to as the “City”) is city and the National City Police Department will improve, and positive communications and cooperation between the National City Police Department and community will be facilitated.~~

~~That the following shall be the Mission Statement of the Commission:~~

~~Based on this intent, the Commission’s mission will be to: The Commission will~~

- ~~(1) provide a forum for citizens to voice their concerns about police conduct, practices and policies;~~
- ~~(2) examine police practices and policies as they pertain to conduct issues; and~~
- ~~(3) identify opportunities to ameliorate adversity between the National City Police Department and citizen complaints. It is the intent of the Mayor and City Council that because of our actions, the relations between the citizens of this city and the Police Department will improve, and positive communications and cooperation between the Police Department and community will be facilitated.~~

Section 3. Duties

The duties and responsibilities of the ~~Commission~~ Commissioners shall be:

- a) Participating in orientation and training activities at least two times per year, that may include: reviewing of Department and IAD policies and procedures; attending the Department or County of San Diego Citizens' Academy; completing “ride-alongs” with Officers; attending recruiting and academy workshops; the annual National Association for Civilian Oversight of Law Enforcement (NACOLE) Conference; attending training opportunities available to NCPD officers including but not limited to investigative practices, the Psychiatric Emergency Response Team (P.E.R.T.), de-escalation, racial bias, implicit bias, Department practices; and other relevant training opportunities.
- b) Serving for a term of ~~two~~ three years, subject to reappointment by Council. Upon expiration of term, a Commissioner shall serve until re-appointed or replaced.
- c) Attending Commission meetings, except when excused for good cause.
- d) Serving staggered terms to better ensure continuity. A lottery shall be held during the next regularly scheduled meeting following the adoption of these procedures to establish the term of each Commissioner currently appointed. No more than four voting

Commissioners shall be appointed to three year terms as a result of the lottery, all others shall be appointed to a term of one-year. All Commissioners will remain eligible for reappointment upon expiration of their term.

- e) Annually electing a chair and vice-chair from among the Commissioners.
- f) Adopting operating policies and procedures as necessary and appropriate to carry out their duties in a fair and unbiased manner.
- g) Receive and monitor or investigate citizen complaints regarding police conduct, but without interfering with the administration of the police department.
- h) Request and receive supplemental information from the police department regarding citizen complaints and such other matters as the commission may request.
- i) Allow parties the opportunity to mediate their disputes.
- j) Make recommendations to the city council regarding additional duties that the commission may perform.
- k) Make an annual report of its activities, findings and recommendations to the city council.
- l) Advise on police department operations, and make recommendations on police policy issues.
- m) Conduct investigations and hold public hearings. The commission has the power to examine witnesses under oath and compel their attendance or production of evidence by subpoena issued in the name of the city and attested by the city clerk. It shall be the duty of the chief of police to cause all such subpoenas to be served, and refusal of a person to attend or testify in answer to such a subpoena shall subject the person to prosecution in the same manner as set forth by law for failure to appear before the city council in response to a subpoena issued by the city council.
- n) Each member of the commission shall have the power to administer oaths to witnesses.
- o) Keep a record of its resolutions, transactions, findings, and determinations, which records shall be a public record unless the city attorney determines otherwise.

~~(a) To receive and investigate citizen complaints regarding police  
Conduct within 90 days.~~

~~(b) To request and receive supplemental information from the Police  
Department regarding citizen complaints and such other matters as  
the Commission may be reviewing.~~

~~(c) To allow parties the opportunity to mediate their disputes.~~

~~(d) To make recommendations to the City Council regarding additional  
duties which the Commission may perform.~~

~~(e) To make an annual report of its activities, findings and recommendations to the City  
Council.~~

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

~~(g) Conduct investigations and hold public hearings.~~

~~(h) To interview the candidates for Police Chief and to make recommendations to the Mayor.~~

#### Section 4. Membership

##### A. Composition

The Commission shall be comprised of eight (8) individuals ~~appointed by the Mayor with the approval of the City Council.~~ [selected according to the process outlined in Section 3.02 of the CPRC Operating Procedures.](#) Of the eight members, seven (7) shall be voting members, and one (1) shall be a non-voting member. Of the seven voting members, five (5) shall be residents of the City of National City. The non-voting member shall be a member of the National City Police Officers' Association.

##### B. Terms of Membership

The terms of the members shall be for three (3) years, subject to reappointment by the City Council. ~~The term of the member from the National City Police Officers' Association shall be for three (3) years with the option of reappointment by their organization (POA).~~ Upon expiration of term, a member shall serve until re-appointed or replaced.

##### C. Termination of Membership

Membership in the Commission shall automatically terminate in the event that:

- 1) The member's term has expired. If a term expires, the member can either continue until reappointment or replacement; or
- 2) The member shall have been absent from the number of Commission meetings specified in these Bylaws.

##### D. Removal of Members

A member may be removed by a majority vote of the ~~Commission and subsequently the~~ City Council.

##### E. Resignation

Any Commission member may resign at any time by giving written notice to the Chairperson. Any such resignation will take effect upon receipt or upon any date specified therein. The acceptance of such resignation shall not be necessary to make it effective.

##### F. Filling of Vacancies

In the event a vacancy occurs on the Commission by reason of death, resignation, removal or termination, such vacancy shall be filled ~~by the Mayor with the approval of a majority of the City Council,~~ [according to the process outlined in Section 3.02 of the CPRC Operating Procedures.](#) with new members so appointed having to meet the qualifications set forth in Article I, Section 4(a). Persons appointed to fill vacancies shall fill the unexpired terms of their predecessors.

## **ARTICLE II – OFFICERS**

### Section 1. Officers

The officers of the Commission shall consist of a Chairperson and a Vice Chairperson, and shall be elected in the manner set forth in this Article II. In addition, the Commission may create and fill, in the manner set forth in this Article II, such other ~~Officers~~ offices as it deems necessary.

### Section 2. Chairperson

The Chairperson shall preside at all meetings of the Commission and, working with the Vice Chairperson and in consultation with the City staff, shall submit such agenda recommendations and information ~~at such meetings~~ that are reasonable and proper for the conduct of the business affairs and policies of the Commission. The Chairperson shall sign all resolutions, approved minutes, and other legal documents of the Commission (if any). The Chairperson shall be a resident of the city. The Commission shall not have a current, former or family member of Law Enforcement as Chairperson.

### Section 3. Vice Chairperson

The Vice Chairperson shall perform the duties of the Chairperson in the Chairperson's absence ~~or incapacity of the Chairperson~~. The Vice Chairperson shall be a resident of the city. The Commission shall not have a current, former or family member of Law Enforcement as Vice Chairperson.

### Section 4. Additional Duties

The officers of the Commission shall perform such other duties and functions as may from time to time be required by the Commission, the Operating Procedures, the Bylaws or other rules and regulations, or which duties and functions are incidental to the office held by such officers.

### Section 5. Election

The Chairperson and Vice Chairperson shall be elected by a majority of the members of the Commission at its first regularly scheduled meeting each calendar year. The terms of the Chairperson and Vice Chairperson shall be one year.

~~The Chairperson and Vice Chairperson shall initially be elected by a majority of the members of the Commission at its first meeting of the year at which these Bylaws are adopted from among the members of the Commission. The terms of the Chairperson and Vice Chairperson shall be one year. Upon the first anniversary of the appointment of officers, the terms of the Chairperson and Vice Chairperson shall expire, and a new Chairperson and Vice Chairperson shall be elected, according to the procedures set forth in this Section 5.~~

### Section 6. Vacancies

Should the offices of the Chairperson or Vice Chairperson become vacant, the Commission shall elect a successor from among the Commission members at the next regular or special meeting, and such office shall be held for the unexpired term of said office.

### **ARTICLE III – MEETINGS**

#### Section 1. Regular Meetings

The Commission shall schedule and conduct at least ~~four~~-~~six~~ (6) meetings per year for the purpose of exercising the authority and responsibility delegated to it in the Operating Procedures. The Commission shall meet on the third Thursday of the month for which a meeting has been called by the Chairperson at 6:00 p.m. in the Council Chambers of the National City Civic Center, 1243 National City Boulevard, 2nd Floor, National City, unless otherwise designated. The agenda for each regular meeting shall be posted by City staff at least 72 hours in advance consistent with the requirements of the Ralph M. Brown Act and the City's customary procedures.

#### Section 2. Special Meetings

Special meetings and/or hearings may be held upon call of the Chairperson, Vice Chairperson or of the majority of the membership of the Commission, for the purpose of transacting any business designated in the call, after notification of all members of the Commission by written notice personally delivered or by mail at least 24 hours before the time specified in the notice for a special meeting. Such written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the Chairperson a written waiver of notice, and as to any member who is actually present at the time the meeting convenes. Additionally, City staff shall be responsible for the posting of the agenda of the special meeting in the four (4) locations designated in Section 1 at least 24 hours prior to the time specified in the notice for the meeting, and for providing copies of the notice of meeting to the news media. At such special meeting, no business other than that designated in the call shall be considered.

#### Section 3. Adjourned Meetings

Any meeting of the Commission may be adjourned to an adjourned meeting without the need for additional notice or agenda, provided that the adjournment indicates the date, time and place of the adjourned meeting, and provided that the adjourned meeting occurs not more than five (5) calendar days after the meeting for which notice and agenda requirements were met. Commission members absent from the meeting at which the adjournment decision is made shall be notified by the Chairperson of the adjourned meeting.

#### Section 4. All Meetings to be Open and Public

All meetings of the Commission shall be open and public to the extent required by law. All persons shall be permitted to attend any such meetings except as otherwise provided by law. Nothing

contained in these Bylaws shall be construed to prevent the Commission from holding closed sessions during a meeting concerning any matter permitted by law to be considered in closed session provided the Commission complies with the conditions and procedures provided by law for closed sessions. All meetings shall be limited to no more than three (3) hours unless ~~the Chairperson requests additional time and~~ a majority of the membership, by vote, agrees to request additional time.

#### Section 5. Quorum

The powers of the Commission shall be vested in the members thereof in office from time to time. A majority of the members of the Commission qualified and eligible to vote shall constitute a quorum for the purpose of conducting the Commission's business, exercising its powers and for all other purposes, but less than a majority of the members of the Commission may adjourn the meeting from time to time until a quorum is obtained. An affirmative vote by a majority of the members of the Commission qualified and eligible to vote shall be required for approval of any question brought before the Commission.

#### Section 6. Excused and Unexcused Absences

~~Membership in the Commission shall terminate if a member has ~~two (2) consecutive unexcused absences from meetings, whether regular or special, or four (4) absences from regular or special meetings, in a three (3) year term.~~ A member's absence may be excused if prior to the meeting from which said member will be absent, said member notifies the Chairperson or Designee of intent to be absent and the reason therefore. At each meeting, after the roll has been called, the Chairperson shall report to the Commission the name of any member who has so notified of their intent to be absent and the reason ~~of for~~ such absence. (Illness being an example of an excused absence ~~from a regularly scheduled meeting.)~~ ~~and P~~rior plans being an example of an excused absence from a special meeting or a meeting where the date or time is changed). The Commission shall approve or disapprove ~~such reasons requests~~ for excused absences. Membership in the Commission shall terminate if a member has two (2) consecutive unexcused absences from meetings, whether regular or special, or ~~four~~six (6) absences from regular or special meetings, in a three (3) year term.~~

#### Section 7. Order of Business

The following shall be the order of business at regular meetings of the Commission:

- 1) Roll Call
- 2) Approval of Minutes of previous meeting
- 3) Public Comment
- 4) Action Items
- 5) Adjournment

#### Section 8. Minutes

Minutes of the Commission shall be in writing. Copies of the Minutes of each Commission meeting shall be made available to each member of the Commission. Minutes shall be made available to the public, unless they are privileged and confidential items. Approved Minutes shall be filed in the official Book of Minutes of the Commission.

#### Section 9. Rules of Order

Except as provided in these Bylaws [and the Commission's Operating Procedures](#), all business and matters before the Commission shall be transacted in conformance with Rosenberg's Rules of Order (Newly Revised).

#### Section 10. Committee Reports

Oral and written reports of the Commission, including resolutions adopted by the Commission, shall include a report of the position of the minority of the Commission as well as the majority. When applicable, an indication of the relative size of the majority and the minority for each such report shall be included within the report.

#### Section 11. Docketing of Items for Agenda

[During any regularly scheduled or special meeting, a Commissioner may propose an item for inclusion on the agenda of a future Commission meeting. During public comment, members of the public may also request items to be included on future Commission agendas. Determination as to whether an item shall be included on a future agenda shall be made by a majority vote of the Commission. Final determination regarding placement of Commission-approved agenda items will be made by the Chairperson and Vice Chairperson working in consultation with City staff.](#)

### **ARTICLE IV – REPRESENTATION BEFORE PUBLIC BODIES**

Any official representations on behalf of the Commission before the City Council or any other public body shall be made by the Chairperson, the Vice Chairperson in the Chairperson's absence, or a member of the Commission specifically so designated by the Commission pursuant to the [Ralph M. Brown Act](#)~~Brown Act~~.

### **ARTICLE V – SUBCOMMITTEES**

#### Section 1. Establishment

The Commission shall have the authority to, and may, establish subcommittees as necessary to accomplish the purposes set forth in Section 3 of Article I of these Bylaws.

#### Section 2. Membership

Each subcommittee shall be composed of ~~at least one (1)~~ [a minimum of two \(2\)](#) but not more than three (3) members of the Commission.

### Section 3. Appointment of Members

Members on a subcommittee shall be appointed by the Chairperson of the Commission with ~~the approval~~ approval by a majority vote of the Commission.

### Section 4. Officers and Meetings

Subcommittee chairpersons shall be designated by the Chairperson of the Commission from among the Commission members appointed to the subcommittee. Each subcommittee shall elect a vice chairperson, and shall establish the date, time and place for meetings to conduct the subcommittee's business.

~~The Complaint Review Subcommittee shall meet with the National City Police Department's Internal Affairs Unit at least 1 time per month to determine if there are available cases to review.~~

### Section 5. Subcommittee Reports

From time to time, subcommittees shall submit reports to the Commission, which reports summarize the subcommittee's activities, findings and/or recommendations on matters for which the subcommittee was established.

## **ARTICLE VI – AMENDMENTS**

### Section 1. Amendment of Bylaws and Operating Procedures

The Bylaws and Operating Procedures of the Commission may be amended upon the affirmative vote of a majority of the voting seated members but no such amendment shall be adopted unless at least seven (7) days' written notice thereof has previously been given to all members of the Commission. Notice of amendment shall identify the section or sections of the Bylaws proposed to be amended.

## **ARTICLE VII- ORDER OF PRECEDENCE**

### Section 1. Conduct of Affairs

The COMMISSION will observe all applicable requirements of state and local law, including the following, which have been summarized as follows, listed in hierarchical order:

- a. United States Constitution
- b. California Constitution
- c. California Statutes and Codes, including but not limited to the Government Code (Ralph M. Brown Act, Section 54950 et seq.; and Public Safety Officers Procedural Bill of Rights, Sections 3300-3311, Chapter 9.7, Division 4, Title 1), Penal Code (PC), Health and Safety Code, and Vehicle Code (VC)
  - i. Penal Code sections 832.5 and 832.7

- d. National City Municipal Code Title 16 City Boards, Commissions and Committees Chapter 16.04 Community and Police Relations Commission.
- e. National City - City Council Administrative and Operating Policies.
- f. Memorandum of Understanding (MOU) between City of National City and National City Police Officers Association.
- g. National City Police Department rules and procedures, which govern the rights and duties of DEPARTMENT personnel.
- h. The ByLaws of the National City Community and Police Relations Commission as authorized by the City Council.
- i. The Operating Procedures of the National City Community and Police Relations Commission as authorized by the City Council.
- Robert's Rules of Order, Newly Revised.;

- ~~a. The Police Officers Bill of Rights (Government Code sections 3300, et seq.)~~
- ~~b. Penal Code sections 832.5 and 832.7~~
- ~~e. The Ralph M. Brown Act (Gov. Code, § 549501 et seq., hereinafter “the Brown Act” or “the Act”)~~
- ~~d. National City Police Department rules and procedures, which govern the rights and duties of DEPARTMENT personnel.~~
- ~~e. The Operating Procedures of the National City Community and Police Relations Commission as authorized by the City Council.~~
  - ~~a-j. f. National City Municipal Code Title 16 City Boards, Commissions and Committees Chapter 16.04 Community and Police Relations Commission.~~

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 Revised August 20, 2015  
 Revised August 16, 2018  
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