

Non-Action Item I- Update on the City Council's consideration of proposed edits to the Operating Procedures and Bylaws

At the time this staff report was written the National City - City Council had not yet heard the proposed amendments to the CPRC's Operating Procedures and Bylaws. Included below is the staff report submitted to City Council along with the red line and clean versions of the proposed amendments to the Operating Procedures and Bylaws which are attached.

Staff intends to report to the CPRC the action taken if any by the City Council on November 16, 2021.

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Municipal Code Chapter 16.04 establishes the Community and Police Relations Commission (CPRC) and authorizes the CPRC to adopt bylaws and operating procedures from time to time, which shall be approved by the city council, provided that if any provision of such bylaws or operating procedures conflicts with this Chapter 16.04, this chapter shall prevail.

### **Background**

The City Council considered the Community and Police Relations Commission (CPRC) Operating Procedures and Bylaws on February 7, 2006. The Council's action to approve the Operating Procedures but not the Bylaws. The consensus of the Council was to all the CPRC to adopt and amend its own Bylaws. Over the years the CPRC has made amendments to the Operating Procedures and Bylaws without formal approval the City Council. The desire this evening is to bring both documents before the City Council for consideration in order to be complaint with Municipal Code Chapter 16.04.

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

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

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

## **Operating Procedures:**

### ARTICLE III. Community and Police Relations Commission

#### Section 3.02:

The “human rights organization” position has been removed in order to have consistency across all CPRC documents (Municipal Code, Bylaws, and the Operating Procedures).

The Commission shall be comprised of eight (8) individuals appointed by the Mayor with the approval of the City Council. Of the eight members, seven (7) shall be voting members, and one (1) shall be a non-voting member. Of the seven voting members, five (5) shall be residents of the City of National City. The one nonvoting member shall be a member of the National City Police Officers’ Association POA.

Vacancies; The Operating Procedures details a process for nomination and appointment of members which is a deviation from the current Mayor and Council nomination and appointment process.

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

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

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

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

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

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

### Section 3.04:

(a): Language added to include additional options by which one could fulfill the requirement for two annual training or orientation activities.

(b) and (d): Throughout the operating procedures and bylaws it was noted that the term of a commission appointment is three years, not two, so those changes were included.

(g), (h), (i), (j), (k), (l), (m), (n): The language here mirrors that of the bylaws which itself is taken from the municipal code. Therefore consistent across all three documents (Municipal Code, Bylaws, and the Operating Procedures).

### **Bylaws:**

#### ARTICLE I – THE COMMISSION:

##### Section 3. Duties

The language here mirrors that of the operating procedures which itself is taken from the municipal code. Therefore the duties/responsibilities of the CPRC are consistent across all three documents (Municipal Code, Bylaws, and the Operating Procedures).

##### Section 4. Membership

B. Terms of Membership: Language added to formalize the National City Police Officer Association (NC-POA) Commissioners' term with no term limit, and re-appointment by the discretion of National City Police Officers Association. This amendment was approved by NC-POA.

#### ARTICLE II – OFFICERS

##### Section 2. Chairperson

Language added to align with City Council Police #107 Appointments to Board and Commissions that only National City residents may be elected to Chair, and Vice-Chair positions. Additional language was added that the Commission shall not have a current, former or immediate family member of a National City Police Officer serve as Chairperson. Immediate family member is defined as a parent, spouse, domestic partner, offspring or sibling of a National City Police Officer.

##### Section 3. Vice Chairperson

Language added to align with City Council Police #107 Appointments to Board and Commissions that only National City residents may be elected to Vice Chair, and Vice-Chair positions. Additional language was added that the Commission shall not have a current, former or immediate family member of a National City Police Officer serve as

Vice Chairperson. Immediate family member is defined as a parent, spouse, domestic partner, offspring or sibling of a National City Police Officer.

#### Section 5. Election

Language added to formalize the annual election schedule for the last regular meeting of each calendar year for the Chair & Vice Chair positions.

### ARTICLE III – MEETINGS

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

This section was added to formalize the docketing of agenda items.

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.

#### **Attached Documents:**

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