

COMMUNITY AND POLICE RELATIONS COMMISSION



Thursday, May 19, 2022 at 6:00 p.m.

ONLINE ONLY MEETING

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

LIVE WEBCAST

Council Chambers – City Hall

1243 National City Blvd

National City, CA 91950

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

PUBLIC COMMENTS:

There are multiple ways you can make sure your opinions are heard and considered by your CPRC as outlined below:

1. Register to speak during a CPRC zoom meeting.
 - Speakers must register by 4:00 p.m. the day of the meeting at <https://www.nationalcityca.gov/cprc>
 - Public comments or testimony is limited to up to three (3) minutes.
 - Speakers will not be shown on video.
2. Submit a written comment to be entered into the official meeting record.
 - Email CPRCPubComment@nationalcityca.gov (CPRC) before 4:00 p.m. on the day of the meeting and provide the agenda item or state 'general public comment' in subject line if topic is not listed on agenda.
 - Email comments will be read into the meeting record.

***Please note that you must pre-register provide live public comment. Members of the public will not be shown on video; they will be able to watch, listen and speak when called upon.

Upon request, this agenda can be made available in appropriate alternative formats to persons with a disability in compliance with the Americans with Disabilities Act. Please contact the City Manager's Office at (619) 336-4240 to request a disability-related modification or accommodation. Notification 24-hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Call to Order

Pledge of Allegiance to the Flag

Approval of Excused Absences

Approval of Minutes – Regular Meeting of February 17, 2022

Public Comment

Non-Action Item I – Introduction of Commissioner William Phillips

Non-Action Item II – Overview of the Agenda Process – Commission Item Request

Closed Session -

1. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE
Government Code Section 54957.6
Case #1
2. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE
Government Code Section 54957.6
Case #2
3. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE
Government Code Section 54957.6
Case #3
4. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE
Government Code Section 54957.6
Case #4
5. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE
Government Code Section 54957.6
Case #5
6. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE
Government Code Section 54957.6
Case #6
7. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE
Government Code Section 54957.6
Case #7
8. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE
Government Code Section 54957.6
Case #8

GENERAL INFORMATION

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9. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE
Government Code Section 54957.6
Case #9

City Staff Comments

Commissioner Comments

Date and Time of Next Meeting – The next Regular Meeting is scheduled for Thursday, August 18, 2022 at 6:00 pm.

Adjournment

GENERAL INFORMATION

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COMMUNITY AND POLICE RELATIONS COMMISSION
Minutes of the Regular Meeting of Thursday, February 17, 2022

ROLL CALL – Chairperson Lesley called the meeting to order at 6:07 p.m.

Commissioners:

Michael Lesley
Daniel Orth
Zachary Gomez
Emiliano Nunez
Andy Sanchez

City Staff:

Charles Bell Jr., City Attorney's Office
Captain Graham Young, National City Police
Sergeant Omar Ramirez, National City Police
Lieutenant Antonio Ybarra, National City Police
Tonya Hussain, Office of the City Clerk

EXCUSED ABSENCES

Commissioners Delatorre, McClure
Motion to approve the excused absences.
Motion by Chair Leslie, seconded by Commissioner Gomez, motion carried unanimously.

MINUTES OF PREVIOUS MEETINGS

The Commission approved the Meeting Minutes for the Regular Meeting of November 18, 2021. Motion by Vice-Chair Orth, seconded by Commissioner Gomez, motion carried unanimously.

NON-AGENDA PUBLIC COMMENT – None.

NON-ACTION ITEMS

Non-Action Item I – Introduction of Tonya Hussain, City Clerk's Office and Commission Secretary.

Non-Action Item II – November 2021 Vice-Chair Election Update from City Attorney Bell

Non-Action Item III – Update on the City Council second reading of the Operating Procedures and Bylaws

Non-Action Item IV – Crime Stats
Presented by Lieutenant Antonio Ybarra.

Non-Action Item V – NCPD Community Events

ACTION ITEMS

Action Item I – Complaint Review Subcommittee

Motion by Chair Lesley, Seconded by Commissioner Gomez, to reappoint the current members of the Complaint Review Subcommittee for the remainder of calendar year 2022. Members consist of Chair Lesley, Commissioner Gomez, and Vice-Chair Orth as the alternate. Motion carried unanimously.

Action Item II – Review Proposed 2021 Annual Report

Chair Lesley presented the item, to include a proposed revision on page 3, the first sentence of the second paragraph under the “Operating Procedures – Bylaws Sub-Committee.” Motion to revise the sentence to read, “The approved changes were heard by the City Council for consideration on February 15, 2022 and were adopted. “

Motion by Chair Lesley, seconded by Vice-Chair Orth, motion carried unanimously, to approve the Annual Report with the amendment.

CLOSED SESSION

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

Government Code Section 54957.6

Commissioners retired into Closed Session at 6:40 p.m. and returned at 7:25 p.m. with all members present.

City Attorney Bell provided the report out of Closed Session. The Commission heard seven (7) items in Closed Session. All seven (7) items received a unanimous vote of support by those Commissioners in attendance.

CITY STAFF COMMENTS

Low Rider Ad Hoc Committee – City Attorney Bell proposed that the item be tabled until an appropriate staff member was chosen to report on the item.

No other comments requiring action were presented.

COMMISSIONER COMMENTS

Vice-Chair Orth requested to obtain the viewership numbers of those who watch the webcast of the meetings. City Attorney Bell stated that staff would obtain that information and report back.

No other comments requiring action were presented.

ADJOURNMENT

Motion by Chair Lesley, seconded by Commissioner Gomez to adjourn the meeting at 7:38 p.m. Motion carried unanimously.

The next Regular Meeting of the CPRC is scheduled for Thursday, May 19, 2022 at 6:00 p.m.

Respectfully Submitted:

Accepted by:

Tonya Hussain, Commission Secretary

Mike Lesley, Chair

Non-Action Item II – Overview of the Agenda Process – Commission Item Request

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

On November 16, 2021, the City Council reviewed and approved changes to the proposed amendments from the CPRC.

On February 15, 2022, the City Council approved the Resolution approving the proposed amendments to the Operating Procedures and Bylaws, which includes the process for Commissioners to submit requests to place an item on a future meeting agenda.

Attached Documents:

1. Bylaws
2. Commission Item Request Form

**NATIONAL CITY COMMUNITY AND POLICE RELATIONS
BYLAWS**

ARTICLE I – THE COMMISSION

Section 1. Name of Commission

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

Section 2. Mission Statement

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

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

- (1) provide a forum for citizens to voice their concerns about police conduct, practices and policies;
- (2) examine police practices and policies as they pertain to conduct issues; and
- (3) identify opportunities to ameliorate adversity between the National City Police Department and citizen complaints.

Section 3. Duties

The duties and responsibilities of the Commissioners shall be:

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

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

Section 4. Membership

A. Composition

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

B. Terms of Membership

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

C. Termination of Membership

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

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

D. Removal of Members

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

E. Resignation

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

F. Filling of Vacancies

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

ARTICLE II – OFFICERS

Section 1. Officers

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

Section 2. Chairperson

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

Section 3. Vice Chairperson

The Vice Chairperson shall perform the duties of the Chairperson in the Chairperson's absence. The Vice Chairperson shall be a resident of the National City. The Vice Chairperson shall be a resident of National City. The Commission shall not have a current or former member of a National City Police Officer serve as Vice Chairperson.

Section 4. Additional Duties

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

Section 5. Election

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

Section 6. Vacancies

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

ARTICLE III – MEETINGS

Section 1. Regular Meetings

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

Section 2. Special Meetings

Special meetings and/or hearings may be held upon call of the Chairperson, Vice Chairperson or of the majority of the membership of the Commission, for the purpose of transacting any business designated in the call, after notification of all members of the Commission by written notice personally delivered or by mail at least 24 hours before the time specified in the notice for a special meeting. Such written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the Chairperson a written waiver of notice, and as to any member who is actually present at the time the meeting convenes.

Additionally, City staff shall be responsible for the posting of the agenda of the special meeting in the four (4) locations designated in Section 1 at least 24 hours prior to the time specified in the notice for the meeting, and for providing copies of the notice of meeting to the news media. At such special meeting, no business other than that designated in the call shall be considered.

Section 3. Adjourned Meetings

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

Section 4. All Meetings to be Open and Public

All meeting of the Commission shall be open and public to the extent required by law. All persons shall be permitted to attend any such meetings except as otherwise provided by law. Nothing contained in these Bylaws shall be construed to prevent the Commission from holding closed sessions during a meeting concerning any matter permitted by law to be considered in closed session provided the Commission complies with the conditions and procedures provided by law for closed sessions. All meetings shall be limited to no more than three (3) hours unless a majority of the membership, by vote, agrees to request additional time.

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 for such absence.

(Illness being an example of an excused absence from a regularly scheduled meeting and prior plans being an example of an excused absence from a special meeting or a meeting where the date or time is changed). The Commission shall approve or disapprove requests for excused absences.

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 for discussion and possible action.

For an item to be placed on the Community and Police Relations Commission Meeting Agenda, by Commissioners, the following will assist City staff in the agenda planning process:

- a) A single page Commission Item Request Form to agendize the request to be discussed, and the Commissioner recommended action to address the matter. No additional material other than the single page request may be submitted to be agendized at the initial Commission meeting in which the matter will be heard.

- b) The request must be submitted no later than three weeks prior to regularly scheduled Commission meeting to allow City staff and the City Attorney time to review the item and determine, if the matter as written, in the single page request, should be placed on the open or closed session of the Meeting Agenda.
- c) If the City staff, in consultation with the City Attorney, determines the matter is appropriate to be included in the open session agenda it will be added to the agenda as written. If the City Attorney, determines the mater should be discussed in Closed Session, the City staff will draft the required agenda wording for listing the matter under Closed Session on the Meeting Agenda. The single page request, written by the Commissioner, will be provided to the entire Commission in Closed Session.
- d) Discussion would be limited to whether an item should be added to an agenda and a date, not the merit of the item.
- e) If a majority of the Commission votes to include the item as an action item at a subsequent Commission meeting it will be determined who will provide the report:
 - i. The Commission prepares a report including supporting information and documentation, and a presentation of the item to be discussed at the meeting, with City staff and City Attorney review; or
 - ii. The City staff will be directed to provide a report analysis including fiscal review, legal review and policy review of the action by the Commissioner, requesting and recommendation (if any) among alternatives (if any) as soon as the research and staff report can be reasonable completed at a subsequent Commission meeting.
- f) If the request required further study of the item from staff, a full analysis shall be prepared at the direction of the City Manager with at least thirty (30) calendar days to prepare, unless otherwise directed by Commission. Status updates will be provided to the Commission every ninety (90) days as an informational memo.
- g) This would provide City staff the authority to determine placement and timing, unless Commission direction is time-sensitive, and requires immediate placement on the next regularly scheduled Commission Meeting.
- h) Related Policy References:
 - i. City Council Policy 105
 - ii. National City Municipal Code, Chapter 2.04
 - iii. Ralph M. Brown Act
 - iv. Commission Item Request Form

ARTICLE IV – REPRESENTATION BEFORE PUBLIC BODIES

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

ARTICLE V – SUBCOMMITTEES

Section 1. Establishment

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

Section 2. Membership

Each subcommittee shall be composed of a minimum of two (2) but not more than three (3) members of the Commission.

Section 3. Appointment of Members

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

Section 4. Officers and Meetings

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

Section 5. Subcommittee Reports

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

ARTICLE VI – AMENDMENTS

Section 1. Amendment of Bylaws and Operating Procedures

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

ARTICLE VII- ORDER OF PRECEDENCE

Section 1. Conduct of Affairs

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

- a. United States Constitution
- b. California Constitution
- c. California Statutes and Codes, including but not limited to the Government Code (Ralph M. Brown Act, Section 54950 et seq.: and Public Safety Officers Procedural Bill of Rights, Sections 3300-3311, Chapter 9.7”), Division 4, Title 1), Penal Code (PC), Health and Safety Code, and Vehicle Code (VC)
 - i. Penal Code Sections 832.5 and 832.7
- d. National City Municipal Code Title 16 City Boards, Commissions and Committees Chapter 16.04 Community and Police Relations Commission.
- e. National City – City Council Administrative and Operating Policies
- f. Memorandum of Understanding (MOU) between City of National City and National City Police Officers Association
- g. National City Police Department rules and procedures, which govern the rights and duties of DEPARTMENT personnel.
- h. The Bylaws of the National City Community and Police Relations Commission as authorized by the City Council
- i. The Operating Procedures of the National City Community and Police Relations Commission as authorized by the City Council
- j. Rosenberg’s Rules of Order

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Community & Police Relations Commission Bylaws
CPRC Amended October 7, 2021
Adopted by City Council February 15, 2022

