

**Agenda of an Adjourned Regular Meeting of the National City
City Council/Community Development Commission –
Housing Authority of the City of National City**

City Council Policy Workshop

**Council Chambers
1243 National City Boulevard
National City, California
Tuesday, June 11, 2013 – 6:00 p.m.**

Open To The Public

Please complete a request to speak form prior to the commencement of the meeting and submit it to the City Clerk.

It is the intention of your City Council of the City of National City to be receptive to your concerns in this community. Your participation in local government will assure a responsible and efficient City of National City. We invite you to bring to the attention of the City Manager/Executive Director any matter that you desire the City Council of the City of National City to consider. We thank you for your presence and wish you to know that we appreciate your involvement.

ROLL CALL

Pledge of Allegiance to the Flag by Mayor Ron Morrison

Public Oral Communications (Three-Minute Time Limit)

NOTE: Pursuant to state law, items requiring Council of the City of National City action must be brought back on a subsequent Council of the City of National City Agenda unless they are of a demonstrated emergency or urgent nature.

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 Clerk's Office at (619) 336-4228 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.

Spanish audio interpretation is provided during Council Meetings. Audio headphones are available in the lobby at the beginning of the meetings.

Audio interpretación en español se proporciona durante sesiones del Consejo Municipal. Los audiófonos están disponibles en el pasillo al principio de la junta.

**Council Requests That All Cell Phones
And Pagers Be Turned Off During City Council Meetings**

CITY COUNCIL POLICY MANUAL (CHAPTER 100 POLICIES)

1. **City Council Review and Approval of Proposed Updates to the City Council Policy Manual (Chapter 100 Policies) (City Manager and City Attorney)**

ADJOURNMENT

Next Regular National City City Council/Community Development Commission - Housing Authority of the City of National City - Tuesday – June 18, 2013 - 6:00 p.m. – Council Chambers, Civic Center

Regular Meeting – Successor Agency to the Community Development Commission as the National City Redevelopment Agency – Tuesday, June 18, 2013 – 6:00 p.m., Council Chambers, Civic Center.

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: June 11, 2013

AGENDA ITEM NO. 1

ITEM TITLE:

City Council Review and Approval of Proposed Updates to the City Council Policy Manual (Chapter 100 Policies)

PREPARED BY: Leslie Deese & Claudia Silva

PHONE: 619-336-4240 / 619-336-4220

DEPARTMENT: City Manager and City Attorney

APPROVED BY: 

EXPLANATION:

See attached.

FINANCIAL STATEMENT:

ACCOUNT NO.

APPROVED: _____ **Finance**

APPROVED: _____

ENVIRONMENTAL REVIEW:

N/A

ORDINANCE: INTRODUCTION: FINAL ADOPTION:

STAFF RECOMMENDATION:

Review proposed policy revisions. After Council review and preliminary approval, supporting Resolution(s) will be brought forward to Council at a subsequent Council meeting for final adoption.

BOARD / COMMISSION RECOMMENDATION:

N/A

ATTACHMENTS:

1. Staff Report on Policy Establishing Regular Meetings between Mayor/Vice Mayor
2. Summary of proposed changes
3. Final version of the proposed changes (watermarked "DRAFT")
4. "Strike out" version of each policy
5. Original/current version of each policy (watermarked "ORIGINAL")

Background:

The City Council Policy Manual is comprised of 52 policy sections covering ten areas:

Chapter 100 – Administration and Policy Management
Chapter 200 - Financial Services
Chapter 300 – Legal and Legislative Services
Chapter 400 – Municipal Planning and Development
Chapter 500 – Public Works
Chapter 600 – Personnel Services
Chapter 700 – Traffic and Public Safety
Chapter 800 – Public Service Facilities
Chapter 900 – Real Estate and Public Property
Chapter 1000 – Risk Management

The Policy Manual is a comprehensive document that has 52 policies that vary in complexity and length. Some policies are one page and as simple as calling a special meeting. Others, such as the City Council's policy on Investments, are quite lengthy and technical. In the past, the City Council has addressed various policies on an as-needed basis.

Discussion:

Per Policy 101, the City Council Policy Manual should be reviewed on an annual basis, and updated as necessary. In an effort to bring the policies up to date, the entire manual is being reviewed, one chapter at a time, with proposed changes presented for Council review and approval.

On April 2, 2013 at its regular meeting, the City Council considered the item and requested a workshop be scheduled to review the proposed Chapter 100 policy revisions. On April 16, the City Council scheduled the workshop for June 11. The information before you includes revisions for Chapter 100 policies regarding "Administration and Policy Management". In addition, a staff report responding to Council's request for a policy establishing meetings between the Mayor and Vice Mayor is attached for Council's review and direction. Subsequent chapters, and any new policies, will be brought forward to future Council meetings.

To assist with the review of proposed changes, attached are the following documents:

- A brief summary of changes proposed for each policy
- The final version of the proposed changes (watermarked "DRAFT")
- The "strike out" version of each policy
- The original/current version of each policy (watermarked "ORIGINAL")

Also attached, per Council's request, is a set of "Council Policy Review Forms" that may be used to help facilitate Council's thoughts/questions on each policy that Council may be articulating at the workshop. After Council's review and preliminary approval, supporting Resolution(s) will be brought forward to Council at a subsequent meeting for final adoption. Once all the chapters have been adopted, the Policy Manual will be posted to the City's website.

Staff Report

Subject: Policy Establishing Regular Meetings between Mayor and Vice-mayor

Background

The City Council previously inquired as to whether a policy could be adopted that established regular meetings between the Mayor and Vice-mayor to discuss City matters. The short answer to that question is: Yes, such a policy could be adopted, and the meetings could occur as long as the meetings are held in compliance with the Brown Act.

Discussion

The Brown Act applies to legislative bodies. Generally, meetings of the legislative body are open to the public, require an agenda posted 72 hours prior to the meeting, and prohibit closed door meetings except in very limited situations. The definition of a legislative body includes "standing committees of a legislative body, irrespective of their composition, which have 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 section 54952(b). This provision is an exception to the general rule that "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." Id.

In this instance, the Council has inquired about adopting a policy that would establish regular meetings between the Mayor and Vice-mayor to discuss matters related to the City. The City Council could adopt such a policy. If so adopted, the policy would establish a "legislative body" under the Brown Act, subject to the open meeting laws including noticing and agenda requirements. Such a policy, adopted by formal action, would create a committee of the Mayor and Vice-mayor. This would be a standing committee subject to the Brown Act. Thus, the Mayor and Vice-mayor could regularly meet and discuss city matters that were placed onto an agenda, posted 72 hours prior, and open to the public.

Conclusion

The City Council can direct staff to return with a proposed policy establishing the standing committee of the Mayor and Vice-mayor to regularly meet. If so directed, staff would return with a draft policy at a future date for consideration.

Summary of Recommended Changes to City Council Policy Manual

Chapter 100

Policy #101: City Council Policy Manual

- Changed Title from “Annual Policy Review” to “City Council Policy Manual”
- Added ‘Background’ section
- Elaborated on various areas of policy

Policy #102: City Council Meeting Times

- Added location/time for regular meetings
- Added details regarding holidays
- Added statement regarding Brown Act compliance
- Incorporated language from Policy #103 “Special Council Meetings”

Policy #103: Special Council Meetings

- Deleted Policy and merged with Policy #102

Policy #104: Conduct of City Council Meetings

- Added reference to ‘Brown Act’
- Switched from ‘Robert’s Rules of Order’ to ‘Rosenberg’s Rules of Order’ based on City Clerk’s recommendation
- Updated ‘Related Policy References’

Policy #105: Off Agenda Items

- Added information regarding Brown Act compliance
- Defined criteria for adding off-agenda and urgency items
- Added language regarding future agenda items, non-agenda public comments, and ‘request-to-speak’ forms

Policy #106: Preparation of City Council Meeting Minutes

- Change Title from “Preparation of Council Minutes” to “Preparation of City Council Meeting Minutes”
- Delete “tape recordings” and add “video recordings”
- Include subsidiary functions besides just City Council
- Add timeline for posting minutes and videos
- Add length of time videos and minutes will be maintained on website

Policy #107: Appointments to Boards and Commissions

- Added list of Boards, Commissions and Committees to which this policy applies, to Section called “Purpose”
- Added section regarding unscheduled vacancies

- Added section regarding preparing the appointments list
- Addressed applicant presentations
- Amended lists of Mayor and City Council appointing authority
- Added related references

Policy #108: City Manager as Chief Administrative Officer

- Added Background section
- Reference Municipal Code Section 2.01.030 re: CM authority
- Clarify language regarding Council direction to employees

Policy #109: Travel and Training Reimbursement

- Added language about 'Purchasing Review Committee' and approvals
- Added language about following existing Purchasing procedures
- Added Policy References
- Deleted forms, and referenced availability from Finance
- Elaborated on procedures for trouble with city-owned vehicles
- Require receipts for all items to be reimbursed
- Deleted majority of language regarding Credit Cards and referred to Admin Policy 3.14 instead
- Deleted language allowing reimbursement at IRS rates without meal receipts
- Policy now requires receipts for reimbursement

Policy #110: Display of Flags

- Identify 'permanent' vs. 'ceremonial' flags
- Delete reference to Military Affairs Advisory Committee
- Add California and United States Flag Code to "Related Policy References"

Policy #111: Utilization of City Vehicles in Non-Safety Related Capacities

- Changed 'Non-Work Related' to 'Non-Safety Related' (in title and text) since staff is occasionally working (on duty/paid status) when performing these duties
- City Manager to approve use requests, and provide updates to Council
- Deleted administrative details in the Council Policy. A new Administrative Policy will be drafted instead.

Policy #112: Document Reproduction

- Delete Policy: Replace with new policy regarding Public Records Act/Protocol

Policy #113: Unauthorized Disclosure of Information Revealed in Closed Sessions

- Revised section on 'Related Policy References'
- Added #4 under Policy re: Government Code 54963
- Revised legal brief dated 2/29/96 from former City Attorney, due to changes in GC 54963

Policy #114: Grant Activities

- Reference Grant Coordinator
- Change name of form: from “Request to Apply for Federal, State, and Local Government Grants or Private Funds” to “Grant Application” form.
- City Manager can delegate Council updates, and Letters of Authorization” to a designee
- Grants that require matching funds from the City in an amount which exceeds the City Manager’s signature authority will require Council approval prior to acceptance of the grant.
- Updated ‘Related Policy References’ section

Policy #115: Donation of Surplus City Property and Police Department Unclaimed Property

- Deleted 5/6/03 report from former Purchasing Agent, and incorporated applicable information into the actual policy
- Expanded policy to include donations to Sister-Cities and other municipal agencies
- Removed ‘Request for Donation’ form, and referenced availability instead
- Expanded policy to address issues of liability reduction and gift of public funds
- Included ‘Procedures’
- Expanded ‘Related Policy References’ to include Municipal Code sections

Policy #116: Procedure for Disclosure of Ex Parte Contacts

- Expanded definition of ‘information’ received, to include: oral, written or otherwise

Policy #117: Distribution and Reporting of Tickets and Passes Distributed to, at or the behest of a City Official

- Changed Title
- Added ‘Background’ section
- Added reference to Successor Agency to the Community Development Commission
- Re-numbered sections

CITY COUNCIL POLICY

CITY OF NATIONAL CITY

TITLE: City Council Policy Manual

POLICY #101

ADOPTED: July 14, 1987

AMENDED:

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.

ADOPTED: July 14, 1987**AMENDED:**

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.

Related Policy References

None

Prior Policy Amendments

None

DRAFT

CITY COUNCIL POLICY

CITY OF NATIONAL CITY

TITLE: City Council Policy Manual

POLICY #101

Deleted: ANNUAL POLICY REVIEW

ADOPTED: JULY 14, 1987

AMENDED:

Deleted: /REVISED

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."

Deleted: To establish guidelines for annual review of the 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.
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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.
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.

Related Policy References

None

Prior Policy Amendments

None

Deleted: In October of each year, the City Council and City Manager shall review the 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.¶

CITY COUNCIL POLICY

CITY OF NATIONAL CITY

TITLE: ANNUAL POLICY REVIEW

POLICY #101

ADOPTED: JULY 14, 1987

AMENDED/REVISED:

Purpose

To establish guidelines for annual review of the Council Policy Manual.

Policy

In October of each year, the City Council and City Manager shall review the 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.

Related Policy References

None

ORIGINAL

CITY COUNCIL POLICY

CITY OF NATIONAL CITY

TITLE: City Council Meeting Times

POLICY #102

ADOPTED: April 7, 1981

AMENDED:

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

CITY OF NATIONAL CITY

TITLE: CITY COUNCIL MEETING TIMES

POLICY #102

ADOPTED: APRIL 7, 1981

AMENDED:

Deleted: /REVISED: 7/17/01

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

Deleted: The National City City Council and certain Boards, Commissions and Committees are required to comply with the Ralph M. Brown Act (Brown Act). The Brown Act requires public entities to deliberate and take action, in open session. The City Council has adopted this policy to ensure compliance with the Brown Act and to promote full citizen participation in the discussions and decisions of their elected and appointed representatives.

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Deleted: Boards, Commissions and Committees created by a formal action of the City Council and which have continuing subject matter jurisdiction

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In the event that the regular meeting of the City Council falls on a holiday, or an election day on which a National City candidate or National City measure appears on the ballot, no meeting will be held that week. Any regular meeting may be dispensed with by the vote of the City Council (Majority vote? Two-thirds?).¶

CITY COUNCIL POLICY

CITY OF NATIONAL CITY

TITLE: CITY COUNCIL MEETING TIMES

POLICY #102

ADOPTED: APRIL 7, 1981

AMENDED/REVISED: July 17, 2001

Purpose

To establish a standard meeting schedule for City Council meetings.

Policy

Regular meetings of the City Council of the City of National City shall be held in the Civic Center on the first and third Tuesday of each month at 6:00 p.m.

In the event that the regular meeting of the City Council falls on a holiday, or an election day on which a National City candidate or National City measure appears on the ballot, no meeting will be held that week. Any regular meeting may be dispensed with by the vote of the City Council.

Related Policy References

National City Municipal Code, Section 2.04.010

ORIGINAL

CITY COUNCIL POLICY
CITY OF NATIONAL CITY

TITLE: Special Council Meetings	POLICY #103
ADOPTED: January 6, 1987	AMENDED:

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

DELETED

CITY COUNCIL POLICY

CITY OF NATIONAL CITY

TITLE: Special Council Meetings

POLICY #103

ADOPTED: January 6, 1987

AMENDED/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

ORIGINAL

CITY COUNCIL POLICY

CITY OF NATIONAL CITY

TITLE: Conduct of City Council Meetings

POLICY #104

ADOPTED: December 13, 1983

AMENDED:

Purpose

To establish rules of conduct for meetings of the City Council which facilitate orderly proceedings and comply with applicable state law.

Policy

All meetings of the City Council will be conducted under Rosenberg's Rules of Order. In addition, such meetings will be governed by the Ralph M. Brown Act and other applicable state laws. Any question about proper procedure will be immediately referred to the City Attorney as parliamentarian.

Related Policy References

National City Municipal Code, Chapter 2.04

Ralph M. Brown Act

Rosenberg's Rules of Order (available via the City's website)

Prior Policy Amendments

None

CITY COUNCIL POLICY

CITY OF NATIONAL CITY

TITLE: Conduct of City Council Meetings

POLICY #104

ADOPTED: December 13, 1983

AMENDED: _____

Deleted: /REVISED

Purpose

To establish rules of conduct for meetings of the City Council which facilitate orderly proceedings and comply with applicable state law.

Policy

All meetings of the City Council, will be conducted under ~~Rosenberg's~~ Rules of Order. In addition, such meetings will be governed by the Ralph M. Brown Act and other applicable state laws. Any question about proper procedure will be immediately referred to the City Attorney as parliamentarian.

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Related Policy References

National City Municipal Code, Chapter 2.04

Ralph M. Brown Act

Rosenberg's Rules of Order (available via the City's website)

Prior Policy Amendments

None

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CITY COUNCIL POLICY

CITY OF NATIONAL CITY

TITLE: Conduct of City Council Meetings

POLICY #104

ADOPTED: December 13, 1983

AMENDED/REVISED:

Purpose

To establish rules of conduct for meetings of the City Council which facilitate orderly proceedings and comply with applicable state law.

Policy

All meetings of the City Council, including pre-Council Briefing Sessions, will be conducted under Roberts Rules of Order. In addition, such meetings will be governed by the Ralph M. Brown Act and other applicable state laws. Any question about proper procedure will be immediately referred to the City Attorney for determination.

Related Policy References

National City Municipal Code, Chapter 2.04

ORIGINAL



Rosenberg's Rules of Order

REVISED 2011

Simple Rules of Parliamentary Procedure for the 21st Century

By Judge Dave Rosenberg



MISSION AND CORE BELIEFS

To expand and protect local control for cities through education and advocacy to enhance the quality of life for all Californians.

VISION

To be recognized and respected as the leading advocate for the common interests of California's cities.

About the League of California Cities

Established in 1898, the League of California Cities is a member organization that represents California's incorporated cities. The League strives to protect the local authority and autonomy of city government and help California's cities effectively serve their residents. In addition to advocating on cities' behalf at the state capitol, the League provides its members with professional development programs and information resources, conducts education conferences and research, and publishes Western City magazine.

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ABOUT THE AUTHOR

Dave Rosenberg is a Superior Court Judge in Yolo County. He has served as presiding judge of his court, and as presiding judge of the Superior Court Appellate Division. He also has served as chair of the Trial Court Presiding Judges Advisory Committee (the committee composed of all 58 California presiding judges) and as an advisory member of the California Judicial Council. Prior to his appointment to the bench, Rosenberg was member of the Yolo County Board of Supervisors, where he served two terms as chair. Rosenberg also served on the Davis City Council, including two terms as mayor. He has served on the senior staff of two governors, and worked for 19 years in private law practice. Rosenberg has served as a member and chair of numerous state, regional and local boards. Rosenberg chaired the California State Lottery Commission, the California Victim Compensation and Government Claims Board, the Yolo-Solano Air Quality Management District, the Yolo County Economic Development Commission, and the Yolo County Criminal Justice Cabinet. For many years, he has taught classes on parliamentary procedure and has served as parliamentarian for large and small bodies.



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INTRODUCTION

The rules of procedure at meetings should be simple enough for most people to understand. Unfortunately, that has not always been the case. Virtually all clubs, associations, boards, councils and bodies follow a set of rules — *Robert's Rules of Order* — which are embodied in a small, but complex, book. Virtually no one I know has actually read this book cover to cover. Worse yet, the book was written for another time and for another purpose. If one is chairing or running a parliament, then *Robert's Rules of Order* is a dandy and quite useful handbook for procedure in that complex setting. On the other hand, if one is running a meeting of say, a five-member body with a few members of the public in attendance, a simplified version of the rules of parliamentary procedure is in order.

Hence, the birth of *Rosenberg's Rules of Order*.

What follows is my version of the rules of parliamentary procedure, based on my decades of experience chairing meetings in state and local government. These rules have been simplified for the smaller bodies we chair or in which we participate, slimmed down for the 21st Century, yet retaining the basic tenets of order to which we have grown accustomed. Interestingly enough, *Rosenberg's Rules* has found a welcoming audience. Hundreds of cities, counties, special districts, committees, boards, commissions, neighborhood associations and private corporations and companies have adopted *Rosenberg's Rules* in lieu of *Robert's Rules* because they have found them practical, logical, simple, easy to learn and user friendly.

This treatise on modern parliamentary procedure is built on a foundation supported by the following four pillars:

1. **Rules should establish order.** The first purpose of rules of parliamentary procedure is to establish a framework for the orderly conduct of meetings.
2. **Rules should be clear.** Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate; and those who do not fully understand and do not fully participate.
3. **Rules should be user friendly.** That is, the rules must be simple enough that the public is invited into the body and feels that it has participated in the process.
4. **Rules should enforce the will of the majority while protecting the rights of the minority.** The ultimate purpose of rules of procedure is to encourage discussion and to facilitate decision making by the body. In a democracy, majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself, but not dominate, while fully participating in the process.

Establishing a Quorum

The starting point for a meeting is the establishment of a quorum. A quorum is defined as the minimum number of members of the body who must be present at a meeting for business to be legally transacted. The default rule is that a quorum is one more than half the body. For example, in a five-member body a quorum is three. When the body has three members present, it can legally transact business. If the body has less than a quorum of members present, it cannot legally transact business. And even if the body has a quorum to begin the meeting, the body can lose the quorum during the meeting when a member departs (or even when a member leaves the dais). When that occurs the body loses its ability to transact business until and unless a quorum is reestablished.

The default rule, identified above, however, gives way to a specific rule of the body that establishes a quorum. For example, the rules of a particular five-member body may indicate that a quorum is four members for that particular body. The body must follow the rules it has established for its quorum. In the absence of such a specific rule, the quorum is one more than half the members of the body.

The Role of the Chair

While all members of the body should know and understand the rules of parliamentary procedure, it is the chair of the body who is charged with applying the rules of conduct of the meeting. The chair should be well versed in those rules. For all intents and purposes, the chair makes the final ruling on the rules every time the chair states an action. In fact, all decisions by the chair are final unless overruled by the body itself.

Since the chair runs the conduct of the meeting, it is usual courtesy for the chair to play a less active role in the debate and discussion than other members of the body. This does not mean that the chair should not participate in the debate or discussion. To the contrary, as a member of the body, the chair has the full right to participate in the debate, discussion and decision-making of the body. What the chair should do, however, is strive to be the last to speak at the discussion and debate stage. The chair should not make or second a motion unless the chair is convinced that no other member of the body will do so at that point in time.

The Basic Format for an Agenda Item Discussion

Formal meetings normally have a written, often published agenda. Informal meetings may have only an oral or understood agenda. In either case, the meeting is governed by the agenda and the agenda constitutes the body's agreed-upon roadmap for the meeting. Each agenda item can be handled by the chair in the following basic format:

First, the chair should clearly announce the agenda item number and should clearly state what the agenda item subject is. The chair should then announce the format (which follows) that will be followed in considering the agenda item.

Second, following that agenda format, the chair should invite the appropriate person or persons to report on the item, including any recommendation that they might have. The appropriate person or persons may be the chair, a member of the body, a staff person, or a committee chair charged with providing input on the agenda item.

Third, the chair should ask members of the body if they have any technical questions of clarification. At this point, members of the body may ask clarifying questions to the person or persons who reported on the item, and that person or persons should be given time to respond.

Fourth, the chair should invite public comments, or if appropriate at a formal meeting, should open the public meeting for public input. If numerous members of the public indicate a desire to speak to the subject, the chair may limit the time of public speakers. At the conclusion of the public comments, the chair should announce that public input has concluded (or the public hearing, as the case may be, is closed).

Fifth, the chair should invite a motion. The chair should announce the name of the member of the body who makes the motion.

Sixth, the chair should determine if any member of the body wishes to second the motion. The chair should announce the name of the member of the body who seconds the motion. It is normally good practice for a motion to require a second before proceeding to ensure that it is not just one member of the body who is interested in a particular approach. However, a second is not an absolute requirement, and the chair can proceed with consideration and vote on a motion even when there is no second. This is a matter left to the discretion of the chair.

Seventh, if the motion is made and seconded, the chair should make sure everyone understands the motion.

This is done in one of three ways:

1. The chair can ask the maker of the motion to repeat it;
2. The chair can repeat the motion; or
3. The chair can ask the secretary or the clerk of the body to repeat the motion.

Eighth, the chair should now invite discussion of the motion by the body. If there is no desired discussion, or after the discussion has ended, the chair should announce that the body will vote on the motion. If there has been no discussion or very brief discussion, then the vote on the motion should proceed immediately and there is no need to repeat the motion. If there has been substantial discussion, then it is normally best to make sure everyone understands the motion by repeating it.

Ninth, the chair takes a vote. Simply asking for the “ayes” and then asking for the “nays” normally does this. If members of the body do not vote, then they “abstain.” Unless the rules of the body provide otherwise (or unless a super majority is required as delineated later in these rules), then a simple majority (as defined in law or the rules of the body as delineated later in these rules) determines whether the motion passes or is defeated.

Tenth, the chair should announce the result of the vote and what action (if any) the body has taken. In announcing the result, the chair should indicate the names of the members of the body, if any, who voted in the minority on the motion. This announcement might take the following form: “The motion passes by a vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring a 10-day notice for all future meetings of this body.”

Motions in General

Motions are the vehicles for decision making by a body. It is usually best to have a motion before the body prior to commencing discussion of an agenda item. This helps the body focus.

Motions are made in a simple two-step process. First, the chair should recognize the member of the body. Second, the member of the body makes a motion by preceding the member’s desired approach with the words “I move ...”

A typical motion might be: “I move that we give a 10-day notice in the future for all our meetings.”

The chair usually initiates the motion in one of three ways:

1. **Inviting the members of the body to make a motion**, for example, “A motion at this time would be in order.”
2. **Suggesting a motion to the members of the body**, “A motion would be in order that we give a 10-day notice in the future for all our meetings.”
3. **Making the motion**. As noted, the chair has every right as a member of the body to make a motion, but should normally do so only if the chair wishes to make a motion on an item but is convinced that no other member of the body is willing to step forward to do so at a particular time.

The Three Basic Motions

There are three motions that are the most common and recur often at meetings:

The basic motion. The basic motion is the one that puts forward a decision for the body’s consideration. A basic motion might be: “I move that we create a five-member committee to plan and put on our annual fundraiser.”

The motion to amend. If a member wants to change a basic motion that is before the body, they would move to amend it. A motion to amend might be: "I move that we amend the motion to have a 10-member committee." A motion to amend takes the basic motion that is before the body and seeks to change it in some way.

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. A substitute motion might be: "I move a substitute motion that we cancel the annual fundraiser this year."

"Motions to amend" and "substitute motions" are often confused, but they are quite different, and their effect (if passed) is quite different. A motion to amend seeks to retain the basic motion on the floor, but modify it in some way. A substitute motion seeks to throw out the basic motion on the floor, and substitute a new and different motion for it. The decision as to whether a motion is really a "motion to amend" or a "substitute motion" is left to the chair. So if a member makes what that member calls a "motion to amend," but the chair determines that it is really a "substitute motion," then the chair's designation governs.

A "friendly amendment" is a practical parliamentary tool that is simple, informal, saves time and avoids bogging a meeting down with numerous formal motions. It works in the following way: In the discussion on a pending motion, it may appear that a change to the motion is desirable or may win support for the motion from some members. When that happens, a member who has the floor may simply say, "I want to suggest a friendly amendment to the motion." The member suggests the friendly amendment, and if the maker and the person who seconded the motion pending on the floor accepts the friendly amendment, that now becomes the pending motion on the floor. If either the maker or the person who seconded rejects the proposed friendly amendment, then the proposer can formally move to amend.

Multiple Motions Before the Body

There can be up to three motions on the floor at the same time. The chair can reject a fourth motion until the chair has dealt with the three that are on the floor and has resolved them. This rule has practical value. More than three motions on the floor at any given time is confusing and unwieldy for almost everyone, including the chair.

When there are two or three motions on the floor (after motions and seconds) at the same time, the vote should proceed *first* on the *last* motion that is made. For example, assume the first motion is a basic "motion to have a five-member committee to plan and put on our annual fundraiser." During the discussion of this motion, a member might make a second motion to "amend the main motion to have a 10-member committee, not a five-member committee to plan and put on our annual fundraiser." And perhaps, during that discussion, a member makes yet a third motion as a "substitute motion that we not have an annual fundraiser this year." The proper procedure would be as follows:

First, the chair would deal with the *third* (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion passed, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be completed on the passage by the body of the third motion (the substitute motion). No vote would be taken on the first or second motions.

Second, if the substitute motion failed, the chair would then deal with the second (now the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be five or 10 members). If the motion to amend passed, the chair would then move to consider the main motion (the first motion) as amended. If the motion to amend failed, the chair would then move to consider the main motion (the first motion) in its original format, not amended.

Third, the chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (five-member committee), or if amended, would be in its amended format (10-member committee). The question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

To Debate or Not to Debate

The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the body to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the chair must immediately call for a vote of the body without debate on the motion):

Motion to adjourn. This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. It requires a simple majority vote.

Motion to recess. This motion, if passed, requires the body to immediately take a recess. Normally, the chair determines the length of the recess which may be a few minutes or an hour. It requires a simple majority vote.

Motion to fix the time to adjourn. This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: "I move we adjourn this meeting at midnight." It requires a simple majority vote.

Motion to table. This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on “hold.” The motion can contain a specific time in which the item can come back to the body. “I move we table this item until our regular meeting in October.” Or the motion can contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.

Motion to limit debate. The most common form of this motion is to say, “I move the previous question” or “I move the question” or “I call the question” or sometimes someone simply shouts out “question.” As a practical matter, when a member calls out one of these phrases, the chair can expedite matters by treating it as a “request” rather than as a formal motion. The chair can simply inquire of the body, “any further discussion?” If no one wishes to have further discussion, then the chair can go right to the pending motion that is on the floor. However, if even one person wishes to discuss the pending motion further, then at that point, the chair should treat the call for the “question” as a formal motion, and proceed to it.

When a member of the body makes such a motion (“I move the previous question”), the member is really saying: “I’ve had enough debate. Let’s get on with the vote.” When such a motion is made, the chair should ask for a second, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the body.

NOTE: A motion to limit debate could include a time limit. For example: “I move we limit debate on this agenda item to 15 minutes.” Even in this format, the motion to limit debate requires a two-thirds vote of the body. A similar motion is a *motion to object to consideration of an item*. This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a two-thirds vote.

Majority and Super Majority Votes

In a democracy, a simple majority vote determines a question. A tie vote means the motion fails. So in a seven-member body, a vote of 4-3 passes the motion. A vote of 3-3 with one abstention means the motion fails. If one member is absent and the vote is 3-3, the motion still fails.

All motions require a simple majority, but there are a few exceptions. The exceptions come up when the body is taking an action which effectively cuts off the ability of a minority of the body to take an action or discuss an item. These extraordinary motions require a two-thirds majority (a super majority) to pass:

Motion to limit debate. Whether a member says, “I move the previous question,” or “I move the question,” or “I call the question,” or “I move to limit debate,” it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a two-thirds vote to pass.

Motion to close nominations. When choosing officers of the body (such as the chair), nominations are in order either from a nominating committee or from the floor of the body. A motion to close nominations effectively cuts off the right of the minority to nominate officers and it requires a two-thirds vote to pass.

Motion to object to the consideration of a question. Normally, such a motion is unnecessary since the objectionable item can be tabled or defeated straight up. However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a two-thirds vote to pass.

Motion to suspend the rules. This motion is debatable, but requires a two-thirds vote to pass. If the body has its own rules of order, conduct or procedure, this motion allows the body to suspend the rules for a particular purpose. For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or on a particular agenda item.

Counting Votes

The matter of counting votes starts simple, but can become complicated.

Usually, it’s pretty easy to determine whether a particular motion passed or whether it was defeated. If a simple majority vote is needed to pass a motion, then one vote more than 50 percent of the body is required. For example, in a five-member body, if the vote is three in favor and two opposed, the motion passes. If it is two in favor and three opposed, the motion is defeated.

If a two-thirds majority vote is needed to pass a motion, then how many affirmative votes are required? The simple rule of thumb is to count the “no” votes and double that count to determine how many “yes” votes are needed to pass a particular motion. For example, in a seven-member body, if two members vote “no” then the “yes” vote of at least four members is required to achieve a two-thirds majority vote to pass the motion.

What about tie votes? In the event of a tie, the motion always fails since an affirmative vote is required to pass any motion. For example, in a five-member body, if the vote is two in favor and two opposed, with one member absent, the motion is defeated.

Vote counting starts to become complicated when members vote “abstain” or in the case of a written ballot, cast a blank (or unreadable) ballot. Do these votes count, and if so, how does one count them? The starting point is always to check the statutes.

In California, for example, for an action of a board of supervisors to be valid and binding, the action must be approved by a majority of the board. (California Government Code Section 25005.) Typically, this means three of the five members of the board must vote affirmatively in favor of the action. A vote of 2-1 would not be sufficient. A vote of 3-0 with two abstentions would be sufficient. In general law cities in

California, as another example, resolutions or orders for the payment of money and all ordinances require a recorded vote of the total members of the city council. (California Government Code Section 36936.) Cities with charters may prescribe their own vote requirements. Local elected officials are always well-advised to consult with their local agency counsel on how state law may affect the vote count.

After consulting state statutes, step number two is to check the rules of the body. If the rules of the body say that you count votes of “those present” then you treat abstentions one way. However, if the rules of the body say that you count the votes of those “present and voting,” then you treat abstentions a different way. And if the rules of the body are silent on the subject, then the general rule of thumb (and default rule) is that you count all votes that are “present and voting.”

Accordingly, under the “present and voting” system, you would NOT count abstention votes on the motion. Members who abstain are counted for purposes of determining quorum (they are “present”), but you treat the abstention votes on the motion as if they did not exist (they are not “voting”). On the other hand, if the rules of the body specifically say that you count votes of those “present” then you DO count abstention votes both in establishing the quorum and on the motion. In this event, the abstention votes act just like “no” votes.

*How does this work in practice?
Here are a few examples.*

Assume that a five-member city council is voting on a motion that requires a simple majority vote to pass, and assume further that the body has no specific rule on counting votes. Accordingly, the default rule kicks in and we count all votes of members that are “present and voting.” If the vote on the motion is 3-2, the motion passes. If the motion is 2-2 with one abstention, the motion fails.

Assume a five-member city council voting on a motion that requires a two-thirds majority vote to pass, and further assume that the body has no specific rule on counting votes. Again, the default rule applies. If the vote is 3-2, the motion fails for lack of a two-thirds majority. If the vote is 4-1, the motion passes with a clear two-thirds majority. A vote of three “yes,” one “no” and one “abstain” also results in passage of the motion. Once again, the abstention is counted only for the purpose of determining quorum, but on the actual vote on the motion, it is as if the abstention vote never existed — so an effective 3-1 vote is clearly a two-thirds majority vote.

Now, change the scenario slightly. Assume the same five-member city council voting on a motion that requires a two-thirds majority vote to pass, but now assume that the body DOES have a specific rule requiring a two-thirds vote of members “present.” Under this specific rule, we must count the members present not only for quorum but also for the motion. In this scenario, any abstention has the same force and effect as if it were a “no” vote. Accordingly, if the votes were three “yes,” one “no” and one “abstain,” then the motion fails. The abstention in this case is treated like a “no” vote and effective vote of 3-2 is not enough to pass two-thirds majority muster.

Now, exactly how does a member cast an “abstention” vote? Any time a member votes “abstain” or says, “I abstain,” that is an abstention. However, if a member votes “present” that is also treated as an abstention (the member is essentially saying, “Count me for purposes of a quorum, but my vote on the issue is abstain.”) In fact, any manifestation of intention not to vote either “yes” or “no” on the pending motion may be treated by the chair as an abstention. If written ballots are cast, a blank or unreadable ballot is counted as an abstention as well.

Can a member vote “absent” or “count me as absent?” Interesting question. The ruling on this is up to the chair. The better approach is for the chair to count this as if the member had left his/her chair and is actually “absent.” That, of course, affects the quorum. However, the chair may also treat this as a vote to abstain, particularly if the person does not actually leave the dais.

The Motion to Reconsider

There is a special and unique motion that requires a bit of explanation all by itself; the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to consider is made and passed.

A motion to reconsider requires a majority vote to pass like other garden-variety motions, but there are two special rules that apply only to the motion to reconsider.

First, is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon. A motion to reconsider made at a later time is untimely. (The body, however, can always vote to suspend the rules and, by a two-thirds majority, allow a motion to reconsider to be made at another time.)

Second, a motion to reconsider may be made only by certain members of the body. Accordingly, a motion to reconsider may be made only by a member who voted in the majority on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the body — including a member who voted in the minority on the original motion — may second the motion). If a member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of minority could make a motion to reconsider, then the item could be brought back to the body again and again, which would defeat the purpose of finality.

If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.

Courtesy and Decorum

The rules of order are meant to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly and with full participation. At the same time, it is up to the chair and the members of the body to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every speaker to be first recognized by the chair before proceeding to speak.

The chair should always ensure that debate and discussion of an agenda item focuses on the item and the policy in question, not the personalities of the members of the body. Debate on policy is healthy, debate on personalities is not. The chair has the right to cut off discussion that is too personal, is too loud, or is too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the chair may, however, limit the time allotted to speakers, including members of the body.

Can a member of the body interrupt the speaker? The general rule is “no.” There are, however, exceptions. A speaker may be interrupted for the following reasons:

Privilege. The proper interruption would be, “point of privilege.” The chair would then ask the interrupter to “state your point.” Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person’s ability to hear.

Order. The proper interruption would be, “point of order.” Again, the chair would ask the interrupter to “state your point.” Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

Appeal. If the chair makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the chair. If the motion is seconded, and after debate, if it passes by a simple majority vote, then the ruling of the chair is deemed reversed.

Call for orders of the day. This is simply another way of saying, “return to the agenda.” If a member believes that the body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the chair discovers that the agenda has not been followed, the chair simply reminds the body to return to the agenda item properly before them. If the chair fails to do so, the chair’s determination may be appealed.

Withdraw a motion. During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

Special Notes About Public Input

The rules outlined above will help make meetings very public-friendly. But in addition, and particularly for the chair, it is wise to remember three special rules that apply to each agenda item:

Rule One: Tell the public what the body will be doing.

Rule Two: Keep the public informed while the body is doing it.

Rule Three: When the body has acted, tell the public what the body did.



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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:

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.

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. Council Comments Leading to Future Agenda Items

A Councilmember may, under City Council Comments, give an informational report on any item not on the agenda, providing that no discussion or action takes place on that item. That item, however, may be requested to be placed on a future agenda for discussion or other action.

Additionally, Council members may, at a regularly scheduled meeting, request items to be placed on future agendas for Council action, discussion, or consideration. The

ADOPTED: March 12, 1985

AMENDED:

Councilmember referring the item will provide a brief description of the subject to be printed for the agenda packet, sufficient to inform the City Council and public of the nature of the item.

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

None

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Prior Policy Amendments

None

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Deleted: Any item brought to the City Council for action should first be placed on the agenda to allow time for proper research, consideration, and recommendations.¶

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CITY COUNCIL POLICY

CITY OF NATIONAL CITY

TITLE: Off Agenda Items

POLICY #105

ADOPTED: March 12, 1985

AMENDED/REVISED:

Purpose

In order for both the City Council and City staff to be adequately prepared to discuss City business during Council meetings, items for discussion should be placed on the agenda.

Policy

Any item brought to the City Council for action should first be placed on the agenda to allow proper research, consideration, and recommendations.

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

Related Policy References

National City Municipal Code, Chapter 2.04

CITY COUNCIL POLICY

CITY OF NATIONAL CITY

TITLE: Preparation of City Council Meeting Minutes

POLICY #106

ADOPTED: June 17, 1986

AMENDED:

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. 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: Preparation of City Council Meeting Minutes

POLICY #106

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ADOPTED: June 17, 1986

AMENDED:

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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.

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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.

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Related Policy References

None

Prior Policy Amendments

None

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CITY COUNCIL POLICY

CITY OF NATIONAL CITY

TITLE: Preparation of Council Minutes

POLICY #106

ADOPTED: June 17, 1986

AMENDED/REVISED:

Purpose

To establish the format of the official minutes of the City Council and the disposition of the tape recordings of those proceedings.

Policy

The Council 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 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.

Duplicate tape recordings of Council meetings will be available to the public for purchase at a nominal fee and available in the Office of the City Clerk for review at no charge.

Related Policy References

None

CITY COUNCIL POLICY

CITY OF NATIONAL CITY

TITLE: Appointments to Boards and Commissions

POLICY #107

ADOPTED: June 17, 1986

AMENDED:

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; and Traffic Safety 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. Scheduled 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

ADOPTED: June 17, 1986**AMENDED:**

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

ADOPTED: June 17, 1986**AMENDED:**

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** candidate has the majority vote, and is declared to be the new Commissioner.
3. Re-appointments 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 by 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 requirements would be changed to require only a simple majority.

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

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: Appointments to Boards and Commissions

POLICY #107

ADOPTED: June 17, 1986

AMENDED:

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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; Committee for Housing and Community Development; Community and Police Relations Commission; Park, Recreation and Senior Citizens' Committee; Planning Commission; Public Art Committee; and, Traffic Safety 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. Scheduled 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.
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3. Applications will be reviewed by the entire City Council and applicants will be interviewed by the entire City Council.

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

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2. Notice. Placement of a legal/public notice in a local San Diego newspaper advertising appointive vacancies;

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3. Expiration of term. A letter be sent to all office holders as their terms expire asking if they would like to re-apply for the position;

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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.

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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.

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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 candidate has the majority vote, and is declared to be the new Commissioner.

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Re-appointments 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 by 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 requirements would be changed to require only a simple majority.

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Appointing Authority

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Mayor's Appointments:

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Board of Library Trustees
Traffic Safety Committee
Parks, Recreation and Senior Citizens' Advisory Committee

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Sweetwater Authority
Community and Police Relations Commission (CPRC)
Public Art Committee

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City Council Appointments

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Planning Commission (including Committee for Housing and Community Development)

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Port Commission
Civil Service Commission

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Related Policy References

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

CITY COUNCIL POLICY

CITY OF NATIONAL CITY

TITLE: Appointments to Boards and Commissions

POLICY #107

ADOPTED: June 17, 1986

AMENDED/REVISED:

Purpose

To establish a procedure to serve as a guide in making appointments to various City Boards and Commissions.

Policy

All interested individuals shall be given an opportunity to submit applications for vacancies on City Board and Commissions. Incumbent Commissioners will not automatically be re-appointed but will be required to fill out an abbreviated application indicating their interest in continuing to serve.

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.

When Commissioner vacancies occur, the following procedure shall be followed:

1. A public announcement of the vacancy shall be made. Interested individuals will be invited to submit applications for the vacancy on a form provided by the Secretary to the Mayor.
2. Applications will be reviewed by the entire City Council and applicants will be interviewed by the entire City Council.

Implementation of Council policy for appointment to Boards and Commissions requires the following: a classified advertisement to be placed in the local newspaper advertising appointive vacancies; a letter be sent to all office holders as their terms expire asking if they would like to re-apply for the position; interviews to be held for those who file applications for all committees with current vacancies, each individual being given 3-5 minutes to make a presentation of their interests and qualifications. All appointments and interviews before the City Council will be scheduled twice a year or as needed to fill unexpected vacancies, with the interviews and appointments being made before an individual's term expires.

After interviews are completed, voting for Commission positions will proceed as follows:

1. Each Councilmember votes for his/her choice by written form on a ballot. Each Councilmember shall print his/her name on the ballot, 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 candidate has the majority vote, and is declared to be the new Commissioner.

Anyone wishing to be re-appointed to any Board or Commission who has served two or more full terms already, must be approved by a four-fifths vote of the Council. In these instances, if all five members of the Council are not present or if one member chooses to withhold his/her vote, the four-fifths requirements would be changed to require only a simple majority.

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- Historical Committee
- Senior Citizen Advisory Committee
- Street Tree and Parkway Committee
- Sweetwater Authority

City Council Appointments

- Planning Commission
- Port Commission
- Advisory and Appeals Board
- Civil Service Commission
- Citizen's Committee for Community Development

Related Policy References

None

CITY COUNCIL POLICY

CITY OF NATIONAL CITY

TITLE: City Manager as Chief Administrative Officer

POLICY #108

ADOPTED: November 22, 1982

AMENDED:

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: City Manager as Chief Administrative Officer POLICY #108

ADOPTED: NOVEMBER 22, 1982

AMENDED:

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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.

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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.

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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.

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Related Policy References

National City Municipal Code, Chapter 2.01

Government Code section 34851, et. seq.

Prior Policy Amendments

None

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CITY COUNCIL POLICY

CITY OF NATIONAL CITY

TITLE: CITY MANAGER AS CHIEF ADMINISTRATIVE OFFICER

POLICY #108

ADOPTED: NOVEMBER 22, 1982

AMENDED/REVISED:

Purpose

To establish guidelines in issuing directives to City staff members and clarification of City Manager's responsibilities.

Policy

The City Manager is appointed by the City Council on the basis of executive and administrative qualifications and abilities and is the chief administrative officer of the City.

Except for the purpose of inquiry, the City Council shall deal with the administrative departments solely through the City Manager. Council members will not interfere with staff members duties unless the matter has been brought before the City Council and approved at a regular Council meeting. This policy is based on the principle that departments carry on their approved activities and don't alter approved priorities or policies on the basis of a request that hasn't 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.

Related Policy References

National City Municipal Code, Chapter 2.01

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:

Purpose

Government Code Sections 53232.2, 53233.3, and 53233.4, 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, City employees and other elected officials while traveling or attending events on City business.

I. Policy

A City Councilmember, 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 Finance Department/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 polices and procedures.

A. Transportation.

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

1. Air Travel. Allowance for air travel will be actual roundtrip via coach or tourist class accommodation. Receipts for air passage must be retained for submission with the Travel Expense Report.

2. Personal car. With specific approval from the department head or the City Manager, personal cars 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 car shall in no case exceed the allowable expense of transportation by air when one is available to such destination.

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, employees shall be supplied with estimated cost of travel via a City-owned vehicle by Public Works upon request. Use of a City-owned vehicle shall not be authorized when the estimated cost exceeds the authorized cost of air travel.

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 who experience car trouble with a City-owned vehicle while on out-of-town travel, should contact the Public Works Department as soon as possible for direction. If it is after work hours or on the weekend, contact the Police Department Dispatch at (619) 336-4411, and they will get in touch with Public Works staff. All receipts for such repairs must be pre-authorized by Public Works and retained and forwarded to Public Works for approval prior to reimbursement. In the event of an accident while using a City-owned vehicle, the traveler should refer to the 'Accident

ADOPTED: September 19, 2006

AMENDED:

Packet' in the glove box of each vehicle for detailed instructions on how to proceed, then notify Police Dispatch and Public Works immediately.

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 employee could not have arrived home prior to 12:00 midnight following the meeting.

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 single room rate charged at the headquarters hotel for the conference or the hotel most proximate to the site of the meeting. If the hotel has different rates for single room accommodation, the individual shall be entitled to reimbursement for no more than the second least expensive rate. In the event the individual occupies a more expensive room accommodation (e.g. multiple occupancy), they will be reimbursed at the rate for single occupancy. The employee shall have the hotel indicate on the bill whether the room is for single or multiple occupancy and the equivalent single occupancy rate if the accommodation is other than single occupancy. If the rate for single occupancy cannot be verified from the bill or receipt, the individual shall be reimbursed at 80% of the rate indicated on the bill.

C. Meals. Reimbursement for meals shall be on the basis of actual cost. All meal receipts must be retained for submission with the Travel Expense Report. Receipts must be detailed and itemized showing exactly what was ordered. Credit card receipts will not be accepted for purposes of reimbursement.

To claim reimbursement, travel commencement and termination times must be accounted for. Reimbursement for breakfast is not allowed on the day of departure

ADOPTED: September 19, 2006

AMENDED:

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 8:00 p.m.

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. Receipts must be provided for these expenses, regardless of cost. Such expenses shall be itemized on the Travel Expense Report.

2. **Communications.** Telephone and telegraph charges will be reimbursed for official calls and wires only. Unofficial calls charged to the hotel bill should be identified and deducted from the total hotel bill.

3. **Parking, garage, and toll charges.** Parking, garage, and toll expenses will be reimbursed when an automobile is used for transportation. Receipts must be submitted for reimbursement.

4. **Tips, gratuities, and services fees.** Customary tips of up to 20 percent will be permitted on reimbursable items. Tips shall be itemized on the claim form.

5. **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 public stenographer fees, duplicating expenses and the cost of publications of value to the City being distributed at conference.

F. P.O.S.T. Expenses.

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

ADOPTED: September 19, 2006

AMENDED:

G. Cash Advance.

It is encouraged that individuals use their own money or credit cards to finance the trip and then claim reimbursement upon their return.

If in the judgment of a department manager, estimated expenses for a contemplated out-of-city travel are too high to expect the individual to finance the trip and be reimbursed upon their return, the department manager may authorize advance payment or a maximum of \$200 to the employee. An advance in excess of \$200 must have the approval of the City Manager.

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.

II. 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 Finance Department 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 coach or tourist class accommodation. Travel Expense Reports will be accompanied by air passage receipts when filed.

C. Personal Car.

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.

D. City-owned Vehicle.

ADOPTED: September 19, 2006

AMENDED:

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 and occupancy status, 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.

I. Cash Advance

Approved requests for travel advances shall be submitted to the Finance Department at least ten (10) working days before the start of travel. Funds will be released no earlier than three (3) working days prior to the trip departure date.

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

III. 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 employee

IV. Use of City Credit Card for Travel Purposes.

City staff members occasionally attend job-related training and conferences, upon approval of the City's Purchasing Review Committee (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 employee wishing to use a City-issued credit card, must read and adhere to the City's Credit Card Policy (Administrative Policy #3.14).

Per Administrative Policy #3.14: Credit cards may never be used to circumvent established competitive purchasing procedures, or dollar limits established by the City's 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 3.14 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

**TITLE: Reimbursement for Expenses Incurred in
The Performance of Official Duties**

POLICY #109

ADOPTED: September 19, 2006

AMENDED:

such expenditure was pre-approved by the Purchasing Review Committee, 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 Instruction Nos. 3.03, 3.04, 3.05 and 3.14 of the City Administrative Manual. This Policy satisfies the requirements of Government Code Sections 53232.2 and 53233.3.

Related Policy References

Government Code Sections: 53232.2, 53233.3, 53233.4

Assembly Bill 1234

City Administrative Manual Policies 3.03, 3.04, 3.05, 3.14

Municipal Code, Chapter 2.60

Forms:

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

Credit Cardholder Use Agreement: available from the Finance Department

Prior Policy Amendments

September 19, 2006

CITY COUNCIL POLICY

CITY OF NATIONAL CITY

TITLE: Reimbursement for Expenses Incurred in
The Performance of Official Duties

POLICY #109

ADOPTED: September 19, 2006

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Purpose

Government Code Sections 53232.2, 53233.3, and 53233.4, 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, City employees and other elected officials while traveling or attending events on City business.

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I. Policy

A City Councilmember, 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 Finance Department/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 polices and procedures.

A. Transportation.

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

1. Air Travel. Allowance for air travel will be actual roundtrip via coach or tourist class accommodation. Receipts for air passage must be retained for submission with the Travel Expense Report.

2. Personal car. With specific approval from the department head or the City Manager, personal cars 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 car shall in no case exceed the allowable expense of transportation by air when one is available to such destination.

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, employees shall be supplied with estimated cost of travel via a City-owned vehicle by Public Works upon request. Use of a City-owned vehicle shall not be authorized when the estimated cost exceeds the authorized cost of air travel.

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 who experience car trouble with a City-owned vehicle while on out-of-town travel, should contact the Public Works Department as soon as possible for direction. If it is after work hours or on the weekend, contact the Police Department Dispatch at (619) 336-4411, and they will get in touch with Public Works staff. All receipts for such repairs must be pre-authorized by Public Works and retained and forwarded to Public Works for approval prior to reimbursement. In the event of an accident while using a City-owned vehicle, the traveler should refer to the 'Accident Packet' in the glove box of each vehicle for detailed instructions on how to proceed, then notify Police Dispatch and Public Works immediately.

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

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meeting if the employee could not have arrived home prior to 12:00 midnight following the meeting.

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 single room rate charged at the headquarters hotel for the conference or the hotel most proximate to the site of the meeting. If the hotel has different rates for single room accommodation, the individual shall be entitled to reimbursement for no more than the second least expensive rate. In the event the individual occupies a more expensive room accommodation (e.g. multiple occupancy), they will be reimbursed at the rate for single occupancy. The employee shall have the hotel indicate on the bill whether the room is for single or multiple occupancy and the equivalent single occupancy rate if the accommodation is other than single occupancy. If the rate for single occupancy cannot be verified from the bill or receipt, the individual shall be reimbursed at 80% of the rate indicated on the bill.

C. Meals. Reimbursement for meals shall be on the basis of actual cost. All meal receipts must be retained for submission with the Travel Expense Report. Receipts must be detailed and itemized showing exactly what was ordered. Credit card receipts will not be accepted for purposes of reimbursement.

To claim reimbursement, travel commencement and termination times must 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 8:00 p.m.

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. Receipts must be provided for these expenses, regardless of cost. Such expenses shall be itemized on the Travel Expense Report.

2. Communications. Telephone and telegraph charges will be reimbursed for official calls and wires only. Unofficial calls charged to the hotel bill should be identified and deducted from the total hotel bill.

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- ¶ . Breakfast . 25%¶
- ¶ . Lunch . . 35%¶
- ¶ . Dinner . . 40% . ¶
- ¶ . Total . . 100%¶

¶ For information regarding the current prevailing IRS standard daily meal allowance rate, the Finance Director should be consulted.¶

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3. Parking, garage, and toll charges. Parking, garage, and toll expenses will be reimbursed when an automobile is used for transportation. Receipts must be submitted for reimbursement.

4. Tips, gratuities, and services fees. Customary tips of up to 20 percent will be permitted on reimbursable items. Tips shall be itemized on the claim form.

5. 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 public stenographer fees, duplicating expenses and the cost of publications of value to the City being distributed at conference.

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F. P.O.S.T. Expenses.

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

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G. Cash Advance.

It is encouraged that individuals use their own money or credit cards to finance the trip and then claim reimbursement upon their return.

If in the judgment of a department manager, estimated expenses for a contemplated out-of-city travel are too high to expect the individual to finance the trip and be reimbursed upon their return, the department manager may authorize advance payment or a maximum of \$200 to the employee. An advance in excess of \$200 must have the approval of the City Manager.

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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.

II. Procedures

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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 Finance Department within three (3) working days upon return. City Council members and members of boards and

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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 coach or tourist class accommodation. Travel Expense Reports will be accompanied by air passage receipts when filed.

C. Personal Car.

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.

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 and occupancy status, accompanied by meeting and travel schedules much 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).

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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.

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I. Cash Advance.

Approved requests for travel advances shall be submitted to the Finance Department at least ten (10) working days before the start of travel. Funds will be released no earlier than three (3) working days prior to the trip departure date.

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

III. 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 employee.

IV. Use of City Credit Card for Travel Purposes.

City staff members occasionally attend job-related training and conferences, upon approval of the City's Purchasing Review Committee (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 employee wishing to use a City-issued credit card, must read and adhere to the City's Credit Card Policy (Administrative Policy #3.14).

Per Administrative Policy #3.14: Credit cards may never be used to circumvent established competitive purchasing procedures, or dollar limits established by the City's 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 3.14 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 Purchasing Review Committee, and is in fact reasonable and necessary in the conduct of City business. Accordingly, the basic

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Deleted: ¶ A. Statement of Policy.¶ ¶ <#>Finance will issue City credit cards to designated individuals as approved by the City Manager, or his/her designee. The set credit card limit is \$5,000. The City Manager may also set "per transaction" limits at his/her discretion.¶ ¶
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Deleted: Charging personal expenses on City credit cards is a misuse of City funds and a serious breach of the City's Civil Service Rules, and may be unlawful. Doing so, even if the intent is to reimburse the City later, will result in disciplinary action, up to and including termination.¶ ¶ B. Responsibilities.¶ ¶ <#>Cardholder. Purchase services on behalf of the City in accordance with these guidelines. Collect and surrender to the City Manager or his/her designee all transaction receipts.¶ <#>City Manager or Designee. Authorize issuance of credit cards and set credit limits; develop and implement departmental procedures to ensure that payments are appropriately reviewed and approved, processed in a timely manner and that all supporting documentation is retained, reconciled to monthly ... [1]
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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 Instruction Nos. 3.03, 3.04, 3.05 and 3.14 of the City Administrative Manual. This Policy satisfies the requirements of Government Code Sections 53232.2 and 53233.3.

Related Policy References

Government Code Sections: 53232.2, 53233.3, 53233.4

Assembly Bill 1234

City Administrative Manual Policies 3.03, 3.04, 3.05, 3.14

Municipal Code, Chapter 2.60

Forms:

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

Credit Cardholder Use Agreement: available from the Finance Department

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Prior Policy Amendments

September 19, 2006

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/REVISED: 9/19/06

Purpose

Government Code Sections 53232.2, 53233.3, and 53233.4, 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.

I. Policy

A City Councilmember, 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. Expenses incurred by members of the employee's family are not reimbursable, except in the case of executives, board and commission members, City Councilmembers, or elected officials, the incremental cost of a double occupancy room accommodation at meetings with formal spouse programs is reimbursable.

A. Transportation.

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

1. Air Travel. The City shall obtain an exclusive travel management company for the City's air travel requirements to better monitor air travel costs, to simplify procurement of air passage and to avail of discounts when available. The Purchasing Department shall periodically obtain proposals for an exclusive travel management services, evaluate the proposals and make a recommendation for

Council approval. Upon selection of an exclusive travel management company, individuals shall purchase plane tickets from such specified travel agency.

Allowance for air travel will be actual roundtrip via coach or tourist class accommodation. Receipts for air passage must be retained for submission with the Travel Expense Report.

2. Personal car. With specific approval from the department head or the City Manager, personal cars 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 Expense Report. Total reimbursable transportation expense through use of a personal car shall in no case exceed the allowable expense of transportation by air when one is available to such destination.

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, employees shall be supplied with estimated cost of travel via a City-owned vehicle by Public Works upon request. Use of a City-owned vehicle shall not be authorized when the estimated cost exceeds the authorized cost of air travel.

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 are authorized to pay for emergency repairs of a City-owned vehicle while on out-of-town travel. All receipts for such repairs must be retained and forwarded to Public Works for approval prior to reimbursement.

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 employee could not have arrived home prior to 12:00 midnight following the meeting.

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 single room rate charged at the headquarters hotel for the conference or the hotel most proximate to the site of the meeting. If the hotel has different rates for single room accommodation, the individual shall be entitled to reimbursement for no more than the second least expensive rate. In the event the individual occupies a more expensive room accommodation (e.g. multiple occupancy), they will be reimbursed at the rate for single occupancy. The employee shall have the hotel indicate on the bill whether the room is for single or a multiple occupancy and the equivalent single occupancy rate if the accommodation is other than single occupancy. If the rate for single occupancy cannot be verified from the bill or receipt, the individual shall be reimbursed at 80% of the rate indicated on the bill.

City Councilmembers, board and commission members, elected officials and executives may be reimbursed at the double occupancy rate when accompanied by their spouses to conferences with a formal spouse program.

C. Meals. Reimbursement for meals shall be on the basis of actual cost. All meal receipts must be retained for submission with the Travel Expense Report.

In the event an individual seeking reimbursement is unable to submit meal receipts, reimbursement shall be at the prevailing IRS standard daily meal allowance rate. If meals are included in the registration fee or when three meals are not required during partial days of travel, the prevailing IRS standard daily meal allowance rate shall be broken down according to the following percentages:

Breakfast	25%
Lunch	35%
Dinner	40%
Total	100%

For information regarding the current prevailing IRS standard daily meal allowance rate, the Finance Director should be consulted.

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 8:00 p.m.

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 and telegraph charges will be reimbursed for official calls and wires only. Unofficial calls charged to the hotel bill should be identified and deducted from the total hotel bill.

3. **Parking, garage, and toll charges.** Parking, garage, and toll expenses will be reimbursed when an automobile is used for transportation.

4. **Tips, gratuities, and services fees.** Customary tips of up to 20 percent will be permitted on reimbursable items. Tips shall be itemized on the claim form.

5. **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. Examples of such expenses are public stenographer fees, duplicating expenses and the cost of publications of value of the city being distributed at conference.

F. P.O.S.T. Expenses.

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

G. Cash Advance.

It is encouraged that individuals use their own money or credit cards to finance the trip and then claim reimbursement upon their return.

If in the judgment of a department manager, estimated expenses for a contemplated out-of-city travel is too high to expect the individual to finance the trip and be reimbursed upon their return, the department manager may authorize advance payment or a maximum of \$200 to the employee. An advance in excess of \$200 must have the approval of the City Manager.

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.

II. 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 Finance Department within three (3) working days upon return. City Councilmembers 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 roundtrip via coach or tourist class accommodation. Travel Expense Reports will be accompanied by air passage receipts when filed.

C. Personal Car.

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.

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 and occupancy status, 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. If unable to submit receipts, the prevailing IRS standard daily meal allowance rate shall be reimbursed.

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 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 shall be submitted to the Finance Department at least ten (10) working days before the start of travel. Funds will be released no earlier than three (3) working days prior to the trip departure date.

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

Attachment: Travel Expense Report (Appendix "A").

III. 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, a combination of:

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 employee

may be used in place of receipt/cancelled check for reimbursement purposes.

IV. Use of City Credit Card.

This Section establishes the City's basic policies and procedures for using credit cards in making service purchases on behalf of the City and paying for travel expenses when on City business.

Every year, City staff attend job-related training and conferences, which are usually required by state mandates. In order to make airline and hotel reservations, a credit card number must be provided to guarantee the reservations.

A. Statement of Policy.

1. Finance will issue City credit cards to designated individuals as approved by the City Manager, or his/her designee. The set credit card limit is \$5,000. The City Manager may also set "per transaction" limits at his/her discretion.

2. Credit cards may never be used to circumvent established competitive purchasing procedures.

3. Credit cards shall only be used in paying for authorized travel and training expenses.

Credit cards shall be checked out from an assigned department representative before travel/training, and the card will be returned after each use. The credit card is not approved for permanent placement with an individual.

4. Individuals may not use City credit cards for personal expenses even if the intent is to reimburse the City later. Charging personal expenses on City credit cards is a misuse of City funds and a serious breach of the City's Civil Service Rules, and may be unlawful. Doing so, even if the intent is to reimburse the City later, will result in disciplinary action, up to and including termination.

B. Responsibilities.

1. **Cardholder.** Purchase services on behalf of the City in accordance with these guidelines. Collect and surrender to the City Manager or his/her designee all transaction receipts.

2. **City Manager or Designee.** Authorize issuance of credit cards and set credit limits; develop and implement departmental procedures to ensure that payments are appropriately reviewed and approved, processed in a timely manner and that all supporting documentation is retained, reconciled to monthly statements and attached to payment vouchers, and oversee implementation of these guidelines. Implement procedures to insure that credit cards will be kept in a secure area when not in use by cardholders. Notify Finance Department of all changes in cardholders.

3. **Finance Department.** Establish relationship with issuing bank, issue credit cards as requested by City Manager or his/her designee in accordance with these guidelines; process credit card payment vouchers in accordance with the City's accounts payable policies and procedures; ensure that the monthly statement is paid in full on a timely bases; help resolve billing disputes; replace lost or stolen cards; and maintain an accurate list of all current cardholders.

4. **Human Resources Department.** Retrieve credit cards from employees separating from the City.

C. Procedures

1. **Requesting Credit Cards.** After first obtaining the approval of the City Manager or his/her designee, department heads should submit credit card requests to Finance via memorandum or email to approve credit card limits.

2. **Criteria.** Credit cards will only be issued to designated individuals. Department heads should consider the following factors in obtaining credit cards approved from the City Manager or his/her designee:

- Ability to hold the individual accountable for purchases made on the credit card.
- Department heads should consider added discretion in authorizing designated individual's use of credit card and the increased potential for abuse in approving credit cardholders.

3. **Cardholder Agreement.** Before receiving a credit card, an individual will sign a "Credit Cardholder Use Agreement" (Appendix "B") setting forth the individual's obligation under this program.

4. **Timely Payment.** Within their respective departments, department heads are responsible for ensuring that each credit card statement (along with appropriate supporting documentation reconciled to the statement) is submitted to Finance for payment in a timely manner. Any late processing by a cardholder will be brought up to the department head's attention, and after review of circumstances, the Director of Finance will recommend to the department head appropriate follow-up action, including cancellation of card privileges. In such circumstances, the department head should also consider imposition of disciplinary action on the cardholder.

5. **Disputed Charges.** Cardholders are responsible for ensuring that vendor and issuing bank are notified immediately of any disputed charges. Departments should pay the statement in full, including disputed amounts, to avoid finance charges and late fees; when resolved, this will result in a credit to the account on the next monthly statement.

6. **Standard Process for Payment.** The City's standard accounts payable system will be used in processing monthly credit card statements for payment. Supporting documentation for credit card payments should be the same as for any other accounts payable item. This means that original invoices (or receipts) along with credit card receipts must be retained, reconciled to the credit card statement and attached to the payment voucher.

7. **Credit Card Processing Fees.** There will be a nominal processing fee by the issuing bank. This charge is the department's cost responsibility.

8. **Lost or Stolen Cards.** Cardholders are responsible for ensuring that the issuing bank and the Department of Finance are notified immediately if the card is lost or stolen. Failure to do so may result in making the cardholder responsible for any fraudulent use of the card.

9. **Disciplinary Action.** Within their respective departments, department heads are responsible for all disciplinary action surrounding misuse of credit cards, including requesting cancellation of card privileges.

10. **Return of the Card Upon Request or Termination.** Cardholders will immediately surrender their credit card upon request of their department head. The Human Resources Department is responsible for retrieving the credit card when an employee separates from the City. Use of the credit card for any purpose after its surrender or employee termination is prohibited.

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 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 Instruction Nos. 3.03, 3.04, 3.05 and 3.14 of the City Administrative Manual. This Policy satisfies the requirements of Government Code Sections 53232.2 and 53233.3.

CITY COUNCIL POLICY

CITY OF NATIONAL CITY

TITLE: Display of Flags

POLICY #110

ADOPTED: July 14, 1987

AMENDED:

Purpose

To establish a policy regulating when the flag of the United States, the flag of the State of California and the flag of the City of National City should be flown at half-staff. This policy shall also establish guidelines governing the flying of the following flags on City property:

Permanent Flags

United States of America
State of California
City of National City

Ceremonial Flags

Army
Navy
Marine Corps
Air Force
United States Coast Guard
POW
Army Retired
Navy Retired
Air Force Retired
World War II Commemorative
Korean 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 lit.
- 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) 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.
- 5) The City Manager is authorized to display at all City buildings the United States flag at half-staff in accordance with the rules set forth below and at such times as may be prescribed by the President of the United States, the Governor of the State

ADOPTED: July 14, 1987**AMENDED:**

of California, or the Mayor of the City of National City with the concurrence of the City Council.

- 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.
- 6) The flags will be flown at half-staff on the following days:
- a) Memorial Day until noon
 - b) Patriot Day, September 11

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.

- 7) 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 lit during nighttime hours.
- 8) All City locations that have flags, will fly the United States and the State of California flags on the holidays listed below. In addition, the Kimball Bowl will fly ceremonial flags on certain holidays as listed below:
- a) Inauguration Day- as designated
 - b) President Day- 3rd Monday in February
 - c) Armed Forces Day- 3rd Saturday in May
 - d) Memorial Day- the last Monday in May
 - e) Flag Day- June 14
 - f) Independence Day- July 4
 - g) Labor Day- 1st Monday in September
 - h) California Admission Day- September 9
 - i) Patriot Day- September 11
 - j) Veteran's Day
 - k) Pearl Harbor Day- December 7
 - l) Other days that may be proclaimed by the President of the United States, or the Governor of the State of California
- 9) The following departments are responsible for raising and lowering the flags at the listed locations:

ADOPTED: July 14, 1987

AMENDED:

- a) Las Palmas Park/Pool- Recreation Department
 - b) Library-Public Works Department
 - c) Civic Center-Public Works Department
 - d) Police Department-Public Works Department
 - e) Fire Department (Stations #15 and #10)- Fire Department
 - f) Kimball Bowl-Public Works Department
 - g) Las Palmas Snack Bar- Sports Teams using fields
 - h) Kimball Recreation Center (south side)- Parks Division
- 10) The Public Works Department shall assume responsibility for the display of ceremonial flags at Kimball Bowl.

Related Policy References

Flag Code: California State Governor

Flag Code: Office of the President of the United States

Prior Policy Amendments

December 2, 2008

CITY COUNCIL POLICY

CITY OF NATIONAL CITY

TITLE: Display of Flags

POLICY #110

ADOPTED: July 14, 1987

AMENDED:

Deleted: December 2, 2008

Purpose

To establish a policy regulating when the flag of the United States, the flag of the State of California and the flag of the City of National City should be flown at half-staff. This policy shall also establish guidelines governing the flying of the following flags on City property:

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Permanent Flags

United States of America

State of California

City of National City

Ceremonial Flags

Army

Navy

Marine Corps

Air Force

United States Coast Guard

POW

Army Retired

Navy Retired

Air Force Retired

World War II Commemorative

Korean 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) 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.
- 5) The City Manager is authorized to display at all City buildings the United States flag at half-staff in accordance with the rules set forth below and at such times as may be prescribed by the President of the United States, the Governor of the State of California, or the Mayor of the City of National City with the concurrence of the City Council.

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- 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 interment for an employee of the City of National City.
- 6) The flags will be flown at half-staff on the following days:
- a) Memorial Day until noon
 - b) Patriot Day, September 11

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.

- 7) 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 lit during nighttime hours.

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- 8) All City locations that have flags, will fly the United States and the State of California flags on the holidays listed below. In addition, the Kimball Bowl will fly ceremonial flags on certain holidays as listed below:

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- a) Inauguration Day- as designated,
- b) President Day- 3rd Monday in February
- c) Armed Forces Day- 3rd Saturday in May
- d) Memorial Day- the last Monday in May
- e) Flag Day- June 14,
- f) Independence Day- July 4,
- g) Labor Day- 1st Monday in September
- h) California Admission Day- September 9
- i) Patriot Day- September 11,
- j) Veteran's Day,
- k) Pearl Harbor Day- December 7,
- l) Other days that may be proclaimed by the President of the United States, or the Governor of the State of California

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- 9) The following departments are responsible for raising and lowering the flags at the listed locations:

- a) Las Palmas Park/Pool- Recreation Department
- b) Library-Public Works Department
- c) Civic Center-Public Works Department
- d) Police Department-Public Works Department
- e) Fire Department (Stations #15 and #10)- Fire Department
- f) Kimball Bowl-Public Works Department
- g) Las Palmas Snack Bar- Sports Teams using fields
- h) Kimball Recreation Center (south side)- Parks Division

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- 10) The Public Works Department shall assume responsibility for the display of ceremonial flags at Kimball Bowl.

Deleted: Upon establishment, the National City Military Affairs Advisory Committee

Related Policy References

Flag Code: California State Governor

Flag Code: Office of the President of the United States

Deleted: none

Prior Policy Amendments

December 2, 2008

CITY COUNCIL POLICY

CITY OF NATIONAL CITY

TITLE: Display of Flags

POLICY #110

ADOPTED: July 14, 1987

AMENDED/REVISED: December 2, 2008

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

Korean 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 all 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 the Mayor of the City of National City may, with the concurrence of the City Council, prescribe such action.
 - 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) Memorial Day until noon
 - b) Patriot Day, September 11
 - c) 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
 - 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) Veteran's Day (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-Parks and Recreation Department
 - b) Library-Public Works Department
 - c) Civic Center-Public Works Department
 - d) Police Department-Public Works Department
 - e) Fire Department (Stations #15 and #10)- Fire Department
 - f) Kimball Bowl-Public Works Department
- 9) Upon establishment, the National City Military Affairs Advisory Committee shall assume responsibility for the display of ceremonial flags at Kimball Bowl

Related Policy References

none

CITY COUNCIL POLICY

CITY OF NATIONAL CITY

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

POLICY #111

ADOPTED: February 9, 1988

AMENDED:

Purpose

To establish guidelines for the utilization of city vehicles 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

CITY OF NATIONAL CITY

TITLE: Utilization of City Vehicles in ~~Non-Safety~~ Related Capacities **POLICY #111**

ADOPTED: February 9, 1988 **AMENDE**

Purpose

To establish guidelines for the utilization of city vehicles 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](#)

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¶ All city incurred, direct costs associated with the use of the vehicle shall be identified or estimated including, but not limited to, entry fees, decorations, towing charges, and driver salary costs. The cost information will be submitted to the City Council for consideration along with relevant data about the proposed use.¶ The Scagraves Fire Engine shall be towed (trailored) to all events outside of the city limits, unless special circumstances are found to exist.¶

¶ A qualified driver, as determined by the department which operates the vehicle, shall be responsible for the vehicle and shall remain with the vehicle at all times when participating in an event or on public display. The operation of the parade vehicle, at all times, shall be the sole responsibility of the driver. The driver shall not receive direction from anyone regarding the operation of the vehicle, with the exception of an authorized public safety officer.¶

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Deleted: National City Fire Department Operations Manual¶ National City Municipal Code, Chapter 2.12

CITY COUNCIL POLICY

CITY OF NATIONAL CITY

**TITLE: UTILIZATION OF CITY VEHICLES
IN NON-WORK RELATED CAPACITIES**

POLICY #111

ADOPTED: FEBRUARY 9, 1988

AMENDED/REVISED: 1/7/92

Purpose

To establish guidelines for the utilization of city vehicles in non-work related capacities including parades, funerals and other events.

Policy

City vehicles may be made available for parades and other special events which promote the City of National City or honor its employees or citizens. Requests for such use must be presented to the City Council for approval with the exception of those activities directly related to department operations, routine maintenance, or road testing.

Anyone requesting the use of a city vehicle must provide supporting documentation including the specific event application to the appropriate department at least 20 working days prior to the application deadline. This application and all pertinent information shall then be forwarded to the City Manager's office for review and submission to the City Council for consideration.

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The Seagraves Fire Engine shall be towed (trailored) to all events outside of the city limits, unless special circumstances are found to exist.

A qualified driver, as determined by the department which operates the vehicle, shall be responsible for the vehicle and shall remain with the vehicle at all times when participating in an event or on public display. The operation of the parade vehicle, at all times, shall be the sole responsibility of the driver. The driver shall not receive direction from anyone regarding the operation of the vehicle, with the exception of an authorized public safety officer.

Only city officials and employees of the City of National City and the current Miss National City are permitted to ride on the vehicle. The City Council will have final authority to designate all riders for the vehicle. Anyone riding on a city vehicle in a parade shall board at a pre-determined staging area and obey the instructions of the driver.

**CITY COUNCIL POLICY
CITY OF NATIONAL CITY**

**TITLE: UTILIZATION OF CITY VEHICLES
IN NON-WORK RELATED CAPACITIES**

POLICY #111

ADOPTED: FEBRUARY 9, 1988

AMENDED/REVISED: 1/7/92

Related Policy References

National City Fire Department Operations Manual
National City Municipal Code, Chapter 2.12

ORIGINAL

CITY COUNCIL POLICY

CITY OF NATIONAL CITY

TITLE: Document Reproduction

POLICY #112

ADOPTED: October 17, 1989

AMENDED:

Purpose

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

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

Related Policy References

City Administrative Policy #3.02 "Document Reproduction Procedures and Fee Schedule".

Prior Policy Amendments

None

CITY COUNCIL POLICY

CITY OF NATIONAL CITY

TITLE: Document Reproduction

POLICY #112

ADOPTED: October 17, 1989

AMENDED/REVISED:

Purpose

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

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 #301 "Document Reproduction Procedures and Fee Schedule".

ORIGINAL

CITY COUNCIL POLICY

CITY OF NATIONAL CITY

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

POLICY #113

ADOPTED: March 12, 1996

AMENDED:

Purpose

To establish a policy to prevent the unauthorized disclosure of information revealed in closed sessions of the City Council, and to provide remedies in the event of any such unauthorized disclosure.

Policy

No person present in a closed session shall disclose, outside of the closed session, any information revealed in such closed session, without the prior authorization of a majority of the City Council. Any violation of this policy may be enforced by one or more of the following actions, as directed by a majority of the City Council:

1. Referral to the Office of the District Attorney for prosecution for violation of Government Code Section 1098.
2. Referral to the Office of the District Attorney for prosecution for violation of Government Code Section 1222.
3. Referral to the Office of the District Attorney for prosecution for violation of Government Code Section 3060.
4. Referral of a council member who has willfully disclosed confidential information in violation Government Code section 54963 to the grand jury.
5. Obtaining an injunction to prevent further unauthorized disclosure of information revealed in a closed session.
6. In the event an unauthorized disclosure is committed by a member of the City Council, that 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:

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

DRAFT

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

POLICY #113

ADOPTED: March 12, 1996

AMENDED:

== 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:

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: Unauthorized Disclosure of Information
Revealed in Closed Sessions

POLICY #113

ADOPTED: March 12, 1996

AMENDED:

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.~~

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~~5. Obtaining an injunction to prevent further unauthorized disclosure of information revealed in a closed session.~~

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~~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.~~

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~~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.~~

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TITLE: <u>Unauthorized Disclosure of Information</u>	POLICY #113
<u>Revealed in Closed Sessions</u>	

ADOPTED: March 12, 1996

AMENDED:

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~~

Prior Policy Amendments

None

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

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**PUBLIC DISCLOSURE OF INFORMATION DISCUSSED IN
CLOSED SESSION: POSSIBLE REMEDIES**

Prohibited by the Brown Act – Improper to Disclose

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- A person cannot disclose information discussed in closed session without authorization of the City Council. Government Code section 54963.

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Remedies under Government Code section 54963

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- “(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:

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(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

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<#>California Attorney General has held it is improper for information received during a closed session to be publicly disclosed without authorization of the city council. (76 Ops. Cal. Atty. Gen. 289, 290 (1993).)¶

- California Attorney General has held that a city may not adopt an ordinance making it a misdemeanor for any person present during a closed session of the city council meeting to publicly disclose the substance of any discussion properly held during the session unless authorized by the city council. (76 Ops. Cal. Atty. Gen 289 (1993).)

Additional Possible State Law Violations

- Any current public officer or employee who willfully and knowingly discloses for pecuniary gain, to any other person, confidential information acquired by him or her in the course of his or her official duties, or uses any such information for the purpose 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.)

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

POLICY #113

ADOPTED: March 12, 1996

AMENDED/REVISED:

Purpose

To establish a policy to prevent the unauthorized disclosure of information revealed in closed sessions of the City Council, and to provide remedies in the event of any such unauthorized disclosure.

Policy

No person present in a closed session shall disclose, outside of the closed session, any information revealed in such closed session, without the prior authorization of a majority of the City Council. Any violation of this policy may be enforced by one or more of the following actions, as directed by a majority of the City Council:

1. Referral to the Office of the District Attorney for prosecution for violation of Government Code Section 1098.
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5. 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.
6. In the event an unauthorized disclosure is committed by a member of the City staff, that staff member may be subject to disciplinary action.

This policy shall not prohibit the making of a public report of actions taken in a closed session as required by Government Code Section 54957.1.

Related Policy References

Policy #104

George H. Eiser, III
City Attorney
City of National City
February 29, 1996

**PUBLIC DISCLOSURE OF INFORMATION DISCUSSED IN
CLOSED SESSION: POSSIBLE REMEDIES**

No Remedy in the Brown Act

- Disclosure of information discussed in closed session without authorization of the City Council is not prohibited by Brown Act itself (Government Code §§ 54950-54962).

Improper to Disclose Information

- California Attorney General has held it is improper for information received during a closed session to be publicly disclosed without authorization of the city council. (76 Ops. Cal. Atty. Gen. 289, 290 (1993).)

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).)

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CITY COUNCIL POLICY

CITY OF NATIONAL CITY

TITLE: Grant Review Policy

POLICY # 114

ADOPTED: February 13, 2001

AMENDED:

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

- I. 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 source shall obtain approval from the City Manager's Office in advance of the filing of any grant application. This shall be done by submitting the "Grant Application" form, which is available in the office of the City's designated Grant Coordinator.
- II. 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 requesting departments.
- III. 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 individual grant funding requests to City Council for consideration.
- IV. In the event that the grant requires matching funds from the City, and the value of those matching funds exceeds the City Manager's signature authority, Council approval will be required at the time of (or prior to) acceptance of the grant award.
- V. For those proposals for outside funding which 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 including professional outside grant writers engaged by the City Manager. If the decision is made to employ

TITLE: Grant Review Policy

POLICY # 114

ADOPTED: February 13, 2001

AMENDED:

outside grant writers, 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.

- VI. Upon notification by a federal, state, local government, or private funding source of a grant award or intent to fund, the City department responsible for administering the grant shall request a resolution approving the acceptance and appropriation of the funds be prepared and calendared for an upcoming City Council meeting. The request for resolution shall include documentation of the intent to fund as provided by the funding source. The City Council shall formally approve the acceptance of all grant and private funds.

Related Policy References

"Grant Application" and Grant Process Flowchart are available from the City's Grant Coordinator

Prior Policy Amendments

None

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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.

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- II. 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 requesting departments.
- III. 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 individual “Request to Apply for Federal, State, and Local Government Grants or Private Funds” to City Council for consideration.
- IV. In the event that the grant requires matching funds from the City, and the value of those matching funds exceeds the City Manager’s signature authority, Council approval will be required at the time of (or prior to) acceptance of the grant award.
- V. For those proposals for outside funding which 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 including professional outside grant writers engaged by the City Manager. If the decision is made to employ outside grant writers, 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.

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Related Policy References

[“Grant Application” and Grant Process Flowchart are available from Grant Coordinator](#)

Prior Policy Amendments

None

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CITY COUNCIL POLICY

CITY OF NATIONAL CITY

TITLE: Grant Review Policy

POLICY #114

ADOPTED: February 13, 2001

AMENDED/REVISED:

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.

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- I. 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 source shall obtain approval from the City Manager's Office in advance of the filing of any grant application. This shall be done by submitting the "Request to Apply for Federal, State, and Local Government Grants or Private Funds" form.
- II. The City Manager's Office will review the "Request to Apply for Federal, State, and Local Government Grants or Private Funds" 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 requesting departments.
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- V. Upon notification by a federal, state, local government, or private funding source of a grant award or intent to fund, the City department responsible for administering the grant shall request a resolution approving the acceptance and appropriation of the funds be prepared and calendared for an upcoming City Council meeting. The request for resolution shall include documentation of the intent to fund as provided by the funding source. The City Council shall formally approve the acceptance of all grant and private funds.

ORIGINAL

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:

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, foreign or domestic
- **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:

- “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:

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

ADOPTED: June 17, 2003

AMENDED:

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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.

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- "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.

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ADOPTED: June 17, 2003

AMENDED:

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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/aer 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

Deleted: Agencies requesting donations must be local, non-profit, '501C3' organizations, as defined on the 'Request for Donation' Form. The 'Request for Donation' form provides legal definitions and release of liability.¶

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 items 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 that the donation will benefit the community.

Deleted: a legal determination has been made that

Deleted: the citizens

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.

ADOPTED: June 17, 2003

AMENDED:

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
- upon request will provide details regarding the type of property that is available
- upon approval by the City Council, will 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.

Deleted: Forms are available in the Purchasing Department.

Related Policy References

Municipal Code 2.42

Municipal Code 2.44

Prior Policy Amendments

April 20, 2004

Deleted: The Purchasing Department will: notify all local, non-profit '501C3' agencies by mail, when property is available; coordinate dates/times; verify agency qualifications; coordinate and record the donation process; and contact the auctioneer to pick up remaining items, as described on the Request for Donation Form under 'Internal Process'. Purchasing will provide a summary report to Council members and the City Manager after each donation process. ¶
¶ Procedures outlined on the 'Request for Donation' form may be subject to periodic review. ¶
¶

Deleted: 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/REVISED: 4/20/04

Purpose

To establish a policy for donating surplus City property and Police Department unclaimed personal property to local, non-profit '501C3' agencies.

Policy

Agencies requesting donations must be local, non-profit, '501C3' organizations, as defined on the 'Request for Donation' Form. The 'Request for Donation' form provides legal definitions and release of liability.

Forms are available in the Purchasing Department.

The Purchasing Department will: notify all local, non-profit '501C3' agencies by mail, when property is available; coordinate dates/times; verify agency qualifications; coordinate and record the donation process; and contact the auctioneer to pick up remaining items, as described on the Request for Donation Form under 'Internal Process'. Purchasing will provide a summary report to Council members and the City Manager after each donation process.

Procedures outlined on the 'Request for Donation' form may be subject to periodic review.

Related Policy References

None

REQUEST FOR DONATION FORM

Local, non-Profit '501C3' organizations may request donations of surplus City property or Police Department unclaimed property in accordance with Council Policy #115, and requirements of this form.

Requirements: The non-profit organization must be able to provide:

- proof of official non-profit '501C3' status (see back).
- proof of a current National City Business License (see back).
- proof of physical location/address within National City's city limits (see back).
- their own vehicles and labor to claim the items (see back).
- this form, complete and legible, with above documents attached.

Surplus/Unclaimed Property Disclaimer:

City property is usually declared 'surplus' when it's broken, damaged, too costly to repair, or no longer needed by the City. Unclaimed property may contain items of various descriptions and quality. Availability, quality and functionality of any of these items cannot be, and is not, guaranteed.

Return Policy: All donations are final. The City cannot accept return of unwanted items

Requestor (please print):

Organization Name: _____
Address: _____ National City, CA. 91950
Contact Name/Requestor: _____
Phone: (____) _____ Fax: (____) _____
Email Address: _____

Items you are interested in obtaining:

____ Desks ____ Chairs ____ File Cabinets ____ Tables
____ Bookcases ____ Computer Equip ____ Misc. Office Equip. ____ Bicycles
____ Other: Please specify: _____

Verification / Authorization (see back):

Registered on GuideStar:	Yes ____ No ____	Proof/print out attached?	Yes ____ No ____
City Business License:	Yes ____ No ____	Copy Attached?	Yes ____ No ____
Non-Profit, '501C3' status:	Yes ____ No ____	Proof/copy attached?	Yes ____ No ____
Local organization:	Yes ____ No ____	Proof of address attached?	Yes ____ No ____
Purchasing Department Authorization:	_____		Date: _____

Release of Liability:

The undersigned hereby certifies that he or she is authorized to sign this document on behalf of the requesting agency, and that the requesting agency thereby agrees to indemnify and hold harmless, and at its own risk, cost and expense, defend the City, its officers, agents and employees from and against any and all liability, loss or expense to persons or property, including defense costs, legal fees, and claims for damages, arising out of, or related to, the access to or use of City property, including access to City facilities, and viewing, selection, removal, loading/unloading, or eventual use or transfer of donated/surplus/unclaimed property by the requesting agency and any person using, operating or handling that property. The requesting agency further certifies that no guarantees or representations have been made regarding the donated surplus/unclaimed property requested, and as a condition of its transfer from the City thereby waives any and all claims that it may ever have against the City arising from the use or operation of the donated/surplus/unclaimed property.

Requestor Signature: _____ Date: _____
Purch:H:Forms:Rqst-Don 4/20/04

Definition of 'Non-Profit' Organizations:

According to the Tax Code, non-profit organizations are defined as:

"Corporations, and any community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary, or educational purposes, or to foster national or international amateur sports competition (but only if no part of its activities involve the provision of athletic facilities or equipment), or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation (except as otherwise provided in subsection (h)), and which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of (or in opposition to) any candidate for public office." Proof to be submitted with this form.

Verification of Non-Profit Status:

All non-profit '501C3' agencies requesting a donation of surplus/unclaimed property, must have a National City business license showing them as tax-exempt. Business licenses may be obtained from the City's Finance Department at 1243 National City Blvd., (619)336-4341 or (619)336-4330. Registration with GuideStar, the national database for non-profit organizations (www.guidestar.org), is also recommended. Proof of GuideStar registry (if available), and a copy of the City's business license must be submitted with this form.

Definition of 'Local':

To be eligible to receive donations of surplus city property, the non-profit organization must have a physical address within the City limits. Proof of local address must be submitted with this form.

Availability of Surplus/Unclaimed property:

Surplus/Unclaimed property is processed for disposal several times per year depending on storage space limitations. If the surplus property is not needed by any other department within the City, it will be made available for donation. Known local, non-profit '501C3' organizations will be notified by mail when surplus property is available. Questions should be directed to the Purchasing Department (619)336-4570.

Use of City Forces Prohibited:

The use of City forces or equipment for loading or delivery of donated items is not allowed. Recipient must provide their own labor force, loading equipment and transportation vehicles. Recipient must pick merchandise up from the Purchasing Department.

Internal Process:

- City departments and Council members will be sent a list of available property, and will be given first choice of surplus property items they may need for City use.
- Remaining surplus city property and good quality bicycles from the Police Department's Unclaimed Property unit, will be made available for donation. Note: The Police Department will identify good quality bikes from Unclaimed Personal Property, and arrange with Public Works to have them transported to Purchasing for donation/disposal.
- Purchasing will notify local, non-profit '501C3' agencies by mail, when surplus property is available. If interested, they can request details from Purchasing regarding dates, times, location, etc. This will give Purchasing an idea of how many agencies may attend the donation 'event'.
- Non-Profit agencies must submit required documents (See page 1 of Donation Form regarding Requirements), to the Finance Department/Purchasing Division at 1243 National City Boulevard, National City, Ca. on the announced donation date. Agencies not meeting the stated requirements, will be disqualified.
- If only one agency wants a particular item, it will be given. If multiple agencies want a particular item, a name will be drawn from a hat. If multiple agencies want more than one of a particular item (bikes, computers, etc), the selection process will be conducted in 'Round Robin' style.
- No council members or city staff may select items for another individual or another organization unless it is a special project that has been approved by the City Council.

- Purchasing will submit a summary report to City Manager and Council members after each donation/auction process is complete.
- After each donation process is complete, remaining items will be sent to auction or otherwise disposed of in accordance with the Ordinance.
- Proceeds from auctions will be deposited in accordance with the City's Municipal Code

ORIGINAL

**Report regarding donation of surplus property to
local non-profit '501C3' organizations**

Prepared by: Brenda E. Hodges, C.P.M., Purchasing Agent

Council Agenda: May 6, 2003

Background:

At the request of the City Manager's office, this report was prepared to address an inquiry from Councilman Natividad regarding the possibility of donating surplus property to local non-profit '501C3' organizations.

Donations to non-profits are possible, but decisions need to be made regarding:
How do we identify non-profit organizations? See definitions below
What should we donate? See types of surplus property below.
How should we donate? See options below.

How Do We Identify Non-Profit '501C3' Organizations?

Non-Profit Organizations Defined:

According to the Tax Code, non-profit organizations are defined as:

"Corporations, and any community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary, or educational purposes, or to foster national or international amateur sports competition (but only if no part of its activities involve the provision of athletic facilities or equipment), or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation (except as otherwise provided in subsection (h)), and which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of (or in opposition to) any candidate for public office."

Local:

Per the City Attorney, to be eligible to receive donations of surplus city property, the non-profit organization must have a physical address within the City limits.

Number of Non-Profit Agencies:

According to GuideStar, a national database of non-profit organizations, there are 88 non-profit organizations identified in the City of National City. Records from our Finance Department show 76 agencies, however their list only includes those organizations with

business licenses. In cross-referencing the two lists, it was determined that not all listings match. There could be about 100 organizations if both lists were merged.

Recommendation:

Accept the above definitions for 'Non-Profit' and 'Local'.

Accept both GuideStar and Finance Department lists as identification of non-profits in National City.

Require any non-profit organization to obtain a City business license prior to granting them a donation of surplus city property.

What Should We Donate?

Types of Surplus Property:

There are three categories of surplus property that are handled in different ways.

Police Department unclaimed property.

According to Municipal Code, Chapter 2.44, unclaimed property must be auctioned and sold to highest bidder, after expiration of the applicable retention period. Current practice is that these items are sent to auction locally, with H&M Goodies performing the service. Donating these items would require a change to Ordinance 1673, and Municipal Code Chapter 2.44. Auction proceeds are deposited into the City's Asset Forfeiture Fund, and the amount varies depending on the type, quantity and quality of items being sold. Quality of items is typically 'good'. Sample prices obtained for bikes at auction: \$10.00-\$50.00.

Recommendation: Unclaimed property consists of a very random selection of merchandise, however bicycles are always available. It is recommended that donations of unclaimed property be limited to bicycles since they are consistently available. Change Municipal Code and Ordinance.

Vehicles.

According to Ordinance 1673, and Municipal Code Chapter 2.42.040B, and Ordinance 92-204, any item with a value exceeding \$1000 must be: sold via solicitation of sealed bids in a local newspaper, sold via County Cooperative auction, or consigned to a vendor to sell on our behalf. Occasionally a 'special use' vehicle has been consigned, but typically they are sold at the County Cooperative auction. Donating vehicles would require a change to the referenced Ordinance(s) and Municipal Code. Auction proceeds are deposited into the City's General Fund. Proceeds vary depending on the type, quantity and quality of the vehicles being sold. Quality of items varies per vehicle due to age, high mileage, accident damage, etc. Sample prices obtained at auction:

'97 Ford Crown Vic	\$5000.00
'96 Ford Crown Vic	\$3750.00-\$4500.00
'96 Ford Taurus	\$2600.00-\$4500.00
'94 Olds Achieva Sedan	\$2750.00

'94 Buick Century Sedan	\$2900.00
'89 Chevy Pick Up Truck	\$3100.00
'89 Ford Passenger Van	\$4000.00
'87 GMC Dump Truck	\$7000.00
'72 Dodge Water Truck	\$3500.00

Recommendation: That we do not donate vehicles due to their significant value to the City.

Miscellaneous City property.

According to Ordinance 1673 and Municipal Code Chapter 2.42.040A, items with a value of less than \$1000 may be disposed on the open market without going to auction. In accordance with Municipal Code Chapter 2.42.03, these items are first offered to other City departments, and the remaining items are sold. These items are typically combined with Police Unclaimed Property and sent to H&M Goodies for auction. Auction proceeds are deposited into the City's General Fund. Proceeds vary depending on the type, quantity and quality of items being sold. Occasionally surplus items are still functional, and are being disposed of because they are no longer needed. Most of the time, the quality of these items is poor. Departments usually declare an item surplus because it's broken or too costly to repair. Value: The last 3 auctions resulted in proceeds of \$291.55, \$564.80, and \$1446.70. Sample prices:

Desks:	\$10.00-\$50.00
Computers	\$10.00-\$20.00
Printers:	\$5.00-\$25.00
Tables:	\$5.00-\$20.00
Chairs:	\$3.00-\$12.00
File Cabinet	\$12.00-\$17.00
Bookcase:	\$5.00-\$15.00
Tires:	\$5.00
Tool Boxes:	\$5.00

Recommendation: That we make all miscellaneous city property available for donation. These common items could benefit non-profit organizations, but their donation will have minimal impact on City's General Fund, due to relatively low value of items. Change Municipal Code and Ordinance.

How Should We Donate?

Past Practice:

Neither the Municipal Code, or Ordinance 1673 specifically address the option of donation. In the past, Council has occasionally received requests from other agencies,

and authorized donations of the miscellaneous surplus property to Tecate Fire Department, and to the Mayor of Tecate. The donations have been considered a humanitarian effort.

Procedure: Purchasing staged the surplus property as usual, offered it to City departments, then provided a list of remaining items to the Mayor. The Mayor confirmed interest in the items (all or nothing), coordinated the date/time of pick up with the recipient and notified Purchasing. Purchasing supervised the removal of items from the warehouse, and notified Finance of any fixed assets that needed to be removed from the City's inventory.

Future Options:

Respond to Specific Requests

As we've done in the past we can continue to respond to specific requests from non-profit organizations, as they come up and as merchandise is available.

Recommendation: Requests should be submitted to, and approved by, a Council member. If the organization meets the criteria outlined above, the request can be forwarded to Purchasing for coordination. Purchasing will still make sure that City departments have the opportunity to claim the items prior to making them available for donation.

Solicit Interest

If the intent is to donate as much surplus as possible, to as many organizations as possible, then advertisement will be necessary.

Prior to each auction, an ad could be placed in the local newspaper (approx. cost of ad: \$40). Or,

Postcards could be mailed to the non-profit organizations on the list (approx cost \$45 for postage, cards, labels). Or,

An application/registration system could be set up, and those organizations could be contacted via postcard or phone call when the time comes to dispose of the property in which they are interested.

Concerns with soliciting interest:

If we have too many interested parties, we may have to deal with 'first-come-first-served' or develop a lottery system if two organizations want the same item(s).

The warehouse is only staffed Tuesday-Thursday, otherwise there is no one available to deal with surplus property. In order to minimize disruption to Purchasing and Warehouse activities, specific days/times may have to be set aside for non-profit agencies to 'come and look' at the items available.

Availability of Surplus

Auctions for surplus and unclaimed property are coordinated when several things occur (usually about every 6 months):

when we run out of space in the warehouse,

when we have sufficient items to make the task worthwhile

when the Police Department needs to unload their unclaimed property.

Legal Issues:

Gift of Public Funds?

According to the City Attorney, we don't need to be concerned with the issue of 'gift of public funds', if the non-profit organization is located in National City. It can be assumed that assisting the non-profit, will also assist the citizens that they serve, and that the donation will result in a benefit to the community.

Liability:

A Release of Liability Agreement will need to be drafted by the City Attorney's office, to release the City from any liability resulting from the recipient getting injured on City property while picking the items up, loading/unloading, or from use of a defective product (ie: recipient gets hurt when leg of donated chair falls off).

Use of City Forces:

To reduce liability, it is recommended that we do not allow use of City forces or equipment for loading or delivery of donated items. Recipient must provide their own labor force, loading equipment and vehicles, and they must pick merchandise up from where it is currently being stored.

CITY COUNCIL POLICY

CITY OF NATIONAL CITY

TITLE: Procedure for Disclosure of Ex Parte Contacts

POLICY #116

ADOPTED: February 6, 2007

AMENDED:

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

ADOPTED: February 6, 2007**AMENDED:**

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

ADOPTED: February 6, 2007

AMENDED:

Deleted: /REVISED

Purpose

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Related Policy References

None

[Prior Policy Amendments](#)

[None](#)

CITY COUNCIL POLICY

CITY OF NATIONAL CITY

TITLE: Procedure for Disclosure of Ex Parte Contacts

POLICY #116

ADOPTED: February 6, 2007

AMENDED/REVISED:

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 pertaining to that matter outside the public meeting.

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Related Policy References

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:
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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).

- 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).

- 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

TITLE: Distribution and Reporting of Tickets and Passes Distributed to, or at the behest of, a City Official

POLICY #117

ADOPTED: April 19, 2011

AMENDED:

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 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.

ADOPTED: April 19, 2011

AMENDED:

- 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:
- 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.

TITLE: Distribution and Reporting of Tickets and Passes Distributed to, or at the behest of, a City Official

POLICY #117

ADOPTED: April 19, 2011

AMENDED:

- 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;
 - 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.

**TITLE: Distribution and Reporting of Tickets and
Passes Distributed to, or at the behest of, a City Official**

POLICY #117

ADOPTED: April 19, 2011

AMENDED:

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.

Related Policy References

See Section 1.0 above

Prior Policy Amendments

none

TITLE: Distribution and Reporting of Tickets and Passes **POLICY #117**
Distributed to, or at the behest of, a City Official.

ADOPTED: April 19, 2011

AMENDED/REVISED:

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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.

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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.

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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

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- 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.

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- 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.

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3.0 Definitions

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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).

- 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.

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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.

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

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

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

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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.

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4.0 General Provisions

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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.

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4.2 **Limitation on Transfer of Tickets:** Tickets distributed to a City official pursuant to this Policy shall not be transferred to any other person, except to members of the City official's immediate family solely for their personal use.

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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.

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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.

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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

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the City's website in compliance with FPPC regulations and Section 6.2 of this Policy.

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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.

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4.7 Valuation of Tickets: The City Manager shall determine the face value of all Tickets distributed by the City pursuant to this Policy.

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5.0 Distribution of Tickets

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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:

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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.

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6.0 Disclosure Requirements

6.1 This policy shall be permanently posted on the City's website in a prominent fashion.

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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:

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- 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;

- 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

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7.0 **Exceptions**

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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.

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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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Related Policy References

See Section 1.0 above

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Prior Policy Amendments

none

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CITY COUNCIL POLICY

CITY OF NATIONAL CITY

**TITLE: Distribution and Reporting of Tickets and
Passes Distributed by the Council to City Officials**

POLICY #117

ADOPTED: April 19, 2011

AMENDED/REVISED:

1.0 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.

2.0 Organizations Affected

The City of National City and the Community Development Commission of the City of National City (CDC). All references within this Policy to "City" shall also apply to the CDC.

3.0 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).
- c. National City Conflict of Interest Code.
- d. Government Code Section 82048
- e. California Code of Regulations Sections 18944.1 and 18701.

4.0 Policy

- 4.1 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.
- 4.2 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.

5.0 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).

- 5.1 "City" or "City of National City" means and includes the City of National City, the Community Development Commission of the City of National City, and any other affiliated agency created or activated by the National City City Council, and any commission, committee, board or department thereof.
- 5.2 "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.
- 5.3 "FPPC" means the California Fair Political Practices Commission.
- 5.4 "Immediate Family" means an individual's spouse and dependent children.

- 5.5 "Policy" means City Policy which governs the distribution, use and reporting of tickets and passes controlled by the City.
- 5.6 "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.

6.0 General Provisions

- 6.1 **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.
- 6.2 **Limitation on Transfer of Tickets:** Tickets distributed to a City official pursuant to this Policy shall not be transferred to any other person, except to members of the City official's immediate family solely for their personal use.
- 6.3 **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.
- 6.4 **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.
- 6.5 **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 8.2 of this Policy.
- 6.6 **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.
- 6.7 **Valuation of Tickets:** The City Manager shall determine the face value of all Tickets distributed by the City pursuant to this Policy.

7.0 Distribution of Tickets

- 7.1 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:
- a. The performance of a ceremonial role or function by a City official on behalf of the City at an event.
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 - d. Promotion of City resources and/or facilities available to National City residents.
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- 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.

7.2 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 8.2 of this Policy.

8.0 Disclosure Requirements

- 8.1 This policy shall be permanently posted on the City's website in a prominent fashion.
- 8.2 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:
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 - b. A description of the event;
 - 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.

8.3 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 8.2

9.0 Exceptions

9.1 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.

9.2 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.