

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

**MEETING DATE:** October 8, 2013

**AGENDA ITEM NO. 1**

**ITEM TITLE:**

Resolution of the City Council of the City of National City adopting the amended Chapter 100 "Administration and Policy Management" of the City Council Policy Manual which includes amending policies (101,102, 104-111, 113-117 and deleting policies (103 and 112).

**PREPARED BY:** Leslie Deese, City Manager 619-336-4240

**DEPARTMENT:** City Manager/City Attorney

**PHONE:** Claudia, Silva, City Attorney, 619-336-4220

**APPROVED BY:** 

**EXPLANATION:**

See attached

**FINANCIAL STATEMENT:**

**APPROVED:** \_\_\_\_\_ Finance

**ACCOUNT NO.:**

**APPROVED:** \_\_\_\_\_ MIS

N/A

**ENVIRONMENTAL REVIEW:**

N/A

**ORDINANCE:** INTRODUCTION:

FINAL ADOPTION:

**STAFF RECOMMENDATION:**

Adopt Resolution

**BOARD / COMMISSION RECOMMENDATION:**

N/A

**ATTACHMENTS:**

- 1) Staff Report
- 2) Resolution
- 3) Policies (See staff report)

## 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.

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. The City Council met at a special workshop on June 11, 2013 to review and comment on these policies.

A second workshop was scheduled for October 8 to review the final drafts of Chapter 100 as well as first drafts of Chapters 200-500. In addition, Council directed staff to bring back a draft policy establishing meetings between the Mayor and Vice Mayor. As discussed in previous staff reports, new policies will be brought forward to a future Council meeting once remaining policies chapters have been reviewed and approved by the Council.

## 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.

The information before you includes the final drafts of Chapter 100 policies, a resolution adopting said policies; and the first drafts of Chapter 200-500 policies. Subsequent chapters, and any new policies, will be brought forward to future Council meetings.

To ensure the Council had sufficient time to review the proposed changes to the policies, the following documents were distributed on September 24, 2013:

**Chapter 100 (with yellow inserts between each policy)**

- A list of significant changes made at the June 13, 2013 Council workshop
- A copy with changes identified (where applicable)
- Final draft for Council review and approval (watermarked "Final Draft")

**Chapters 200-500 (with blue inserts between each policy)**

- A list of significant changes proposed by staff
- The original/existing policy (watermarked "Original")
- A draft with proposed changes identified (no watermark). Additions are underlined, deletions appear in right margin.
- A final draft that incorporates proposed changes for Council review/approval (watermarked "Draft")
- Note: We are still working on a couple of policies in the section (as noted in the Significant Changes memo). Due to the amount of rework and research needed on these policies, we did not want to delay Council's review of the other policies. Said policies will be brought back at a future meeting.

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.

RESOLUTION NO. 2013 –

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY  
ADOPTING THE AMENDED CHAPTER 100 "ADMINISTRATION AND POLICY  
MANAGEMENT" OF THE CITY COUNCIL POLICY MANUAL, WHICH  
INCLUDES AMENDING POLICIES 101, 102, 104-111, 113-117  
AND DELETING POLICIES 103 AND 112

WHEREAS, at the City Council meeting on June 11, 2013, the City Council publicly reviewed and approved the amended Chapter 100 "Administration and Policy Management" of the City Council Policy Manual, which included amending Policies 101, 102, 104-111, 113-117 and deleting Policies 103 AND 112.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of National City hereby adopts the amended Chapter 100 "Administration and Policy Management" of the City Council Policy Manual, which includes amending Policies 101, 102, 104-11, and 113-117, and deleting Policies 103 and 112.

PASSED and ADOPTED this 8th day of October, 2013.

\_\_\_\_\_  
Ron Morrison, Mayor

ATTEST:

\_\_\_\_\_  
Michael R. Dalla, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Claudia Gacitua Silva  
City Attorney

**Summary of Additional Changes**  
**Made at 6-11-13 Council Workshop**

**Chapter 100**

**Policy #101: City Council Policy Manual**

- Add: “all newly elected Council members will receive a copy of the Council Policy Manual”

**Policy #102: City Council Meeting Times**

- No additional changes proposed by City Council

**Policy #103: Special Council Meetings**

- Deleted

**Policy #104: Conduct of City Council Meetings**

- Add: “This policy applies to all Boards, Commissions and Committees”. Reference National City Municipal Code: Title 16

**Policy #105: Off Agenda Items**

- No additional changes proposed by City Council

**Policy #106: Preparation of City Council Meeting Minutes**

- Add: “webcast the meetings whenever possible”

**Policy #107: Appointments to Boards and Commissions**

- No additional changes proposed by City Council

**Policy #108: City Manager as Chief Administrative Officer**

- No additional changes proposed by City Council

**Policy #109: Travel and Training Reimbursement**

- No additional changes proposed by City Council

**Policy #110: Display of Flags**

- No additional changes proposed by City Council

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

- Add: “whether static or in motion”

**Policy #112: Document Reproduction**

- Deleted

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

- No additional changes proposed by City Council

**Policy #114: Grant Activities**

- No additional changes proposed by City Council

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

- Replace “foreign or domestic” with “Sister Cities”.

**Policy #116: Procedure for Disclosure of Ex Parte Contacts**

- No additional changes proposed by City Council

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

- No additional changes proposed by City Council

# 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.

7. Each October, the City Council and City Manager shall review the “City Council Policy Manual” for any needed additions, deletions or changes deemed appropriate at the time. Nothing in this policy shall prevent any individual member of the Council, the City Manager, or the City Attorney from bringing to the Councils’ attention any suggestions for manual revisions at other times during the year.
8. All newly elected City Council Members will receive a copy of the City Council Policy manual, and orientation from applicable department staff.

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**Related Policy References**

None

**Prior Policy Amendments**

None



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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.
8. All newly elected City Council Members will receive a copy of the City Council Policy manual, and orientation from applicable department staff.

**Related Policy References**

None

**Prior Policy Amendments**

None

FINAL DRAFT

# CITY COUNCIL POLICY

## CITY OF NATIONAL CITY

<b>TITLE: City Council Meeting Times</b>	<b>POLICY #102</b>
<b>ADOPTED: April 7, 1981</b>	<b>AMENDED:</b>

### **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: 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

# 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.

This policy applies to all Boards, Commissions and Committees.

### **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)

National City Municipal Code, Title 16

### **Prior Policy Amendments**

None

# 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**

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This policy applies to all Boards, Commissions and Committees.

### **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)

National City Municipal Code, Title 16

### **Prior Policy Amendments**

None

# 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

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

**POLICY #105**

**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



# 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; and to webcast the meetings whenever possible. Hard copies of the Council meeting agendas and minutes will be available in the City Clerk’s office. Minutes and video recordings will be maintained on the City’s website for a minimum of three years from the date of original posting.

### **Related Policy References**

None

### **Prior Policy Amendments**

None

# CITY COUNCIL POLICY

## CITY OF NATIONAL CITY

**TITLE: 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; and to webcast the meetings whenever possible. Hard copies of the Council meeting agendas and minutes will be available in the City Clerk’s office. Minutes and video recordings will be maintained on the City’s website for a minimum of three years from the date of original posting.

### Related Policy References

None

### Prior Policy Amendments

None

# CITY COUNCIL POLICY

## CITY OF NATIONAL CITY

**TITLE: Appointments to Boards and Commissions**

**POLICY #107**

**ADOPTED: June 17, 1986**

**AMENDED:**

### 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: 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: 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.

**ADOPTED: September 19, 2006**

**AMENDED:**

**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: 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- 3<sup>rd</sup> Monday in February
  - c) Armed Forces Day- 3<sup>rd</sup> Saturday in May
  - d) Memorial Day- the last Monday in May
  - e) Flag Day- June 14
  - f) Independence Day- July 4
  - g) Labor Day- 1<sup>st</sup> Monday in September
  - h) California Admission Day- September 9
  - i) Patriot Day- September 11
  - j) Veteran's Day- November 11
  - 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:



**TITLE: Display of Flags**

**POLICY #110**

**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:** 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, whether static or in motion, in non-safety related capacities including parades, funerals and other events.

### **Policy**

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

### **Related Policy References**

New Administrative Policy # \_\_\_\_\_

### **Prior Policy Amendments**

January 7, 1992

# CITY COUNCIL POLICY

## CITY OF NATIONAL CITY

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

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### **Related Policy References**

New Administrative Policy # \_\_\_\_\_

### **Prior Policy Amendments**

January 7, 1992

# CITY COUNCIL POLICY

## CITY OF NATIONAL CITY

<b>TITLE:</b> Document Reproduction	<b>POLICY #112</b>
<b>ADOPTED:</b> October 17, 1989	<b>AMENDED:</b>

**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

<b>TITLE: Unauthorized Disclosure of Information Revealed in Closed Sessions</b>	<b>POLICY #113</b>
<b>ADOPTED: March 12, 1996</b>	<b>AMENDED:</b>

**Purpose**

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

**Policy**

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

1. Referral to the Office of the District Attorney for prosecution for violation of Government Code Section 1098.
2. Referral to the Office of the District Attorney for prosecution for violation of Government Code Section 1222.
3. Referral to the Office of the District Attorney for prosecution for violation of Government Code Section 3060.
4. Referral of a council member who has willfully disclosed confidential information in violation Government Code section 54963 to the grand jury.
5. Obtaining an injunction to prevent further unauthorized disclosure of information revealed in a closed session.
6. In the event an unauthorized disclosure is committed by a member of the City Council, that member may be censured by a majority vote of the City Council. Prior to imposing censure, the member subject to censure must first be provided 10 calendar days' notice of the City Council's intention to impose the censure, and be given an opportunity to respond to the proposed censure.
7. In the event an unauthorized disclosure is committed by a member of the City staff, that staff member may be subject to disciplinary action.

**CITY COUNCIL POLICY**  
**CITY OF NATIONAL CITY**

<b>TITLE: Unauthorized Disclosure of Information Revealed in Closed Sessions</b>	<b>POLICY #113</b>
<b>ADOPTED: March 12, 1996</b>	<b>AMENDED:</b>

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

# CITY COUNCIL POLICY

## CITY OF NATIONAL CITY

<b>TITLE:</b> Unauthorized Disclosure of Information Revealed in Closed Sessions	<b>POLICY #113</b>
<b>ADOPTED:</b> March 12, 1996	<b>AMENDED:</b>

**== 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).)

# CITY COUNCIL POLICY

## CITY OF NATIONAL CITY

**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



**CITY COUNCIL POLICY**  
**CITY OF NATIONAL CITY**

<b>TITLE: Unauthorized Disclosure of Information Revealed in Closed Sessions</b>	<b>POLICY #113</b>
<b>ADOPTED: March 12, 1996</b>	<b>AMENDED:</b>

views, unless their expression substantially disrupts the council meeting.  
(Richard v. City of Pasadena (1995) U.S. Dist. Ct. C.D. Cal.)

FINAL DRAFT

# 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

# CITY COUNCIL POLICY

## CITY OF NATIONAL CITY

<b>TITLE: Grant Review Policy</b>	<b>POLICY # 114</b>
<b>ADOPTED: February 13, 2001</b>	<b>AMENDED:</b>

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

# CITY COUNCIL POLICY

## CITY OF NATIONAL CITY

<b>TITLE: Donation of Surplus City Property and Police Dept. Unclaimed Personal Property</b>	<b>POLICY #115</b>
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**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, ~~and Sister Cities~~.
- Local Non-Profit 501(c)(3) Organizations: As defined by the IRS: non-profit 501(c)(3) organizations "must be organized and operated exclusively for exempt purposes set forth in section 501(c)(3), and none of its earnings may inure to any private shareholder or individual. In addition, it may not be an action organization, i.e., it may not attempt to influence legislation as a substantial part of its activities and it may not participate in any campaign activity for or against political candidates." Organizations are "commonly referred to as charitable organizations". In order to be considered "local", the organization must have a physical address within the City limits, and a valid National City Business License. The organization must be able to show proof of 'local' and 'non-profit' 501(c)(3) status.
- Surplus City Property: is defined by Municipal Code 2.42 as "supplies or equipment belonging to the City which are no longer used or which have become obsolete or worn out or which are otherwise of no further use."
- Police Department Unclaimed Personal Property: is defined in Municipal Code Chapter 2.44 as "goods or chattels which are no longer possessed by their lawful owner and for which demand by right has not been asserted by such lawful owner." After a specified retention period, the Police Department may release items for distribution or disposal in accordance with Code.

Deleted: foreign or domestic

# CITY COUNCIL POLICY

## CITY OF NATIONAL CITY

<b>TITLE: Donation of Surplus City Property and Police Dept. Unclaimed Personal Property</b>	<b>POLICY #115</b>
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<b>ADOPTED: June 17, 2003</b>	<b>AMENDED:</b>
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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.

### **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.

# 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:**

### **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](http://www.guidestar.com)
- confirm valid business license for local non-profit 501(c)(3) agencies
- ensure completion of a "Request for Donation" form and signatures
- document the donation
- ensure that City property tags, and other sensitive City information (hard drives, etc) have been removed from the property
- notify the Finance Department to remove applicable items from the City's Fixed Asset Inventory.

### **Related Policy References**

Municipal Code Chapter 2.42

Municipal Code Chapter 2.44

IRS Code 501(c)(3)

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

### **Prior Policy Amendments**

April 20, 2004

# CITY COUNCIL POLICY

## CITY OF NATIONAL CITY

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

# 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:**

- “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.



# 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:**

### 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](http://www.guidestar.com)
- confirm valid business license for local non-profit 501(c)(3) agencies
- ensure completion of a "Request for Donation" form and signatures
- document the donation
- ensure that City property tags, and other sensitive City information (hard drives, etc) have been removed from the property
- notify the Finance Department to remove applicable items from the City's Fixed Asset Inventory.

### Related Policy References

Municipal Code Chapter 2.42

Municipal Code Chapter 2.44

IRS Code 501(c)(3)

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

### Prior Policy Amendments

April 20, 2004

# CITY COUNCIL POLICY

## CITY OF NATIONAL CITY

**TITLE:** Procedure for Disclosure of Ex Parte Contacts

**POLICY #116**

**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

# CITY COUNCIL POLICY

## CITY OF NATIONAL CITY

<b>TITLE:</b> Procedure for Disclosure of Ex Parte Contacts	<b>POLICY #116</b>
<b>ADOPTED:</b> February 6, 2007	<b>AMENDED:</b>

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

Fortunately, in the event an ex parte contact occurs, disqualification of the official making the contact can be avoided and "cured" by disclosure of the contact at the time of

the public hearing. (*Jeffrey v. City of Salinas*). Therefore, if an ex parte contact occurs, it is of the utmost importance that the contact be disclosed.

### **Policy**

1. Members of the City Council and of the City's boards and commissions shall keep a written record of all ex parte contacts, as that term is explained in this Policy.
2. At the time an agenda item is called, and prior to any discussion of the item, any member of the City Council or of a board or commission who has received an ex parte contact pertaining to that item shall disclose the occurrence of that ex parte contact on the public record.
3. City staff shall endeavor to inform all persons intending to appear before the City Council or any of the City's boards or commissions of this Policy.
4. Under no circumstances shall a person make ex parte contacts with a majority of the members of the City Council or of the City's boards or commissions in order to develop a consensus or a collective concurrence as to an item to be considered and/or acted upon by the City Council, board or commission. Such conduct is violative of the Ralph M. Brown Act.

### **Related Policy References**

None

### **Prior Policy Amendments**

None

# CITY COUNCIL POLICY

## CITY OF NATIONAL CITY

<b>TITLE: Distribution and Reporting of Tickets and Passes Distributed to, or at the behest of, a City Official</b>	<b>POLICY #117</b>
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<b>ADOPTED: April 19, 2011</b>	<b>AMENDED:</b>
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### Background

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

### Purpose

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

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

### Organizations Affected

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

### 1.0 References

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

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

### **2.0 Policy**

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

### **3.0 Definitions**

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

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3.1 "City" or "City of National City" means and includes the City of National City, the Community Development Commission of the City of National City, the Successor Agency to the Community

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

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

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

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

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

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

#### 4.0 General Provisions

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

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

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person, except to members of the City official's immediate family solely for their personal use.

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

### **5.0 Distribution of Tickets**

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

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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.



# CITY COUNCIL POLICY

## CITY OF NATIONAL CITY

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- 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;

# CITY COUNCIL POLICY

## CITY OF NATIONAL CITY

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- c. The date of the event;
- d. The face value of the Ticket;
- e. The number of Tickets provided to each person.
- f. If the Ticket was distributed at the behest of a City official, the name of the City official who made the behest; and
- g. A description of the public purpose(s) furthered by the Ticket distribution or, alternatively, that the City official is treating the Ticket as income.

6.3 Tickets distributed by the City for which the City receives reimbursement from the City official shall not be subject to the disclosure provisions of Section 6.2

### 7.0 Exceptions

7.1 A Ticket to a non-profit fundraising dinner is generally treated as a gift to the individual under FPPC Regulation 18946.4. This Policy would not apply because the Ticket is not for admission to an event or facility "for an entertainment, amusement, recreational or similar purpose." The Ticket is reportable on the official's Statement of Economic Interests.

7.2 Where admission to a luncheon, dinner, or reception is not provided by a Ticket, but by invitation, this Policy does not apply. The value of the admission is reportable on the official's Statement of Economic Interests, unless the admission is provided by the City to the official who is attending the event as part of his/her official duties, in which case the admission is not reportable by the individual, but by the City under FPPC Regulation 18944.2.

**CITY COUNCIL POLICY**  
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**Related Policy References**

See Section 1.0 above

**Prior Policy Amendments**

none

FINAL DRAFT