

**CITY COUNCIL OF MONTEREY PARK
THE CITY COUNCIL ACTING ON BEHALF OF THE SUCCESSOR AGENCY OF THE FORMER
REDEVELOPMENT AGENCY, THE HOUSING AUTHORITY, THE MONTEREY PARK FINANCING
AUTHORITY AND THE MONTEREY PARK GEOLOGIC HAZARD ABATEMENT DISTRICT
AGENDA**

**REGULAR CITY COUNCIL MEETING
MONTEREY PARK CITY HALL COUNCIL CHAMBERS
320 W. NEWMARK AVENUE, MONTEREY PARK, CA 91754**

**Wednesday
May 4, 2022
6:30 p.m.**

MISSION STATEMENT

The mission of the City of Monterey Park is to provide excellent services
to enhance the quality of life for our entire community.

GENERAL INFORMATION

Documents related to an Agenda item are available to the public in the City Clerk's Office located at 320 West Newmark Avenue, Monterey Park, CA 91754, during normal business hours and the City's website at <http://www.montereypark.ca.gov/AgendaCenter/City-Council-17>.

The public may watch the meeting live on the city's cable channel MPKTV (AT&T U-verse, channel 99 or Charter Communications, channel 182) or by visiting the city's website at <http://www.montereypark.ca.gov/133/City-Council-Meeting-Videos>.

PUBLIC PARTICIPATION

You may speak up to 5 minutes on Agenda item. You may combine up to 2 minutes of time with another person's speaking. No person may speak more than a total of 10 minutes. The Mayor and City Council may change the amount of time allowed for speakers. Written Communication will be accepted up to 24 hours before the meeting via email to mpclerk@montereypark.ca.gov.

Per the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please call City Hall at (626) 307-1359 for reasonable accommodation at least 24 hours before a meeting. Council Chambers are wheelchair accessible.

CALL TO ORDER	Mayor
FLAG SALUTE	The Monterey Park Color Guard
ROLL CALL	Peter Chan, Hans Liang, Henry Lo, Yvonne Yiu

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS

PUBLIC COMMUNICATIONS:

While all comments are welcome, the Brown Act does not allow the City Council to take action on any item not on the agenda. The Council may briefly respond to comments after Public Communications is closed. Persons may, in addition to any other matter within the City Council's subject-matter jurisdiction, comment on Agenda Items at this time. If you provide public comment on a specific Agenda item at this time, however, you cannot later provide comments at the time the Agenda Item is considered.

STAFF COMMUNICATIONS:

- Recreation
- Library
- Public Works

[1.] PRESENTATION**1-A. DROUGHT RESILIENCE AND WATER CONSERVATION****[2.] OLD BUSINESS****2-A. DISTRICT NO. 3 CITY COUNCIL SEAT VACANCY**

It is recommended that the City Council consider:

- (1) Providing direction for (1) appointing an eligible elector to fill the vacancy; or (2) call for an election to fill the vacancy; or
- (2) Taking such additional, related, action that may be desirable.

[3.] CONSENT CALENDAR ITEM NOS. 3A-3D**3-A. CONSIDERATION AND POSSIBLE ACTION TO ADOPT A RESOLUTION TO RECORD A NOTICE OF NUISANCE ABATEMENT LIEN AGAINST CERTAIN PROPERTY IN THE CITY (APN 5254-002-031)**

It is recommended that the City Council:

- (1) Adopt a resolution to record a Notice of Nuisance Abatement Lien; and/or
- (2) Taking such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act):

Adoption of this Resolution is exempt from the California Environmental Quality Act ("CEQA") under CEQA Guidelines § 15061(b)(3) because it can be seen with certainty that there is no possibility that the action proposed by the proposed resolution would have a significant effect on the environment.

3-B. LEGISLATIVE SUBPOENAS; AUTHORIZATION TO ISSUE LEGISLATIVE SUBPOENAS REGARDING THE POTENTIAL TERMINATION OF THE DEVELOPMENT AGREEMENT BETWEEN THE CITY AND CENTER INT’L INVESTMENTS, INC.

It is recommended that the City Council consider:

- (1) Adopting a Resolution establishing procedures for issuing legislative subpoenas in accordance with California law;
- (2) Adopting a Resolution authorizing the Mayor and City Clerk to issue legislative subpoenas for testimony and records related to the potential termination of the Development Agreement (adopted in 2021) and Center Int’l Investments, Inc.; and
- (3) Taking such additional, related, action that may be desirable.

3-C. NATIONAL POLICE WEEK RESOLUTION

It is recommended that the City Council consider:

- (1) Adopting a Resolution declaring the week of May 15 through 21, 2022 to be National Police Week in the City of Monterey Park; and
- (2) Taking such additional, related, action that may be desirable.

3-D. PUBLIC WORKS WEEK RESOLUTION

It is recommended that the City Council consider:

- (1) Adopting a Resolution declaring the week of May 15 through 21, 2022 as Public Works Week in Monterey Park; and
- (2) Taking such additional, related, action that may be desirable.

[4.] PUBLIC HEARING

4-A. CONTINUATION OF THE MONTEREY PARK GEOLOGIC HAZARD ABATEMENT DISTRICT (“MPK GHAD”)

It is recommended that the Board of Directors consider:

- (1) Continuing the continued public hearing to December 21, 2022; and
- (2) Taking such additional, related, action that may be desirable.

4-B. RESOLUTION FOR AUTHORIZATION TO APPROVE PLANS AND SPECIFICATIONS AND TO SOLICIT BIDS FOR CAPITAL IMPROVEMENT PROJECTS

It is recommended that the City Council consider:

- (1) Opening a public hearing to receive documentary and testimonial evidence;
- (2) After closing the public hearing and considering the evidence, adopting a Resolution finding the Capital Improvement Plan (“CIP”) conforms with the General Plan, Authorizing the City Engineer to Approve Plans and Specifications for Capital Improvement Projects, and Authorizing the Public Works Director to Solicit Bids for Capital Improvement Projects identified in the CIP; and
- (3) Taking such additional, related, action that may be desirable.

[5.] NEW BUSINESS

5-A. CONSIDER AN ORDINANCE AMENDING MONTEREY PARK MUNICIPAL CODE CHAPTER 2.82.60 REGULATING THE APPOINTMENT PROCEDURES FOR BOARDS, COMMISSIONS AND COMMITTEES

It is recommended that the City Council consider:

- (1) Introducing and waiving first reading of an ordinance amending Monterey Park Municipal Code Chapter 2.82.60 regulating the appointment procedures for boards, commissions and committees;
- (2) Approving the extension of certain commissions terms; and
- (3) Taking such additional, related, action that may be desirable.

5-B. CONSIDERATION AND POSSIBLE ACTION TO READ BY TITLE ONLY, WAIVE FURTHER READING, AND INTRODUCE AN UNCODIFIED ORDINANCE APPROVING A MONTEREY PARK POLICE DEPARTMENT MILITARY EQUIPMENT USE POLICY IN ACCORDANCE WITH CALIFORNIA ASSEMBLY BILL 481

It is recommended that the City Council consider:

- (1) Read by title only, waive further reading, and introduce an uncodified Ordinance approving Monterey Park Police Department Military Equipment Use Policy in accordance with California Assembly Bill 481; and
- (2) Taking such additional, related, action that may be desirable.

[6.] CITY COMMUNICATIONS (CITY COUNCIL)

6-A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK DECLARING MAY 6, 2022 THE DAY OF INCLUSION OF THE 140TH ANNIVERSARY OF THE PASSAGE OF THE CHINESE EXCLUSION ACT AND RECOGNIZING AND HONORING THE MONTH OF MAY 2022 AS ASIAN AMERICAN AND PACIFIC ISLANDER HERITAGE MONTH (Requested by Mayor Henry Lo)

It is recommended that the City Council consider:

- (1) Adopting a resolution declaring May 6, 2022 the Day of Inclusion of the 140th anniversary of the passage of the Chinese Exclusion Act and recognizing and honoring the month of May 2022 as Asian American and Pacific Islander Heritage Month
- (2) Taking such additional, related, action that may be desirable.

[7.] FUTURE AGENDA ITEMS

[8.] CLOSED SESSION (IF REQUIRED; CITY ATTORNEY TO ANNOUNCE)

ADJOURN



City Council Staff Report

DATE: May 4, 2022

AGENDA ITEM NO: Old Business - 2A

TO: The Honorable Mayor and City Council
FROM: Vincent D. Chang, City Clerk
SUBJECT: District No. 3 City Council Seat Vacancy

RECOMMENDATION:

It is recommended that the City Council consider:

1. Providing direction for (1) appointing an eligible elector to fill the vacancy; or (2) call for an election to fill the vacancy; or
2. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

On April 20, 2022, the City Council was presented a report regarding District 3 City Council seat vacated by the resignation of Mayor Pro Tem Fred Sornoso effective April 14, 2022. The City Clerk's office is seeking direction whether to (1) appoint an eligible elector to fill the vacancy; or (2) call for an election to fill the vacancy and leave the seat vacant. Staff will agendize for a future meeting date a staff report for Council's action to call an election to fill the vacancy. The City Council must make a decision not later than June 13, 2022. The April 20, 2022 staff report is attached for reference.

FISCAL IMPACT:

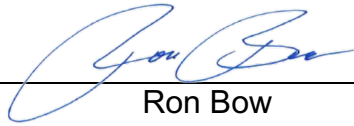
The estimated costs for the November 8, 2022, regular election including the election to fill the vacancy in District No.3 is approximately \$196,300.

Submitted by:

A handwritten signature in blue ink, appearing to read "Vincent D. Chang", is written over a horizontal line.

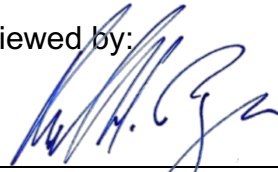
Vincent D. Chang
City Clerk

Reviewed by:



Ron Bow
City Manager

Reviewed by:



Karl H. Berger
City Attorney

ATTACHMENT:

1. April 20, 2022 City Council Staff Report

ATTACHMENT 1
April 20, 2022 City Council Staff Report



City Council Staff Report

DATE: April 20, 2022

AGENDA ITEM NO: Consent Calendar - 3B

TO: The Honorable Mayor and City Council
FROM: Vincent D. Chang, City Clerk
SUBJECT: District No. 3 City Council Seat Vacancy

RECOMMENDATION:

It is recommended that the City Council consider:

1. Receive and file this report;
2. Continue this matter until May 4, 2022; or
3. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

On March 29, 2022, the City Clerk's office received a letter of resignation from Mayor Pro Tem Fred Sornoso, effective April 14, 2022. Pursuant to Government Code §§ 1750(f) and 1770(c), the resignation letter created a vacancy on the City Council on April 14th. The term of office for the vacant position ends November 5, 2024.

BACKGROUND:

Government Code § 36512 provides that the City Council may (1) appoint an eligible elector to fill the vacancy; or (2) call for an election to fill the vacancy. That election would be combined with the regular municipal election on November 8, 2022. The City Council must make a decision not later than June 13, 2022.

If the City Council chooses to appoint a person to the vacated office, it may adopt an application process to select an appointee or simply appoint someone nominated by one or more Councilmember. Any person appointed by the City Council must be an eligible elector residing in District No. 3, i.e., a person must be a City resident and be eligible to vote in City Council District No. 3. Persons appointed to office would serve until November 8, 2022. At that time, they could seek election for the District No. 3 seat. If elected, they would serve until November 2024 at which point they could seek re-election for a four-year term

Note that the Monterey Park Municipal Code ("MPMC") provides that

“[a]ny person, who, **whether by appointment or election**, serves a partial term in public office **for more than two years** is deemed, for the purpose of this section, to have served a full four-year term.” (Emphasis added) MPMC § 2.04.040(d).

Consequently, a person who is appointed by the City Council now and is elected at the November 8, 2022 election will have served one term (out of two) for purposes of calculating the term limits in MPMC Chapter 2.04 (it would be more than two years). Accordingly, if that person was reelected in 2024 for a full four-year period, that would count as a second term.

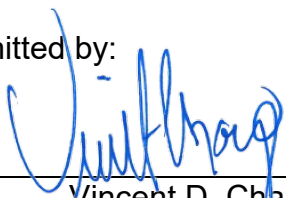
If, however, the City Council did not appoint now and instead called an election on November 8, 2022 to fill the vacant seat, the person elected to office could serve up to 10 years as a Councilmember. That is because the time between November 2022 and November 2024 would be two years (not more than two years); the individual could therefore seek office for two additional four-year terms.

Please note that a vote to appoint an individual to the City Council is a majority of the quorum. Accordingly, if only three councilmembers are present to vote, two affirmative votes will appoint.¹ Also note that the City Council’s Rules of Procedure provide that an abstention is counted with the majority vote. Thus, for example, if there were two affirmative votes for an appointment, one abstention, and one negative vote, the vote in favor of appointment would be 3-1.

FISCAL IMPACT:

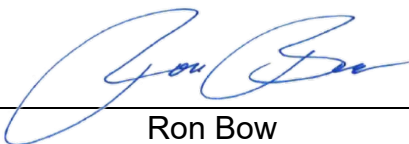
The estimated costs for the November 8, 2022, regular election including the election to fill the vacancy in District No.3 is approximately \$196,300.

Submitted by:



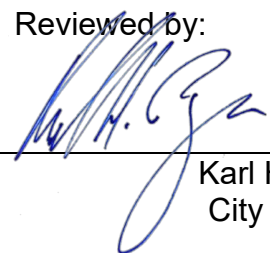
Vincent D. Chang
City Clerk

Reviewed by:



Ron Bow
City Manager

Reviewed by:



Karl H. Berger
City Attorney

¹ *Martin v. Ballenger* (1938) 25 Cal.App.2d 435.

ATTACHMENT:

1. Letter of Resignation from Mayor Pro Tem Sornoso

ATTACHMENT 1
Letter of Resignation from
Mayor Pro Tem Sornoso

CITY OF MONTEREY PARK

320 West Newmark Avenue • Monterey Park • California 91754-2896

www.montereypark.ca.gov



2022 MAR 29 A 10:51

CITY OF MONTEREY PARK

City Council

Peter Chan
Hans Liang
Henry Lo
Fred Sornoso
Yvonne Yiu

City Clerk

Vincent D. Chang

City Treasurer

Joseph Leon

March 22, 2022

City Council
c/o Vincent D. Chang, City Clerk
City of Monterey Park
320 West Newmark Ave.
Monterey Park, CA 91754

RE: Resignation from District No. 3 City Council Seat

Dear friends:

After much consideration and mixed emotion, I, Mayor Pro Tem Fred Sornoso, provide this letter of resignation to the City Council. Since April 1, 2020, when I was sworn in as a City of Monterey Park Council Member representing District #3, we were all about being "good neighbors" in our community.

My decision has nothing to do with the City or the City Council. I am very proud of all the accomplishments we made together. Perhaps my proudest achievement is the City Council's implementation of the 2020 Monterey Park Business Recovery Plan, which we passed in the middle of the COVID-19 Pandemic. I do not think any City Council – in the history of the City – achieved as much as we did while facing such global challenges.

The resignation will take effect April 14, 2022, a day that reflects a true-blue fan for my Los Angeles Dodgers, our home game "Opening Day" at Chavez Ravine.

I had hoped to continue serving the residents in my District and the entire City. Unfortunately, however, I face a serious health issue that prevents me from continuing my service.

The City Council may appoint someone to the District No. 3 seat. If the City Council chooses to make an appointment, please consider Abner Ramos. He is an outstanding candidate and would serve the District and the City well.

Thank you so much for all of your support. I will pray for all of your continued health and wisdom.

Your friend,

A handwritten signature in blue ink that reads "Fred Sornoso".

Fred Sornoso
Mayor Pro Tem



City Council Staff Report

DATE: May 4, 2022

AGENDA ITEM NO: Consent Calendar - 3A

TO: Honorable Mayor and City Council
FROM: Joaquin Vazquez, Deputy City Attorney
SUBJECT: Consideration and possible action to adopt a resolution to record a Notice of Nuisance Abatement Lien against certain property in the City (APN 5254-002-031).

RECOMMENDATION:

It is recommended that the City Council:

1. Adopt a resolution to record a Notice of Nuisance Abatement Lien; and/or
2. Take such additional, related action that may be desirable.

CEQA (California Environmental Quality Act):

Adoption of this Resolution is exempt from the California Environmental Quality Act ("CEQA") under CEQA Guidelines § 15061(b)(3) because it can be seen with certainty that there is no possibility that the action proposed by the proposed resolution would have a significant effect on the environment.

EXECUTIVE SUMMARY:

The City Council's adoption of the attached resolution would allow the City to recover its costs, including attorney's fees associated with the City's abatement of the public nuisance present on certain real property located in the City (APN 5254-002-031) (the "Property") owned by Center Int'l Investments Inc. ("CII"). The resolution authorizes the recordation of the associated Notice of Nuisance Abatement Lien in the amount of \$1,253,613.46 against the Property.

BACKGROUND AND DISCUSSION:

Despite years of City efforts to cause CII to remediate the dangerous hillside slope conditions on the Property, CII failed to make the Property safe despite its promise to do so via settlement agreement with the City and the People of the State of California (the "Settlement Agreement") in the civil case captioned *The People of the State of California, ex rel., Mark D. Hensley, City Attorney for the City of Monterey Park v. Center Int'l Investments, Inc., et al.* (filed December 31, 2015) LASC Case No. BC605788.

The Settlement Agreement authorizes the City, on behalf of the People of the State of California, to enter the Property, without additional CII consent, to remediate the dangerous hillside nuisance on the Property upon CII's failure to timely develop the Property and abate such nuisance, at CII's sole cost (Settlement Agreement § 2.A.vii, first amendment; § 2.b.5, second amendment).

After CII representatives confronting City consultants on the Property, the City Attorney also obtained a temporary judicial abatement warrant on November 17, 2021 allowing the City to implement specific winterization measures to protect the Property's hillside from harmful winter weather. To protect public health, safety, and property, the City expeditiously engaged consultants and incurred significant costs to abate the public nuisance on the Property.

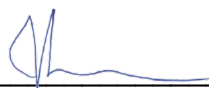
Due to CII's failure to reimburse the City for its hillside nuisance remediation costs on the Property, as required under the Settlement Agreement, Management Services Director Martha Garcia sent the attached April 1, 2022 correspondence demanding CII's payment of \$1,253,613.46 to the City, in abatement costs. As of the date of this report, the City has not received a response from CII to this demand. The City now seeks to recover its unreimbursed remediation costs pursuant to state law and the Monterey Park Municipal Code ("MPMC").

Pursuant to MPMC § 4.30.150 and Government Code § 38773.1, the City may recover its nuisance abatement costs by recording a lien against a subject property. The attached, proposed resolution would authorize the City's recordation of a Notice of Nuisance Abatement Lien against the Property. Under state law, the notice, upon recordation, would constitute a lien against the Property with the force, effect, and priority of a judgment lien. The City can foreclose against the lien through an action for money judgment. Despite certain state and local notice requirements generally associated with nuisance abatement liens, CII agreed to waive its notice and hearing rights in § 7 of the first amendment to the Settlement Agreement.

FISCAL IMPACT:

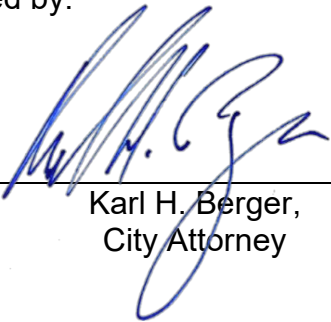
The resolution will allow the City to impose a lien on the Property in the amount of \$1,253,613.46. This is the first of several notices that will be brought to the City Council for consideration.

Respectfully submitted by:



Joaquin Vazquez,
Deputy City Attorney

Approved by:



Karl H. Berger,
City Attorney

Attachment:

1. Resolution with exhibits

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE RECORDATION OF A NUISANCE ABATEMENT LIEN AGAINST CERTAIN REAL PROPERTY LOCATED IN THE CITY (APN 5254-002-031).

The City Council does resolve as follows:

SECTION 1: The City Council finds and declares as follows:

- A. Center Int'l Investments, Inc. ("CII") is the record owner of the real property described as Los Angeles County assessor's parcel number 5254-002-031 (the "Property"), which is located in the City of Monterey Park (the "City").
- B. Despite years of City efforts to cause CII to remediate the dangerous hillside slope conditions on the Property, CII failed to make the Property safe despite its promise to do so via settlement agreement with the City and the People of the State of California (the "Settlement Agreement") in the civil case captioned *The People of the State of California, ex rel., Mark D. Hensley, City Attorney for the City of Monterey Park v. Center Int'l Investments, Inc., et al.* (filed December 31, 2015) LASC Case No. BC605788.
- C. The Settlement Agreement authorizes the City, on behalf of the People, to enter the Property, without additional CII consent, to remediate the Property's nuisance conditions upon CII's failure to timely develop the Property and abate the nuisance, at CII's sole cost (Settlement Agreement § 2.A.vii, first amendment; § 2.b.5, second amendment).
- D. On June 16, 2021, the City Council adopted Resolution No. 12555 which found and declared that an "emergency exists as to abating the Property which constitutes an imminent threat to public health and safety that requires immediate action" and authorized the City, on behalf of the People of the State of California, to itself abate the nuisance on the Property if CII failed to "commence substantial progress" towards abatement of the hillside by August 1, 2021.
- E. After CII's failure to abate, on August 25, 2021, the City Manager served CII with written Notice of Breach and Opportunity to Cure regarding its failure to commence substantial progress towards fulfillment of the Property nuisance.
- F. On October 13, 2021, the City Manager served CII with written Notice of Default of the Settlement Agreement which detailed a list of CII's failures to live up to its obligations under the entire Settlement Agreement—including, without limitation—the remediation of the Property nuisance and informed

CII of the People's intention to itself remediate the hillside nuisance on the Property.

- G. Despite the ability of the People to effectuate the hillside abatement under the Settlement Agreement, due to CII's representatives confronting City consultants on the Property, the City Attorney also obtained an abatement warrant on November 17, 2021 to further enable the People's remediation of the dangerous hillside nuisance conditions on the Property. Such abatement warrant, which expired on March 31, 2022, specifically enabled the People's implementation of winterization safety measures to protect the Property, especially the hillside, from harmful winter weather conditions.
- H. On February 16, 2022, the City Attorney informed CII's representative that the People's efforts to abate the public nuisance through the City's actions would be billed to CII on a quarterly basis. A true and correct copy of that correspondence is attached as Exhibit "A," and incorporated by reference.
- I. Subsequently, and due to CII's failure to reimburse the City for its hillside nuisance remediation costs on the Property as required under the Settlement Agreement, Management Services Director Martha Garcia sent an April 1, 2022 correspondence demanding CII's payment of \$1,253,613.46 to the City, in abatement costs, to which CII has not responded. A true and correct copy of that correspondence is attached as Exhibit "B," and incorporated by reference.
- J. Pursuant to Monterey Park Municipal Code ("MPMC") § 4.30.150 and Government Code § 38773.1, the City may recover its nuisance abatement costs by recording a lien against a subject property.
- K. The City Council seeks to approve the recordation of a lien against the Property by authorizing the City's recordation of the Notice of Nuisance Abatement ("Notice") attached as Exhibit "C" and incorporated by reference.
- L. CII agreed to waive its notice and hearing rights in § 7 of the first amendment to the Settlement Agreement

SECTION 2: Approval; Direction.

- A. The City Council approves the Notice and finds that it is true and correct.
- B. The City Council directs the City Clerk to submit the Notice with the Los Angeles County Recorder for recordation, pursuant to Government Code § 38773.1(c) and MPPC § 4.30.150(c).

SECTION 4: Severability. If any part of this Resolution or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications, and to this end, the provisions of this Resolution are severable.

SECTION 5: Electronic Signatures. This Resolution may be executed with electronic signatures in accordance with Government Code § 16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

SECTION 6: Recordation. The Mayor, or presiding officer, is authorized to sign this Resolution signifying its adoption by the City Council of the City of Monterey Park and the City Clerk, or her duly appointed deputy, may attest thereto.

SECTION 7: Effective Date. This Resolution will become effective immediately upon adoption and will remain effective unless repealed or superseded.

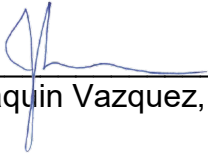
PASSED AND ADOPTED this 4th day of May, 2021.

Henry Lo, Mayor

ATTEST:

Vincent D. Chang, City Clerk

APPROVED AS TO FORM:



Joaquin Vazquez, Deputy City Attorney

Attachments:

Exhibit A: February 16, 2022 City Attorney correspondence to CII representative
Exhibit B: April 1, 2022 Demand letter for City nuisance abatement costs
Exhibit C: Notice of Nuisance Abatement Lien

EXHIBIT “A”

FEBRUARY 16, 2022 CITY ATTORNEY
CORRESPONDENCE TO CII REPRESENTATIVE

BURBANK OFFICE
2600 W. OLIVE AVENUE
SUITE 500
BURBANK, CA 91505



SAN DIEGO OFFICE
3850 LA JOLLA VILLAGE DRIVE
LA JOLLA, CA 92037

Writer's Direct Contact:
Burbank Office
tcampen@hensleylawgroup.com
818.333.5120

February 16, 2022

VIA ELECTRONIC MAIL

Whitney Hodges, Esq.
Sheppard, Mullin, Richter & Hampton
501 West Broadway 19th Floor
San Diego, CA 92101
Email: WHodges@sheppardmullin.com

Re: Notice of Abatement and Costs for Abatement of public nuisance located at
1688 West Garvey Avenue and related costs, and stabilization plan options.

Dear Ms. Hodges:

As you know, following notice in October 2021, the City of Monterey Park ("City"), on behalf of the People of the State of California, commenced abatement of the public nuisance present on real property owned by Center Int'l Investments, Inc. ("CII") located at 1688 W. Garvey Ave. Such action is taken pursuant to the 2017 Settlement Agreement (and its amendments) resulting from the City Attorney's civil suit against CII on file with the Los Angeles Superior Court (Case No. BC605788). While not required pursuant to CII's voluntary waivers under the Settlement Agreement, the City also obtained an abatement warrant issued on November 17, 2021, to secure the property against winter weather.

As to the permanent abatement, construction, design, and engineering firms were retained by the City. Grubbing and clearing of the site began this week; grading is anticipated to begin in 2-3 weeks. The goal is to have all work completed by the end of 2022.

The City's ability to recoup all costs associated with the nuisance abated is clear under both the Settlement Agreement and applicable law. Failure to voluntarily pay such costs will result in the City imposing a property lien or special assessment on the subject property to recoup its costs. Additionally, the City may foreclose on the recorded Performance Deeds of Trust described in the Settlement Agreement.

Be advised, that the City intends to pursue these abatement costs on a quarterly basis in accordance with applicable law. You can expect formal notification of abatement costs to be provided upon conclusion of the first quarter of this year ending March 31, 2022, and after each quarter thereafter until the project is completed and all the City's costs are recovered.

For your client's budgeting purposes, it is estimated that this project will cost between \$8-14 million, which is anticipated to be roughly divided between four to five quarterly instalments. More accurate estimates may be available as construction progresses.

Be further advised, that the City intends to design and construct permanent hillside stabilization measures in the most cost-effective manner practicable. This will result in remediation that fully protects the health, safety and property of the public. Such abatement measures, however, may not support your client's proposed development of 16 upscale homes without additional, separate, geotechnical improvements.

The City may consider implementing the hillside stabilization plans your client previously proposed as part of "Plan A" to accommodate the full development if CII provides a bond or funds in an escrow account in the amount of \$15,000,000 to guarantee the City recoups all costs.¹ With grading expected to begin in the next few weeks, please let me know at your earliest convenience if your client would like to take advantage of this opportunity.

The abatement costs are, of course, separate from the outstanding amounts already in arrears and owed by your client related to the City's processing of Plan A. As you know, the City Council approved Plan A in June 2021. CII currently owes approximately \$130,000 associated with that development approval including, without limitation, legal costs associated with defending the City against the writ petition brought in the case captioned Save Our Slopes v. City of Monterey Park, et al. Those legal costs continue to accrue, and are separate from the aforementioned nuisance abatement costs.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Timothy E. Campen', with a long horizontal flourish extending to the right.

Timothy E. Campen
Assistant City Attorney

cc: Paul Seeley, Esq. (PSeeley@sheppardmullin.com)
Karl H. Berger, City Attorney

¹ Construction and design professionals retained by the City estimate the cost to implement Plan A hillside stabilization to be approximately \$14,000,000.

EXHIBIT “B”
APRIL 1, 2022 DEMAND LETTER FOR
CITY NUISANCE ABATEMENT COSTS

CITY OF MONTEREY PARK

320 West Newmark Avenue • Monterey Park • California 91754-2896
www.montereypark.ca.gov



City Council
Henry Lo
Fred Sornoso
Hans Liang
Peter Chan
Yvonne Yiu

City Clerk
Vincent D. Chang

City Treasurer
Joseph Leon

April 1, 2022

Center Int'l Investments
501 W. Garvey Ave. #207
Monterey Park, CA 91754
Attn: Karrie On

Re: NOTICE OF ABATEMENT COSTS
Property: 1688 West Garvey

To Whom It May Concern:

This letter is a follow-up to the City of Monterey Park's letter dated February 16, 2022 and Notice of Default dated October 13, 2021 regarding the nuisance abatement action affecting 1688 West Garvey Avenue, Monterey Park, CA (the "Property"). The underlying public nuisance is identified in the civil case captioned *The People of the State of California, ex rel., Mark D. Hensley, City Attorney for the City of Monterey Park v. Center Int'l Investments, Inc., et al.* (filed December 31, 2015) LASC Case No. BC605788.

The nuisance abatement activity, identified as the "Goodviews Abatement Project" or "GAP," is being undertaken in accordance with the Settlement Agreement, as amended, executed by Center Int'l Investments, Inc. ("CII").

Per the February 16, 2022 letter, abatement costs associated with the GAP will be recovered on a quarterly basis from CII. This is the first Notice for the time period between August 31, 2021 and March 31, 2022.

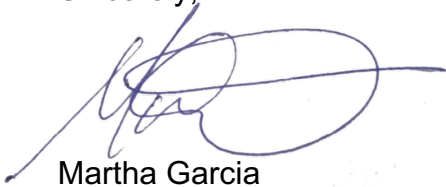
Attached to this Notice are the City's abatement costs that were incurred by the City relating to the enforcement action against the Property. These abatement costs are imposed pursuant to Monterey Park Municipal Code ("MPMC") Chapter 4.30. Please remit payment to the City within **30 days** from the date of this letter.

This is a demand for payment in the amount of \$1,253,613.46. Payment must be made not later than April 29, 2022. Failure to pay by that date will cause the City to charge interest at the statutory rate on the outstanding amount. Additionally, the City will take action to collect its abatement costs in any manner allowed by law, including collection by special assessment or nuisance abatement lien (see MPMC § 4.30.150)

Be advised that CII waived all due process rights in this matter including, without limitation, appeals rights set forth in Monterey Park Municipal Code ("MPMC") § 4.30.140. CII, therefore, waived any right to contest the notice of abatement costs. Consequently, this interim notice of abatement costs is final and binding for the time period stated above. This is not the total cost of the GAP; the City continues to incur costs on a daily basis.

Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Martha Garcia', with a large, stylized loop at the end.

Martha Garcia
Management Services Director

C: Ron Bow, City Manager
Karl H. Berger, City Attorney
Alfred Fraijo Jr., Esq. @
Sheppard Mullin Richter & Hampton, LLP
333 South Hope Street, CA Los Angeles 90071

Goodviews Abatement Project
August 31, 2021 – March 31, 2022

[illegible]

EXHIBIT “C”
NOTICE OF NUISANCE ABATEMENT LIEN

**RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:**

City of Monterey Park
Attn: City Clerk
320 W. Newmark Ave.
Monterey Park, CA 91754

No fee per Government Code § 27383

NOTICE OF NUISANCE ABATEMENT LIEN

NOTICE IS HEREBY GIVEN that, pursuant to Government Code § 38773.1 and Monterey Park Municipal Code § 4.30.150, the City of Monterey Park ("City") seeks to impose a nuisance abatement lien against the real property ("Property") described below for the City's unreimbursed costs incurred in abating a public nuisance under a duly issued judicial abatement warrant. The Monterey Park City Council ordered the imposition of a nuisance abatement lien through its adoption of Resolution No. XXX on May 4, 2022 (attached as Exhibit "A"). Pursuant to a settlement agreement by and among the City the People of California, and the owner of the Property in the civil litigation captioned, *The People of the State of California, ex rel., Mark D. Hensley, City Attorney for the City of Monterey Park v. Center Int'l Investments, Inc., et al.* (LASC Case No. BC605788), the Property owner agreed to waive its notice and hearing rights in § 7 of the first amendment to such settlement agreement, which is on file with the City Clerk.

Recordation of this notice of nuisance abatement lien against the Property is made pursuant to Government Code § 38773.1(c) and Monterey Park Municipal Code § 4.30.150(c). Once recorded, this notice will constitute a lien against the Property with the force, effect, and priority of a judgment lien (Gov. Code, § 38773.1, subd. (c)). The City may foreclose on this nuisance abatement lien by a City action for a money judgment. (*Ibid.*)

In accordance with § 38773.1(c)(1), the following apply to the Property and this notice of nuisance abatement lien:

Lien amount	\$1,253,613.46
Agency on whose behalf the lien is imposed	City of Monterey Park
Property assessor's parcel number	5254-002-031
Property legal description	LOT 1 OF TRACT NO. 34875, IN THE CITY OF MONTEREY PARK, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 932, PAGES 16-18 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY
Address associated with Property	No known address associated with the Property pursuant to Los Angeles County property and title records
Property record owner	Center Int'l Investments Inc., a California Corporation
Property owner address	846 East Garvey Avenue, #D, Monterey Park, CA 91755

Signed the __day of May 2022.

CITY OF MONTEREY PARK

Ron Bow, City Manager

(NOTARIZED SIGNATURE REQUIRED)

**EXHIBIT “A”
TO NUISANCE ABATEMENT LIEN**

CERTIFIED MONTEREY CITY PARK
RESOLUTION NO. **XX**



City Council Staff Report

DATE: May 4, 2022

AGENDA ITEM NO: Consent Calendar - 3B

TO: The Honorable Mayor and City Council
FROM: Karl H. Berger, City Attorney
SUBJECT: Legislative Subpoenas; Authorization to issue Legislative Subpoenas regarding the potential termination of the Development Agreement between the City and Center Int'l Investments, Inc.

RECOMMENDATION:

It is recommended that the City Council consider:

1. Adopting a Resolution establishing procedures for issuing legislative subpoenas in accordance with California law;
2. Adopting a Resolution authorizing the Mayor and City Clerk to issue legislative subpoenas for testimony and records related to the potential termination of the Development Agreement (adopted in 2021) and Center Int'l Investments, Inc.; and
3. Take such additional, related action that may be desirable.

EXECUTIVE SUMMARY

California law authorizes the City to issue legislative subpoenas to investigate matters being considered by the City Council. The City Attorney recommends that the City Council adopt a Resolution establishing the procedure for issuing such legislative subpoenas in the City of Monterey Park.

Separately, the City Attorney recommends that the City Council adopt a Resolution authorizing the Mayor and City Clerk to issue legislative subpoenas to various persons and corporations involved with the so-called "Plan A" which culminated in the Development Agreement executed between the City and Center Int'l Investments, Inc. ("CII") in 2021. CII breached the Development Agreement and the City is gathering evidence for the City Council to consider whether to terminate that Development Agreement.

BACKGROUND

The background regarding the City's consideration of the so-called Goodviews development project is well-known. Much of that history may be reviewed here: <https://www.montereypark.ca.gov/1409/1688-West-Garvey-Avenue>.

Relevant to this Agenda Item is Development Agreement No. DA-21-01 that the City Council approved via Ordinance No. 2211 adopted on July 17, 2021 (the “DA”). The DA was recorded as Instrument No. 20211285226 with the Los Angeles County Recorder’s Office on August 23, 2021.

Among other things, the DA requires CII to pay for the City’s defense costs in any lawsuit challenging the “Plan A” approved by the City Council; indemnify the City for any judgment or settlement associated with concluding such a lawsuit; and abate the public nuisance identified in the DA via “Plan B.” These obligations are separate from CII’s legal obligations under an amended Settlement Agreement first voluntarily executed by CII in 2017 with the People of the State of California. That Settlement Agreement was intended to resolve a civil nuisance abatement proceeding; the City is not a party to the underlying lawsuit in that matter, but agreed to exercise its land use powers to process “Plan A” including, without limitation, the DA.

Since the DA was approved, however, CII failed to take its obligations seriously. Among other things, it first accepted the City’s tender of defense in a lawsuit challenging the Plan A approvals (the case is captioned *Save Our Slopes v. City of Monterey Park, et al.* (filed July 21, 2021), LASC Case No. 21STCP02365) and then asserted – months later – that it was not defending the City. Additionally, it failed to move forward with the hillside stabilization – identified as “Plan B” in the DA – within the timeframes required by the DA (see Exhibit D). CII also failed to reimburse the City’s litigation costs associated with the above-mentioned litigation.

Monterey Park Municipal Code (“MPMC”) § 21.44.050 provides that the City Planner may review development agreements on a periodic basis. As stated in the MPMC

“[t]he purpose of the periodic review is to determine whether the contracting party ... complied in good faith with the terms and conditions of the development agreement. The burden of proof is on the ... contracting party ... to demonstrate compliance to the full satisfaction of, and in a manner prescribed by, the City.”¹

Additionally, the MPMC provides that

“[i]f ... the City Planner finds and determines, on the basis of substantial evidence, that the contracting party ... has not complied in good faith with the terms or conditions of the development agreement, the City Planner will notify the City Council that the development agreement be terminated or modified.”²

¹ MPMC § 21.44.050(B).

² MPMC § 21.44.050(C).

To determine whether there is sufficient evidence to recommend termination of the DA requires some additional evidence. For gathering such evidence, the City may issue legislative subpoenas in accordance with Government Code §§ 37104-37109. Once authorized, such subpoenas are signed by the Mayor and issued by the City Clerk. They may be enforced by the Superior Court.

The ability for cities to issue legislative subpoenas is well-established and was upheld by the California Supreme Court.³ They may be utilized to gather testimony and documents that are relevant to any actions or matters considered by a city. Here, that means anything related to CII's performance of the DA including, without limitation, the information it submitted to the City as part of its application for Part A.

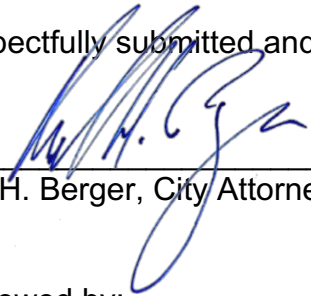
While the City has not previously utilized legislative subpoenas, the draft Resolution accompanying this staff report would (if adopted) establish the procedure for using this tool. The separate, and related, draft Resolution would (if adopted) authorize the Mayor and City Clerk to issue legislative subpoenas to the corporations and persons identified in that document. Those corporations and persons were involved with the planning and implementation of Plan A that eventually resulted in the DA.

Once issued, the City Attorney's office would enforce the legislative subpoenas as needed to gather information to fully inform the City Council regarding potential termination of the DA.

FISCAL IMPACT

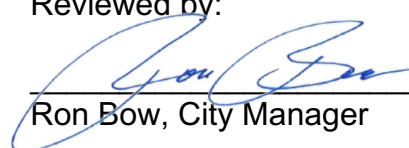
There is no fiscal impact associated with adopting the proposed resolutions.

Respectfully submitted and prepared by:



Karl H. Berger, City Attorney

Reviewed by:



Ron Bow, City Manager

ATTACHMENTS

1. Sample Subpoena
2. Resolutions

³ *Connecticut Indem. Co. v. Super. Court* (2000) 23 Cal.4th 807.

ATTACHMENT 1

Sample Subpoena

CITY ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS:	CITY OF MONTEREY PARK  LEGISLATIVE SUBPOENA (DUCES TECUM)
STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE:	
MATTER	
Pursuant to City of Monterey Park Resolution no. _____	

THE CITY OF MONTEREY PARK, TO (name, address, and telephone number of witness, if known):

1. YOU ARE ORDERED TO APPEAR AND TESTIFY AS A WITNESS in this matter at the date, time, and place shown in the box below **UNLESS** your appearance is excused as indicated in box 2b below or you make an agreement with the person named in item 3 below.

a. Date:		Time:		Room:	
b. Address:					

- 2. YOU ARE** (item a or b must be checked):
- a. ☒ Ordered to appear in person to provide testimony and to produce the records described in the declaration on page two or the attached declaration or affidavit. The personal attendance of the custodian or other qualified witness and the production of the original records are required by this subpoena.
 - b. ☐ Not required to appear in person if you produce (i) the records described in the declaration on page two or the attached declaration or affidavit and (ii) a completed declaration of custodian of records. (1) Place a copy of the records in an envelope (or other wrapper). Enclose the original declaration of the custodian with the records. Seal the envelope. (2) Attach a copy of this subpoena to the envelope or write on the envelope the matter name; your name; and the date, time, and place from item 1 in the box above.
- 3. IF YOU HAVE ANY QUESTIONS ABOUT THE TIME OR DATE YOU ARE TO APPEAR, OR IF YOU WANT TO BE CERTAIN THAT YOUR PRESENCE IS REQUIRED, CONTACT THE FOLLOWING PERSON BEFORE THE DATE ON WHICH YOU ARE TO APPEAR:**
- Name: _____ Telephone No.: _____
- 4. Witness Fees:** You are entitled to witness fees and mileage actually traveled both ways, as provided by law, if you request them at the time of service. You may request them before your scheduled appearance from the person named in item 3.

DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THE SUPERIOR COURT.

Date issued: _____

 CITY CLERK

▶

 MAYOR OF MONTEREY PARK

MATTER:		
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The production of the documents, electronically stored information, or other things sought by the subpoena on page one is supported by (check one):

☐ the attached affidavit or ☐ the following declaration:

**DECLARATION IN SUPPORT OF LEGISLATIVE SUBPOENA (DUCES TECUM) FOR PERSONAL APPEARANCE AND PRODUCTION OF DOCUMENTS, ELECTRONICALLY STORED INFORMATION, AND THINGS
(Code Civ. Proc. § 1985)**

1. I, the undersigned, declare I am the

2. The witness has possession or control of the documents, electronically stored information, or other things listed below, and must produce them at the time and place specified in the Legislative Subpoena for Personal Appearance and Production of Records on page one of this form (*specify the exact documents or other things to be produce; if electronically stored information is demanded, the form or forms in which each type of information is to be produced may be specified*):

- ☐ Continued on Attachment 2.
3. Good cause exists for the production of the documents, electronically stored information, or other things described in paragraph 2 for the following reasons:

- ☐ Continued on Attachment 3.
4. The documents, electronically stored information, or other things described in paragraph 2 are material to the issues involved in this case for the following reasons:

☐ Continued on Attachment 4.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

_____	▶	_____
(TYPE OR PRINT NAME)		(SIGNATURE OF ☐ CITY MANAGER ☐ CITY ATTORNEY)

Request for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the date on which you are to appear. Contact the City Clerk's office.



(Proof of service on page 3)

MATTER:	
---------	--

PROOF OF SERVICE OF LEGISLATIVE SUBPOENA (DUCES TECUM) for Personal Appearance and Production of Documents, Electronically Stored Information, and Things and DECLARATION

1. I served this *Legislative Subpoena (Duces Tecum) for Personal Appearance and Production of Documents, Electronically Stored Information, and Things and Declaration* by personally delivering a copy to the person served as follows:

- a. Person served (name):
- b. Address where served:
- c. Date of delivery:
- d. Time of delivery:
- e. Witness fees (check one):
 - (1) ☐ were offered or demanded and paid. Amount: \$
 - (2) ☐ were not demanded or paid.

2. I received this subpoena for service on (date):

3. Person serving:
- a. ☐ Not a registered California process server.
 - b. ☐ California sheriff or marshal.
 - c. ☐ Registered California process server.
 - d. ☐ Employee or independent contractor of a registered California process server.
 - e. ☐ Exempt from registration under Business and Professions Code section 22350(b).
 - f. ☐ Registered professional photocopier.
 - g. ☐ Exempt from registration under Business and Professions Code section 22451.
 - h. Name, address, telephone number, and, if applicable, county of registration and number:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

► _____
(SIGNATURE)

ATTACHMENT 2

Resolutions

RESOLUTION NO.

A RESOLUTION ESTABLISHING PROCEDURES FOR LEGISLATIVE SUBPOENAS IN ACCORDANCE WITH CALIFORNIA LAW ("SUBPOENA RESOLUTION").

BE IT RESOLVED by the Council of the City of Monterey Park as follows:

SECTION 1: The City Council finds as follows:

- A. The City Council has the power to issue subpoenas requiring attendance of witnesses or production of documents in proceedings pending before it pursuant to Government Code §§ 37104-37109.
- B. Government Code § 37105 requires such subpoenas be signed by the Mayor and issued by the City Clerk. Thereafter, a subpoena must be served in accordance with Code of Civil Procedure § 1987.
- C. The California Supreme Court recognizes that a city may issue legislative subpoena if it is authorized by ordinance or similar enactment, it serves a valid legislative purpose, and the witnesses or material subpoenaed are pertinent to the subject matter of the investigation (*Connecticut Indem. Co. v. Super. Court* (2000) 23 Cal.4th 807).
- D. Subpoenas issued pursuant to this Resolution must seek testimony and documents that are relevant to any actions or matters considered by the City of Monterey Park including, without limitation, actions related to collection of taxes (Monterey Park Municipal Code ("MPMC") Chapters 3.26, 3.28, 3.32, and 3.38); Neighborhood Preservation (MPMC Title 4); business license revocation (MPMC § 5.08.270; review of hotel registries (MPMC § 5.88.060); actions related to Zoning (MPMC Title 21); and such additional matters that may be identified by the City Manager or City Attorney when seeking City Council approval for a subpoena.

SECTION 2: *Purpose and intent.* This Resolution is adopted for the purpose of establishing a procedure for issuing subpoenas to compel the attendance of witnesses and the production of other evidence at City actions or proceedings. It may be referred to as the Subpoena Resolution.

SECTION 3: *Authority.* On its own motion or at the request of the City Manager or City Attorney, the City Council may authorize the City Clerk to issue a subpoena requiring the attendance of a witness and/or to compel the production of documents or other evidence for any action or proceeding under consideration by the City of Monterey Park. Such authority may be reflected by written resolution or minute order. The Mayor must

sign any such subpoena and the City Clerk will issue subpoenas in the name of the City when authorized to do so by the City Council pursuant to this Resolution.

SECTION 4: Subpoena duces tecum. Subpoenas issued pursuant to this Resolution must comply with the provisions of Code of Civil Procedure § 1985, and any successor statute or regulation. The form of a subpoena must substantially comply with that in Code of Civil Procedure § 1985, as determined by the City Attorney, and may be similar to the most recent form approved by the Judicial Council of California (e.g., Form No. SUBP-002 [Rev. January 1, 2012]) for use in civil litigation.

SECTION 5: Service. Subpoenas will be served in accordance with the provisions of Code of Civil Procedure §§ 1987 and 1988, and any successor statute or regulation.

SECTION 6: Witness fees and mileage. If requested by the witness, all witnesses appearing pursuant to subpoena will receive fees and mileage, in the same amount and under the same circumstances as prescribed by California law for witnesses in civil actions in a superior court.

SECTION 7: Enforcement. Subpoenas issued in accordance with this Resolution may be enforced pursuant to applicable law including Government Code §§ 37105 through 37109.

SECTION 3: Electronic Signatures. This Resolution may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

SECTION 4: Recordation. The Mayor, or presiding officer, is authorized to sign this Resolution signifying its adoption by the City Council of the City of Monterey Park and the City Clerk, or her duly appointed deputy, may attest thereto.

SECTION 5: Effective Date. This Resolution will become effective immediately upon adoption and will remain effective unless repealed or superseded.

PASSED AND ADOPTED this 4th day of May, 2022.

Henry Lo, Mayor

ATTEST:

Vincent D. Chang, City Clerk

APPROVED AS TO FORM:



Karl H. Berger, City Attorney

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY CLERK TO ISSUE SUBPOENAS FOR LEGISLATIVE FACT-FINDING RELATED TO DEVELOPMENT AGREEMENT NO. DA-21-01 ADOPTED BY ORDINANCE NO. 2211 ON JULY 17, 2021.

BE IT RESOLVED by the Council of the City of Monterey Park as follows:

SECTION 1: The City Council finds as follows:

- A. The City Council adopted Ordinance No. 2211 on July 17, 2021 which approved Development Agreement No. DA-21-01 with Center Int'l Investments, Inc. (the "DA"). The DA was recorded as Instrument No. 20211285226 with the Los Angeles County Recorder's Office on August 23, 2021.
- B. Section 5(D) of Ordinance No. 2211 specifically identifies abatement of a public nuisance at 1688 West Garvey Avenue as being a public benefit for the City executing the DA. Additionally, Section 2.04 of the DA requires the hillside stabilization – identified as "Plan B" – to be implemented by Center Int'l Investments, Inc. ("CII") in accordance with Exhibit D to the DA. CII failed to commence Plan B as required by the DA.
- C. The City Council believes that it may be in the public interest to terminate the DA. To fully inform the City Council regarding whether to terminate the DA, it is in the public interest to obtain testimonial and documentary evidence regarding this matter.
- D. This Resolution is adopted in accordance with the requirements set forth in the Subpoena Resolution adopted on May 4, 2022, for the purpose of obtaining information regarding potential termination of the DA in accordance with Monterey Park Municipal Code ("MPMC") Chapter 21.44.

SECTION 2: *Authorization.* The City Clerk is authorized to issue subpoenas requiring the attendance of witnesses and production of documents as required by the City Attorney to inform the City Planner and City Council regarding recommendations for termination of the DA. Persons, documents, or other tangible items must be identified in a subpoena signed by the Mayor and approved as to form by the City Attorney. This authorization expires January 1, 2023 but may be renewed upon request by the City Attorney via City Council minute order, i.e., no subsequent resolution is required.

SECTION 3: *Subject-Matter of the Subpoenas.* The City Attorney is authorized to inform the City Clerk regarding which witnesses and what evidence is required to fully

inform the City Planner and City Council. This authority may be expanded upon request by the City Attorney via City Council minute order, i.e., no subsequent resolution is required. As a preliminary matter, however, the City Council authorizes subpoenas for the following persons:

- A. Mr. Paul Talbot in his capacity as consultant to CII. Mr. Talbot's testimony should also be separately obtained for activities occurring within the scope of his employment as City Manager for which no subpoena is needed;
- B. KCM Group, along with its officers, directors and any other persons most knowledgeable, as determined by the City Attorney. Specific individuals who should be subpoenaed include, without limitation, Messrs. Gordon Kovtun and Chris Boattini;
- C. CII, along with its officers, directors and any other persons most knowledgeable, as determined by the City Attorney. Specific individuals who should be subpoenaed include Mr. Willis Do and Ms. Karrie On;
- D. Murow Development Consultants, along with its officers, directors and any other persons most knowledgeable, as determined by the City Attorney. Specific individuals who should be subpoenaed include Mr. Bob Garrison;
- E. Meridian Consultants, along with its officers, directors and any other persons most knowledgeable, as determined by the City Attorney. Specific individuals who should be subpoenaed include Mr. Tony Locacciatto;
- F. McWong Holding Company, along with its officers, directors and any other persons most knowledgeable, as determined by the City Attorney;
- G. Focus Engineering, Inc., along with its officers, directors and any other persons most knowledgeable, as determined by the City Attorney;
- H. Advanced Geotechnical Solutions, Inc., along with its officers, directors and any other persons most knowledgeable, as determined by the City Attorney;
- I. Space Light Structure Design, Inc., along with its officers, directors and any other persons most knowledgeable, as determined by the City Attorney; and

- J. DRS Engineering, Inc., along with its officers, directors and any other persons most knowledgeable, as determined by the City Attorney.

SECTION 4: Service. Subpoenas will be served in accordance with the provisions of Code of Civil Procedure §§ 1987 and 1988, and any successor statute or regulation.

SECTION 5: Witness fees and mileage. If requested by the witness, all witnesses appearing pursuant to subpoena will receive fees and mileage, in the same amount and under the same circumstances as prescribed by California law for the deposition of witnesses in civil actions in a superior court.

SECTION 6: Enforcement. Subpoenas issued in accordance with this Resolution may be enforced pursuant to applicable law including Government Code §§ 37105 through 37109.

SECTION 3: Electronic Signatures. This Resolution may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

SECTION 4: Recordation. The Mayor, or presiding officer, is authorized to sign this Resolution signifying its adoption by the City Council of the City of Monterey Park and the City Clerk, or her duly appointed deputy, may attest thereto.

SECTION 5: Effective Date. This Resolution will become effective immediately upon adoption and will remain effective unless repealed or superseded.

PASSED AND ADOPTED this 4th day of May, 2022.

Henry Lo, Mayor

ATTEST:

Vincent D. Chang, City Clerk

APPROVED AS TO FORM:



Karl H. Berger, City Attorney



City Council Staff Report

DATE: May 4, 2022

AGENDA ITEM NO: Consent Calendar - 3C

TO: The Honorable Mayor and City Council
FROM: Kelly Gordon, Chief of Police
SUBJECT: National Police Week Resolution

RECOMMENDATION:

It is recommended that the City Council consider:

1. Adopting a Resolution Declaring the week of May 15 through 21, 2022 to be National Police Week in the City of Monterey Park; and
2. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The Monterey Park Police Department is celebrating the week of May 15-21, 2022 as National Police Week. This week, sponsored by the National Law Enforcement Memorial and Museum and recognizes the service and sacrifice of U.S. law enforcement officers. In 1962, President Kennedy proclaimed May 15th as National Peace Officers Memorial Day and the calendar week in which May 15th falls, as National Police Week. National Police Week pays special recognition to those law enforcement officers who have lost their lives in the line of duty for the safety and protection of others and is a collaborative effort of many organizations dedicated to honoring America's law enforcement community. We are enlisting your support in the form of a resolution to honor these men and women in our area for the work that they do every day to protect the residents of Monterey Park.

BACKGROUND:

Historically, the Police Department recognizes and celebrates the hard work of these dedicated professionals. We are confident you will stand behind the commitment and devotion these men and women provide to ensure the safety and security of Monterey Park residents.

Respectfully submitted by:



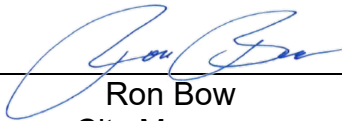
Kelly Gordon
Chief of Police

Prepared by:



Peter Palomino
Lieutenant

Approved by:



Ron Bow
City Manager

ATTACHMENT:

1. Resolution

ATTACHMENT 1

Draft Resolution

RESOLUTION NO.

A RESOLUTION DECLARING MAY 15 - 21, 2022, NATIONAL POLICE WEEK IN MONTEREY PARK

BE IT RESOLVED by the Council of the City of Monterey Park as follows:

SECTION 1: The City Council finds as follows:

- A. The Monterey Park Police Department is celebrating the week of May 15-21, 2022 as National Police Week. This week, sponsored by the National Law Enforcement Memorial and Museum and recognizes the service and sacrifice of U.S. law enforcement officers. In 1962, President Kennedy proclaimed May 15th as National Peace Officers Memorial Day and the calendar week in which May 15th falls, as National Police Week. National Police Week pays special recognition to those law enforcement officers who have lost their lives in the line of duty for the safety and protection of others and is a collaborative effort of many organizations dedicated to honoring America's law enforcement community. We are enlisting your support in the form of a resolution to honor these men and women in our area for the work that they do every day to protect the residents of Monterey Park.
- B. Law enforcement officers swear an oath to uphold the public trust even though, through the performance of the duties of a law enforcement officer, the officers may become targets for senseless acts of violence.
- C. The safety of our community is dependent upon the dedication and commitment of our police officers.
- D. Law enforcement officer are charged with pursuing justice for all individuals; and performing their jobs with fidelity to the constitutional and civil rights of the public the officers serve.
- E. Law enforcement officers have bravely continued to meet the call of duty to ensure the security of their neighborhoods and communities at the risk of their own personal safety in the time of a viral pandemic.
- F. Historically, the Police Department recognizes and celebrates the hard work of these dedicated professionals. We are confident you will stand behind the commitment and devotion these men and women provide to ensure the safety and security of Monterey Park residents.

SECTION 2: *Electronic Signatures.* This Resolution may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

SECTION 3: *Recordation.* The Mayor, or presiding officer, is authorized to sign this Resolution signifying its adoption by the City Council of the City of Monterey Park and the City Clerk, or her duly appointed deputy, may attest thereto.

SECTION 4: *Effective Date.* This Resolution will become effective immediately upon adoption and will remain effective unless repealed or superseded.

PASSED AND ADOPTED this ____ day of _____, 2022.

Henry Lo, Mayor

Attest:

Vincent D. Chang, City Clerk



City Council Staff Report

DATE: May 4, 2022

AGENDA ITEM NO: Consent Calendar - 3D

TO: The Honorable Mayor and City Council
FROM: Anthony Antich, Director of Public Works
SUBJECT: Public Works Week Resolution

RECOMMENDATION:

It is recommended that the City Council consider:

1. Adopting a Resolution declaring the week of May 15 through 21, 2022 as Public Works Week in Monterey Park; and
2. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The City is celebrating the week of May 15-21, 2022, as Public Works Week in Monterey Park. This week marks the 62nd annual National Public Works Week sponsored by the American Public Works Association, which recognizes Public Works professionals. The 2022 National Public Works Week theme is "Ready & Resilient", highlighting the public works professionals who are always ready to serve their communities and are resilient when responding to challenges.

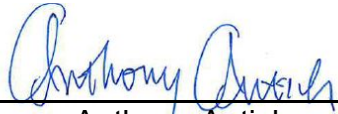
BACKGROUND:

The City of Monterey Park recognizes and celebrates the hard work, commitment and contribution Public Works professionals provide to the community of Monterey Park. This year, the City is hosting a Public Works Open House on May 19, 2022 from 11:00 am to 1:30 pm at the City Yard located on 751 South Alhambra Avenue. The "Ready & Resilient" theme highlights the ability of these professionals to perform regular public works duties and be ready at a moment's notice to react as first responders during natural disasters and overcome trials seen in the field.

FISCAL IMPACT:

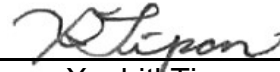
None.

Respectfully submitted by:



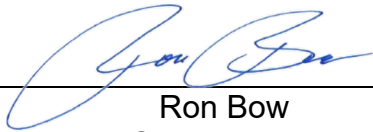
Anthony Antich
Director of Public Works

Prepared by:



Xochitl Tipan
Principal Management Analyst

Approved by:



Ron Bow
City Manager

ATTACHMENT:

1. Resolution

ATTACHMENT 1

Resolution

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK DECLARING MAY 15-21, 2022 AS PUBLIC WORKS WEEK IN MONTEREY PARK

BE IT RESOLVED by the Council of the City of Monterey Park as follows:

SECTION 1: The City Council finds as follows:

- A. Public works professionals focus on infrastructure, facilities, emergency management, and services that are of vital importance to sustainable and resilient communities and the public health, high quality of life, and well-being of the people of Monterey Park and,
- B. These infrastructures, facilities, and services could not be provided without the dedicated efforts of public works professionals, who are federally mandated first responders, and the engineers, managers, and employees at all levels of government and the private sector, who are responsible for rebuilding, improving, and protecting our nation's transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and,
- C. It is in the public interest for the citizens, civic leaders, and children in Monterey Park to gain knowledge and maintain ongoing interest and understanding of the importance of public works first responders and public works programs in their respective communities; and,
- D. The City of Monterey Park hereby designates the week May 15–21, 2022, as National Public Works Week recognizing its public works professionals, engineers, managers, and employees and the substantial contributions they make to protecting our national health, safety, and quality of life.

SECTION 2: *Electronic Signatures.* This Resolution may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

SECTION 3: *Recordation.* The Mayor, or presiding officer, is authorized to sign this Resolution signifying its adoption by the City Council of the City of Monterey Park and the City Clerk, or her duly appointed deputy, may attest thereto.

SECTION 4: *Effective Date.* This Resolution will become effective immediately upon adoption and will remain effective unless repealed or superseded.

PASSED AND ADOPTED this 4th day of May, 2021.

Henry Lo, Mayor

Attest:

Vincent Chang, City Clerk

Monterey Park GHAD Board Staff Report

DATE: May 4, 2022

AGENDA ITEM NO: Public Hearing - 4A

TO: The Honorable Chairperson and Board of Directors
FROM: Jon Turner, Acting City Planner
SUBJECT: Continuation of the Monterey Park Geologic Hazard Abatement District ("MPK GHAD")

RECOMMENDATION:

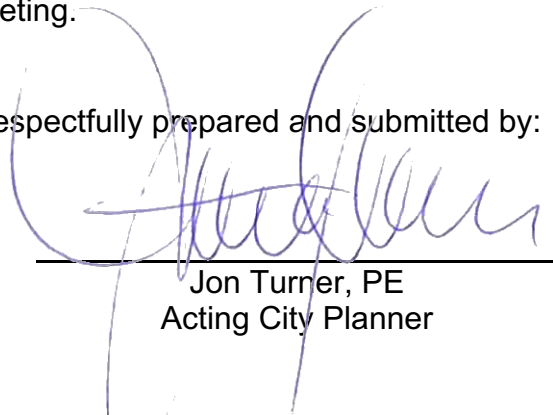
It is recommended that the Board of Directors consider:

1. Continuing the continued public hearing to December 21, 2022; and
2. Taking such additional, related action that may be desirable.

EXECUTIVE SUMMARY

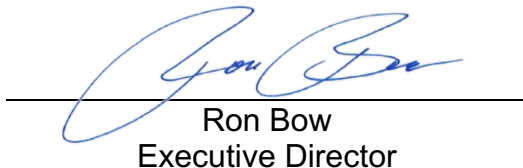
On January 19, 2022, the City Council continued the public hearing item determining whether the assessment identified in the Engineer's Report approved by City Council at the September 15, 2021 meeting may be imposed upon the GHAD's jurisdiction to May 4, 2022. Staff is requesting the continuation of this item to the December 21, 2022 meeting.

Respectfully prepared and submitted by:



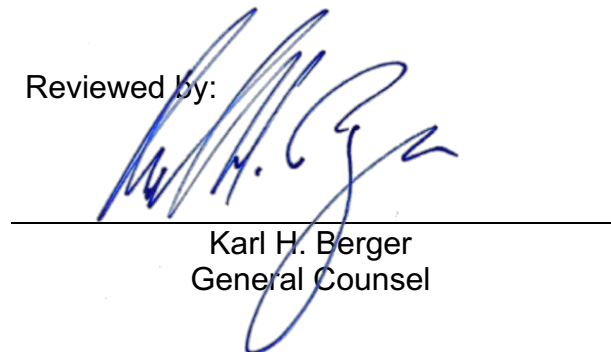
Jon Turner, PE
Acting City Planner

Approved by:



Ron Bow
Executive Director

Reviewed by:



Karl H. Berger
General Counsel

ATTACHMENTS

1. November 3, 2021 Staff Report

ATTACHMENT 1
November 3, 2021 – Staff Report

Monterey Park GHAD Board Staff Report

DATE: November 3, 2021

AGENDA ITEM NO: Consent Calendar
Agenda Item 4A

TO: The Honorable Chairperson and Board of Directors

FROM: Jon Turner, Acting City Planner

SUBJECT: Monterey Park Geologic Hazard Abatement District ("MPK GHAD")

RECOMMENDATION:

It is recommended that the Board of Directors consider:

1. Opening the public hearing;
2. Receiving documentary and testimonial evidence;
3. Closing the public hearing;
4. Adopting a Resolution levying assessments within the District (Attachment 1);
and
5. Taking such additional, related action that may be desirable.

CEQA (California Environmental Quality Act):

The Resolution is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*, "CEQA") and CEQA regulations (14 California Code of Regulations §§ 15000, *et seq.*) because it establishes rules and procedures to implement government funding mechanisms; does not involve any commitment to a specific project which could result in a potentially significant physical impact on the environment; and constitutes an organizational or administrative activity that will not result in direct or indirect physical changes in the environment. Accordingly, this Resolution does not constitute a "project" that requires environmental review (see specifically 14 CCR § 15378(b)(4-5)).

EXECUTIVE SUMMARY

Following formation of the GHAD on September 15, 2021, the GHAD Board of Directors adopted a Resolution setting the date for a public hearing to determine whether the assessment identified in the Engineer's Report may be imposed upon the GHAD's jurisdiction. November 3rd is the public hearing date for that determination.

BACKGROUND

On September 15, 2021, the Board of Directors held a public hearing regarding the GHAD installation of the maintenance activities and reimbursement and set a public hearing for November 3, 2021 imposing the assessments as outlined in the Engineer's Report. A Proposition 218 ballot was mailed out to the property owner outlining the

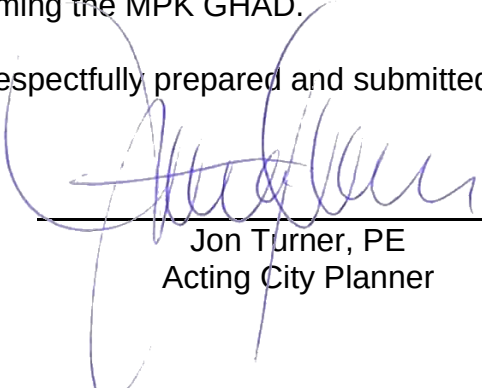
proposed assessments. As set forth in the Engineer's report, the assessment is \$275,000 per year.

Notice regarding the public hearing was sent to all property owners affected by the proposed assessment. If, at the close of the public hearing, there is a majority of property owners that vote against the assessment, then the assessment will not become effective. Here, one property owner is affected by the proposed assessment.

FISCAL IMPACT

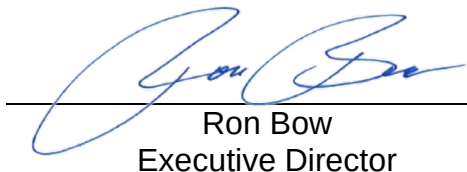
There is no fiscal impact for the Board of Directors. The developer of the Good Views development is required to reimburse the Board of Directors for all costs associated with forming the MPK GHAD.

Respectfully prepared and submitted by:



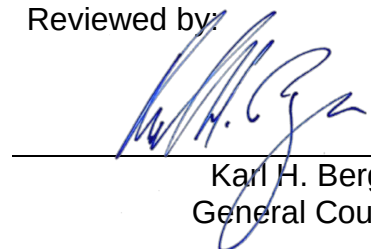
Jon Turner, PE
Acting City Planner

Approved by:



Ron Bow
Executive Director

Reviewed by:



Karl H. Berger
General Counsel

ATTACHMENTS

1. Resolution levying the assessments of the MPK GHAD

ATTACHMENT 1
Draft Resolution – GHAD Assessments

MPK GHAD RESOLUTION NO. ____

**A RESOLUTION ADOPTED BY THE BOARD OF DIRECTORS FOR THE
MONTEREY PARK GEOLOGIC HAZARD ABATEMENT DISTRICT LEVYING
ASSESSMENTS WITHIN THE DISTRICT.**

The Board of Directors of the Monterey Park Geologic Hazard Abatement District ("MPK GHAD") does resolve as follows:

SECTION 1: The Board of Directors finds as follows:

- A. The Monterey Park Geologic Hazard Abatement District ("MPK GHAD") was established for the purpose of preventing, mitigating, abating and controlling geologic hazards, pursuant to Public Resources Code §§ 26500, *et seq.*
- B. The MPK GHAD Board of Directors was presented with an Engineer's Report for the District prepared by a registered professional engineer certified in the State of California in compliance with Public Resources Code § 26651(a) and § 4(b) of Article XIID of the California Constitution. The Engineer's Report is attached to Resolution No. 12267, adopted Wednesday, September 15, 2021, and incorporated by reference.
- C. The Engineer's Report describes the administration, monitoring and maintenance of improvements related to geologic hazards management within the MPK GHAD and explains the estimated budget, the total assessment that will be chargeable to the entire MPK GHAD, the assessment to be levied against each parcel of property within the boundaries of the MPK GHAD, and a description of the method used in formulating the assessment.
- D. The MPK GHAD Board of Directors approved the Engineer's Report pursuant to MPK GHAD Resolution No. 12267 on Wednesday, September 15, 2021, and found that a reliable source of funding is required to pay for the cost and expenses of maintaining and operating MPK GHAD improvements acquired or constructed for the MPK GHAD pursuant to Public Resources Code §§ 26500, *et seq.*
- E. The special benefit derived from the MPK GHAD by each parcel is proportionate to the entire costs of the MPK GHAD, and the amount of the assessment is proportional to, and no greater than, the benefits conferred on each parcel. The assessment does not exceed the reasonable cost of the proportional special benefit conferred on each parcel.
- F. Public Resources Code §§ 26650, *et seq.* authorize, after a noticed public hearing, the levy and collection of an assessment upon specially benefited

property within the MPK GHAD to pay for the maintenance and operation of MPK GHAD improvements. Article XIID of the California Constitution imposes additional requirements for the levy and collection of an assessment.

- G. On Wednesday, November 3, 2021, the Board held a public hearing to consider the results of a protest proceeding conducted in accordance with California Constitution Article XIID, § 4.
- H. The Board further finds that levying assessments on the lots and parcels within MPK GHAD is exempt from environmental review under Public Resources Code §§ 26601 and 21080(b)(4), as the California Environmental Quality Act does not apply to actions necessary to prevent or mitigate an emergency and all activities in furtherance of the MPK GHAD are deemed necessary to prevent or mitigate an emergency.
- I. It is in the public interest for the MPK GHAD to levy the assessments described in this Resolution.

SECTION 2: The total number of protest ballots mailed or provided to property owners eligible to file a protest ballot was one. The number of valid protest ballots received by the MPK GHAD at the end of the public hearing was _____. Because the valid number of protests received by the MPK GHAD did not represent a majority protest, the Board is authorized to levy the assessment.

SECTION 3: Assessments. The Board of Directors orders the levy and collection of the annual assessment against the lots and parcels within MPK GHAD as set forth in the Engineer's Report.

SECTION 4: Recording. The Board of Directors directs the Clerk to file, in the office of the County Recorder for the County of Los Angeles, a copy of the assessment diagram, and comply with all other requirements set forth in Streets and Highways Code § 3114.

SECTION 5: Collection. The assessments set forth in the Engineer's Report will be collected by the County Tax Collector in accordance with the procedures set forth in Public Resources Code § 26654.

SECTION 6: Separate Fund. The revenues received by the MPK GHAD as a result of the assessments to be levied pursuant to this resolution will be placed in a fund identified as the "Monterey Park Geologic Hazard Abatement District Fund." Payments from this fund can only be used in accordance with applicable law.

SECTION 7: Environmental Assessment. The Resolution is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., "CEQA") and CEQA regulations (14 California Code of Regulations §§ 15000, et seq.) because it establishes rules and procedures to implement government funding

mechanisms; does not involve any commitment to a specific project which could result in a potentially significant physical impact on the environment; and constitutes an organizational or administrative activity that will not result in direct or indirect physical changes in the environment. Accordingly, this Resolution does not constitute a “ project” that requires environmental review (see specifically 14 CCR § 15378(b)(4-5)).

SECTION 8: *Electronic Signatures*. Pursuant to Monterey Park Municipal Code § 3.95.020, this Resolution may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

SECTION 9: The Clerk is directed to certify the adoption of this Resolution.

SECTION 10: This Resolution becomes effective immediately upon adoption.

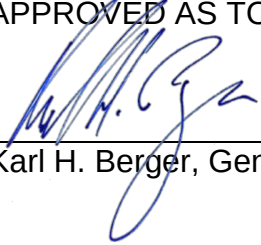
PASSED, APPROVED AND ADOPTED this ___ day of ____ 2021.

Yvonne Yiu, Chairperson

ATTEST:

Vincent D. Chang, Clerk

APPROVED AS TO FORM:



Karl H. Berger, General Counsel



City Council Staff Report

DATE: May 4, 2022

AGENDA ITEM NO: Public Hearing - 4B

TO: The Honorable Mayor and City Council
FROM: Anthony Antich, Interim Director of Public Works
SUBJECT: Resolution for Authorization to Approve Plans and Specifications and to Solicit Bids for Capital Improvement Projects

RECOMMENDATION:

It is recommended that the City Council consider:

1. Opening a public hearing to receive documentary and testimonial evidence;
2. After closing the public hearing and considering the evidence, adopting a Resolution finding the Capital Improvement Plan ("CIP") conforms with the General Plan, Authorizing the City Engineer to Approve Plans and Specifications for Capital Improvement Projects, and Authorizing the Public Works Director to Solicit Bids for Capital Improvement Projects identified in the CIP; and
3. Take such additional, related action that may be desirable.

EXECUTIVE SUMMARY

Streamlining Capital Improvement Projects processing increases staff and project efficiency. The Interim Public Works Director is requesting City Council's authorization for the City Engineer to approve plans specifications for Capital Improvement Projects and authorizing the Director of Public Works to advertise projects for construction bids when required or needed.

BACKGROUND

Presently, the Public Works Director (and other Department Directors) seek City Council authorization to advertise a CIP bid on a project-by-project basis. This is inefficient as it delays the commencement of some projects by nearly three weeks (preparing for City Council consideration and following up from such meetings).

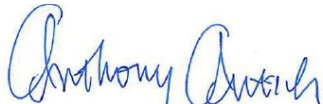
The City's Capital Improvement Plan ("CIP") generally identifies which capital improvement projects will be built during a four to five year period; it is updated annually and approved by the City Council. The Interim Public Works Director recommends that the City Council delegate authority to the City Engineer to approve plans/specifications for projects listed in the CIP and for the Public Works Director to solicit bids for such projects. Doing so will increase efficiency while still ensuring City Council oversight of all projects – since it will continue awarding contracts for construction projects exceeding \$200,000.

To jump start the process, the Interim Public Works Director is seeking authority for all CIP projects approved by the City Council in the FY 2021-22 Budget. If the proposed Resolution is adopted, the CIP will be approved; the City Engineer will be authorized to approve plans/specifications (for design immunity purposes); and the Public Works Director will be authorized to solicit bids for CIP projects. Thereafter, projects within the CIP will be confirmed through the budget process. If, as expected, the proposed process increases efficiency, the City Manager may recommend the process be codified within the Monterey Park Municipal Code.

FISCAL IMPACT

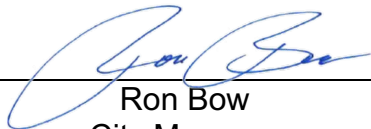
Any Capital Improvement Project fiscal impact will be provided before contract award.

Respectfully submitted and prepared by:



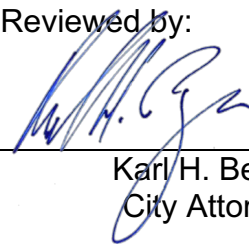
Anthony Antich
Interim Director of Public Works
City Engineer

Approved by:



Ron Bow
City Manager

Reviewed by:



Karl H. Berger
City Attorney

ATTACHMENTS

1. Resolution

ATTACHMENT 1

Resolution

RESOLUTION NO. _____

A RESOLUTION FINDING THE CAPITAL IMPROVEMENT PLAN (“CIP”) CONFORMS WITH THE GENERAL PLAN; AUTHORIZING THE CITY ENGINEER TO APPROVE PLANS AND SPECIFICATIONS FOR CAPITAL IMPROVEMENT PROJECTS; AND AUTHORIZING THE PUBLIC WORKS DIRECTOR TO SOLICIT BIDS FOR CAPITAL IMPROVEMENT PROJECTS IDENTIFIED IN THE CIP.

The City Council of the city of Monterey Park does resolve as follows:

SECTION 1: Planning Agency. Pursuant to Monterey Park Municipal Code (“MPMC”) § 2.56.020(B), the City Council is the Monterey Park Planning Agency for purposes of this Resolution. In accordance with Government Code § 65401, the Public Works Director prepared and submitted a capital improvement plan (“CIP”) to the Planning Agency as set forth in attached Exhibit “A,” which is incorporated by reference. Government Code § 65103(C) requires the Planning Agency to annually review the City’s CIP to determine whether the CIP is consistent with the Monterey Park General Plan. The City Council finds that the CIP is consistent with the Monterey Park General Plan. Among other things the CIP meets the following goals in the General Plan:

- Goal 2.0 of the Circulation Element: Provide a local street system that accommodates current and future traffic volumes;
- Goal 5.0 of the Circulation Element: Create and maintain a connected system of bicycle routes and pedestrian facilities that meets the need of City residents;
- Goal 6.0 of the Circulation Element: Ensure that all development projects provide well-designed parking facilities that are safe, convenient, and attractive;
- Goal 3.0 of the Safety and Community Services Element: Protect public and private properties from geologic hazards associated with steep slopes, unstable hillsides, and liquefaction-prone areas;
- Goal 13.0 of the Safety and Community Services Element: Provide adequate sewer, water, and drainage systems to meet the needs of City residents and businesses; and
- Goal 4.0 of the Resources Element: Conserve and protect groundwater supply and water resources.

SECTION 2: Design Immunity; City Engineer. The City Council wishes to obtain the immunities set forth in Government Code § 830.6 regarding the plans and construction of the CIP projects. Accordingly, the City Council authorizes the City Engineer to exercise discretionary approval for plans or designs for each project identified in the CIP

in advance of the construction or improvement. Such approval must conform with the following:

- A. The City Engineer must determine that design and plans for the CIP projects are consistent with the City's standards, guidelines, practices, or otherwise comply with applicable law and engineering standards, guidelines, or practices.
- B. Approval must be in writing and be stamped by the City Engineer while exercising his or her discretion in accordance with California law.
- C. The design approval must occur before a solicitation of bids is issued in accordance with this Resolution and before actual construction work commences.
- D. The City Engineer is authorized to act on the City's behalf in approving any alterations or modifications of approved design and plans.

SECTION 3: Solicitation of Bids; Public Works Director. For CIP projects exceeding the threshold in MPMC § 3.100.040 for informal bidding (at the time this Resolution was adopted, the threshold is \$200,000 or more), the Public Works Director is authorized to solicit bids for projects identified in the CIP and in the current Budget Resolution without additional City Council authorization. Such solicitation for bids must comply with applicable California law including, without limitation, the Public Contract Code. The Public Works Director is required to bring all recommendations for award to the City Council.

SECTION 3: Electronic Signatures. This Resolution may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

SECTION 4: Recordation. The Mayor, or presiding officer, is authorized to sign this Resolution signifying its adoption by the City Council of the City of Monterey Park and the City Clerk, or her duly appointed deputy, may attest thereto.

SECTION 5: Effective Date. This Resolution will become effective immediately upon adoption and will remain effective unless repealed or superseded.

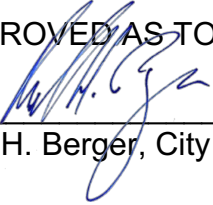
PASSED AND ADOPTED this 4th day of May, 2022.

Henry Lo, Mayor

ATTEST:

Vincent D. Chang, City Clerk

APPROVED AS TO FORM:



Karl H. Berger, City Attorney

**Five Year Capital Improvement Program
FY 2021-2022 Adopted Budget**

Project	Fund	Project Description	Appropriation Amount	Year To Date Estimated Expenditures	FY 2020-2021 Carryover Balance	New Funding Request FY 2021-2022	Planned FY 2022-2023	Planned FY 2023-2024	Planned FY 2024-2025	Planned FY 2025-26	Total Project Needs
Enterprise Capital Projects											
81402	401	UTILITY RATE STUDY	\$13,538.22	\$11,461.78	\$13,538.22	\$40,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$53,538.22
81402	411	UTILITY RATE STUDY	\$0.00	\$0.00	\$0.00	\$50,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$50,000.00
81402	421	UTILITY RATE STUDY	\$25,000.00	\$0.00	\$25,000.00	\$25,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$50,000.00
86003	421	SOLID WASTE CONTRACT	\$80,680.00	\$0.00	\$80,680.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$80,680.00
86004	401	CITY YARD DESIGN AND ARCHITECT	\$50,000.00	\$0.00	\$50,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$50,000.00
86004	411	CITY YARD DESIGN AND ARCHITECT	\$100,000.00	\$0.00	\$100,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$100,000.00
86004	501	CITY YARD DESIGN AND ARCHITECT	\$100,000.00	\$0.00	\$100,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$100,000.00
86005	411	SEWER MASTER PLAN	\$100,000.00	\$0.00	\$100,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$100,000.00
86007	401	WATER MASTER PLAN	\$100,000.00	\$0.00	\$100,000.00	\$180,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$280,000.00
88002	411	ANNUAL CCTV SEWER VIDEOTAPING	\$150,000.00	\$0.00	\$150,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$150,000.00
89001	402	GROUNDWATER TREATMENT SYSTEM	\$105,541.02	\$38,597.01	\$66,944.01	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$105,541.02
89001	403	GROUNDWATER TREATMENT SYSTEM	\$4,837,000.00	\$0.00	\$4,837,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$4,837,000.00
89002	402	EMERGENCY PORTABLE PUMPER	\$115,000.00	\$0.00	\$115,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$115,000.00
89003	401	SCADA SYSTEM RADIO REPLACEMENT	\$43,750.00	\$29,467.25	\$14,282.75	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$43,750.00
89003	403	SCADA SYSTEM RADIO REPLACEMENT	\$43,750.00	\$19,361.79	\$24,388.21	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$43,750.00
96001	401	N. ATLANTIC WATER/SEWER IMPROVEMENT	\$1,038,500.00	\$3,374.05	\$1,035,125.95	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,038,500.00
96001	411	N. ATLANTIC WATER/SEWER IMPROVEMENT	\$1,810,676.00	\$54,801.77	\$1,755,874.23	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,810,676.00
96001	239	N. ATLANTIC WATER/SEWER IMPROVEMENT	\$300,000.00	\$0.00	\$300,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$300,000.00
96002	401	WATER MAIN REPLACEMENT - NORTHEAST	\$3,300,000.00	\$319,494.20	\$2,980,505.80	\$0.00	\$1,000,000.00	\$1,000,000.00	\$1,000,000.00	\$1,000,000.00	\$7,300,000.00
96007	411	SEWER REPAIRS & PIPE RELINING	\$609,235.00	\$75,392.35	\$533,842.65	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$609,235.00
96016	411	GARVEY RESERVOIR DRAINAGE IMPROVEMENT	\$276,500.00	\$219,292.07	\$57,207.93	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$276,500.00
99001	401	LINCOLN GARVEY ATL WATER MAIN	\$113,028.00	\$37,027.13	\$76,000.87	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$113,028.00
99005	401	MIRA VALLE WATER PROJECT	\$0.00	\$0.00	\$0.00	\$540,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$540,000.00
99006	401	MPK GOLF COURSE WATER MAIN EXTENSION	\$0.00	\$0.00	\$0.00	\$630,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$630,000.00
99007	401	RUSSELL STREET RESERVOIR	\$0.00	\$0.00	\$0.00	\$1,600,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,600,000.00
99008	411	GLADYS AVENUE PIPELINE REPLACEMENT	\$0.00	\$0.00	\$0.00	\$310,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$310,000.00
99009	411	CHANDLER AVENUE PIPELINE REPLACEMENT	\$0.00	\$0.00	\$0.00	\$160,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$160,000.00
99010	411	EMERSON AVENUE PIPELINE RELINING	\$0.00	\$0.00	\$0.00	\$245,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$245,000.00
99011	411	EMERSON AVENUE PARALLEL PIPELINE	\$0.00	\$0.00	\$0.00	\$615,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$615,000.00
##	401	WELL ELECTRICAL AND PUMP STATION UPGRADES	\$0.00	\$0.00	\$0.00	\$0.00	\$110,000.00	\$120,000.00	\$130,000.00	\$140,000.00	\$500,000.00
##	401	WELL REDEVELOPMENT PROGRAM	\$0.00	\$0.00	\$0.00	\$0.00	\$200,000.00	\$220,000.00	\$220,000.00	\$250,000.00	\$890,000.00
##	401	WELL TELEMETERY	\$0.00	\$0.00	\$0.00	\$0.00	\$55,000.00	\$60,000.00	\$70,000.00	\$75,000.00	\$260,000.00
##	401	SEISMIC RETROFIT MAIN LINES THAT CROSS ALHAMBRA WASH	\$0.00	\$0.00	\$0.00	\$0.00	\$150,000.00	\$150,000.00	\$150,000.00	\$150,000.00	\$600,000.00
##	401	RUSSELL RESERVOIR CONSTRUCTION & BOOSTER PUMP REPLACEMENT	\$0.00	\$0.00	\$0.00	\$0.00		\$5,000,000.00	\$1,000,000.00		\$6,000,000.00
##	401	REPLACE DELTA SETTLING TANKS	\$0.00	\$0.00	\$0.00	\$0.00	\$6,075,000.00				\$6,075,000.00
##	401	REPLACE DELTA BOOSTER PUMP STATION	\$0.00	\$0.00	\$0.00	\$0.00		\$5,500,000.00			\$5,500,000.00
##	401	FIRE PROTECTION PIPELINE IMPROVEMENTS	\$0.00	\$0.00	\$0.00	\$0.00	\$2,000,000.00	\$2,000,000.00			\$4,000,000.00
##	411	CURED-IN PLACE PIPE RELINING/SEWER SPOT REPAIRS - VARIOUS LOCATIONS	\$0.00	\$0.00	\$0.00	\$0.00	\$570,400.00	\$567,700.00	\$794,600.00	\$732,400.00	\$2,665,100.00
##	411	PIPELINE REPLACEMENT - VARIOUS LOCATIONS	\$0.00	\$0.00	\$0.00	\$0.00	\$333,600.00	\$115,600.00	\$474,000.00	\$424,700.00	\$1,347,900.00
Enterprise Capital Projects Subtotal			\$13,312,198.24	\$808,269.40	\$12,515,390.62	\$4,395,000.00	\$10,494,000.00	\$14,733,300.00	\$3,838,600.00	\$2,772,100.00	\$49,545,198.24

**Five Year Capital Improvement Program
FY 2021-2022 Adopted Budget**

Project	Fund	Project Description	Appropriation Amount	Year To Date Estimated Expenditures	FY 2020-2021 Carryover Balance	New Funding Request FY 2021-2022	Planned FY 2022-2023	Planned FY 2023-2024	Planned FY 2024-2025	Planned FY 2025-26	Total Project Needs
Street Construction Capital Projects											
86006	101	ATLANTIC BANNER POLE	\$24,907.51	\$0.00	\$24,907.51	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$24,907.51
96014	101	STATION 63 SIDEWALK/SLOPE IMPROVEMENT	\$15,000.00	\$0.00	\$15,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$15,000.00
96004	239	DOWNTOWN TRAFFIC SIGNAL IMPROV	\$96,263.00	\$7,195.00	\$89,068.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$96,263.00
96004	246	DOWNTOWN TRAFFIC SIGNAL IMPROV	\$832,500.00	\$0.00	\$832,500.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$832,500.00
96005	241	TRAFFIC SIGNAL UPGRADES	\$230,000.00	\$33,951.29	\$196,048.71	\$200,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$430,000.00
96008	235	STREET RESURFACING	\$120,000.00	\$66,218.00	\$53,782.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$120,000.00
96008	237	STREET RESURFACING	\$2,472,131.50	\$585,789.00	\$1,886,342.50	\$1,103,381.00	\$1,000,000.00	\$1,000,000.00	\$0.00	\$0.00	\$5,575,512.50
96008	239	STREET RESURFACING	\$1,205,162.40	\$225,030.36	\$980,132.04	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,205,162.40
96008	240	STREET RESURFACING	\$1,500,000.00	\$0.00	\$1,500,000.00	\$0.00	\$500,000.00	\$500,000.00	\$0.00	\$0.00	\$2,500,000.00
96008	401	STREET RESURFACING	\$75,000.00	\$0.00	\$75,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$75,000.00
96010	239	STORM DRAIN CATCH BASIN CPS UNITS	\$95,327.00	\$24,225.00	\$71,102.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$95,327.00
96011	239	ELAC/CESAR CHAVEZ SIDEWALKS	\$254,676.00	\$0.00	\$254,676.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$254,676.00
96012	101	POTRERO GRANDE RENOVATION	\$3,582,048.00	\$0.00	\$3,582,048.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$3,582,048.00
96013	239	MTA MONTEREY PASS BIKE GRANT	\$300,000.00	\$30,540.00	\$269,460.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$300,000.00
96013	379	MTA MONTEREY PASS BIKE GRANT	\$1,993,627.00	\$2,940.00	\$1,990,687.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,993,627.00
96013	238	MTA MONTEREY PASS BIKE GRANT	\$750,000.00	\$0.00	\$750,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$750,000.00
96013	242	MTA MONTEREY PASS BIKE GRANT	\$800,000.00	\$0.00	\$800,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$800,000.00
96015	241	HSIP CYCLE SEVEN - GARFIELD TRAFFIC SIGNAL IMPROVEMENTS	\$268,889.20	\$5,460.00	\$263,429.20	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$268,889.20
96015	401	HSIP CYCLE SEVEN - GARFIELD TRAFFIC SIGNAL IMPROVEMENTS	\$86,250.00	\$0.00	\$86,250.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$86,250.00
96015	239	HSIP CYCLE SEVEN - GARFIELD TRAFFICE SIGNAL IMPROVEMENTS	\$158,553.00	\$0.00	\$158,553.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$158,553.00
96015	246	HSIP CYCLE SEVEN - GARFIELD TRAFFICE SIGNAL IMPROVEMENTS	\$832,500.00	\$0.00	\$832,500.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$832,500.00
96023	239	GARFIELD AVENUE CAPACITY IMPROVEMENT	\$100,000.00	\$0.00	\$100,000.00	\$0.00	\$600,000.00	\$0.00	\$0.00	\$0.00	\$700,000.00
96024	239	ATLANTIC AVENUE CAPACITY IMPROVEMENT	\$200,000.00	\$0.00	\$200,000.00	\$0.00	\$50,000.00	\$1,650,000.00	\$0.00	\$0.00	\$1,900,000.00
96025	239	RAMONA ROAD CAPACITY IMPROVEMENT	\$375,000.00	\$0.00	\$375,000.00	\$0.00	\$200,000.00	\$175,000.00	\$1,000,000.00	\$650,000.00	\$2,400,000.00
##	239	ADAPTIVE TRAFFIC/TRAFFIC RESPONSIVE CONTROL SYSTEM	\$9,000,000.00	\$0.00	\$9,000,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$9,000,000.00
99003	248	EAST LA SUSTAINABLE MEDIAN STORMWATER	\$1,200,000.00	\$0.00	\$1,200,000.00	\$0.00	\$600,000.00	\$600,000.00	\$0.00	\$0.00	\$2,400,000.00
##	242	TRAFFIC CALMING MEASURES - CITYWIDE	\$0.00	\$0.00	\$0.00	\$0.00	\$25,000.00	\$25,000.00	\$25,000.00	\$25,000.00	\$100,000.00
##	239	TRAFFIC SIGNAL BATTERY BACKUP REPLACEMENT	\$0.00	\$0.00	\$0.00	\$0.00	\$30,000.00	\$35,000.00	\$35,000.00	\$35,000.00	\$135,000.00
##	239	SLURRY SEAL OF VARIOUS STREETS	\$0.00	\$0.00	\$0.00	\$0.00	\$200,000.00	\$150,000.00	\$150,000.00	\$150,000.00	\$650,000.00
##	240	SLURRY SEAL OF VARIOUS STREETS	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$200,000.00	\$200,000.00	\$400,000.00
##	236	SIDEWALK CONSTRUCTION	\$0.00	\$0.00	\$0.00	\$0.00	\$115,000.00	\$40,000.00	\$145,000.00	\$45,000.00	\$345,000.00
##	239	SIDEWALK CONSTRUCTION	\$0.00	\$0.00	\$0.00	\$0.00	\$222,000.00	\$75,000.00	\$258,000.00	\$780,000.00	\$1,335,000.00
Street Construction Capital Projects Subtotal			\$26,567,834.61	\$981,348.65	\$25,586,485.96	\$1,303,381.00	\$3,542,000.00	\$4,250,000.00	\$1,813,000.00	\$1,885,000.00	\$39,361,215.61

**Five Year Capital Improvement Program
FY 2021-2022 Adopted Budget**

Project	Fund	Project Description	Appropriation Amount	Year To Date Estimated Expenditures	FY 2020-2021 Carryover Balance	New Funding Request FY 2021-2022	Planned FY 2022-2023	Planned FY 2023-2024	Planned FY 2024-2025	Planned FY 2025-26	Total Project Needs
Community Capital Improvement Projects											
81401	502	IT EMERGENCY / MASTER PLAN	\$50,000.00	\$0.00	\$50,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$50,000.00
83002	205	POLICE IN-CAR CAMERA SYSTEM	\$250,000.00	\$177,229.00	\$72,771.00	\$43,326.00	\$0.00	\$0.00	\$0.00	\$0.00	\$293,326.00
83003	302	POLICE MOBILE DATA COMPUTER	\$31,000.00	\$6,032.00	\$24,968.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$31,000.00
83999	101	POLICE EQUIPMENT	\$17,681.13	\$6,906.17	\$10,774.96	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$17,681.13
85001	238	DIAL A RIDE ROUTE SOFTWARE	\$31,197.60	\$0.00	\$31,197.60	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$31,197.60
85002	211	MPK TV AND VIDEO SYSTEM & EQUIPMENT	\$60,836.00	\$0.00	\$60,836.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$60,836.00
87001	101	COMPREHENSIVE GENERAL PLAN	\$346,632.27	\$96,127.13	\$250,505.14	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$346,632.27
87002	502	ACCELA UPDATE	\$31,475.00	\$10,226.25	\$21,248.75	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$31,475.00
##	231	EQUIPMENT REPLACEMENT & REC ADMIN OFFICE	\$18,000.00	\$0.00	\$18,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$18,000.00
91401	502	NETWORK EQUIPMENT (ERP)	\$1,133,563.16	\$182,711.99	\$950,851.17	\$0.00	\$200,000.00	\$200,000.00	\$200,000.00	\$200,000.00	\$1,933,563.16
91402	502	NETWORK EQUIPMENT (ERP) PSA	\$209,945.00	\$9,517.50	\$200,427.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$209,945.00
91403	502	IT NETWORK SWITCH REPLACEMENT	\$85,000.00	\$0.00	\$85,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$85,000.00
92001	205	STATION 61 REMODELING	\$420,521.09	\$0.00	\$420,521.09	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$420,521.09
92002	205	STATION 62 REPLACEMENT	\$100,000.00	\$317,810.42	-\$217,810.42	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$100,000.00
92002	239	STATION 62 REPLACEMENT	\$100,000.00	\$38,896.56	\$61,103.44	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$100,000.00
92002	240	STATION 62 REPLACEMENT	\$100,000.00	\$38,896.56	\$61,103.44	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$100,000.00
92002	101	STATION 62 REPLACEMENT	\$4,918,163.93	\$1,692,989.17	\$3,225,174.76	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$4,918,163.93
93001	101	POLICE LOCKER ROOM REMODEL	\$754,426.00	\$941,126.92	-\$186,700.92	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$754,426.00
93002	322	CALOES 9-1-1 SYSTEM UPGRADE	\$287,000.00	\$0.00	\$287,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$287,000.00
93003	101	CAD / RMS SYSTEM UPGRADES	\$80,074.00	\$2,689.61	\$77,384.39	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$80,074.00
95001	231	BARNES PLAYGROUND RUBBERIZED	\$170,100.00	\$0.00	\$170,100.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$170,100.00
95002	101	AMPHITHEATER SEATING/ADA	\$45,171.00	\$21,711.00	\$23,460.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$45,171.00
95003	231	BARNES PLAYGROUND EQUIPMENT/SURFACE	\$280,000.00	\$179,375.08	\$100,624.92	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$280,000.00
95004	231	BARNES FITNESS COURT INSTALL	\$125,185.00	\$34,815.00	\$90,370.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$125,185.00
95005	231	LANGLEY RESTROOM ADA DOOR	\$10,000.00	\$0.00	\$10,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$10,000.00
96003	217	VARIOUS PARKS IMPROVEMENTS	\$9,497.62	\$0.00	\$9,497.62	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$9,497.62
96018	101	DOWNTOWN PARKING LOT IMPROVEMENTS	\$567,153.00	\$0.00	\$567,153.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$567,153.00
96019	101	VAGABOND RETAINING WALL REPAIR	\$39,231.98	\$11,451.00	\$27,780.98	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$39,231.98
96020	101	CITY HALL ENHANCEMENTS	\$519,970.30	\$110,487.30	\$409,483.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$519,970.30
96021	101	MRG/COUNCIL SAFETY COUNTER	\$34,960.00	\$0.00	\$34,960.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$34,960.00
##	101	MOBILE VISION FLASHBACK 3 SYSTEM	\$88,323.00	\$88,000.00	\$323.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$88,323.00
##	302	POLICE MOBILE DATA COMPUTER	\$31,000.00	\$0.00	\$31,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$31,000.00
##	205	POLICE IN-CAR CAMERA SYSTEM	\$250,000.00	\$61,132.00	\$188,868.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$250,000.00
##	205	MOBILE COMMAND POST AND COMMUNICATION CENTER	\$0.00	\$0.00	\$0.00	\$0.00	\$200,000.00	\$0.00	\$0.00	\$0.00	\$200,000.00
##	101	ZOLL E-SERIES CARDIAC DEFIBRILLATOR	\$0.00	\$0.00	\$0.00	\$0.00	\$40,000.00	\$42,000.00	\$44,000.00	\$44,000.00	\$170,000.00
##	501	STATION 63 NEW ENGINE REPLACEMENT	\$0.00	\$0.00	\$0.00	\$0.00	\$650,000.00	\$0.00	\$0.00	\$0.00	\$650,000.00
##	205	STATION 63 NEW PARAMEDIC AMBULANCE	\$0.00	\$0.00	\$0.00	\$0.00	\$600,000.00	\$0.00	\$0.00	\$0.00	\$600,000.00
Community Capital Improvement Projects Subtotal			\$11,196,107.08	\$4,028,130.66	\$7,167,976.42	\$43,326.00	\$1,690,000.00	\$242,000.00	\$244,000.00	\$244,000.00	\$13,659,433.08

**Five Year Capital Improvement Program
FY 2021-2022 Adopted Budget**

Project	Fund	Project Description	Appropriation Amount	Year To Date Estimated Expenditures	FY 2020-2021 Carryover Balance	New Funding Request FY 2021-2022	Planned FY 2022-2023	Planned FY 2023-2024	Planned FY 2024-2025	Planned FY 2025-26	Total Project Needs
TOTAL ALL FUNDS											
101	GENERAL FUND		\$11,033,742.12	\$2,971,488.30	\$8,062,253.82	\$0.00	\$40,000.00	\$42,000.00	\$44,000.00	\$44,000.00	\$11,203,742.12
205	PUBLIC SAFETY DIF		\$1,020,521.09	\$556,171.42	\$464,349.67	\$43,326.00	\$800,000.00	\$0.00	\$0.00	\$0.00	\$1,863,847.09
211	VIDEO SERVICE FRANCHISE		\$60,836.00	\$0.00	\$60,836.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$60,836.00
217	RECREATION FUNDS		\$9,497.62	\$0.00	\$9,497.62	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$9,497.62
231	PUBLIC/PARKS/LIBRARY DIF		\$603,285.00	\$214,190.08	\$389,094.92	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$603,285.00
235	ASHALT_CONCRETE INCENTIVE		\$120,000.00	\$66,218.00	\$53,782.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$120,000.00
236	SB821 BIKEWAY		\$0.00	\$0.00	\$0.00	\$0.00	\$115,000.00	\$40,000.00	\$145,000.00	\$45,000.00	\$345,000.00
237	RMRA SB1		\$2,472,131.50	\$585,789.00	\$1,886,342.50	\$1,103,381.00	\$1,000,000.00	\$1,000,000.00	\$0.00	\$0.00	\$5,575,512.50
238	PROP A		\$781,197.60	\$0.00	\$781,197.60	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$781,197.60
239	MEASURE R		\$12,184,981.40	\$325,886.92	\$11,859,094.48	\$0.00	\$1,302,000.00	\$2,085,000.00	\$1,443,000.00	\$1,615,000.00	\$18,629,981.40
240	MEASURE M		\$1,600,000.00	\$38,896.56	\$1,561,103.44	\$0.00	\$500,000.00	\$500,000.00	\$200,000.00	\$200,000.00	\$3,000,000.00
241	PROP C		\$498,889.20	\$39,411.29	\$459,477.91	\$200,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$698,889.20
242	GAS TAX		\$800,000.00	\$0.00	\$800,000.00	\$0.00	\$25,000.00	\$25,000.00	\$25,000.00	\$25,000.00	\$900,000.00
245	MTA BIKE LANE CONTRUCTION GRANT		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
246	HIGHWAY SAFETY IMPROV PROGRAM		\$1,665,000.00	\$0.00	\$1,665,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,665,000.00
248	MEASURE W		\$1,200,000.00	\$0.00	\$1,200,000.00	\$0.00	\$600,000.00	\$600,000.00	\$0.00	\$0.00	\$2,400,000.00
302	ASSET FORFEITURE_TREASURY		\$62,000.00	\$6,032.00	\$55,968.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$62,000.00
322	CALOES		\$80,074.00	\$2,689.61	\$77,384.39	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$287,000.00
375	AIR QUALITY IMPROVEMENT		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
379	MTA MONTEREY PASS BIKE GRANT		\$1,993,627.00	\$2,940.00	\$1,990,687.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,993,627.00
401	WATER		\$4,820,066.22	\$400,824.41	\$4,430,703.59	\$2,990,000.00	\$9,590,000.00	\$14,050,000.00	\$2,570,000.00	\$1,615,000.00	\$35,635,066.22
402	WATER TREATMENT		\$220,541.02	\$38,597.01	\$181,944.01	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$220,541.02
403	WATER TREATMENT		\$4,880,750.00	\$19,361.79	\$4,861,388.21	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$4,880,750.00
411	SEWER		\$3,046,411.00	\$349,486.19	\$2,696,924.81	\$1,380,000.00	\$904,000.00	\$683,300.00	\$1,268,600.00	\$1,157,100.00	\$8,439,411.00
421	REFUSE		\$105,680.00	\$0.00	\$105,680.00	\$25,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$130,680.00
501	SHOP		\$100,000.00	\$0.00	\$100,000.00	\$0.00	\$650,000.00	\$0.00	\$0.00	\$0.00	\$750,000.00
502	TECHNOLOGY		\$1,509,983.16	\$202,455.74	\$1,307,527.42	\$0.00	\$200,000.00	\$200,000.00	\$200,000.00	\$200,000.00	\$2,309,983.16
GRANTS	GRANTS		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
TOTAL ALL FUNDS			\$50,869,213.93	\$5,820,438.32	\$45,060,237.39	\$5,741,707.00	\$15,726,000.00	\$19,225,300.00	\$5,895,600.00	\$4,901,100.00	\$102,565,846.93



City Council Staff Report

DATE: May 4, 2022

AGENDA ITEM NO: New Business - 5A

TO: The Honorable Mayor and City Council
FROM: Vincent D. Chang, City Clerk
SUBJECT: Consider an Ordinance amending Monterey Park Municipal Code Chapter 2.82.60 regulating the appointment procedures for boards, commissions and committees

RECOMMENDATION:

It is recommended that the City Council consider:

1. Introducing and waiving first reading of an ordinance amending Monterey Park Municipal Code Chapter 2.82.60 regulating the appointment procedures for boards, commissions and committees;
2. Approving the extension of certain commissions terms; and
3. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

In accordance with Monterey Park Municipal Code (MPMC) § 2.82.50, Commissions, Boards and Committees (collectively, "Commissions") members may serve two 4 year terms. If an individual completes serving and separates, such person cannot be reappointed to the same board or commission for at least twelve consecutive months unless authorized by City Council to extend their term for another 4 year terms. This would align the Commissioner terms with that of the Councilmember who appointed them.

At the July 21, 2021 City Council meeting, the City Council amended MPMC § 2.04.050 changing the election date from March of even years to November of even years as mandated by Senate Bill 970. As a result, the current commission terms beginning May 1 and ending April 30 the following year does not correlate with the November election date.

BACKGROUND:

At the June 2, 2021 Council meeting, the City Council adopted Ordinance No. 2209 amending section § 2.82.050 changing the commissioners' terms to two 4 years term with the option of extending their term by City Council authorization. It is recommended the City Council consider extending the following commissioners' terms to align with the appointing councilmember's term limit.

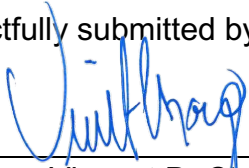
Commission on Aging	Council Member Henry Lo	Tak Kuen "Charles" Mau	Terms: 1/7/15 - 4/30/15 5/1/15 - 4/30/16 5/1/16 - 4/30/17 5/1/17 - 4/30/18 5/1/18 - 4/30/19 5/1/19 - 4/30/20 5/1/20 - 4/30/21 5/1/21 - 4/30/22
Business Improvement District Advisory Committee	Council Member Vacant	Guey Lin Jeng (Gene)	Terms: 8/21/13 - 4/30/14 5/1/14 - 4/30/15 5/1/15 - 4/30/16 5/1/16 - 4/30/17 5/1/17 - 4/30/18 5/1/18 - 4/30/19 5/1/19 - 4/30/20 5/1/20 - 4/30/21 5/1/21 - 4/30/22
Community Participation Commission	Council Member Peter Chan	Victoria Chavez-Calderon	Terms: 8/7/13 - 4/30/14 5/1/14 - 4/30/15 5/1/15 - 4/30/16 5/1/16 - 4/30/17 5/1/17 - 4/30/18 5/1/18 - 4/30/19 5/1/19 - 4/30/20 5/1/20 - 4/30/21 5/1/21 - 4/30/22
Planning Commission	Council Member Hans Liang	Ricky Choi	Terms: 8/7/13 - 4/30/14 5/1/14 - 4/30/15 5/1/15 - 4/30/16 5/1/16 - 4/30/17 5/1/17 - 4/30/18 5/1/18 - 4/30/19 5/1/19 - 4/30/20 5/1/20 - 4/30/21 5/1/21 - 4/30/22
Traffic Commission	Council Member Hans Liang	Benkin Jong	Terms: 11/6/13 - 4/30/14 5/1/14 - 4/30/15 5/1/15 - 4/30/16 5/1/16 - 4/30/17 5/1/17 - 4/30/18 5/1/18 - 4/30/19 5/1/19 - 4/30/20 5/1/20 - 4/30/21 5/1/21 - 4/30/22

In addition, the City Council may wish to consider amending the section 2.82.60 changing the commission term from May 1 to April 30 of next year to January 1 to December 31 of next year to coincide with the City Council November election dates.

FISCAL IMPACT:

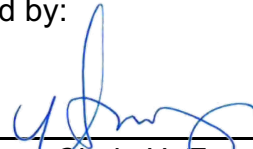
None.

Respectfully submitted by:



Vincent D. Chang
City Clerk

Prepared by:



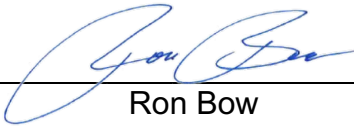
Cindy H. Trang
Deputy City Clerk

Reviewed by:



Inez Alvarez
Assistant City Manager

Reviewed by:



Ron Bow
City Manager

Reviewed by:



Karl H. Berger
City Attorney

Attachments:

1. Draft Ordinance

ATTACHMENT 1

Draft Ordinance

ORDINANCE NO. _____

**AN ORDINANCE AMENDING SECTIONS OF THE MONTEREY PARK
MUNICIPAL CODE CHAPTER 2.82.60 REGULATING THE APPOINTMENT
PROCEDURES FOR BOARDS, COMMISSIONS AND COMMITTEES.**

The City Council of the City of Monterey Park does ordain as follows:

SECTION 1: MPMC § 2.82.060 is amended to read as follows:

“2.82.060 Appointment Procedures.

- A. Persons seeking appointment to a committee should file applications, in a form prescribed by the city clerk, or designee, ~~to-with~~ the city clerk's office.
- B. Unless otherwise provided, each councilmember may appoint one person to a particular board or commission. Persons nominated by a councilmember are announced at a council meeting, but the nomination does not require ratification by council action.
- C. Every term begins ~~May~~ January 1 and ends ~~April~~ December 31 of the following year.”

SECTION 2: *Environmental Review.* This Ordinance is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*, “CEQA”) and CEQA Guidelines (14 California Code of Regulations (“CCR”) §§ 15000, *et seq.*) because it establishes rules and procedures to clarify existing policies and practices related to government organization; does not involve any commitment to a specific project which could result in a potentially significant physical impact on the environment; and constitutes an organizational or administrative activity that will not result in direct or indirect physical changes in the environment. Accordingly, this Ordinance does not constitute a “project” that requires environmental review (*see specifically* 14 CCR § 15378(b)(4-5)).

SECTION 3: *Electronic Signatures.* This Ordinance may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

SECTION 4: *Construction.* This Ordinance must be broadly construed to achieve the purposes stated in this Ordinance. It is the City Council’s intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 5: *Severability.* If any part of this Ordinance or its Application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the

provisions of this Ordinance are severable.

SECTION 6: Recordation. The City Clerk, or designee, is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Monterey Park's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within 15 days after the passage and adoption of this Ordinance, and cause it to be published or posted in accordance with California law.

SECTION 7: Effective Date. This Ordinance will become effective 30 days after second reading and adoption.

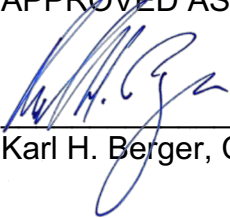
PASSED AND ADOPTED this ____ day of _____, 2022.

Henry Lo, Mayor

ATTEST:

Vincent D. Chang, City Clerk

APPROVED AS TO FORM:



Karl H. Berger, City Attorney



City Council Staff Report

DATE: May 4, 2022

AGENDA ITEM NO: New Business - 5B

TO: The Honorable Mayor and City Council
FROM: Kelly Gordon, Chief of Police
SUBJECT: Consideration and possible action to read by title only, waive further reading, and introduce an uncodified Ordinance approving a Monterey Park Police Department Military Equipment Use Policy in accordance with California Assembly Bill 481.

RECOMMENDATION:

It is recommended that the City Council consider:

1. Read by title only, waive further reading, and introduce an uncodified Ordinance approving Monterey Park Police Department Military Equipment Use Policy in accordance with California Assembly Bill 481; and
2. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The Monterey Park Police Department staff has prepared the draft Military Equipment Use policy (or "MEU Policy") in accordance with new state law requirements and submits it for City Council adoption via the proposed Ordinance prepared by the City Attorney's office. Staff provided for timely posting of the draft MEU Policy on the City's website on March 31, 2022, and concurrently submitted the proposed MEU Policy to the City Council for review.

If approved for first reading as recommended in this report, the Ordinance would be scheduled for a second reading and prospective adoption at the next regular City Council meeting on May 18, 2022. If adopted, the Ordinance would be effective 30 days after adoption.

BACKGROUND:

California Assembly Bill No. 481 ("AB 481") added Government Code §§ 7070-7075 and took effect on January 1, 2022. AB 481 generally requires the legislative body associated with a local law enforcement agency to adopt a military equipment use policy via ordinance, before continuing use of military equipment in its inventory or acquiring additional military equipment (§ 7071.) May 1, 2022 is the deadline by which a local law enforcement agency must "commence a governing body approval process" for military equipment it acquired before January 1, 2022. Staff commenced this process with its

online posting of the MEU Policy and submission to the City Council in March 2022, as noted above.

“Military equipment” is broadly defined in § 7070(d) and does not necessarily indicate equipment used by the military. It includes, without limitation, equipment such as: unmanned aerial or ground vehicles; armored vehicles; command and control vehicles; pepper balls; less lethal shotguns; less lethal 40 mm projectile launchers, long-range acoustic devices; and flashbangs. The list of items considered “military equipment” includes equipment employed by many law enforcement agencies throughout the country as best practices to ensure public and officer safety.

FISCAL IMPACT:

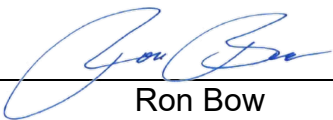
The MEU Policy identifies already-incurred equipment acquisition costs and ongoing maintenance costs that have been factored into the Police Department budget. City Council approval of the proposed Ordinance will not create any new significant costs.

Respectfully submitted by:



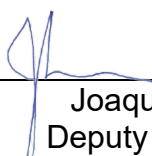
Kelly Gordon
Chief of Police

Approved by:



Ron Bow
City Manager

Reviewed by:



Joaquin Vazquez
Deputy City Attorney

ATTACHMENT:

1. Ordinance with MEU Policy attached as Exhibit “A”
2. Text of AB 481

ATTACHMENT 1

Ordinance

ORDINANCE NO.

AN ORDINANCE ADOPTING A MILITARY EQUIPMENT USE POLICY.

The City Council of the City of Monterey Park does ordain as follows:

SECTION 1: The City Council finds and declares that:

- A. Assembly Bill 481 ("AB 481"), codified at Government Code §§ 7070 through 7075, requires City Council adoption, via ordinance, of a military equipment use policy ("MEU Policy") at a regular meeting prior to taking certain actions related to the funding, acquisition, or use of military equipment, including without limitation, the continued use of military equipment acquired before January 1, 2022.
- B. The City Council seeks to approve a MEU Policy consistent with AB 481 by adopting this Ordinance.
- C. Pursuant to Government Code § 7071(b), MPPD staff made MEU Policy documents available on the City's website and submitted the MEU policy to the City Council at least 30 days prior to City Council consideration of adoption of the MEU Policy.

SECTION 2: *Adoption of MEU Policy.* The City Council adopts the proposed MEU Policy based upon the totality of evidence in the record based upon the findings set forth below, in accordance with Government Code § 7071(d)(1). For purposes of this Section 2, "MEU Policy" refers to policy attached to this Ordinance as Exhibit "A."

- A. The military equipment described in the City's MEU Policy is necessary because there is no reasonable alternative that can achieve the same objective of MPPD officer and civilian safety.
- B. The City's MEU Policy will safeguard the public's welfare, safety, civil rights, and civil liberties.
- C. Any military equipment to be purchased will be reasonably cost effective compared to reasonably alternatives that can achieve the same objective of MPPD officer and civilian safety.
- D. MPPD's prior use of military equipment complied with applicable use policies.

SECTION 3: *Annual Review; Policy Posting.* The City Council directs the MPPD Police Chief, or designee, to:

- A. Present this Ordinance to the City Council for its annual review where it will vote on whether to renew this Ordinance, beginning within one year of the

effective date of this Ordinance (Gov. Code, § 7071(e)(1)).

- B. Submit an annual MEU Policy equipment report to the City Council for the body to consider compliance with the MEU Policy, beginning within one year of the effective date of this Ordinance, to assist with the City Council's review of this Ordinance as described in paragraph A, above.
- C. Conduct a well-publicized and conveniently located community engagement meeting at least 30 days prior to submitting the annual report, as described in paragraph B above, to the City Council (Gov. Code, § 7072(b)).
- D. Post the City's adopted MEU Policy on the City's website as long as associated military equipment is in MPPD use (Gov. Code, § 7071(d)(2)).
- E. Post each annual report, as described in paragraph B above, on the City's website for as associated military equipment is in MPPD use (Gov. Code, § 7072(a)).

SECTION 4: *Environmental Review*. Adoption of this Ordinance is exempt from further environmental review under the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq., "CEQA") and CEQA Guidelines (14 Cal. Code of Regs., § 15000 et seq., "CEQA Guidelines") because the Ordinance concerns general policies and procedures and therefore, pursuant to CEQA Guidelines § 15061(b)(3), it can be seen with certainty that there is no possibility that this Ordinance will have a significant effect on the environment.

SECTION 5: *Electronic Signatures*. This Ordinance may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

SECTION 6: *Construction*. This Ordinance must be broadly construed to achieve the purposes stated in this Ordinance. It is the City Council's intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 7: *Severability*. If any part of this Ordinance or its Application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 8: *Recordation*. The City Clerk, or designee, is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Monterey Park's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within 15 days after the passage and adoption of this Ordinance, and cause it to be published or posted in accordance with California law.

SECTION 9: *Effective Date*. This Ordinance will become effective 30 days after second reading and adoption.

PASSED AND ADOPTED this ____ day of _____, 2021.

Henry Lo, Mayor

ATTEST:

Vincent D. Chang, City Clerk

APPROVED AS TO FORM:
Karl H. Berger, City Attorney

By:



Joaquin Vazquez, Deputy City Attorney

EXHIBIT "A"
MEU Policy

Military Equipment

709.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the approval, acquisition, and reporting requirements of “military equipment” (See Government Code §§ 7070; 7072).

709.1.1 DEFINITIONS

Definitions related to this policy include (Government Code § 7070):

Governing body - The Monterey Park City Council.

Military equipment - Includes but is not limited to the following:

- Unmanned, remotely piloted, powered aerial or ground vehicles.
- Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers.
- High mobility multipurpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached.
- Tracked armored vehicles that provide ballistic protection to their occupants.
- Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- Weaponized aircraft, vessels, or vehicles of any kind.
- Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include a handheld, one-person ram.
- Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.
- Specialized firearms and ammunition of less than .50 caliber, including firearms and accessories identified as assault weapons in Penal Code§ 30510 and Penal Code§ 30515, with the exception of standard-issue handguns.
- Any firearm or firearm accessory that is designed to launch explosive projectiles.
- Noise-flash diversionary devices and explosive breaching tools.
- Munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray.
- TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs).
- Kinetic energy weapons and munitions.
- Any other equipment as determined by a governing body or a state agency to require additional oversight.

709.2 APPROVAL OF THE GOVERNING BODY

The Chief of Police or his/her authorized designee shall seek approval for this policy from the governing body in the form of an ordinance adopting the policy. As part of the approval seeking process, the Chief of Police, or his/her authorized designee, will submit the proposed military equipment policy to the governing body and make it available on the Department website at least 30 days prior to any public hearing concerning the military equipment at issue (Government Code § 7071).

The governing body must approve the policy prior to the Department or its members engaging in any of the following (Government Code § 7071):

- (a) Requesting military equipment made available by the U.S. Department of Defense pursuant to 10 USC § 2576a.
- (b) Seeking funds for military equipment, including but not limited to applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
- (c) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
- (d) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this department.
- (e) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.
- (f) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment.
- (g) Acquiring military equipment through any means not provided above.

709.3 POLICY

The acquisition of military equipment and its deployment in our communities may impact the public's safety and welfare. The public has a right to know about any funding, acquisition, or use of military equipment by local government officials, as well as a right to participate in any government agency's decision to fund, acquire, or use such equipment. Decisions whether and how to fund, acquire, or use military equipment will be made with strong consideration for the public's welfare, safety, civil rights, and civil liberties and also account for the public's input.

It is the policy of the Monterey Park Police Department that there are legally enforceable safeguards, including transparency, oversight, and accountability measures in place to protect the public's welfare, safety, civil rights, and civil liberties before military equipment is funded, acquired, or used.

Members of the Monterey Park Police Department will only use military equipment in compliance with federal and state legal authorities, including the Fourth and Fifth Amendments of the U.S. Constitution; Article 1, Section 1 of the California Constitution; Government Code § 7286; and, California Penal Code §§ 835a and 13652. Members of the Monterey Park Police Department will only use military equipment consistent with applicable Department rules and regulations, including the Use of Force Policy. Violations of the law or this Policy may result in criminal or administrative investigations and/ or disciplinary action up to and including termination

The Department, through the designated Military Equipment Coordinator, will ensure that members of the Department are trained to only use military equipment only in accordance with this Policy. Members using military equipment for uses not identified as approved uses in the Military Equipment Inventory shall be are subject to discipline, up to and including termination. All instances of non-compliance will be reported to City Council via the annual military equipment report.

The City Council shall have independent oversight of the Department's compliance with this Policy.

709.4 MILITARY EQUIPMENT COORDINATOR

The Chief of Police will designate a member of this Department to act as the Military Equipment Coordinator ("Coordinator"). The responsibilities of the military equipment coordinator include but are not limited to:

- (a) Acting as liaison to the governing body for matters related to the requirements of this policy.
- (b) Identifying Department equipment that qualifies as "military equipment," as defined in Government Code § 7070, in the current possession of the Department, or the equipment the Department intends to acquire that requires approval by the governing body.
- (c) Conducting an inventory of all military equipment at least annually.
- (d) Collaborating with any allied agency that may use military equipment within the jurisdiction of Monterey Park Police Department (Government Code § 7071).
- (e) Preparing for, scheduling, and coordinating the annual community engagement meeting to include:
 - 1. Publicizing the details of the meeting.
 - 2. Preparing for public questions regarding the department's funding, acquisition, and use of equipment.
- (f) Preparing the annual military equipment report for submission to the Chief of Police and ensuring that the report is made available on the department website (Government Code § 7072).

- (g) Receive and timely respond to public concerns, complaints, or questions regarding the use of military equipment.

709.5 PUBLIC COMPLAINTS, CONCERNS AND QUESTIONS

Members of the public may register complaints or submit questions or concerns about the use of each type of military equipment in this Policy in writing to:

Monterey Park Police Department
Attn: Military Equipment Coordinator
320 W. Newmark Avenue
MilitaryEquipment@montereypark.ca.gov

Whenever practical, the Coordinator will respond to concerns, complaints and questions within 30 calendar days of receipt. Responses may take longer depending on the nature and volume of concerns, complaints, and questions that the Coordinator receives.

The Coordinator will track complaints, concerns, and questions received, and the responses provided, in order to be able to include the information in the Annual Report described below.

709.6 MILITARY EQUIPMENT INVENTORY

The following constitutes a list of qualifying equipment in the possession of the Department:

See attachment: Monterey Park PD Military Equipment Inventory

709.7 COORDINATION WITH OTHER JURISDICTIONS

Police Department will not collaborate with other law enforcement agencies to use military equipment in this jurisdiction unless the military equipment is approved for use, and used in accordance with this policy.

709.8 ANNUAL REPORT

Upon approval of a military equipment policy, the Chief of Police or the authorized designee will submit a military equipment report to the governing body for each type of military equipment approved within one year of approval, and annually thereafter for as long as the military equipment is available for use (Government Code § 7072).

The Chief of Police or the authorized designee will also make each annual military equipment report publicly available on the department website for as long as the military equipment is available for use. The report will include all information required by Government Code § 7072 for

the preceding calendar year for each type of military equipment in department inventory.

709.9 COMMUNITY ENGAGEMENT

Within 30 days of submitting and publicly releasing the annual report, the Department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the Department will discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment.

Type	DRONE
Description	The DJI Mavic 2 is a remote controlled, aerial, unmanned device used to surveil an area or building before officers enter it. https://www.dji.com/mavic-2
Quantity	One (1).
Capabilities	The DJI Mavic 2 is a remote controlled quadcopter frame with 4 motors that equalize the turning force provided by rotating propellers. The UAS is a system equipped with a camera and is operable under FAA rules & regulation.
Cost	\$15,000 initial cost.
Purpose	The DJI Mavic 2 enhances the capabilities of officers in tactical situations by allowing them to inspect dangerous situations from a safe distance quickly and safely.
Authorized Use	To perform aerial data collection for officer safety and tactical incidents while also respecting the privacy of the community.
Expected lifespan	2 years.
Fiscal impact	\$200 annual maintenance.
Training	FAA Part 107 (Remote Pilot) License / 2 yrs recertification.
Legal and procedural rules	The drone will be deployed for official law enforcement purposes in a manner that respects the privacy of our community and complies with department manual section 607 and pursuant to State and Federal Law, including the Fourth Amendment to the U.S. Constitution and Article I, Section 1 of the California Constitution.

Type	DRONE
Description	The AUTEL EVO II is a remote controlled, aerial, unmanned device used to surveil an area or building before officers enter it. https://www.autel drones.com
Quantity	One (1).
Capabilities	The AUTEL EVO II is a remote controlled quadcopter frame with 4 motors that equalize the turning force provided by rotating propellers. The UAS is a system equipped with a camera, communication speaker, and is operable under FAA rules & regulation.
Cost	\$15,000 initial cost;
Purpose	The AUTEL EVO II enhances the capabilities of officers in tactical situations by allowing them to inspect dangerous situations from a safe distance quickly and safely.
Authorized Use	To perform aerial data collection for officer safety and tactical incidents while also respecting the privacy of the community.
Expected lifespan	2 years.
Fiscal impact	\$200 annual maintenance.
Training	FAA Part 107 (Remote Pilot) License / 2 yrs recertification.

Legal and procedural rules	The drone will be deployed for official law enforcement purposes in a manner that respects the privacy of our community and complies with department manual section 607 and pursuant to State and Federal Law, including the Fourth Amendment to the U.S. Constitution and Article I, Section 1 of the California Constitution.
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Type	ROBOT
Description	The Marchbot IV is a remote controlled, four wheel, unmanned device used to surveil an area or building before officers enter it. https://www.exponent.com
Quantity	Four (4).
Capabilities	The Marchbot IV is equipped with a camera mounted to an extension boom that provides a real time view of its surroundings.
Cost	No initial cost. Acquired through the Law Enforcement Support Office - LESO/1033 program under 10 USC 2567a.
Purpose	The Marchbot IV enhances the capabilities of officers in tactical situations by allowing them to inspect dangerous situations from a
Authorized Use	Only officers who have completed training shall be permitted to operate the robot. Deployment of the robot will be authorized by the
Expected lifespan	2 years. Annual maintenance and battery replacement cost is approximately
Fiscal impact	\$1,200.
Training	All robot operators must complete three (3) hours of safe operation training provided by the S.R.T. Team.
Legal and procedural rules	The Marchbot IV will only be deployed with the authorization of the Incident or Tactical Commander and will only be deployed for official law enforcement purposes in a manner that respects the privacy of our community and complies with State and Federal Law, including the Fourth Amendment to the U.S. Constitution and Article I, Section 1 of the California Constitution.

Type	ROBOT
Description	The Throwbot (Recon Robotics) is a throwable remote controlled, two wheel, unmanned device used to surveil an area or building before officers enter it. https://reconrobotics.com
Quantity	Four (4).
Capabilities	The Throwbot is equipped with a camera mounted that provides a real time view of its surroundings.
Cost	No initial cost. Acquired through the Law Enforcement Support Office - LESO/1033 program under 10 USC 2567a.
Purpose	The Throwbot enhances the capabilities of officers in tactical situations by allowing them to inspect dangerous situations from a safe distance quickly and safely.

Authorized Use	Only officers who have completed training shall be permitted to operate the robot. Deployment of the robot will be authorized by the Incident or Tactical Commander.
Expected lifespan	2 Years.
Fiscal impact	Annual maintenance is approximately \$200.
Training	All robot operators must complete three (3) hours of safe operation training provided by the S.R.T. Team.
Legal and procedural rules	The Throwbot will only be deployed with the authorization of the Incident or Tactical Commander and will only be deployed for official law enforcement purposes in a manner that respects the privacy of our community and complies with State and Federal Law, including the Fourth Amendment to the U.S. Constitution and Article I, Section 1 of the California Constitution.

Type	ROBOT
Description	The 510 PackBot is a remote controlled, tracked, unmanned device used to surveil an area or building before officers enter it. https://www.flir.com
Quantity	Two (2).
Capabilities	The 510 Packbot is equipped with a camera that provides a real time view of its surroundings and an articulating arm that allows it to open doors and move objects.
Cost	No initial cost. Acquired through the Law Enforcement Support Office - LESO/1033 program under 10 USC 2567a.
Purpose	The 510 PackBot enhances the capabilities of officers in tactical situations by allowing them to inspect dangerous situations from a safe distance quickly and safely.
Authorized Use	Only officers who have completed training shall be permitted to operate the robot. Deployment of the robot will be authorized by the Incident or Tactical Commander.
Expected lifespan	2 years. Annual maintenance and battery replacement cost is approximately \$1,200.
Fiscal impact	
Training	All robot operators must complete three (3) hours of safe operation training provided by the S.R.T. Team.
Legal and procedural rules	The 510 Packbot will only be deployed with the authorization of the Incident or Tactical Commander and will only be deployed for official law enforcement purposes in a manner that respects the privacy of our community and complies with State and Federal Law, including the Fourth Amendment to the U.S. Constitution and Article I, Section 1 of the California Constitution.

Type	Armored Rescue Vehicle
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Description	The Bearcat is a, four-wheeled, ballistic armored rescue vehicle manufactured by Lenco in 2003. The vehicle has a door located at the driverside, passengerside and rear of the vehicle. There is one roof opening and seats inside the vehicle. The vehicle is clearly identified with Department markings and equipped with additional lighting, a unit control system, and a police radio. https://www.lencoarmor.com
Quantity	One (1).
Capabilities	The armored vehicle provides ballistic protection from firearms and other projectiles. This vehicle is used for rescue and to transport tactical team members in tactical situations.
Cost	\$250,000.00
Purpose	The Bearcat is used for rescue and to transport Department personnel, primarily tactical team members, to designated high-risk law enforcement operations. The armor on this vehicle provides ballistic protection from firearms and other projectiles.
Authorized Use	Only officers who have completed training shall be permitted to operate the Bearcat. Deployment of the Bearcat will be authorized by the Incident or Tactical Commander.
Expected lifespan	5 years.
Fiscal impact	Annual maintenance and fuel cost is approximately \$1,500.
Training	All Bearcat operators must complete three (3) hours of safe operations training provided by the S.R.T. Team.
Legal and procedural rules	The Bearcat will only be deployed with the authorization of the Incident or Tactical Commander for rescue and official law enforcement purposes.

Type	Armored Rescue Vehicle
Description	The Peace Keeper is a, four-wheeled, ballistic armored rescue vehicle manufactured by Cadillac Gage in the 1980's. The vehicle has a door located at the driverside, passengerside and rear of the vehicle. There is one roof opening and seats inside the vehicle. The vehicle is clearly identified with Department markings and equipped with additional lighting, a unit control system, and a police radio. https://www.militaryfactory.com
Quantity	2
Capabilities	The armored vehicle provides ballistic protection from firearms and other projectiles. This vehicle is used for rescue and to transport tactical team members in tactical situations.
Cost	No initial cost. Acquired through the Law Enforcement Support Office - LESO/1033 program.
Purpose	The Cadillac Gage Ranger is a four-wheeled armored personnel carrier produced by Cadillac Gage, built on a Dodge truck chassis.
Authorized Use	Only officers who have completed training shall be permitted to operate the Bearcat. Deployment of the Bearcat will be authorized by the Incident or Tactical Commander.

Expected lifespan	2 years.
Fiscal impact	Annual maintenance and fuel cost is approximately \$500.
Training	All Peacekeeper operators must complete three (3) hours of safe operations training provided by the S.R.T. Team.
Legal and procedural rules	The Peacekeeper will only be deployed with the authorization of the Incident or Tactical Commander for rescue and official law enforcement purposes.

Type	Command Control Vehicle
Description	The Field Supervisor Vehicle (2013 Chevrolet, Tahoe) is a special purpose built mobile command post. The vehicle is clearly identified with Department markings and equipped with emergency lighting, a unit control system, rear command post setup, and several police radios.
Quantity	One (1).
Capabilities	The Field Supervisor Vehicle is equipped with radios and area maps to function as a mobile command post during critical incidents and large events.
Cost	\$79,000
Purpose	To be used as a mobile command post during specific circumstances, critical incidents, large events, natural disaster, or community event that is taking place.
Authorized Use	The Field Supervisor Vehicle shall be used by officers trained in its use and in a manner consistent with Department policy and training. Furthermore, only personnel who have completed the Department's driving and operations training will be allowed to drive the vehicle.
Expected lifespan	5 years.
Fiscal impact	Annual maintenance and fuel cost is approximately \$9,000.
Training	The driver shall receive training in the safe handling of the vehicle in accordance with POST Perishable Skills Program (PSP) Driver Training/Awareness.
Legal and procedural rules	This vehicle is primarily assigned to be driven by those who are designated as the field supervisor.

Type	Command Control Vehicle
Description	The Field Supervisor Vehicle (2018 Ford, Explorer) is a special purpose built mobile command post. The vehicle is clearly identified with Department markings and equipped with emergency lighting, a unit control system, command post system, and several police radios.
Quantity	One (1).
Capabilities	The Field Supervisor Vehicle is equipped with radios and area maps to function as a mobile command post during critical incidents and large events.
Cost	\$45,000

Purpose	To be used as a mobile command post during specific circumstances, critical incidents, large events, natural disaster, or community event that is taking place.
Authorized Use	The Field Supervisor Vehicle shall be used by officers trained in its use and in a manner consistent with Department policy and training. Furthermore, only personnel who have completed the Department's driving and operations training will be allowed to drive the vehicle.
Expected lifespan	5 years.
Fiscal impact	Annual maintenance and fuel cost is approximately \$14,000.
Training	The driver shall receive training in the safe handling of the vehicle in accordance with POST Perishable Skills Program (PSP) Driver Training/Awareness.
Legal and procedural rules	This vehicle is primarily assigned to be driven by those who are designated as the field supervisor.

Type	Command Control Vehicle
Description	The Field Supervisor Vehicle (2002 Ford, Expedition) is a special purpose built mobile command post. The vehicle is clearly identified with Department markings and equipped with emergency lighting, a unit control system, command post system, tactical equipment, and several police radios.
Quantity	One (1).
Capabilities	The Field Supervisor Vehicle is equipped with radios and area maps to function as a mobile command post during critical incidents and large events.
Cost	\$70,000
Purpose	To be used as a mobile command post during specific circumstances, critical incidents, large events, natural disaster, or community event that is taking place.
Authorized Use	The Field Supervisor Vehicle shall be used by officers trained in its use and in a manner consistent with Department policy and training. Furthermore, only personnel who have completed the Department's driving and operations training will be allowed to drive the vehicle.
Expected lifespan	3 years.
Fiscal impact	Annual maintenance and fuel cost is approximately \$6,000.
Training	The driver shall receive training in the safe handling of the vehicle in accordance with POST Perishable Skills Program (PSP) Driver Training/Awareness.
Legal and procedural rules	This vehicle is primarily assigned to be driven by those who are designated as the field supervisor.

Type	12 Gauge Breaching Munition
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Description	The breaching munition by Royal Arms is a translucent 12-gauge shell loaded with a compressed copper frangible slug. The munition is launched from a designated Department owned shotgun (Remington 870 12-gauge). https://royalarms.com
Quantity	20 rounds
Capabilities	Used to defeat doors, locking mechanisms, and hinges.
Cost	Approximately \$150.
Purpose	Used as a method to breach door locks or hinges to quickly gain entry into a structure.
Authorized Use	Only officers who have completed training shall be permitted to operate the Bearcat. Deployment of the Bearcat will be authorized by the Incident or Tactical Commander.
Expected lifespan	2 years.
Fiscal impact	Initial cost of approximately \$150.
Training	Designated Department tactical team personnel receive initial and on-going training on the deployment of 12-gauge breaching munitions from a designated Remington 12-gauge Department owned shotgun with a specialized barrel that contains a serrated front edge or standoff ported device. This training generally occurs at the POST certified 80-hour SWAT school and/or at a designated SWAT breaching course. Tactical team personnel also receive annual in-house training.
Legal and procedural rules	The 12 Gauge Breaching Munition is primarily a tactical team deployment munition. Department Policy section 404, applicable related Department procedures and the law. Authority to use certain munitions is based on the Department Policy and procedures considering the tactical operation and the law.

Type	Rifles
Description	Firearms that are fired from the shoulder, having a long spiral grooved barrel to make bullets spin and thereby have greater accuracy over a long distance. HK 416, Colt M4, AR15 rifles.
Quantity	76
Capabilities	To provide precision fire to address a threat with more accuracy than a handgun, particularly at greater distances.
Cost	\$2,100 each.
Purpose	To be used as a precision firearm to address a threat with more accuracy than a handgun, particularly at greater distances.
Authorized Use	Only members who have completed P.O.S.T. certified training are authorized to deploy a rifle.
Expected lifespan	10 years.
Fiscal impact	Annual maintenance is approximately \$50 for each rifle.

Training	Prior to using a rifle, Officers must be certified by a P.O.S.T. instructor in the operation of the rifle. Additionally, all members that operate the rifle are required to train with it a minimum of two (2) times a year and must pass a bi-annual range qualification.
Legal and procedural rules	Officers will deploy rifles in accordance with Department manual section 305.3.3, and pursuant to State and Federal law regarding the use of force.

Type	MP5
Description	MP5 Submachine gun manufactured by Heckler & Koch. https://www.heckler-koch.com
Quantity	9
Capabilities	To provide precision fire with more accuracy than a handgun in confined areas.
Cost	\$1,800 each.
Purpose	To provide precision fire to address a threat with more accuracy than a handgun in confined areas.
Authorized Use	Only members who have completed P.O.S.T. certified S.W.A.T. training course are authorized to deploy the MP5.
Expected lifespan	5 years.
Fiscal impact	Annual maintenance is approximately \$50 for each firearm.
Training	Designated Department tactical team personnel receive initial and on-going training on the use of the MP5. This training generally occurs at the POST certified 80-hour SWAT school and Tactical team in-house training.
Legal and procedural rules	Officers will deploy the MP5 in accordance with Department manual section 305.6, 404, and pursuant to State and Federal law regarding the use of force.

Type	Benelli M1
Description	The Benelli M1 semi-automatic shotgun is outfitted with a 14.5 inch barrel. https://benelliusa.com
Quantity	3
Capabilities	The shortend barrel provides greater maneuverability in confined areas.
Cost	\$1,100 each.
Purpose	To provide precision fire to address a threat with more accuracy than a handgun in confined areas.
Authorized Use	Only members who have completed P.O.S.T. certified S.W.A.T. training course are authorized to deploy the Benelli M1.
Expected lifespan	5 years.
Fiscal impact	Annual maintenance is approximately \$50 for each firearm.

Training	Designated Department tactical team personnel receive initial and on-going training on the use of the MP5. This training generally occurs at the POST certified 80-hour SWAT school and Tactical team in-house training.
Legal and procedural rules	Officers will deploy the Benelli M1 in accordance with Department manual section 305.6, 404, and pursuant to State and Federal law regarding the use of force.
Type	Remington 870 - 12 Gauge short barrel shotgun
Description	The Remington 870 - 12 Gauge shotgun is outfitted with a 14 inch barrel. https://www.remarms.com
Quantity	12
Capabilities	The shortend barrel provides greater maneuverability in and out of the confines of the police vehicle.
Cost	\$450 each.
Purpose	To provide officers a larger firearm to address a threat with more accuracy than a handgun.
Authorized Use	Only those officers who have been trained in the use of Remington 870 are authorized to use them.
Expected lifespan	\$1,500 - Bi-annual firearms training / qualification.
Fiscal impact	Annual maintenance is approximately \$50 for each firearm.
Training	Department personnel receive initial and on-going in-house training on the use of the Remington 870 12-gauge shotgun on a bi-annual basis.
Legal and procedural rules	Officers will deploy the Benelli M1 in accordance with Department manual section 305 and pursuant to State and Federal law regarding the use of force.

Type	Noise Flash Diversionary Device (NFDD)
Description	An NFDD is a less lethal munition. The NFDD used by the Department is reloadable. The reloadable body is manufactured by Defense Technology. The NFDD is placed into a metal cylindrical shaped body with ports. The metal cylindrical shaped body can be reused based on the manufacturer's specifications. https://www.defense-technology.com
Quantity	12
Capabilities	A non-bursting, non-fragmenting single use device that produces a loud sound and bright light. Ideal for distracting dangerous suspects during assaults, hostage rescue, room entry or other high-risk arrest situations.
Cost	\$50 each.
Purpose	To produce brilliant light and loud sound to momentarily distract a suspect or subject (6-8 seconds), to enhance the officers' ability to safely contact and detain, or arrest.

Authorized Use	Diversionary devices shall only be used by S.W.A.T. Operators who have been trained in their proper use during hostage and barricaded subject situations, high-risk warrant (search/arrest) services where there may be extreme hazards to officers, or during other high-risk situations where their use would enhance officer and community safety.
Expected lifespan	5 years.
Fiscal impact	No annual maintenance.
Training	Prior to use, S.R.T. Operators must attend diversionary device training that is conducted by the manufacturer or P.O.S.T. certified instructors.
Legal and procedural rules	The Department will only utilize diversion devices for official law enforcement purposes, pursuant to State and Federal law regarding the use of force.

Type	Noise Flash Diversionary Device (NFDD)
Description	The 7290-9-Flash Bang NFDD is a less lethal munition which delivers nine noise and flash diversions on deployment. The 9-Bang NFDD used by the Department is manufactured by Combined Tactical Systems. The NFDD has a multi-bang feature placed into a metal cylindrical shaped body with ports. https://www.combinedsystems.com
Quantity	12
Capabilities	A non-bursting, non-fragmenting single use device that produces a loud sound and bright light. Ideal for distracting dangerous suspects during assaults, hostage rescue, room entry or other high-risk arrest situations.
Cost	\$1,859 per quantity of 12.
Purpose	To produce brilliant light and loud sound to momentarily distract a suspect or subject (6-8 seconds), to enhance the officers' ability to safely contact and detain, or arrest.
Authorized Use	Used by SRT during rescue and high risk tactical situations.
Expected lifespan	5 years.
Fiscal impact	No annual maintenance.
Training	Prior to use, S.R.T. Operators must attend diversionary device training that is conducted by the manufacturer or P.O.S.T. certified instructors.
Legal and procedural rules	The Department will only utilize diversion devices for official law enforcement purposes, pursuant to State and Federal law regarding the use of force.

Type	Pepperball Launcher
Description	High-capacity, semi-automatic launcher designed to launch less than lethal PepperBall projectiles which contain PAVA. PAVA, is an organic compound and a capsaicinoid. Pepperball is for direct impact and area saturation. https://www.pepperball.com
Quantity	Two (2).

Capabilities	The pepperball launcher is a compressed-air powered launcher designed to fire non-lethal PepperBall projectiles. The pepperball launcher utilizes a hopper feed system contain the projectiles.
Cost	\$600 each.
Purpose	To de-escalate a situation and lower the potential for the use of lethal force. Situations for use of the less lethal weapon systems may include, but are not limited to, dangerous and/or combative individuals, riot and civil unrest incidents, circumstances where a tactical advantage can be obtained, and potentially vicious animals.
Authorized Use	Only those officers who have been trained in the use of PepperBall launchers are authorized to use them.
Expected lifespan	5 years. Annual maintenance is approximately \$50 for each PepperBall launcher.
Fiscal impact	
Training	Sworn members utilizing PepperBall launchers and projectiles are trained in their use by the manufacturer or P.O.S.T. certified less lethal and chemical agent instructors.
Legal and procedural rules	Officers will deploy the PepperBall launcher in compliance with Department Manual Section 302.7.2 and pursuant to State and Federal law, including those regarding the use of force and in compliance with Penal Code section 13652.

Type	Chemical Agent and Smoke Canisters
Description	CS gas, OC, and smoke are encased in metal devices by the manufacturer Defense Technology. CS gas, smoke and OC devices are clearly marked and the manufacturer has developed different models which vary in size and method of disbursement. Detailed information on these products is available on the manufacturer's internet site. Smoke is not a CS gas, or OC product. https://www.defense-technology.com
Quantity	24
Capabilities	Chemical agent canisters provide a high volume, continuous burn it expels its payload in approximately 20-40 seconds.
Cost	\$47 each.
Purpose	High volume, continuous burn it expels its payload in approximately 20-40 seconds. CS, OC, and smoke munitions are primarily used by Department tactical team members for tactical operations. This supply is primarily maintained for tactical purposes related to high risk, barricade and/or mobile field force situations. Smoke can also be used for concealment purposes during tactical operations.
Authorized Use	Only officers who have received training from the manufacturer or P.O.S.T. certification in the use of chemical agents are authorized to use them.
Expected lifespan	5 years.
Fiscal impact	No annual maintenance.

Training	Sworn members utilizing chemical agent canisters must be certified by P.O.S.T. less lethal and chemical agent instructors.
Legal and procedural rules	Officers will only deploy chemical agents in compliance with Department manual section 302.6 and pursuant to State and Federal law, including those regarding the use of force and in compliance with Penal Code section 13652.

Type	40 mm Launcher - Single
Description	The 40 mm LMT launcher by Defense Technology is a lightweight single shot 40 MM launcher. The launcher comes equipped with a picatinny rail mounting system with a bead sight which will accept a wide array of enhanced optics or sighting systems. A sling can be applied and used for carrying purposes. https://www/defense-technology.com
Quantity	21
Capabilities	The 40 mm LMT launcher is used to deploy less than lethal munitions for de-escalation of force.
Cost	\$914 each.
Purpose	To limit the escalation of conflict and to decrease the potential use of lethal force.
Authorized Use	Examples of situations where less lethal weapon systems may include but are not limited to: Dangerous and/or combative individuals, barricaded suspects, and aggressive animals.
Expected lifespan	10 years.
Fiscal impact	Annual maintenance is approximately \$20 for each launcher.
Training	Sworn members utilizing 40 mm launcher to deploy less than lethal chemical agents or impact rounds are trained in their use by the manufacturer or P.O.S.T. certified less lethal and chemical agent instructors.
Legal and procedural rules	Officers will deploy 40 mm impact and chemical agents in compliance with Department manual section 302.9 and pursuant to State and Federal Law regarding the use of force and in compliance with Penal Code section 13652.

Type	40 mm Launcher - multi-shot
Description	The 40 mm multi-shot is capable of firing six rounds of munitions. The 40 mm multi-shot launcher is manufactured by Penn Arms. The launcher comes equipped with a picatinny rail mounting system with a bead sight which will accept a wide array of enhanced optics or sighting systems. A sling can be applied and used for carrying purposes. https://www.pennarms.com
Quantity	1

Capabilities	The 40 mm launcher is used to deploy less than lethal munitions for de-escalation of force.
Cost	\$1,500
Purpose	To limit the escalation of conflict and to decrease the potential use of lethal force.
Authorized Use	Examples of situations where less lethal weapon systems may include but are not limited to: Dangerous and/or combative individuals,
Expected lifespan	10 years.
Fiscal impact	Annual maintenance is approximately \$20 for each launcher.
Training	Sworn members utilizing 40 mm launcher to deploy less than lethal chemical agents or impact rounds are trained in their use by the manufacturer or P.O.S.T. certified less lethal and chemical agent instructors.
Legal and procedural rules	Officers will deploy 40 mm impact and chemical agents in compliance with Department manual section 302.9 and pursuant to State and Federal Law regarding the use of force and in compliance with Penal Code section 13652.

Type	40 mm - Exact Impact munition
Description	The Exact Impact 40 mm round is a less than lethal munition manufactured by Defense Technology. The projectile has a round plastic body and a blue colored sponge nose. https://defense-technology.com
Quantity	100
Capabilities	Minimum Safe Range 5 ft / 1.5 m Maximum Effective Range 131 ft / 40 m
Cost	\$19.25 each.
Purpose	To limit the escalation of conflict and to decrease the potential use of lethal force.
Authorized Use	Examples of situations where less lethal weapon systems may include but are not limited to: Dangerous and/or combative individuals, barricaded suspects, and aggressive animals.
Expected lifespan	5 years.
Fiscal impact	No annual maintenance.
Training	Sworn members utilizing 40 mm launcher to deploy less than lethal chemical agents or impact rounds are trained in their use by the manufacturer or P.O.S.T. certified less lethal and chemical agent instructors.
Legal and procedural rules	Officers will deploy 40 mm impact and chemical agents in compliance with Department manual section 302.9 and pursuant to State and Federal Law regarding the use of force and in compliance with Penal Code section 13652.

Type	40 mm - GREEN Direct Impact munition
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Description	The 40 mm - Green crushable foam marking round is a less than lethal munition manufactured by Defense Technology. The projectile has a round plastic body and a green colored crushable foam nose. https://defense-technology.com
Quantity	5
Capabilities	Minimum Safe Range 5 ft / 1.5 m Maximum Effective Range 131 ft / 40 m
Cost	\$19.25 each.
Purpose	To limit the escalation of conflict and to decrease the potential use of lethal force.
Authorized Use	Examples of situations where less lethal weapon systems may include but are not limited to: Dangerous and/or combative individuals, barricaded suspects, and aggressive animals.
Expected lifespan	5 years.
Fiscal impact	No annual maintainence.
Training	Sworn members utilizing 40 mm launcher to deploy less than lethal chemical agents or impact rounds are trained in their use by the manufacturer or P.O.S.T. certified less lethal and chemical agent instructors.
Legal and procedural rules	Officers will deploy 40 mm impact and chemical agents in compliance with Department manual section 302.9 and pursuant to State and Federal Law regarding the use of force and in compliance with Penal Code section 13652.

Type	40 mm - ORANGE Direct Impact munition / OC
Description	The 40 mm - Orange crushable foam marking round with OC chemical agent is a less than lethal munition manufactured by Defense Technology. The projectile has a round plastic body and a orange colored crushable foam nose. https://defense-techology.com
Quantity	10
Capabilities	Minimum Safe Range 5 ft / 1.5 m Maximum Effective Range 131 ft / 40 m
Cost	\$25 each.
Purpose	To limit the escalation of conflict and to decrease the potential use of lethal force.
Authorized Use	Examples of situations where less lethal weapon systems may include but are not limited to: Dangerous and/or combative individuals, barricaded suspects, and aggressive animals.
Expected lifespan	5 years.
Fiscal impact	No annual maintenance.

Training Sworn members utilizing 40 mm launcher to deploy less than lethal chemical agents or impact rounds are trained in their use by the manufacturer or P.O.S.T. certified less lethal and chemical agent instructors.

Legal and procedural rules Officers will deploy 40 mm impact and chemical agents in compliance with Department manual section 302.7, 302.9, and pursuant to State and Federal Law regarding the use of force and in compliance with Penal Code section 13652.

Type	40 mm - BLUE Direct Impact munition / CS
Description	The 40 mm - Blue crushable foam marking round with CS chemical agent is a less than lethal munition manufactured by Defense Technology. The projectile has a round plastic body and a blue colored crushable foam nose. https://www.defense-technology.com
Quantity	10
Capabilities	Minimum Safe Range 5 ft / 1.5 m Maximum Effective Range 131 ft / 40 m
Cost	\$25 each.
Purpose	To limit the escalation of conflict and to decrease the potential use of lethal force.
Authorized Use	Examples of situations where less lethal weapon systems may include but are not limited to: Dangerous and/or combative individuals, barricaded suspects, and aggressive animals.
Expected lifespan	5 years.
Fiscal impact	No annual maintenance.
Training	Sworn members utilizing 40 mm launcher to deploy less than lethal chemical agents or impact rounds are trained in their use by the manufacturer or P.O.S.T. certified less lethal and chemical agent instructors.
Legal and procedural rules	Officers will deploy 40 mm impact and chemical agents in compliance with Department manual section 302.6, 302.9, and pursuant to State and Federal Law regarding the use of force and in compliance with Penal Code section 13652.

Type	40 mm - Ferret CS delivery munition
Description	Defense Technology, Ferret 40MM Liquid Barricade Penetrator Round. https://www.defense-technology.com
Quantity	22
Capabilities	A less than lethal 40MM round used to penetrate barriers, such as windows, hollow core doors, wallboard, and thin plywood. Upon impacting the barrier, the nose cone ruptures and instantaneously delivers a small amount of chemical agent inside of a structure or vehicle. In a tactical deployment situation, the 40MM Ferret is primarily used to dislodge barricaded subjects from confined areas.
Cost	\$23 each.

Purpose	To limit the escalation of conflict and to decrease the potential use of lethal force.
Authorized Use	Examples of situations where less lethal weapon systems may include but are not limited to: Dangerous and/or combative individuals, barricaded suspects, and aggressive animals.
Expected lifespan	5 years.
Fiscal impact	No annual maintenance.
Training	Sworn members utilizing 40 mm launcher to deploy less than lethal chemical agents or impact rounds are trained in their use by the manufacturer or P.O.S.T. certified less lethal and chemical agent instructors.
Legal and procedural rules	Officers will deploy 40 mm impact and chemical agents in compliance with Department manual section 302.6 and pursuant to State and Federal Law regarding the use of force and in compliance with Penal Code section 13652.

Type	40 mm - Aerial Warning / Signal
Description	The 40 mm aerial Warning/Signaling munitions is a less than lethal munitions designed to produce a flash of light and sound. https://www.defense-technology.com
Quantity	10
Capabilities	The 40mm aerial Warning/Signaling munitions are less than lethal munitions designed to produce 170 dB of sound, and 5 million candelas of light. Each munition is manufactured to deflagrate at a set distance and altitude and has the option of delivering irritant payloads.
Cost	\$25 each.
Purpose	To limit the escalation of conflict and to decrease the potential use of lethal force.
Authorized Use	Examples of situations where less lethal weapon systems may include but are not limited to: Dangerous and/or combative individuals, barricaded suspects, and aggressive animals.
Expected lifespan	5 years.
Fiscal impact	No annual maintenance.
Training	Sworn members utilizing 40 mm launcher to deploy less than lethal chemical agents or impact rounds are trained in their use by the manufacturer or P.O.S.T. certified less lethal and chemical agent instructors.
Legal and procedural rules	Officers will deploy 40 mm impact and chemical agents in compliance with Department manual section 302.10, 404, and pursuant to State and Federal Law regarding the use of force and in compliance with Penal Code section 13652.

Type	40 mm - Aerial Warning / Signal / OC
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Description	The 40 mm aerial Warning/Signaling munitions are less than lethal munitions designed to produce a flash of light and sound. This munition delivers OC irritant. https://www.defense-technology.com
Quantity	10
Capabilities	The 40mm aerial Warning/Signaling munitions are less than lethal munitions designed to produce 170 dB of sound, and 5 million candelas of light. Each munition is manufactured to deflagrate at a set distance and altitude and has the option of delivering irritant payloads.
Cost	\$25 each.
Purpose	To limit the escalation of conflict and to decrease the potential use of lethal force.
Authorized Use	Examples of situations where less lethal weapon systems may include but are not limited to: Dangerous and/or combative individuals, barricaded suspects, and aggressive animals.
Expected lifespan	5 years.
Fiscal impact	No annual maintenance.
Training	Sworn members utilizing 40 mm launcher to deploy less than lethal chemical agents or impact rounds are trained in their use by the manufacturer or P.O.S.T. certified less lethal and chemical agent instructors.
Legal and procedural rules	Officers will deploy 40 mm impact and chemical agents in compliance with Department manual section 302.7, 302.8, 302.9, 302.10, 404, and pursuant to State and Federal Law regarding the use of force and in compliance with Penal Code section 13652.

Type	40 mm - Aerial Warning / Signal / CS
Description	The 40 mm aerial Warning/Signaling munitions are less than lethal munitions designed to produce a flash of light and sound. This munition delivers CS irritant. https://www.defense-technology.com
Quantity	8
Capabilities	The 40mm aerial Warning/Signaling munitions are less than lethal munitions designed to produce 170 dB of sound, and 5 million candelas of light. Each munition is manufactured to deflagrate at a set distance and altitude and has the option of delivering irritant payloads.
Cost	\$25 each.
Purpose	To limit the escalation of conflict and to decrease the potential use of lethal force.
Authorized Use	Examples of situations where less lethal weapon systems may include but are not limited to: Dangerous and/or combative individuals, barricaded suspects, and aggressive animals.
Expected lifespan	5 years.
Fiscal impact	No annual maintenance.

Training	Sworn members utilizing 40 mm launcher to deploy less than lethal chemical agents or impact rounds are trained in their use by the manufacturer or P.O.S.T. certified less lethal and chemical agent instructors.
Legal and procedural rules	Officers will deploy 40 mm impact and chemical agents in compliance with Department manual section 302.7, 302.8, 302.9, 302.10, 404, and pursuant to State and Federal Law regarding the use of force and in compliance with Penal Code section 13652.
Type	12 gauge - Bean bag round.
Description	The bean bag round is a less than lethal munition designed to be fired directly specifically targeted zones. The bean bag round is manufactured by Defense Technology. The translucent 12- gauge shell loaded with a 40-gram, tear shaped bag made from cotton and ballistic material blend and filled with #9 shot. This design utilizes four stabilizing tails. The round utilizes a smokeless powder as the propellant. The munition is launched from a designated Department owned shotgun (Remington 870 12-gauge). https://www.defense-technology.com
Quantity	150
Capabilities	The 12 gauge - Bean bag round is a less than lethal direct fire kinetic energy projectile.
Cost	\$5 each.
Purpose	To limit the escalation of conflict and to decrease the potential use of lethal force.
Authorized Use	Examples of situations where less lethal weapon systems may include but are not limited to: Dangerous and/or combative individuals, barricaded suspects, and aggressive animals.
Expected lifespan	5 years.
Fiscal impact	No annual maintenance.
Training	Sworn members utilizing less than lethal 12 gauge - Bean bag round are trained in their use by the manufacturer or P.O.S.T. certified less lethal instructors.
Legal and procedural rules	Officers will deploy the 12 gauge - Bean bag round in compliance with Department manual section 302.9 and pursuant to State and Federal Law regarding the use of force and in compliance with Penal Code section 13652.

ATTACHMENT 2

Text of AB481

Assembly Bill No. 481

CHAPTER 406

An act to add Chapter 12.8 (commencing with Section 7070) to Division 7 of Title 1 of the Government Code, relating to military equipment.

[Approved by Governor September 30, 2021. Filed with
Secretary of State September 30, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 481, Chiu. Law enforcement and state agencies: military equipment: funding, acquisition, and use.

Existing law designates the Department of General Services as the agency for the State of California responsible for distribution of federal surplus personal property, excepting food commodities, and requires the department to, among other things, do all things necessary to the execution of its powers and duties as the state agency for the distribution of federal personal surplus property, excepting food commodities, in accordance with specified federal law. Existing law, the Federal Surplus Property Acquisition Law of 1945, authorizes a local agency, as defined, to acquire surplus federal property without regard to any law which requires posting of notices or advertising for bids, inviting or receiving bids, or delivery of purchases before payment, or which prevents the local agency from bidding on federal surplus property. Existing federal law authorizes the Department of Defense to transfer surplus personal property, including arms and ammunition, to federal or state agencies for use in law enforcement activities, subject to specified conditions, at no cost to the acquiring agency.

This bill would require a law enforcement agency, defined to include specified entities, to obtain approval of the applicable governing body, by adoption of a military equipment use policy, as specified, by ordinance at a regular meeting held pursuant to specified open meeting laws, prior to taking certain actions relating to the funding, acquisition, or use of military equipment, as defined. The bill would also require similar approval for the continued use of military equipment acquired prior to January 1, 2022. The bill would allow the governing body to approve the funding, acquisition, or use of military equipment within its jurisdiction only if it determines that the military equipment meets specified standards. The bill would require the governing body to annually review the ordinance and to either disapprove a renewal of the authorization for a type, as defined, of military equipment or amend the military equipment use policy if it determines, based on an annual military equipment report prepared by the law enforcement agency, as provided, that the military equipment does not comply with the above-described standards for approval. The bill would specify these provisions do not preclude a county or local municipality from implementing

additional requirements and standards related to the purchase, use, and reporting of military equipment by local law enforcement agencies.

This bill would also require a state agency, as defined, to create a military equipment use policy before engaging in certain activities, publish the policy on the agency's internet website, and provide a copy of the policy to the Governor or the Governor's designee, as specified. The bill would also require a state agency that seeks to continue use of military equipment acquired prior to January 1, 2022, to create a military equipment use policy.

This bill would also include findings that the changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

By adding to the duties of local officials with respect to the funding, acquisition, and use of military equipment, this bill would impose a state-mandated local program.

The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) The acquisition of military equipment and its deployment in our communities adversely impacts the public's safety and welfare, including increased risk of civilian deaths, significant risks to civil rights, civil liberties, and physical and psychological well-being, and incurment of significant financial costs. Military equipment is more frequently deployed in low-income Black and Brown communities, meaning the risks and impacts of police militarization are experienced most acutely in marginalized communities.

(b) The public has a right to know about any funding, acquisition, or use of military equipment by state or local government officials, as well as a right to participate in any government agency's decision to fund, acquire, or use such equipment.

(c) Decisions regarding whether and how military equipment is funded, acquired, or used should give strong consideration to the public's welfare, safety, civil rights, and civil liberties, and should be based on meaningful public input.

(d) Legally enforceable safeguards, including transparency, oversight, and accountability measures, must be in place to protect the public's welfare, safety, civil rights, and civil liberties before military equipment is funded, acquired, or used.

(e) The lack of a public forum to discuss the acquisition of military equipment jeopardizes the relationship police have with the community, which can be undermined when law enforcement is seen as an occupying force rather than a public safety service.

SEC. 2. Chapter 12.8 (commencing with Section 7070) is added to Division 7 of Title 1 of the Government Code, to read:

CHAPTER 12.8. FUNDING, ACQUISITION, AND USE OF MILITARY
EQUIPMENT

7070. For purposes of this chapter, the following definitions shall apply:

(a) "Governing body" means the elected body that oversees a law enforcement agency or, if there is no elected body that directly oversees the law enforcement agency, the appointed body that oversees a law enforcement agency. In the case of a law enforcement agency of a county, including a sheriff's department or a district attorney's office, "governing body" means the board of supervisors of the county.

(b) "Law enforcement agency" means any of the following:

(1) A police department, including the police department of a transit agency, school district, or any campus of the University of California, the California State University, or California Community Colleges.

(2) A sheriff's department.

(3) A district attorney's office.

(4) A county probation department.

(c) "Military equipment" means the following:

(1) Unmanned, remotely piloted, powered aerial or ground vehicles.

(2) Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded from this subdivision.

(3) High mobility multipurpose wheeled vehicles (HMMWV), commonly referred to as Humvees, two and one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached. However, unarmored all-terrain vehicles (ATVs) and motorized dirt bikes are specifically excluded from this subdivision.

(4) Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.

(5) Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.

(6) Weaponized aircraft, vessels, or vehicles of any kind.

(7) Battering rams, slugs, and breaching apparatuses that are explosive in nature. However, items designed to remove a lock, such as bolt cutters,

or a handheld ram designed to be operated by one person, are specifically excluded from this subdivision.

(8) Firearms of .50 caliber or greater. However, standard issue shotguns are specifically excluded from this subdivision.

(9) Ammunition of .50 caliber or greater. However, standard issue shotgun ammunition is specifically excluded from this subdivision.

(10) Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Sections 30510 and 30515 of the Penal Code, with the exception of standard issue service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of a law enforcement agency or a state agency.

(11) Any firearm or firearm accessory that is designed to launch explosive projectiles.

(12) "Flashbang" grenades and explosive breaching tools, "tear gas," and "pepper balls," excluding standard, service-issued handheld pepper spray.

(13) Taser Shockwave, microwave weapons, water cannons, and the Long Range Acoustic Device (LRAD).

(14) The following projectile launch platforms and their associated munitions: 40mm projectile launchers, "bean bag," rubber bullet, and specialty impact munition (SIM) weapons.

(15) Any other equipment as determined by a governing body or a state agency to require additional oversight.

(16) Notwithstanding paragraphs (1) through (15), "military equipment" does not include general equipment not designated as prohibited or controlled by the federal Defense Logistics Agency.

(d) "Military equipment use policy" means a publicly released, written document governing the use of military equipment by a law enforcement agency or a state agency that addresses, at a minimum, all of the following:

(1) A description of each type of military equipment, the quantity sought, its capabilities, expected lifespan, and product descriptions from the manufacturer of the military equipment.

(2) The purposes and authorized uses for which the law enforcement agency or the state agency proposes to use each type of military equipment.

(3) The fiscal impact of each type of military equipment, including the initial costs of obtaining the equipment and estimated annual costs of maintaining the equipment.

(4) The legal and procedural rules that govern each authorized use.

(5) The training, including any course required by the Commission on Peace Officer Standards and Training, that must be completed before any officer, agent, or employee of the law enforcement agency or the state agency is allowed to use each specific type of military equipment to ensure the full protection of the public's welfare, safety, civil rights, and civil liberties and full adherence to the military equipment use policy.

(6) The mechanisms to ensure compliance with the military equipment use policy, including which independent persons or entities have oversight

authority, and, if applicable, what legally enforceable sanctions are put in place for violations of the policy.

(7) For a law enforcement agency, the procedures by which members of the public may register complaints or concerns or submit questions about the use of each specific type of military equipment, and how the law enforcement agency will ensure that each complaint, concern, or question receives a response in a timely manner.

(e) "State agency" means the law enforcement division of every state office, officer, department, division, bureau, board, and commission or other state body or agency, except those agencies provided for in Article IV (except Section 20 thereof) or Article VI of the California Constitution.

(f) "Type" means each item that shares the same manufacturer model number.

7071. (a) (1) A law enforcement agency shall obtain approval of the governing body, by an ordinance adopting a military equipment use policy at a regular meeting of the governing body held pursuant to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2) or the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5), as applicable, prior to engaging in any of the following:

(A) Requesting military equipment made available pursuant to Section 2576a of Title 10 of the United States Code.

(B) Seeking funds for military equipment, including, but not limited to, applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.

(C) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.

(D) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the territorial jurisdiction of the governing body.

(E) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body pursuant to this chapter.

(F) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of, military equipment.

(G) Acquiring military equipment through any means not provided by this paragraph.

(2) No later than May 1, 2022, a law enforcement agency seeking to continue the use of any military equipment that was acquired prior to January 1, 2022, shall commence a governing body approval process in accordance with this section. If the governing body does not approve the continuing use of military equipment, including by adoption pursuant to this subdivision of a military equipment use policy submitted pursuant to subdivision (b), within 180 days of submission of the proposed military equipment use policy to the governing body, the law enforcement agency shall cease its use of

the military equipment until it receives the approval of the governing body in accordance with this section.

(b) In seeking the approval of the governing body pursuant to subdivision (a), a law enforcement agency shall submit a proposed military equipment use policy to the governing body and make those documents available on the law enforcement agency's internet website at least 30 days prior to any public hearing concerning the military equipment at issue.

(c) The governing body shall consider a proposed military equipment use policy as an agenda item for an open session of a regular meeting and provide for public comment in accordance with the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2) or the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5), as applicable.

(d) (1) The governing body shall only approve a military equipment use policy pursuant to this chapter if it determines all of the following:

(A) The military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.

(B) The proposed military equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties.

(C) If purchasing the equipment, the equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.

(D) Prior military equipment use complied with the military equipment use policy that was in effect at the time, or if prior uses did not comply with the accompanying military equipment use policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.

(2) In order to facilitate public participation, any proposed or final military equipment use policy shall be made publicly available on the internet website of the relevant law enforcement agency for as long as the military equipment is available for use.

(e) (1) The governing body shall review any ordinance that it has adopted pursuant to this section approving the funding, acquisition, or use of military equipment at least annually and, subject to paragraph (2), vote on whether to renew the ordinance at a regular meeting held pursuant to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2) or the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5), as applicable.

(2) The governing body shall determine, based on the annual military equipment report submitted pursuant to Section 7072, whether each type of military equipment identified in that report has complied with the standards for approval set forth in subdivision (d). If the governing body determines that a type of military equipment identified in that annual military equipment report has not complied with the standards for approval set forth in subdivision (d), the governing body shall either disapprove a renewal of the authorization for that type of military equipment or require modifications

to the military equipment use policy in a manner that will resolve the lack of compliance.

(f) Notwithstanding subdivisions (a) to (e), inclusive, if a city contracts with another entity for law enforcement services, the city shall have the authority to adopt a military equipment use policy based on local community needs.

7072. (a) A law enforcement agency that receives approval for a military equipment use policy pursuant to Section 7071 shall submit to the governing body an annual military equipment report for each type of military equipment approved by the governing body within one year of approval, and annually thereafter for as long as the military equipment is available for use. The law enforcement agency shall also make each annual military equipment report required by this section publicly available on its internet website for as long as the military equipment is available for use. The annual military equipment report shall, at a minimum, include the following information for the immediately preceding calendar year for each type of military equipment:

(1) A summary of how the military equipment was used and the purpose of its use.

(2) A summary of any complaints or concerns received concerning the military equipment.

(3) The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.

(4) The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following submission of the annual military equipment report.

(5) The quantity possessed for each type of military equipment.

(6) If the law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

(b) Within 30 days of submitting and publicly releasing an annual military equipment report pursuant to this section, the law enforcement agency shall hold at least one well-publicized and conveniently located community engagement meeting, at which the general public may discuss and ask questions regarding the annual military equipment report and the law enforcement agency's funding, acquisition, or use of military equipment.

7073. (a) A state agency shall create a military equipment use policy prior to engaging in any of the following:

(1) Requesting military equipment made available pursuant to Section 2576a of Title 10 of the United States Code.

(2) Seeking funds for military equipment, including, but not limited to, applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.

(3) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.

(4) Collaborating with a law enforcement agency or another state agency in the deployment or other use of military equipment within the territorial jurisdiction of the governing body.

(5) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body pursuant to this chapter.

(6) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, or to apply to receive, acquire, use, or collaborate in the use of, military equipment.

(7) Acquiring military equipment through any means not provided by this subdivision.

(b) No later than May 1, 2022, a state agency seeking to continue the use of any military equipment that was acquired prior to January 1, 2022, shall create a military equipment use policy.

(c) A state agency that is required to create a military equipment use policy pursuant to this section shall do both of the following within 180 days of completing the policy:

(1) Publish the military equipment use policy on the agency's internet website.

(2) Provide a copy of the military equipment use policy to the Governor or the Governor's designee.

7074. The Legislature finds and declares that ensuring adequate oversight of the acquisition and use of military equipment is a matter of statewide concern rather than a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this chapter applies to all cities, including charter cities and shall supersede any inconsistent provisions in the charter of any city, county, or city and county.

7075. Nothing in this chapter shall preclude a county or local municipality from implementing additional requirements and standards related to the purchase, use, and reporting of military equipment by local law enforcement agencies.

SEC. 3. The Legislature finds and declares that Section 1 of this act, which adds Chapter 12.8 (commencing with Section 7070) to Division 7 of Title 1 of the Government Code, furthers, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

Requiring local agencies to hold public meetings prior to the acquisition of military equipment further exposes that activity to public scrutiny and enhances public access to information concerning the conduct of the people's business.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district under this act would

result from a legislative mandate that is within the scope of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution.

O

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK DECLARING MAY 6, 2022 THE DAY OF INCLUSION OF THE 140TH ANNIVERSARY OF THE PASSAGE OF THE CHINESE EXCLUSION ACT AND RECOGNIZING AND HONORING THE MONTH OF MAY 2022 AS ASIAN AMERICAN AND PACIFIC ISLANDER HERITAGE MONTH

BE IT RESOLVED by the Council of the City of Monterey Park as follows:

SECTION 1: The City Council finds as follows:

- A. On May 6, 1882, President Chester Arthur signed the Chinese Exclusion Act, the nation's first law to prohibiting immigration solely based on ethnicity.
- B. The Chinese Exclusion Act, renewed in 1892 and 1902, and made permanent in 1904, prevented Chinese laborers from entering the U.S. and denied Chinese a pathway to citizenship for more than 60 years.
- C. Chinese and Chinese Americans in the United States have suffered every moment, every action, every offense, and every heartbreak, as triggered and scripted by that Act.
- D. The U.S. Senate in 2011 and the U.S. House of Representatives in 2012 unanimously condemned in Resolutions of the Chinese Exclusion Laws and affirmed Congress commitment to preserving the civil rights and constitutional protections for all people.
- E. America is greater and more prosperous because we practice the ideals of inclusion, embracing everyone regardless of race, color, national origin, religion, or gender.
- F. Asian Americans and Pacific Islanders strengthen our economy as entrepreneurs, business owners, and employees who initiate and expand opportunities for their families, communities, and country. Their languages, art, cuisine, and other cultural elements have enriched the American experience. Many have fearlessly responded to the call of duty to defend our freedom as members of our Armed Forces.
- G. Approximately 21 million residents of the United States identify themselves as Asian. About 1.5 million residents of the United States identify themselves as Native Hawaiian or other Pacific Islander, making up nearly 6 percent of the total United States population.

- H. Congress chose the month of May to commemorate the Asian American and Pacific Islander Heritage Month because the first Japanese immigrants arrived in the United States on May 7, 1843, and the transcontinental railroad was completed on May 10, 1869, with substantial contributions from Chinese immigrants.
- I. In 1977, Congress introduced a House resolution to proclaim the first ten days of May as Asian Pacific Heritage Week, a celebration of Asians and Pacific Islanders in the United States.
- J. In October 1978, President Jimmy Carter signed a joint resolution designating this as an annual Asian Pacific Heritage Week.
- K. In 1990, the month of May was chosen to commemorate the immigration of the first Japanese to the United States, which was in May 1843, and to mark the anniversary of the completion of the transcontinental railroad on May 10, 1869, in which the majority of the workers who laid the tracks were Chinese immigrants.
- L. In 1990, Congress voted to expand Asian Pacific Heritage from a week to a month-long celebration. In May 1992, the month of May was permanently designated as Asian Pacific Heritage Month.
- M. Understanding Asian and Pacific Islander history is essential for celebrating Asian American and Pacific Islander Heritage Month.
- N. Asian Americans and Pacific Islanders have endured and overcome hardship and heartache. In the earliest years, tens of thousands of Gold Rush pioneers, coal miners, transcontinental railroad builders, and farm and orchard laborers were subject to unjust working conditions, prejudice, and discrimination, yet they excelled.
- O. Even in the darkness of the Exclusion Act and Japanese Internment, Asian Americans and Pacific Islanders have persevered, providing for their families and creating opportunities for their children.
- P. We acknowledge these Americans for their contributions to government, industry and commerce, agriculture, science, literature, and the arts.
- Q. California is one of the states with the most prominent Asian Americans and Pacific Islanders population. We acknowledge the historical and cultural contributions of the Asian Pacific Americans in the development of the State of California and our nation.
- R. The diversity of these groups includes Asian Indian, Bengali, Burmese, Cambodian, Chinese, Filipino, Guamanian, Hawaiian, Hmong, Indonesian, Japanese, Korean, Lao, Malayan, Okinawan, Pakistani, Samoan, Thai, Vietnamese, and others.

SECTION 2: The City Council of Monterey Park declares the month of May 2022 as Asian American and Pacific Islander Heritage Month. The people of the United States join together each May to pay tribute to the contributions of generations of Asian Americans and Pacific Islanders that enriched the history of the United States.

SECTION 3: The City Council of Monterey Park declares May 6, 2022, the Day of Inclusion on the 140th anniversary of the passage of the Chinese Exclusion Act. We recognize the ramifications of the Chinese Exclusion Act, which caused racially discriminatory immigration measures, and honor the contributions of all Chinese Americans who have enriched our communities.

SECTION 4: *Electronic Signatures.* This Resolution may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

SECTION 5: *Recordation.* The Mayor, or presiding officer, is authorized to sign this Resolution signifying its adoption by the City Council of the City of Monterey Park and the City Clerk, or her duly appointed deputy, may attest thereto.

SECTION 6: *Effective Date.* This Resolution will become effective immediately upon adoption and will remain effective unless repealed or superseded.

PASSED AND ADOPTED this ____ day of _____, 2022.

Henry Lo, Mayor

Attest:

Vincent Chang, City Clerk