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
July 19, 2023
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.

LAND ACKNOWLEDGMENT

We would like to acknowledge that the land we inhabit today was once known as Tovangaar, the home of the Gabrieleño-Tongva people. We show our respect to the Gabrieleño-Tongva people, as well as all Indigenous people, past, present, and future, and honor their labor as original caretakers of this land. We commit to uplifting the Gabrieleño-Tongva people, invite you to acknowledge the history, and join us in caring for this land.

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 Police Explorers**
ROLL CALL	**Henry Lo, Vinh Ngo, Jose Sanchez, Thomas Wong, 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:

- Police Department
- Recreation and Community Services

[1.] PRESENTATION

1-A. SAN GABRIEL BASIN WATER QUALITY AUTHORITY (WQA) PRESENTATION

[2.] OLD BUSINESS

2-A. GUN REGULATIONS

It is recommended that the City Council consider:

(1) Receiving and filing this report;

(2) If desirable, providing direction to the Interim City Manager and City Attorney regarding "next steps"; and

(3) Taking such additional, related, action that may be desirable.

[3.] CONSENT CALENDAR ITEM NOS. 3A-3I

All items under the Consent Calendar are considered by the City Council to be routine and will be enacted by one motion. Specific items may be removed from the Consent Calendar at the request of any member of the City Council for separate consideration.

3-A. MINUTES

It is recommended that the City Council consider:

(1) Approving the minutes from the regular meetings of May 3, 2023 and May 17, 2023 and the special meetings of May 3, 2023, May 17, 2023, May 24, 2023, and June 6, 2023; and

(2) Taking such additional, related, action that may be desirable.

3-B. MONTHLY INVESTMENT REPORT – JUNE 2023

It is recommended that the City Council consider:

(1) Receiving and filing the monthly investment report; and

(2) Taking such additional, related, action that may be desirable.

3-C. RESOLUTION APPROVING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND THE MONTEREY PARK MID-MANAGEMENT ASSOCIATION FOR THE TERM OF JULY 1, 2023 TO JUNE 30, 2025

It is recommended that the City Council consider:

(1) Adopting a Resolution approving a Memorandum of Understanding ("MOU") between the City of Monterey Park and the Monterey Park Mid-Management Association ("MMA"). The MMA represents various non-sworn classifications in supervisory and manager positions for the City of Monterey Park;

(2) Taking such additional, related, action that may be desirable.

3-D. RESOLUTION APPROVING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND THE MONTEREY PARK CONFIDENTIAL EMPLOYEE ASSOCIATION FOR THE TERM OF JULY 1, 2023 TO JUNE 30, 2025

It is recommended that the City Council consider:

(1) Adopting a Resolution approving a Memorandum of Understanding ("MOU") between the City of Monterey Park and the Monterey Park Confidential Employee Association ("CEA"). The CEA represents various non-sworn confidential classifications in the City of Monterey Park;

(2) Taking such additional, related, action that may be desirable.

3-E. AWARD OF BID FOR THE PURCHASE OF TWO RESCUE AMBULANCES

It is recommended that the City Council consider:

(1) Authorizing the Interim City Manager to execute an agreement with Republic EVS, LLC, in a form approved by the City Attorney, to purchase two Rescue Ambulances. Funds were allocated in the Fiscal Year 2023-2024 adopted budget; and

(2) Taking such additional, related, action that may be desirable.

3-F. RENEWAL OF CONTRACT WITH WITTMAN ENTERPRISES, LLC

It is recommended that the City Council consider:

(1) Authorizing the Interim City Manager to execute an amendment with Wittman Enterprises, LLC, in a form approved by the City Attorney, to oversee the Fire Department's billing and collections services. Funds were allocated in the Fiscal Year 2023-2024 adopted budget; and

(2) Taking such additional, related, action that may be desirable.

3-G. AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH THE NATELSON DALE GROUP CONSULTING FIRM TO ASSIST THE CITY IN UPDATING ITS 2010 ECONOMIC DEVELOPMENT STRATEGIC PLAN AND TO APPROPRIATE $81,620 FROM THE GENERAL FUND TO THE FY2023-24 BUDGET TO FUND THE PROJECT

It is recommended that the City Council consider:

(1) Authorizing the Interim City Manager to enter into a professional services agreement, in the amount of $81,620, with the Natelson Dale Group, a consulting firm, in a form approved by the City Attorney, to assist the City in updating its 2010 Economic Development Strategic Plan;

(2) Appropriating $81,620 from the General Fund to the FY2023-24 budget for engaging the consulting services of the Natelson Dale Group; and

(3) Taking such additional, related, action that may be desirable.

3-H. NOTICE OF COMPLETION – 2022 CITY HALL CARPET REPLACEMENT

It is recommended that the City Council consider:

(1) Receiving and filing the Notice of Completion recorded by the Public Works Director on July 03, 2023 accepting the 2022 City Hall Carpet Replacement Specification No. 2022-02 completed by JJJ Flooring Covering, Inc.; and

(2) Taking such additional, related, action that may be desirable.

3-I. RECEIVE AND FILE STAFF REPORT SUMMARIZING THE STATUS OF EMERGENCY REPAIRS OF THE MONTEREY PASS ROAD WATER LINE

It is recommended that the City Council consider:

(1) Receiving and filing the staff report summarizing the status of emergency repairs of the Monterey Pass Road water line; and

(2) Taking such additional, related, action that may be desirable.

[4.] PUBLIC HEARING

4-A. CONSIDERATION AND POSSIBLE ACTION TO INTRODUCE AN ORDINANCE ADDING CHAPTER 21.55 ENTITLED "FIREARM HEALTH PROTECTION ZONE" TO THE MONTEREY PARK MUNICIPAL CODE

It is recommended that the City Council consider:

(1) Opening the public hearing to receive testimonial and documentary evidence;

(2) After receiving verbal and written testimony, close the public hearing;

(3) After closing the public hearing and considering the evidence, adopt an urgency ordinance implementing the "Firearm Health Protection Zone" immediately upon a 4/5s vote;

(4) After closing the public hearing and considering the evidence submitted during that public hearing, introduce and waive first reading of Ordinance No. _____ adding Chapter 21.55 entitled "Firearm Health Protection Zone" to the Monterey Park Municipal Code;

(5) Taking such additional, related, action that may be desirable.

ENVIRONMENTAL ASSESSMENT:

The City reviewed the environmental impacts of this Ordinance under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq*. "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Regs. §§ 15000, *et seq*., the "CEQA Guidelines"). An Initial Study of Environmental Impacts and Negative Declaration ("ND") was prepared pursuant to CEQA Guidelines § 15063. The public comment period on the ND was from May 1, 2023 to May 21, 2023.

[5.] NEW BUSINESS – None.

[6.] CITY COMMUNICATIONS (CITY COUNCIL)

6-A. A RESOLUTION OF THE CITY COUNCIL OF MONTEREY PARK IN SUPPORT OF HOUSE RESOLUTION NO. 3681, THE SAN GABRIEL MOUNTAINS PROTECTION ACT (REQUESTED BY MAYOR PRO TEM WONG)

It is recommended that the City Council consider:

(1) Adopting a Resolution of the City Council of Monterey Park in support of House Resolution No. 3681, the San Gabriel Mountains Protection Act; and

(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: July 19, 2023
AGENDA ITEM NO: Old Business -2A

TO: The Honorable Mayor and City Council
FROM: Inez Alvarez, Interim City Manager
Karl H. Berger, City Attorney
SUBJECT: Gun Regulations

RECOMMENDATION:

It is recommended that the City Council consider:

1. Receiving and filing this report;
2. If desirable, providing direction to the Interim City Manager and City Attorney regarding "next steps"; and
3. Taking such additional, related action that may be desirable.

EXECUTIVE SUMMARY:

On March 1, 2023, the City Council adopted Resolution No. 2023-R15. Section 3(B) and (C) directed the City Manager and City Attorney to make recommendations regarding various regulations that, if adopted, might reduce the likelihood of an incident similar to that of the Mass Casualty Incident ("MCI") on January 21, 2023 that killed 11 people, critically injured nine others, and profoundly impacted the entire Monterey Park community. This Staff Report provides the City Council with an overview of the matters that may be subject to local governance. The outline of this Staff Report is reconciled with that of Resolution No. 2023-R15.

BACKGROUND:

Reacting to the MCI, the City Council took several immediate actions to mitigate the long-term effects of that shooting in the community. Among other things, the City Council adopted Resolution No. 2023-R15 that provided a framework for considering various firearms related regulations that might be adopted by the City Council. The Ordinance drafted pursuant to Section 3(A) of that Resolution is part of a separate Agenda Item. This Staff Report considers the 12 specific categories of regulations listed in Section 3(B) and the "catch-all" language of Section 3(C).

- Overview of local firearm regulations

Article XI, section 7 of the California Constitution grants each city the power to "make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws." This includes the power to enact

regulations that "meet existing conditions of modern life and thereby keep pace with the social, economic, moral and intellectual evolution of the human race."[1] Accordingly, subject to the limitation that regulations avoid conflicts with California law, the police power of a city is as broad as the police power exercised by the state Legislature itself.

As to firearms regulations, California law preempts the City's police powers in discrete areas but allows local government to govern other substantive areas. Accordingly, the City may not regulate the following:

- Registration or licensing of firearms;
- Manufacture, sale, or possession of imitation firearms;
- Banning the manufacture, distribution, transportation, importation, and sale of assault weapons;
- Restrictions on handgun possession in an individual's home, business, or private property;
- Storing handguns in unattended vehicles; and
- Restriction of certain ammunition sales.

California law does not preempt the following:

- Regulating the display and discharge of firearms by police officers;
- Restricting gun dealerships to commercial areas and requiring land use and police permits; and
- Regulating the use of firearms in county parks and recreation areas.

Moreover, California law expressly authorizes cities to approve or deny permits to sell guns.

- Resolution No. 2023-R15 – Consideration of various regulations

Resolution No. 2023-R15 provided direction in three categories: (1) a buffer zone ordinance; (2) "other" regulations; and (3) recommendations regarding items not considered in March 2023. The buffer zone ordinance is considered in a separate agenda item.

[1] *Miller v. City of Los Angeles* (1925) 195 Cal. 477, 485.

It does, however, affect the analysis regarding the "other" regulations in category two. Specifically, the the Firearm Health Protection Zone contemplated by that Ordinance would require a Conditional Use Permit ("CUP") for firearms dealers. Such CUPs may include standard conditions of approval that could regulate the following (the numbering corresponds with Resolution No. 2023-R15):

1. Restrict minors' presence in gun and ammunition stores and require corresponding signage to be posted at entrances to stores.

2. Require firearms dealers to maintain annual sales reports and make them available to law enforcement upon request.

3. Require firearms dealers to maintain a fingerprint log and make it available to law enforcement upon request.

4. Require firearms dealers to maintain and report inventory in real-time and make it available to law enforcement upon request.

5. Require firearms dealers to install and maintain security cameras and make footage available to law enforcement immediately upon request.

6. Require firearms and ammunition dealers to provide purchasers a letter regarding gun owner responsibilities and firearms laws.

7. Requiring signs to be displayed with specific language warning customers about the risk associated with access to firearms at any site where firearm sales or transfers are conducted within the City. Such warning signs would need to be carefully worded and tailored to be factual.

Other potential regulations that the City Council considered as part of Resolution No. 2023-R15 are listed here:

8. Requiring all firearms in a residence be securely stored in a locked container or disabled with a trigger lock.

There is a historical legal precedent for such regulations. Cases addressing this issue, however, were decided before a 2022 decision by the United States Supreme Court ("SCOTUS")[2] and a Ninth Circuit Appellate Court ("9th Circuit Court") decision last month[3] which altered the method for analyzing regulations affecting the Second Amendment. It is unclear, therefore, whether these regulations would be legally defensible.

[2] *New York State Rifle & Pistol Assoc., Inc. v. Bruen* (2022) __ U.S. ___, 142 S.Ct. 2111.
[3] *United States v. Alaniz* (9th Cir. 2023) 69 F.4th 1124.

9. Mandate liability insurance for firearms owners in the City.

The requirement to mandate insurance would be a case of first impression. Under general Second Amendment principles, the requirements could be legally permissible if they are drafted to not be overly burdensome and to be reasonable tailored to achieve the government's goal. Factors to consider may include the cost it imposes on the firearm owner, the time and administrative burden on the firearm owner, and the development of evidence and reasoning for why the law is necessary and what the overall goal is for the law. If adopted, SB 8 (attached) would impose this requirement at a state level. It is recommended that the City Council postpone any consideration of local regulations.

10. The feasibility of implementing a City firearms database that may be accessed by first responders to protect the health and safety of those individuals and the larger community.

Staff is researching the feasibility of creating a local data base of voluntary firearms registration with state and federal agencies that currently manage those data bases. There is no current system that can classify ownership of firearms based on a geographical location (such as zip code).

It is unclear whether such regulations would be defensible under either Second Amendment principles or the strict confidentiality laws in California. This would require additional study if the Council wished to consider such regulations.

11. Banning the sale of .50 caliber handguns and ammunition in City.

There is precedent that could arguably support such regulations. Based upon the 2022 SCOTUS and 2023 9th Circuit Court decisions, however, it is not recommended that the City adopt such regulations.

12. Prohibiting carrying/possession of firearms on all City owned property.

Existing law would support such regulations. If desirable, the City Council may direct drafting of an ordinance that would implement this prohibition.

13. Provide such additional, practical, recommendations for changes in federal, state, or local laws that may help prevent a future MCI but also mitigate the aftershocks of such events. Such recommendations may include, for example, changes to the Internal Revenue Code that facilitate the creation of community funds that may accept – and disburse – tax exempt monies to persons affected by MCIs.

Supporting changes in federal, state, and/or local laws could help municipalities respond more quickly to the needs of their communities with legislation that provides

flexibility in funding collection to provide immediate relief to persons impacted by a MCI. In addition, the creation of legislation that provides direct resources and/or funding reimbursement to be allocated to communities impacted by a MCI to help in response efforts, such as overtime for staff responding to the MCI and aftermath events/activities; activation of resource centers opened to support various services including mental health counseling and healing opportunities for community members; and to purchase various supplies/materials needed to respond to unforeseen expenses directly related to the MCI.

- Weapons Confiscation

On April 5, 2023, the City Council gave direction regarding what, if anything, the City could do to further reduce the number of weapons within its jurisdiction. A copy of that Staff Report is attached (without its exhibits).

In sum, there are three means by which weapons may be confiscated by law enforcement:

- Mental Condition (Welfare and Institutions Code §§ 5150 and 8102): law enforcement is required to confiscate firearms or other deadly weapons found to be in the possession or under the control of an individual, when there is probable cause to believe that the individual represents some danger to themselves and was taken into custody for examination of their mental condition.

- Domestic Violence (Penal Code § 18250): law enforcement officers witnessing domestic violence involving a threat to human life or physical assault where the officer reasonably believes that the return of the firearm or other deadly weapon would be likely to result in endangering the victim or the person reporting the assault or threat.

- Gun Violence Restraining Order (Penal Code §§ 18100-18205): this is a civil procedure for obtaining a court order, i.e., a Gun Violence Restraining Order. This involves petitioning the court when a person believes someone is an "immediate and present danger" to themselves or others. A judge may then order a person to temporarily give up possession of firearms and ammunition (including magazines) for 21 days, subject to a 1-year extension.

Note that California Senate Bill 320 (October 2021) amends Family Code § 6322.5 to allow for law enforcement agencies to confiscate firearms of a person found to be a “prohibited person” based on certain domestic violence, family law, and other felony convictions. The current program is managed by the Los Angeles District Attorney and requires enforcement form local jurisdictions where the prohibited lives.

FISCAL IMPACT:

The fiscal impact will depend upon what, if anything, the City Council directs as to additional regulations.

Respectfully submitted by:

Inez Alvarez, Interim City Manager

Reviewed by:

Karl H. Berger, City Attorney

ATTACHMENTS:

1. SB 8
2. April 5, 2023 - Staff Report without Exhibits

ATTACHMENT 1
SB 8

AMENDED IN SENATE MARCH 23, 2023

AMENDED IN SENATE MARCH 7, 2023

SENATE BILL No. 8

Introduced by Senators Blakespear and Skinner
(Principal coauthor: Senator Portantino)

December 5, 2022

An act to add ~~Section 3343.8 to the Civil Code, and to add~~ Article 4.5 (commencing with Section 11627.5) to Chapter 1 of Part 3 of Division 2 of the Insurance Code, relating to ~~civil law.~~ *insurance.*

LEGISLATIVE COUNSEL'S DIGEST

SB 8, as amended, Blakespear. ~~Civil law: firearms~~ *Firearms* liability ~~and~~ insurance.

~~Existing law prescribes various civil causes of action and the measure of damages for those actions.~~

Existing law requires any person who purchases or receives a firearm, as specified, to possess a firearm safety certificate. Existing law requires the Department of Justice to develop a written test required for the issuance of a firearm safety certificate. Existing law makes the violation of specified requirements with regard to firearms a misdemeanor or a felony, as specified.

This bill would, commencing on January 1, 2025, ~~make a person who owns a firearm civilly liable for each incidence of property damage, bodily injury, or death resulting from the use of their firearm, as specified. This bill would provide that this liability does not apply if the owner of the firearm has reported their firearm as lost or stolen, as specified. The bill would additionally~~ require a person who owns a firearm to obtain and continuously maintain in full force and effect a homeowner's, renter's, or gun liability insurance policy specifically

covering losses or damages resulting from any negligent or accidental use of that firearm, including, but not limited to, death, injury, or property damage. This bill would require a person to keep written evidence of coverage in the place where a firearm is stored.

The bill would also require the Insurance Commissioner to set the minimum coverage for a policy required by the bill and to develop a standardized form of evidence of liability coverage.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

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

~~SECTION 1. Section 3343.8 is added to the Civil Code, to read:~~

~~3343.8. (a) (1) A person who owns a firearm shall be civilly liable for each incidence of property damage, bodily injury, or death resulting from the use of their firearm.~~

~~(2) This subdivision does not apply if the firearm is lost or stolen and the owner has complied with Division 4.5 (commencing with Section 25250) of Title 4 of Part 6 of the Penal Code.~~

~~(3) This subdivision does not apply to the use of a firearm in justified self-defense or defense of another person.~~

~~(b) A person who owns a firearm shall obtain and continuously maintain in full force and effect a homeowner's, renter's, or gun liability insurance policy from an insurer that is authorized to do business in this state, specifically covering losses or damages resulting from the use of that firearm, including, but not limited to, death or injury to another, including without limitation a household member, guest, or invitee, and property damage.~~

~~(c) This section does not require an insurer to defend or indemnify the insured beyond the terms or limits of their policy.~~

~~(d) A person who owns a firearm shall keep valid and current written evidence of the coverage described in subdivision (b) readily available at the location where each firearm is stored.~~

~~(e) As used in this section, "firearm" has the same meaning as in subdivision (a) of Section 16520 of the Penal Code.~~

~~(f) This section shall become operative on January 1, 2025.~~

~~SEC. 2.~~

SECTION 1. Article 4.5 (commencing with Section 11627.5) is added to Chapter 1 of Part 3 of Division 2 of the Insurance Code, to read:

Article 4.5. Firearm Liability Insurance

11627.5. (a) A person who owns a firearm shall obtain and continuously maintain in full force and effect a homeowner's, renter's, or gun liability insurance policy from an insurer that is authorized to do business in this state, specifically covering losses or damages resulting from the use of that firearm, including, but not limited to, death or injury to another, including without limitation a household member, guest, or invitee, and property damage.

(b) This section does not require an insurer to defend or indemnify the insured beyond the terms or limits of their policy.

(c) A person who owns a firearm shall keep valid and current written evidence of the coverage described in subdivision (a) readily available at the location where each firearm is stored.

(d) As used in this section, "firearm" has the same meaning as in subdivision (a) of Section 16520 of the Penal Code.

(e) This section shall become operative on January 1, 2025.

~~11627.5.~~

11627.6. (a) The Commissioner shall, by no later than December 31, 2024, develop a standard form of evidence of liability coverage for a policy of insurance that satisfies the requirement for coverage prescribed in Section ~~3343.8 of the Civil Code.~~ *11627.5.*

(b) The Commissioner shall, by no later than July 1, 2024, set minimum coverage requirements for a policy described in Section ~~3343.8 of the Civil Code.~~ *11627.5.*

O

ATTACHMENT 2
April 5, 2023 - Staff Report without Exhibits

City Council Staff Report

DATE: April 5, 2023

AGENDA ITEM NO: City Communications - 6A

TO: The Honorable Mayor and City Council

FROM: Thomas Wong, Mayor Pro Tem

SUBJECT: Request for future agenda item regarding Gun Violence Restraining Orders ("GVRO") and Potential Actions for Reducing Weapons within the City's jurisdiction

RECOMMENDATION:

It is recommended that the City Council consider:

1. Receive and file this report;
2. Direct the City Manager and City Attorney to propose potential actions on a future meeting agenda regarding what the City can do to increase public awareness regarding GVROs and/or take action to reduce the number of guns within the City's jurisdiction; and
3. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

After the mass shooting in January, the City Council took a number of actions to make a difference in reducing the incidents of gun violence within the Monterey Park community. Among other things, the City Council adopted Resolution No. 2023-R15 on March 1, 2023 (see attached) which directs the City Manager and City Attorney to draft an ordinance for the City Council's consideration and provide a report on what more might be done to reduce gun violence.

We should do more. Attached for the City Council's review is information regarding GVROs and how one may obtain them. We should find out if the City can do anything to help inform the public about this resource and, if so, how.

Additionally, we should ask for a report regarding whether the City can step up efforts to legally remove weapons from the community. Since 2018, only 13 weapons were either accepted or removed (by California law) by the Police Department from individuals identified as having potential mental health issues. Is there something more that can be done? And how much would that cost?

Please join me in providing this direction to the City Manager and City Attorney.

City Council Staff Report

DATE: July 19, 2023

AGENDA ITEM NO: Consent Calendar - 3A

TO: The Honorable Mayor and City Council

FROM: Maychelle Yee, City Clerk

SUBJECT: Minutes

RECOMMENDATION:

It is recommended that the City Council consider:

1. Approving the minutes from the regular meetings of May 3, 2023 and May 17, 2023 and the special meetings of May 3, 2023, May 17, 2023, May 24, 2023, and June 6, 2023 and
2. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

None.

BACKGROUND:

None.

FISCAL IMPACT:

None.

Respectfully submitted,

Maychelle Yee
City Clerk

Prepared by:

Helena Cho
Assistant Deputy City Clerkk

Approved By:

Inez Alvarez
Interim City Manager

ATTACHMENT(S):

1. Draft Minutes

ATTACHMENT 1
Draft Minutes

MINUTES
MONTEREY PARK CITY COUNCIL
FINANCING AUTHORITY (MPFA)
HOUSING AUTHORITY (MPHA)
GEOLOGIC HAZARD ABATEMENT DISTRICT (GHAD)
SUCCESSOR AGENCY (SA)
SPECIAL MEETING
MAY 3, 2023

The City Council, the Financing Authority (MPFA), the Housing Authority (MPHA), the Geologic Hazard Abatement District (GHAD), and the Successor Agency (SA) of the City of Monterey Park held a Special Meeting of the Council in Room 266, Second Floor of City Hall located at 320 West Newmark Avenue in the City of Monterey Park, Wednesday, May 3, 2023 at 5:30 p.m.

CALL TO ORDER:
Mayor Sanchez called the meeting to order at 5:30 p.m.

ROLL CALL:
Mayor Sanchez called the roll:

Council Members Present:	Henry Lo, Vinh Ngo, Jose Sanchez, Thomas Wong, Yvonne Yiu
Council Members Absent:	None

ALSO PRESENT: City Manager Ron Bow, City Attorney Karl Berger, Assistant City Manager Inez Alvarez (for Item Nos 1A-1C only), Director of Finance Martha Garcia (for Item No. 1A only)

PUBLIC COMMUNICATIONS: None.

1. CLOSED SESSION
The City Council adjourned to Closed Session at 5:30 p.m.

1-A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS - GOVERNMENT CODE§ 54956.8: two items

Properties:	601 Potrero Grande Drive, AIN 5265-025-058; and 2100 Saturn Street, AIN 5265-026-055
City Negotiators:	Ron Bow, City Manager Karl H. Berger, City Attorney Inez Alvarez, Assistant City Manager Martha Garcia, Finance Director

Negotiating Party: 601 Potrero Grande Drive - BHE 601 Potrero Grande LLC/BH Properties, LLC
2100 Saturn Street - BHE 601 Potrero Grande LLC/ BH Properties, LLC

Under Negotiation: Lease terms, purchase price, and terms of payment

1-B. CONFERENCE WITH LEGAL COUNSEL, INITIATION OF LITIGATION (Government Code § 54956.9(d)(4)). Number of Potential Cases: One. Potential Defendants (voluntarily disclosed; not legally required):

Center Int'l Investments, Inc.
Pacific Regent Enterprises
H Keng
Jun Fan "Frank" Zhang
Hsiao Chi Hsu
Willis Do
Karrie On
Chau On
Does 1-30

1-C. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (Threat of litigation pursuant to Government Code § 54956.9(d)(2)): 1 matter.

FACTS AND CIRCUMSTANCES: Occurrences relating to January 21, 2023 Mass Casualty Incident.

1-D. CONFERENCE WITH CITY'S LABOR NEGOTIATOR (GOV'T CODE §54957.6): 1 item

Employee Organization: City Manager (unrepresented)

City Negotiators: City Attorney

RECONVENE & ADJOURNMENT

The City Council reconvened from Closed Session with all Council Members present. The meeting was adjourned at 6:31 p.m.

Action Taken: No reportable action taken in Closed Session.

_____
Maychelle Yee
City Clerk

MINUTES
MONTEREY PARK CITY COUNCIL
FINANCING AUTHORITY (MPFA)
HOUSING AUTHORITY (MPHA)
GEOLOGIC HAZARD ABATEMENT DISTRICT (GHAD)
SUCCESSOR AGENCY (SA)
REGULAR MEETING
MAY 3, 2023

The City Council, the Financing Authority (MPFA), the Housing Authority (MPHA), the Geologic Hazard Abatement District (GHAD), and the Successor Agency (SA) of the City of Monterey Park held a Regular Meeting of the Council in the Council Chamber, located at 320 West Newmark Avenue in the City of Monterey Park, Wednesday, May 3, 2023 at 6:30 p.m.

CALL TO ORDER:
Mayor Sanchez called the meeting to order at 6:37 p.m.

FLAG SALUTE:
The Monterey Park Fire Explorers

ROLL CALL:
City Clerk Maychelle Yee called the roll:

Council Members Present:	Henry Lo, Vinh Ngo, Jose Sanchez, Thomas Wong, Yvonne Yiu
Council Members Absent:	None

ALSO PRESENT: City Attorney Karl Berger, City Manager Ron Bow, City Treasurer Amy Lee, Assistant City Manager Inez Alvarez, Director of Public Works Shawn Igoe, Director of Finance Martha Garcia, Police Chief Scott Wiese, Fire Chief Matthew Hallock, Director of Human Resources and Risk Management Christine Tomikawa, Director of Community Development Jessica Serrano, Director of Recreation and Community Services Robert Aguirre, Finance Manager Laura Borjon, Economic Development Manager Joseph Torres, Recreation Manager Christina Alatorre, Literacy Coordinator Victor Castellanos, Senior Accountant Terry Kim, Officer DeLon Lam, Assistant Deputy City Clerk Helena Cho

VIRTUALLY PRESENT: City Librarian Diana Garcia

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS
None.

PUBLIC COMMUNICATIONS

- Rick Eng, representing LA vs. Hate Program, President of the Los Angeles Chapter of the Chinese American Citizens Alliance (CACA), and member of the Monterey Park Healing Fund stated that he received sympathy and condolence cards/letters in wake of the January mass casualty incident from students at Rutgers University's student organization known as Queer and Asian Alliance. He provided the City Clerk cards/letters to forward to the City Council. He also spoke about CACA involvement working with Congress on the passage of the Congressional Gold Medal to Chinese American Veterans of World War II. He announced that the Library of Congress will be in the City of Santa Monica and City of Alhambra to conduct interviews with Asian American Veterans.

- Nancy Arcuri inquired when the City Council will take action on a possible zone change for the Market Place shopping center.

- Larry Sullivan invited the community to attend the Lions Club Breakfast on May 20th from 8 am – 11 am in conjunction with the city's Fire Service Day.

STAFF COMMUNICATIONS

- Library: Literacy Coordinator Castellanos provided updates on the various events at the library: Play Days Read and Ride program, Homework Assistance Program, Computer Classes in Spanish, Citizenship Workshop by the Asian Americans Advancing Justice, Child & Teen Mental Health Seminar, Mental Health & Wellness Fair.

- Police Department: Officer Lam from the Neighborhood Engagement Team (NET) spoke about the city's homeless engagement and mental health calls. He provided the 2023 statistical data. Officer Lam along with Police Chief Wiese spoke about the department's effort to revitalize the Neighborhood Watch Program.

- Recreation and Community Services: Director of Recreation and Community Services Aguirre introduced the new Recreation Manager Christina Alatorre and provided information on upcoming events: MPK Night at Dodger Stadium on June 23rd, Tribute to Cinco De Mayo on May 11th at Barnes Park, Play Days Birthday Carnival on May 11th – May 14th.

1. PRESENTATION

The matters listed under presentation are informational content and for discussion only.

1-A. MONTEREY PARK COMMUNITY HEALING FUND UPDATE

City Treasurer Lee provided the City Council and the community with an update on the Monterey Park Community Healing Fund. She announced that the Community Healing Fund will start providing small financial grants to witnesses of the Star Ballroom Dance Studio. She mentioned that the Asian Americans Advancing Justice organization has raised over $1 million dollars and those funds are going to family members of the deceased and those injured. The Community Healing Fund recognized that witnesses are also suffering emotionally, and the organization would like to offer a mechanism for those individuals to apply for financial grants.

2. OLD BUSINESS - None

3. CONSENT CALENDAR ITEMS NOS. 3A-3K

All items under the Consent Calendar are considered by the City Council to be routine and will be enacted by one motion. Specific items may be removed from the Consent Calendar at the request of any member of the City Council for separate consideration.

This item was heard after Agenda Item No. 5A.

Action Taken: The City Council approved and adopted Agenda Item Nos. 3A, 3C, 3E, 3I, 3J, and 3K on consent calendar, excluding Item Nos. 3B, 3D, 3F, 3G and 3H which were pulled for discussion, separate motion, reading resolutions and ordinances by the title only and waiving further reading thereof.

Motion: Moved by Council Member Ngo and seconded by Mayor Pro Tem Wong, motion carried by the following vote:

Ayes:	Council Members:	Lo, Yiu, Ngo, Wong, Sanchez
Noes:	Council Members:	None
Absent:	Council Members:	None
Abstain:	Council Members:	None
Recusal:	Council Members:	None

3-A. MINUTES

Approving the minutes from the special and regular meetings of April 5, 2023, the special meeting of April 8, 2023 and April 10, 2023.

Action Taken: The City Council approved the minutes from the special and regular meetings of April 5, 2023, the special meeting of April 8, 2023 and April 10, 2023, on Consent Calendar.

3-B. 2021-2022 ANNUAL COMPREHENSIVE FINANCIAL REPORT

The City's auditor, CliftonLarsonAllen LLP (CLA), an independent auditor and one of the nation's leading CPA firms, completed the audit of the City's annual financial statements for the fiscal year ending June 30, 2022. The audited financial statements are incorporated into an ACFR.

This is the 7th year, CLA audited the City's financial records. The auditor issued an unmodified ("clean") opinion on the City's financial statements. An unmodified opinion indicates that the financial data of the City is fairly presented in accordance with accounting principles generally accepted in the United States of America (or "GAAP") and the standards applicable to the financial audits contained in Government Audit Standards, issued by the Comptroller General of the United States. These standards require that the auditors plan and perform the audit to obtain reasonable assurance as to whether the financial statements are free of material misstatement and accurately reflects the City's financial position. Additionally, the auditors' report does not indicate any negative findings, internal control deficiencies or instances of noncompliance with applicable laws and regulations.

Discussion: Director of Finance Garcia provided a PowerPoint Presentation summarizing the city's ACFR and was available for questions.

Action Taken: The City Council received and filed the City's 2021-2022 Annual Comprehensive Financial Report (ACFR).

Motion: Moved by Mayor Pro Tem Wong and seconded by Council Member Ngo, motion carried by the following vote:

Ayes:	Council Members:	Lo, Yiu, Ngo, Wong, Sanchez
Noes:	Council Members:	None
Absent:	Council Members:	None
Abstain:	Council Members:	None
Recusal:	Council Members:	None

3-C. AUTHORIZING MAYOR TO SIGN A LETTER ON BEHALF OF THE CITY SUPPORTING ASSEMBLY BILLS 1406 (MCCARTY) AND 1420 (BERMAN)

On January 21, 2023, the City of Monterey Park experienced a Mass Casualty Incident (MCI) where 20 people were shot. Eleven of those community members died. As our community struggles with the challenge of working through this tragedy, fellow citizens and residents in California and the rest of the country continue to be confronted with substantially similar MCIs.

Action Taken: The City Council authorized the Mayor to sign a letter on the City's behalf supporting Assembly Bill (AB) 1406 (McCarty) and AB 1420 (Berman), on Consent Calendar.

3-D. LAND ACKNOWLEDGMENT STATEMENT

A Land Acknowledgment is a statement that recognizes and respects Indigenous Peoples as traditional stewards of lands, expresses gratitude and appreciation to those groups, and honors the Indigenous people who have lived and worked on the land for centuries. Land Acknowledgments are a common practice in both Australia and Canada and are increasingly being adopted by city, county, and state governments in the United States.

Staff met with representatives from the Gabrieleño/Tongva San Gabriel Band of Mission Indians to learn more about their recommendations for Land Acknowledgment language and practices. Based on our discussions, staff proposes the following Land Acknowledgment statement which has been reviewed and approved by the Gabrieleño/Tongva San Gabriel Band of Mission Indians:

> *We would like to acknowledge that the land we inhabit today was once known as Tovangaar, the home of the Gabrieleño-Tongva people. We show our respect to the Gabrieleño-Tongva people, as well as all Indigenous people, past, present, and future, and honor their labor as original caretakers of this land. We commit to uplifting the Gabrieleño-Tongva people, invite you to acknowledge the history, and join us in caring for this land.*

Public Speakers:

- Mona Morales Recalde, member of the San Gabriel Band of Mission Indians, partnered with the City to draft a Land Acknowledgement statement. She stated that this statement acknowledges that the ancestral land in which the City is on is Gabrieleño/Tongva land. She requested the City Council's consideration in adopting the Land Acknowledgement.

Action Taken: The City Council approved and adopted a Land Acknowledgement statement as amended to add the Land Acknowledgement language to all public meeting agendas and for it to be read at city events.

Motion: Moved by Mayor Sanchez and seconded by Council Member Lo, motion carried by the following vote:

Ayes:	Council Members:	Lo, Yiu, Ngo, Wong, Sanchez
Noes:	Council Members:	None
Absent:	Council Members:	None
Abstain:	Council Members:	None
Recusal:	Council Members:	None

3-E. NATIONAL CORRECTIONAL OFFICERS WEEK RESOLUTION

The Monterey Park Police Department is celebrating the week of May 7-13, 2023, as National Correctional Officers Week. In 1984, President Ronald Regan announced the first week in May as National Correctional Officers Week, and it has been celebrated annually ever since. It honors the thousands of men and women responsible for managing those brought into custody by law enforcement and awaiting trial. These individuals face difficult and often dangerous work environments and play a vital role in the criminal justice system. We are enlisting your support in the form of a resolution to honor these men and women in our area for their work every day to protect the residents of Monterey Park.

Action Taken: The City Council adopted Resolution No. 2023-R30 declaring the week of May 7-13, 2023 to be National Correctional Officers Week in the City of Monterey Park, on Consent Calendar.

Resolution No. 2023-R30
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK DECLARING MAY 7-13, 2023, NATIONAL CORRECTIONAL OFFICERS WEEK IN MONTEREY PARK

3-F. NATIONAL POLICE WEEK RESOLUTION

The Monterey Park Police Department is celebrating the week of May 15-21, 2023, as National Police Week. In 1962, President John F. 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.

Action Taken: The City Council adopted Resolution No. 2023-R31 declaring the week of May 15-21, 2023 to be National Police Week in the City of Monterey Park.

Motion: Moved by Mayor Pro Tem Wong and seconded by Council Member Yiu, motion carried by the following vote:

Ayes:	Council Members:	Lo, Yiu, Ngo, Wong, Sanchez
Noes:	Council Members:	None
Absent:	Council Members:	None
Abstain:	Council Members:	None
Recusal:	Council Members:	None

Resolution No. 2023-R31
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK DECLARING MAY 15-21, 2023, NATIONAL POLICE WEEK IN MONTEREY PARK

3-G. PUBLIC WORKS WEEK AND LOGO RESOLUTION

The City is celebrating the week of May 21-27, 2023, as Public Works Week in Monterey Park. This week marks the 63rd annual National Public Works Week sponsored by the American Public Works Association, which recognizes Public Works professionals. The 2023 National Public Works Week theme is "Connecting the World through Public Works", highlighting the way public works professionals connect us physically, through infrastructure, and inspirationally, through service to their communities, whether as first responders, or daily workers carrying out their duties with pride.

Action Taken: The City Council adopted Resolution No. 2023-R32 declaring the week of May 21 through 27, 2023 as Public Works Week in Monterey Park; and adopted Resolution No. 2023-R33 adopting a Public Works logo to be used by the Public Works Department for official purposes.

Motion: Moved by Mayor Pro Tem Wong and seconded by Council Member Yiu, motion carried by the following vote:

Ayes:	Council Members:	Lo, Yiu, Ngo, Wong, Sanchez
Noes:	Council Members:	None
Absent:	Council Members:	None
Abstain:	Council Members:	None
Recusal:	Council Members:	None

Resolution No. 2023-R32
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK DECLARING MAY 21-27, 2023 AS PUBLIC WORKS WEEK IN MONTEREY PARK

Resolution No. 2023-R33
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK FORMALLY ADOPTING A PUBLIC WORKS DEPARTMENT LOGO

3-H. TREE MEMORIAL PROGRAM RECOMMENDATION FOR FRED SORNOSO

At the April 29th City Council meeting, the City Council nominated former Mayor Pro Tem Fred Sornoso for the Tree Memorial Recognition Program for his dedication and service to the community. Tree Memorial honorees are nominated based on the criteria established in Resolution Nos. 10485 and 11484 (Attachment 1 to the staff report).

If approved by City Council, Mr. Fred Sornoso will be honored with a Tree Memorial for his service and positive impact on the Monterey Park community.

Action Taken: The City Council authorized the City Manager to take actions needed to honor former Mayor Pro Tem Fred Sornoso with a memorial tree.

Motion: Moved by Council Member Yiu and seconded by Council Member Lo, motion carried by the following vote:

Ayes:	Council Members:	Lo, Yiu, Ngo, Wong, Sanchez
Noes:	Council Members:	None
Absent:	Council Members:	None
Abstain:	Council Members:	None
Recusal:	Council Members:	None

3-I. WAIVE FURTHER READING AND ADOPT AN ORDINANCE AMENDING TITLE 13, CHAPTER 12 OF THE MONTEREY PARK MUNICIPAL CODE ("MPMC") IN ITS ENTIRETY TO REGULATE ENCROACHMENTS WITHIN THE PUBLIC RIGHT-OF-WAY

MPMC Chapter 13.12 regulates encroachments and construction within all public right of ways within the City. The regulations under this chapter were first implemented in the 1980s and are stale in comparison to industry standards. The proposed ordinance updates regulations for excavations and encroachments on, over, and under public rights-of-ways and public service easements.

The Ordinance was introduced and received first reading at the April 19, 2023 City Council meeting. The original staff report (from April 19, 2023) is attached to the staff report for reference. Second reading and adoption of this Ordinance is recommended. If adopted, the Ordinance will rake effect in 30 days.

Action Taken: The City Council waived the second reading and adopted Ordinance No. 2229, on Consent Calendar.

Ordinance No. 2229
AN ORDINANCE AMENDING TITLE 13, CHAPTER 12 OF THE MONTEREY PARK MUNICIPAL CODE TO REPEAL AND REPLACE PROVISIONS AND PROCEDURES GOVERNING ENCROACHMENTS INTO PUBLIC STREETS, EASEMENTS, AND RIGHT OF WAYS

3-J. CALIFORNIA ENERGY COMMISSION *CALIFORNIA AUTOMATED PERMIT PROCESSING* (CALAPP) PROGRAM GRANT

The California Energy Commission's CalAPP Grant Program, funded by $20 million from the California Budget Act of 2021 authorized by Senate Bill 129, is intended to help cities and counties establish an online, automated solar permitting system. The City qualifies for a $60,000 grant to reimburse the City for staff or consultant time associated with implementing the solar permitting software, among others. Expediting solar permits will help the City comply with the Solar Access Act and will advance the City's Going Green efforts towards promoting sustainability within the City.

The application deadline was May 1, 2023 and funds are awarded on a first-come, first-served basis. Staff submitted our CalAPP Program Grant application on April 19, 2023 to meet this deadline. This is a reimbursable grant that allows for reimbursements through May 1, 2027.

If adopted, the proposed resolution would retroactively authorize the City Manager, or designee, to apply for the CalAPP Program Grant, to execute the grant agreement, and to implement a budget amendment if the City is awarded funds.

Action Taken: The City Council adopted Resolution No. 2023-R34 retroactively authorizing the City Manager, or designee, to apply for, receive, and appropriate grant funds for the California Energy Commission's *California Automated Permit Processing* (CalAPP) Program Grant, on Consent Calendar.

Resolution No. 2023-R34
A RESOLUTION RETROACTIVELY AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO APPLY FOR, RECEIVE, AND APPROPRIATE GRANT FUNDS FOR THE ENERGY COMMISSION'S CALIFORNIA AUTOMATED PERMIT PROCESSING (CalAPP) PROGRAM

3-K. HSIP CYCLE 9 GARFIELD AVENUE TRAFFIC SIGNAL IMPROVEMENTS PROJECT – AWARD OF CONTRACT

Per Resolution 2022-R32, the Public Works Director solicited bids for Capital Improvement Project No. 96028. The bid opening was held on March 23, 2023. Staff completed review of bids and recommends that the contract be awarded to PTM General Engineering Services, Inc., the lowest responsible bidder, in the amount of $428,028 plus 9% contingency.

CEQA (CALIFORNIA ENVIRONMENTAL QUALITY ACT):
The proposed project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to 14 California Code of Regulations §15301 as a Class 1 categorical exemption (Existing Facilities). The project results in minor alterations to existing public facilities involving no significant

expansion of the existing use. The Project is not anticipated to have any significant impacts with regards to traffic, noise, air quality or water quality.

Action Taken: The City Council authorized the City Manager to execute a public works contract, in a form approved by the City Attorney, with PTM General Engineering Services, Inc. of Riverside in the contract amount of $428,028 for the HSIP Cycle 9 Garfield Avenue Traffic Signal Improvements, Specification No. 2022-016; and authorized the Director of Public Works to approve change orders and contingency up to $37,572, or 9% of the contract amount, on Consent Calendar.

4. PUBLIC HEARING - None

5. NEW BUSINESS

5-A. REAPPOINTMENT TO THE LIBRARY BOARD OF TRUSTEES

The term for the Library Board of Trustees is three years with the possibility of reappointment for one additional consecutive three-year term.

Jennifer Tang's first term on the Library Board of Trustees will end June 30, 2023. If reappointed, she will serve through June 30, 2026.

This item was heard after Presentation, Agenda Item No. 1A.

Public Speakers:

- Jennifer Tang, President of the Library Board of Trustees, requested that the City Council consider her reappointment for a 2nd term on the board. She spoke about the various programs and services that she has worked on in the library for its patrons.

Action Taken: The City Council reappointed incumbent Library Board of Trustee Jennifer Tang for a second term.

Motion: Moved by Council Member Lo and seconded by Council Member Yiu, motion carried by the following vote:

Ayes:	Council Members:	Lo, Yiu, Ngo, Wong, Sanchez
Noes:	Council Members:	None
Absent:	Council Members:	None
Abstain:	Council Members:	None
Recusal:	Council Members:	None

6. CITY COMMUNICATIONS (CITY COUNCIL)

6-A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK DECLARING MAY 6, 2023 THE DAY OF INCLUSION OF THE 141ST ANNIVERSARY OF THE PASSAGE OF THE CHINESE EXCLUSION ACT AND RECOGNIZING AND HONORING THE MONTH OF MAY 2023 AS ASIAN AMERICAN AND PACIFIC ISLANDER HERITAGE MONTH

Action Taken: The City Council adopted Resolution No. 2023-R35 declaring May 6, 2023 the Day of Inclusion of the 141st anniversary of the passage of the Chinese Exclusion Act and recognizing and honoring the month of May 2023 as Asian American and Pacific Islander Heritage Month.

Motion: Moved by Mayor Pro Tem Wong and seconded by Council Member Lo, motion carried by the following vote:

Ayes:	Council Members:	Lo, Yiu, Ngo, Wong, Sanchez
Noes:	Council Members:	None
Absent:	Council Members:	None
Abstain:	Council Members:	None
Recusal:	Council Members:	None

Resolution No. 2023-R35
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK DECLARING MAY 6, 2023 THE DAY OF INCLUSION OF THE 141ST ANNIVERSARY OF THE PASSAGE OF THE CHINESE EXCLUSION ACT AND RECOGNIZING AND HONORING THE MONTH OF MAY 2023 AS ASIAN AMERICAN AND PACIFIC ISLANDER HERITAGE MONTH

6-B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK DECLARING MAY 18, 2023 AS NATIONAL ASIAN AMERICAN AND PACIFIC ISLANDER DAY AGAINST BULLYING AND HATE

Action Taken: The City Council adopted Resolution No. 2023-R36 declaring May 18, 2023 as National Asian American and Pacific Islander Day Against Bullying and Hate.

Motion: Moved by Mayor Pro Tem Wong and seconded by Council Member Yiu, motion carried by the following vote:

Ayes:	Council Members:	Lo, Yiu, Ngo, Wong, Sanchez
Noes:	Council Members:	None
Absent:	Council Members:	None
Abstain:	Council Members:	None
Recusal:	Council Members:	None

Resolution No. 2023-R36
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK DECLARING MAY 18, 2023 AS NATIONAL ASIAN AMERICAN AND PACIFIC ISLANDER DAY AGAINST BULLYING AND HATE

COUNCIL COMMUNICATIONS

Council Member Lo stated his attendance at the San Gabriel Valley Public Affairs Network on April 20th. He also announced that he attended a luncheon at NBC Seafood Restaurant on April 21st hosted Assembly Member Mike Fong and in attendance were Assembly Speaker Designee Robert Rivas, Assembly Member Josh Lowenthal and Blanca Pacheco who toured the San Gabriel Valley area. He also communicated that he went to Earth Day on April 22nd hosted by the Alhambra Youth Democrats; and also attended a Trans Day Visibility event in the City of El Monte sponsored by the San Gabriel LGBT Center; Monterey Park Police Departments Town Hall Meeting on April 26th; Monterey Park Women's Club Charity Fashion Show; and the Alhambra Unified School Districts (AUSD) reading event.

Council Member Yiu spoke of her attendance at the Monterey Park Women's Club Charity Fashion Show; announced her election as the Vice President of the Chinese Elected Officials (CEO); attended the birthday celebration for former Council Member David Lau; and a press conference held by Assembly Member Mike Fong on gun safety and emergency response legislation AB732, AB733, and AB1638.

Council Member Ngo said he attended the following events: a luncheon at NBC Seafood Restaurant on April 21st hosted Assembly Member Mike Fong; the Manta Ray's swimathon; Monterey Park Police Departments Town Hall Meeting on April 26th; Monterey Park Women's Club Charity Fashion Show; and the AUSD Read Across American event.

Mayor Pro Tem Wong stated he also attended many of the events that the other Council Members cited: Assembly Member Mike Fong's press conference, Monterey Park Women's Club Fashion Show, AUSD Read Across America event, and the Manta Ray's swimathon,

Mayor Sanchez said he also attended many of the same events as the Council mentioned. He stated that he attended a community prayer walk with local pastors as part of the city's healing event. Mayor Sanchez requested the consideration of invocations from all faiths at the commencement of City Council meetings. Council Member Lo added to include a ceremony from the Gabrieleño/Tongva tribe. He commented on a meeting with Mayor David Torres from the City of Montebello to discuss local concerns and collaboration efforts. He announced that he also attended the AUSD Alhambra Teachers Association (ATA) Read Across American

Event and an anti-gun rally in the City of Alhambra where he had the opportunity to meet the author of Senate Bill (SB) SB710.

7. FUTURE AGENDA ITEMS

Mayor Pro Tem Wong requested the discussion on SB710.

8. CLOSED SESSION (IF REQUIRED; CITY ATTORNEY TO ANNOUNCE)
None.

ADJOURNMENT
There being no further business for consideration, the meeting was adjourned at 8:58 p.m.

_____
Maychelle Yee
City Clerk

MINUTES
MONTEREY PARK CITY COUNCIL
FINANCING AUTHORITY (MPFA)
HOUSING AUTHORITY (MPHA)
GEOLOGIC HAZARD ABATEMENT DISTRICT (GHAD)
SUCCESSOR AGENCY (SA)
SPECIAL MEETING
MAY 17, 2023

The City Council, the Financing Authority (MPFA), the Housing Authority (MPHA), the Geologic Hazard Abatement District (GHAD), and the Successor Agency (SA) of the City of Monterey Park held a Special Meeting of the Council in Room 266, Second Floor of City Hall located at 320 West Newmark Avenue in the City of Monterey Park, Wednesday, May 17, 2023 at 5:30 p.m.

CALL TO ORDER:
Mayor Sanchez called the meeting to order at 5:31 p.m.

ROLL CALL:
Mayor Sanchez called the roll:

Council Members Present:	Henry Lo, Vinh Ngo, Jose Sanchez, Thomas Wong, Yvonne Yiu
Council Members Absent:	None

ALSO PRESENT: City Manager Ron Bow, City Attorney Karl Berger, Assistant City Manager Inez Alvarez, Director of Finance Martha Garcia, Director of Human Resources and Risk Management Christine Tomikawa

VIRTUALLY PRESENT: Steve Berliner of Liebert Cassidy & Whitmore

PUBLIC COMMUNICATIONS: None.

1. CLOSED SESSION
The City Council adjourned to Closed Session at 5:31 p.m.

1-A. CONFERENCE WITH LABOR NEGOTIATORS, PURSUANT TO CALIFORNIA GOVERNMENT CODE § 54957.6

City Negotiators: Steve Berliner and Christine Tomikawa

Employee Organizations:	Confidential Employees' Association, Firefighters' Association, Mid-Management Association, Police Captains' Association, Police Officers' Association, Police Officers' Mid-Management Association, Professional Chief Officers' Association, and Service Employees International Union, Local 721

RECONVENE & ADJOURNMENT

The City Council reconvened from Closed Session with all Council Members present. The meeting was adjourned at 6:28 p.m.

Action Taken: No reportable action taken in Closed Session.

_____

Maychelle Yee
City Clerk

MINUTES
MONTEREY PARK CITY COUNCIL
FINANCING AUTHORITY (MPFA)
HOUSING AUTHORITY (MPHA)
GEOLOGIC HAZARD ABATEMENT DISTRICT (GHAD)
SUCCESSOR AGENCY (SA)
REGULAR MEETING
MAY 17, 2023

The City Council, the Financing Authority (MPFA), the Housing Authority (MPHA), the Geologic Hazard Abatement District (GHAD), and the Successor Agency (SA) of the City of Monterey Park held a Regular Meeting of the Council in the Council Chamber, located at 320 West Newmark Avenue in the City of Monterey Park, Wednesday, May 17, 2023 at 6:30 p.m.

CALL TO ORDER:
Mayor Sanchez called the meeting to order at 6:36 p.m.

FLAG SALUTE:
The Police Explorers called the flag salute.

ROLL CALL:
City Clerk Maychelle Yee called the roll:

Council Members Present:	Henry Lo, Vinh Ngo, Jose Sanchez, Thomas Wong, Yvonne Yiu
Council Members Absent:	None

ALSO PRESENT:, City Manager Ron Bow, Assistant City Manager Inez Alvarez, Police Chief Scott Wiese, City Librarian Diana Garcia, Director of Public Works Shawn Igoe, Director of Recreation and Community Services Robert Aguirre, Director of Finance Martha Garcia, Community Development Director Jessica Serrano, Director of Human Resources and Risk Manager Christine Tomikawa, Economic Project Manager Joseph Torres, Battalion Chief Chris Thompson, Fire Captain Scott Kelley, Finance Manager Laura Borjon, Recreation Manager Christine Alatorre, Deputy City Clerk Cindy Trang

VIRTUALLY PRESENT: City Attorney Karl Berger, Artist DJ Javier, Los Angeles Rams Associate Manager Mary Morales, Artist's Manager Lea Sindija, Lead Partner of Pun Group LLP Kenneth Pun, Engagement Manager of Pun Group LLP Mark Hu

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS
None.

PUBLIC COMMUNICATIONS

- Larry Sullivan and Fire Captain Kelley invited the public to the Monterey Park Lions Club Pancake Breakfast Fundraiser in conjunction with the Monterey Park Fire Department Fire Service Day on May 20.

- Jorge Rivera, representing Healing and Justice Center, shared a flyer and spoke about digital equity including internet and broadband access.

- Nancy Acuri requested for a progress report on the development located at 126 North New Avenue and inquired on what the city is doing to promote and attract businesses to the shopping center on South Atlantic Blvd.

- Jesus Hernandez, representing Service Employees International Union (SEIU) 721, requested for a fair contract, a fair cost of living adjustment, and to match their numbers.

- Lauren Frazier, representing SEIU 721, said that the City's current offering in salary is unexceptionally low. She stated that SEIU is the lowest paid full time employees, and with the unprecedent level of inflation and cost of living increases, the small increases don't go very far. She pleaded with the Council to support their effort for fair wages.

- David Zapata, City employee, said that cents don't help with living the American dream and what used to be a job that kept a person in middle class seems harder to reach. He pointed out the large turnover in his department in the past year. He asked the City Council for help.

- John Lieu, City employee, said there are many turnovers and suggested that with a fair deal, the City will be able to retain and attract new employees.

- Maychelle Yee, resident, asked that items be channeled through the appropriate board and commission and properly reviewed. She alleged that the City is attempting to censor her by charging her with violating the City's Code of Conduct without telling her what she was accused of. She requested the investigation be conducted publicly and televise. She stated that she felt pressured during a council meeting and signed the Code of Conduct under distress and now rescinded her submission.

- Teresa Real Sebastian spoke in support of SEIU. She commented on the right to speak and encouraged all the elected officials to speak their mind.

STAFF COMMUNICATIONS

- Public Works: Director of Public Works Igo reminded everyone that the week of May 21 through May 27, 2023 is Public Works Week, and invited the public to the Public Works Open House at the City Yard on May 25.

- Recreation and Community Services Department: Recreation Manager Alatorre thanked the residents and staff for the successful collaborative celebration of Cinco de Mayo, Farmers' Market, and Play Days Birthday Carnival event. She reported 512 participates in the Library's Reading and Ride program with 299 tickets redeemed for use on rides at Play Day. City Librarian Garcia invited the community to attend the Mental Health & Wellness Fair on May 20 at the Langley Center. Recreation Manager Alatorre provided an update on upcoming events: Senior Prom Dance on May 25, Memorial Day Ceremony on May 29 at the American Legion Post 397, swim lessons registration beginning May 30, 3rd Annual Pride event at Barnes park on June 3, MPK Night at Dodger Stadium on June 23, Hollywood Bowl Trip featuring Kool & the Gang and the Village People on July 15.

1. PRESENTATION

Matters listed under presentation are informational content and for discussion only.

1-A. MONTEREY PARK COMMUNITY HEALING FUND UPDATE

Assistant City Manager Alvarez, on behalf of the fund administrator, provided an update on the Healing Fund. She reported that the Committee is accepting applications through the end of July 2023, to provide small financial grants to witnesses of the January 21 shooting incident. She said the Committee converted to monthly meeting and the Committee extended its thanks to the Mark Keppel students for managing the wishing tree at the Play Days event.

2. OLD BUSINESS

None.

3. CONSENT CALENDAR ITEMS NOS. 3A-3L

All items under the Consent Calendar are considered by the City Council to be routine and will be enacted by one motion. Specific items may be removed from the Consent Calendar at the request of any member of the City Council for separate consideration.

Action Taken: The City Council approved and adopted Agenda Item Nos. 3A, 3C, 3D, 3E, 3F, 3J, and 3L on Consent Calendar, excluding Item Nos. 3B, 3G, 3H, 3I and 3K which were pulled for discussion, separate motion, reading resolutions and ordinances by the title only and waiving further reading thereof.

Motion: Moved by Mayor Pro Tem Wong and seconded by Council Member Ngo, motion carried by the following vote:

Ayes:	Council Members:	Lo, Yiu, Ngo, Wong, Sanchez
Noes:	Council Members:	None
Absent:	Council Members:	None
Abstain:	Council Members:	None
Recusal:	Council Members:	None

3-A. MONTHLY INVESTMENT REPORT – APRIL 2023

As of April 30, 2023 invested funds for the City of Monterey Park is $82,252,355.16.

Action Taken: The City Council received and filed the monthly investment report, on Consent Calendar.

3-B. AUDITING SERVICES AGREEMENT

The City of Monterey Park posted a Request for Proposals (RFP) seeking Professional Auditing Services. The RFP was sent out to eleven auditing firms and was posted on the City Website. Three firms responded with a proposal. Of the three firms, one responded after the due date. The remaining two qualifying firms' proposed costs range from $216,363 to $239,112 for a three year-term.

The Pun Group LLP is the lowest bidder at $216,363 and is selected for their excellent ability to perform the City's' auditing services. The City is negotiating a three-year agreement at $216,363 plus a 10% contingency at $21,636 for a total not to exceed $238,000.

Public Comment:

- Kenneth Pun, Lead Partner, Pun Group LLP; and Mark Hu, Engagement Manager, Pun Group LLP were available for questions.

Action Taken: The City Council allowed the City Manager to enter into an agreement in a form to be approved by the City Attorney with The Pun Group, LLP for an amount not to exceed $238,000 for auditing services. Mayor Pro Tem Wong directed staff to bring back for Council's approval a Request For Proposal (RFP) policy requiring auditing services to go out for bid every 4-5 years and going forward as standard practice, to attach the winning bid to the staff report with RFPs.

Motion: Moved by Mayor Pro Tem Wong and seconded by Council Member Ngo, motion carried by the following vote:

Ayes:	Council Members:	Lo, Yiu, Ngo, Wong, Sanchez
Noes:	Council Members:	None
Absent:	Council Members:	None
Abstain:	Council Members:	None
Recusal:	Council Members:	None

3-C. EXTENSION OF COMMISSIONER'S TERM

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 from service, such person cannot be reappointed to the same board or commission for at least 12 consecutive months unless otherwise authorized by City Council to extend the term. This would align the Commissioner terms with that of the Councilmember who appointed them.

Mayor Sanchez requested to extend the term of Victoria Chavez-Calderon to Community Participation Commission, which will align with his council term for an additional two year term through November 2024. Ms. Chavez-Calderon has served on the commission since 2013.

Action Taken: The City Council approved the extension of Victoria Chavez-Calderon's term to the Community Participation Commission, on Consent Calendar.

3-D. EXTENDING A LOCAL EMERGENCY FOR THE GOODVIEWS ABATEMENT PROJECT ("GAP")

On December 21, 2022, the City Council adopted Resolution No. 2022-R101 that extended the GAP local emergency until March 1, 2023; that emergency was subsequently extended in a series of City Council actions until June 1, 2023.

On May 10, 2023, the City's project manager informed the City Manager and City Attorney that the contractor, C.A. Rasmussen, requested additional time to complete the GAP based upon delays from the 2023 winter storms. Completion is now estimated for the end of June.

Action Taken: The City Council extended the local emergency for the GAP pursuant to Section 3 of Resolution No. 2022-R101 (adopted December 21, 2022) to July 1, 2023, on Consent Calendar.

3-E. ADOPT A RESOLUTION TERMINATING 2023 WINTER STORMS LOCAL EMERGENCY

On January 18, 2023, the City Council adopted Resolution No. 2023-R5 which confirmed the existence of a local emergency related to the 2023 Winter Storms. Resolution No. 2023-R5 authorized the City Manager to undertake all actions needed to preserve public health and safety in accordance with applicable law.

The conditions of emergency no longer exist. Therefore, staff recommends that the City Council terminate the local emergency, effective immediately.

Environmental Assessment:
The Resolution itself and the actions anticipated by the Resolution were reviewed pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq*., "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Regulations §§15000, *et seq*., the "CEQA Guidelines"). Based upon that review, this action is exempt from further review pursuant to CEQA Guidelines § 15269(a) because the protection of public and private property is necessary to maintain service essential to the public, health and welfare.[1]

Action Taken: The City Council adopted Resolution No. 2023-R37 terminating 2023 Winter Storms local emergency, on Consent Calendar.

Resolution No. 2023-R37
A RESOLUTION ADOPTED BY THE CITY COUNCIL FOR THE CITY OF MONTEREY PARK TERMINATING THE 2023 WINTER STORMS LOCAL EMERGENCY

3-F. ANNUAL MILITARY EQUIPMENT REPORT PER ASSEMBLY BILL NO. 481

On May 18, 2022, the Monterey Park City Council adopted Ordinance No. 2222 approving a military equipment use policy (Monterey Park Police Department – Policy 709) pursuant to Assembly Bill No. 481("AB 481"). In accordance with AB 481 and Policy 709, a military equipment report must be submitted to the City Council annually 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. In compliance with AB 481, outlined below is the 2022 MPPD Annual Military Equipment Report.

Action Taken: The City Council received and filed report, on Consent Calendar.

[1] CEQA findings regarding an anticipated imminent emergency are valid (*see CalBeach Advocates v. City of Solana Beach* (2002) 103 Cal.App.4th 529).

3-G. AMENDMENT TO AGREEMENT NO. 1967-AC FOR THE UPFITTING/ CONVERSION OF POLICE DEPARTMENT VEHICLES

The Police Department leases nine (9) vehicles from Enterprise for use as administrative or undercover vehicles. The leases will expire this fiscal year and will need to be replaced with new vehicles. The new leased vehicles will need to be upfitted with emergency lights, sirens, secure weapons storage, and police radios.

Action Taken: The City Council authorized the City Manager to execute an amendment with West Coast Lights and Sirens, Inc. to Agreement No. 1967-AC, in a form approved by the City Attorney, for the upfitting/conversion of leased police department vehicles.

Motion: Moved by Mayor Pro Tem Wong and seconded by Council Member Yiu, motion carried by the following vote:

Ayes:	Council Members:	Lo, Yiu, Ngo, Wong, Sanchez
Noes:	Council Members:	None
Absent:	Council Members:	None
Abstain:	Council Members:	None
Recusal:	Council Members:	None

3-H. AMENDMENT TO AGREEMENT 2231-AA WITH COLU TECHNOLOGIES FOR THE SOFTWARE LICENSING OF MONTEREY PARK REWARDS SHOP LOCAL APP PROGRAM

In April 2021, the City signed a software licensing agreement with Colu Technologies to help launch the Monterey Park Rewards program using digital technology to spur economic recovery for our small business community during and post-pandemic. The Monterey Park Rewards app is a digital shop and dine local program that uses smartphones to leverage the power of our local community. With $1 earned for every $10 spent, we believe funneling money back to our residents and visitors from neighboring cities incentivizes them to continue shopping and dining locally. The City pays that $1 earned to keep the participating merchants whole. The program creates a sense of civic pride and leverages the power of our communities to spur economic growth by promoting a circular economy.

The Colu Technologies software licensing agreement expires on June 1, 2023. Staff are requesting City Council approve an Amendment to Professional Services Agreement 2231-AA with Colu Technologies to extend the agreement from June 1, 2023, to December 31, 2023, after which the Monterey Park Rewards program itself will expire. City Council approval is requested, as the agreement extension increases the total value of the agreement beyond the City Manager's authorized amount of $60,000.

Action Taken: The City Council authorized the City Manager to execute an Amendment to Agreement 2231-AA with Colu Technologies, in a form approved by the City Attorney, for the extension of the software licensing agreement for the Monterey Park Rewards Program, an innovative shop local app incentive program, through December 31, 2023.

Motion: Moved by Maor Pro Tem Wong and seconded by Council Member Yiu, motion carried by the following vote:

Ayes:	Council Members:	Lo, Yiu, Ngo, Wong, Sanchez
Noes:	Council Members:	None
Absent:	Council Members:	None
Abstain:	Council Members:	None
Recusal:	Council Members:	None

3-I. PLAYGROUND PROJECTS AT BELLA VISTA, GARVEY RANCH, HIGHLANDS, AND SEQUOIA PARKS – APPROVE A PURCHASE ORDER FOR SUPERIOR RECREATION PRODUCTS TO PROCURE PLAYGROUND EQUIPMENT IN THE AMOUNT OF $869,551.32

Recreation and Community Services staff have been working with playground providers to develop themed play structure designs to be installed at Bella Vista, Garvey Ranch, Highlands, and Sequoia Parks. Department staff wants to improve the residents' experience by providing themed playgrounds that will encourage users to visit various parks in the City. The unique designs will also enhance the usage of playground users' imagination and foster interaction between the youth in the community.

After working with playground providers on design themes, staff presented playground concepts at the February Recreation & Parks Commission meeting to gain input and feedback from Commissioners. Following the February Recreation and Parks Commission meeting, staff worked to develop the design themes with the commissioner's comments and to meet the approved design and construction budget. At the May 1, 2023, Recreation and Parks Commission meeting, staff presented updated designs for the Commission to vote on. The Recreation and Parks Commission voted unanimously to recommend proceeding with the theme designs provided by Zoom Recreation/Superior Recreational Products.

Zoom Recreation is Superior Recreational Products' California playground dealer. City staff identified BuyBoard as a company that has an agreement with Superior Recreational Products for procurement of its playground equipment. The play pieces will include recycled materials with 26,000 pounds of post-consumer recycled plastic, all of which are Green Circle certified. The BuyBoard agreement will allow staff to purchase playground pieces at the lowest price available, including all custom pieces.

CEQA (California Environmental Quality Act):
The proposed projects are categorically exempt from the California Environmental Quality Act (CEQA) requirements pursuant to 14 California Code of Regulations § 15301 as a Class 1 categorical exemption (Existing Facilities).

Public Comments:

- Justin Lotz, Project Manager, Recreation/Superior Recreational Products, was available for questions.

Discussion: Director of Recreation and Community Services Aguirre presented a PowerPoint Presentation showcasing the rendering and theme for each park and was available for questions.

Action Taken: The City Council approved the designs for the playgrounds located at Bella Vista, Garvey Ranch Park, Highlands, and Sequoia Parks; and approved a purchase order for Superior Recreation Products to procure playground equipment in the amount of $869,551.32.

Motion: Moved by Council Member Ngo and seconded by Council Member Yiu, motion carried by the following vote:

Ayes:	Council Members:	Lo, Yiu, Ngo, Wong, Sanchez
Noes:	Council Members:	None
Absent:	Council Members:	None
Abstain:	Council Members:	None
Recusal:	Council Members:	None

3-J. CLEAN CALIFORNIA LOCAL GRANT PROGRAM

The Clean California Local Grant Program provides competitive grants of up to $5 million to local communities to support capital projects that beatify and improve streets and roads, tribal lands, parks, pathways, and transit centers. The ultimate goal is to restore pride in California's public spaces.

If adopted, the proposed resolution would authorize the City Manager, or designee, to apply for the *Clean California Local Grant Program*, to execute the grant agreement, and to implement a budget amendment if the City is awarded funds. The deadline to apply is May 31, 2023, funds will be awarded in the fall of 2023 and the project completion date is June 30, 2026.

Action Taken: The City Council adopted Resolution No. 2023-R38 authorizing the City Manager, or designee, to apply for, receive, and appropriate grant funds for the Clean California Local Grant Program, on Consent Calendar.

Resolution No. 2023-R38
A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO APPLY FOR, RECEIVE, AND APPROPRIATE GRANT FUNDS FOR THE CLEAN CALIFORNIA LOCAL GRANT PROGRAM

3-K. MEMORANDUM OF AGREEMENT FOR THE COORDINATED INTEGRATED MONITORING PROGRAM AND WATERSHED MANAGEMENT PLAN FOR THE UPPER LOS ANGELES RIVER WATERSHED MANAGEMENT AREA FOR FISCAL YEARS 2024 - 2026

On November 18, 2015, Los Angeles Regional Water Quality Control Board (LA Regional Board) approved the Coordinated Integrated Monitoring Program (CIMP) that Monterey Park, along with 18 other jurisdictions in the Upper Los Angeles River (ULAR) group, had submitted to the Regional Board for review. On April 20, 2016, the Regional Board also approved the Watershed Management Plan (WMP) that the ULAR group had also submitted. The ULAR group is required to implement the CIMP and WMP.

The CIMP and WMP Memorandum of Agreement (MOA) is a cost-sharing agreement to perform and coordinate the monitoring and reporting services required per the CIMP as well as certain planning and reporting services per the WMP. The previous CIMP and WMP MOA will expire on June 30, 2023. Staff is requesting the City Council's approval to enter into a new 3-year agreement with 18 other jurisdictions. Monterey Park's cost share is $25,626 for FY 23-24, $24,809 for FY 24-25, and $29,610 for FY 25-26, for a total cost of $80,045 over three years.

CEQA (California Environmental Quality Act):
The City reviewed the environmental impacts of the proposed action under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq*. "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Regs. §§ 15000, *et seq*., the "CEQA Guidelines"). The action is categorically exempt from additional environmental review pursuant to CEQA Guidelines §§15262, 15306, 15307, and 15308. The project consists of comprehensive data collection efforts to monitor water quality in downstream receiving waters. The purpose of the project is to determine if possible actions are necessary to protect natural resources and the environment.

Action Taken: The City Council authorized the City Manager to execute the Memorandum of Agreement, in a form approved by the City Attorney, to cooperatively share costs in the implementation of the Coordinated Integrated Monitoring Program and Watershed Management Plan for the Upper Los Angeles River Watershed Management Area for Fiscal Years 2024 – 2026.

Motion: Moved by Mayor Pro Tem Wong and seconded by Mayor Sanchez, motion carried by the following vote:

Ayes:	Council Members:	Lo, Yiu, Ngo, Wong, Sanchez
Noes:	Council Members:	None
Absent:	Council Members:	None
Abstain:	Council Members:	None
Recusal:	Council Members:	None

3-L. RECEIVE AND FILE STAFF REPORT SUMMARIZING THE STATUS OF EMERGENCY REPAIRS OF THE MONTEREY PASS ROAD WATER LINE

On August 17, 2022, City Council adopted Resolution No. 2022-R69 authorizing the City Manager to take necessary measures for emergency repair of a water main line on Monterey Pass Road. Recurring water main leaks in several areas within Monterey Pass Road between the intersections of Vagabond Drive and Brightwood street resulted in extensive infrastructure damage to the roadway and necessary water main pipe repairs to ensure continued water service to residences and businesses in the area.

Action Taken: The City Council received and filed the staff report summarizing the status of emergency repairs of the Monterey Pass Road water line, on Consent Calendar.

4. PUBLIC HEARING

4-A. A PUBLIC HEARING TO CONSIDER INTRODUCTION AND FIRST READING OF AN ORDINANCE APPROVING ZONING CODE AMENDMENT NO. 23-01(ZCA-23-01), AMENDING CHAPTER 21.18 OF THE MONTEREY PARK MUNICIPAL CODE, ENTITLED "AFFORDABLE HOUSING INCENTIVES – DENSITY BONUS" TO IMPLEMENT THE HOUSING ELEMENT OF THE MONTEREY PARK GENERAL PLAN

Staff recommends that this item be continued to the June 7, 2023 City Council meeting.

Item Nos. 4A and 4B was heard together and approved by one motion.

Action Taken: The City Council continued the public hearing to the June 7, 2023 City Council meeting.

Motion: Moved by Mayor Pro Tem Wong and seconded by Council Member Yiu, motion carried by the following vote:

Ayes:	Council Members:	Lo, Wong, Yiu, Ngo, Sanchez
Noes:	Council Members:	None
Absent:	Council Members:	None
Abstain:	Council Members:	None
Recusal:	Council Members:	None

4-B. A PUBLIC HEARING TO CONSIDER INTRODUCTION AND FIRST READING OF AN ORDINANCE APPROVING ZONING CODE AMENDMENT NO. 22-01 (ZCA-22-01) ADDING CHAPTER 21.19 TO THE MONTEREY PARK MUNICIPAL CODE, ENTITLED "INCLUSIONARY HOUSING" TO IMPLEMENT THE HOUSING ELEMENT OF THE MONTEREY PARK GENERAL PLAN

Staff recommends that this item be continued to the June 7, 2023 City Council meeting.

Item Nos. 4A and 4B was heard today and approved by one motion.

Action Taken: The City Council continued the public hearing to the June 7, 2023 City Council meeting. Motion taken with Item No. 4A.

RECESSED AND RECONVENED
The City Council recessed at 8:28 p.m. and reconvened with all council members present at 8:40 p.m.

5. NEW BUSINESS

5-A. ONE-YEAR TIME EXTENSION FOR THE FOLLOWING PROJECTS: 1) TENTATIVE MAP NO. 71473 (TM-17-01) - SWC ORANGE AVENUE/PEPPER STREET (ASSESSOR'S PARCEL NO. (APN 5276-008-045) AND 2) TENTATIVE MAP NO. 73741 (TM-18-01) AND CONDITIONAL USE PERMIT (CUP-18-01) – 130-206 S. CHANDLER AVENUE (APNS 5257-004-019, 020, 021)

During the COVID-19 pandemic emergency, the City Manager and City Council took actions to suspend expiration dates for approved land use entitlements that would have expired between March 11, 2020 and March 31, 2022. Through Administrative Orders, Resolution No. 12164, and Ordinance No. 2219, land use related projects that would have expired during the pandemic were extended to April 1, 2023.

At this time, there are two projects that applied for a time extension before the April 1, 2023 deadline:

1. TM-17-01 – subdivision of one lot into four lots for the construction of four new single-family dwelling units; and
2. TM-18-01 and CUP-18-01 – subdivision and development of a 40-unit senior housing complex at 130-206 S. Chandler Avenue.

Pursuant to Monterey Park Municipal Code ("MPMC") § 20.04.120(c), the City Council may "approve, conditionally approve or deny extension requests" with the total time of extensions not exceeding six years from the initial expiration. Additionally, MPMC § 21.32.160 allows the City Council to extend time limitations of conditional use permits not to exceed one year without a public hearing.

CEQA (California Environmental Quality Act):
Tentative Map No. 71473 (TM-17-01) - SWC Orange Avenue/Pepper Street
On June 26, 2018, the City Council adopted Resolution No. 10-18. Section 3 of that Resolution determined the Project was categorically exempt from additional environmental review pursuant to CEQA Guidelines § 15332 as a Class 32 categorical exemption (In-Fill Development Projects). No additional environmental review is necessary.

Tentative Map No. 73741 (TM-18-01) and Conditional Use Permit (CUP-18-01);
The Project is consistent with the Mitigated Negative Declaration and Mitigation Monitoring Program adopted by City Council in February 5, 2020 under Resolution No. 12135 and March 4, 2020 under Ordinance No. 2167. No additional environmental review is necessary.

Public Comments:

- Kenny Gao, President, Latigo Canyon Development LLC; and Stephen Lau, speaking on behalf of Kenny Gao, were available for questions.

Discussion: Director of Community Development Serrano presented a PowerPoint Presentation summarizing the projects and was available for questions. It was noted that there was a typographical error in the staff report which references the southwest corner (SWC) instead of the southeast corner.

Action Taken: The City Council adopted Resolution No. 2023-R39 approving a Time Extension for Tentative Map No. 71473 (TM-17-01); and adopted Resolution No. 2023-R40 approving a Time Extension for Tentative Map No. 73741 (TM-18-01) and Conditional Use Permit (CUP-18-01).

Motion: Moved by Mayor Pro Tem Wong and seconded by Council Member Yiu, motion carried by the following vote:

Ayes:	Council Members:	Lo, Wong, Yiu, Ngo, Sanchez
Noes:	Council Members:	None
Absent:	Council Members:	None
Abstain:	Council Members:	None
Recusal:	Council Members:	None

Resolution No. 2023-R39
A RESOLUTION APPROVING A SECOND ONE-YEAR EXTENSION FOR TENTATIVE MAP NO. 71473 (TM-17-01) TO SUBDIVIDE ONE LOT INTO FOUR LOTS AT THE SOUTHEAST CORNER OF SOUTH ORANGE AVENUE AND PEPPER STREET (ASSESSOR PARCEL NUMBER: 5276-008-045)

Resolution No. 2023-R40
A RESOLUTION APPROVING A ONE-YEAR EXTENSION FOR TENTATIVE MAP NO. 73741 (TM-18-01) AND CONDITIONAL USE PERMIT (CUP-18-01) TO SUBDIVIDE AND DEVELOP A 40-UNIT SENIOR HOUSING COMPLEX AT 130-206 SOUTH CHANDER AVENUE (ASSESSOR PARCEL NUMBERS 5257-004-019, -020, and -021)

5-B. DONATION OF MURAL AT GEORGE ELDER PARK FOR AAPI HERITAGE MONTH

On May 4, 2023, the Recreation & Community Services Department was contacted by the Los Angeles Rams. The Los Angeles Rams organization expressed their interest in partnering with Monterey Park to create a permanent mural at a community facility in light of the horrific January 21, 2023, shooting incident. The Rams wanted to focus on community beautification and highlight the Asian American and Pacific Islander (AAPI) culture. The Rams organization commissioned artist D.J. Javier to create a mural to uplift the Monterey Park community and honor AAPI month.

Recommendation: It is recommended that the City Council consider: (1) Accepting the donation of a mural submitted by the Los Angeles Rams and artist D.J. Javier for George Elder Park in celebration of AAPI Heritage Month; and (2) Taking such additional, related action that may be desirable.

Public Comments:

- Mary Morales, Los Angeles Rams Associate Manager, and Artist's Manager Lea Sindija were available for questions.

- Tammy Louie thanked the Rams for their donations and expressed appreciation for the artist, however, she stated the artwork of the dragon represent more Asian than AAPI. She asked that the City Council consider an alternative graphic.

- Juanita Medina alleged that the mural is a memorial and that it does not represent the community.

- Armen Sebastian opined that the artwork looks like a grade school mascot, too cartoonish of a character to represent the AAPI community. He said it looks like a Rams billboard and asked that the Council consider postpone taking action to solicit more comments from the community.

- Teresa Real Sebatian questioned the preparation work of the wall and the site area. She commented that the current artwork does not represent the community and suggested accepting the donation and modifying the artwork with something that is more reflective of the AAPI and the Latino culture.

- Christine Lam spoke in opposition of the mural citing that the mural is a paid permanent billboard for the Rams. She commented on the need for inputs from the community for design choices, seeking other appropriate design choices, and questioned the preparation work at the proposed site as well. She encouraged the City Council to table the item and seek community inputs.

RECESSED AND RECONVENED
The City Council recessed at 9:48 p.m. and reconvened with all council members present at 9:50 p.m.

Discussion: Artist DJ Javier provided a PowerPoint presentation debuting his artwork and depicted the different elements from his design and was available for questions. A discussion ensued reaffirming that the mural is not a memorial for the victims of the Lunar New Year shooting and that the City is in the process of moving forward with an actual memorial that is dedicated to the victims and the tragedy of January 1, 2023.

Action Taken: The City Council accepted the donation of a mural submitted by the Los Angeles Rams and artist D.J. Javier for George Elder Park in celebration of AAPI Heritage Month as amended to remove the stars and the Rams' logo and delegate the Mayor and Council Member Ngo the authority for final approval of the design. The motion was rescinded by the maker of the motion.

Motion: Moved by Council Member Ngo. The motion was rescinded by the maker of the motion.

Action Taken: The City Council delegated the Mayor and Council Member Ngo the authority to determine whether to move forward with the mural and the design work.

Motion: Moved by Mayor Pro Tem Wong and seconded by Council Member Lo, motion carried by the following vote:

Ayes:	Council Members:	Lo, Wong, Yiu, Ngo, Sanchez
Noes:	Council Members:	None
Absent:	Council Members:	None
Abstain:	Council Members:	None
Recusal:	Council Members:	None

5-C. NATIONAL GUN VIOLENCE AWARENESS DAY AND WEAR ORANGE WEEKEND

Every day, 110 people in America are killed with guns. The gun homicide rate in the U.S. is 26 times higher than that of other developed countries, but research shows that common-sense and public safety laws can reduce gun violence. Gun Violence Awareness Day and Wear Orange Weekend began on June 2, 2015, commemorating the shooting death of Hadiya Pendleton, an honor student from Chicago, and remembering all those lives lost to gun violence throughout the country. We are enlisting your support in the form of a resolution to honor the victims of the January 21, 2023 shooting incident, and all victims who have been killed due to gun violence.

Action Taken: The City Council adopted Resolution No. 2023-R41 declaring June 2, 2023, to be National Gun Violence Awareness Day in the City of Monterey Park and June 3rd and 4th as Wear Orange Weekend.

Motion: Moved by Mayor Pro Tem Wong and seconded by Mayor Sanchez Member Ngo, motion carried by the following vote:

Ayes:	Council Members:	Lo, Wong, Yiu, Ngo, Sanchez
Noes:	Council Members:	None
Absent:	Council Members:	None
Abstain:	Council Members:	None
Recusal:	Council Members:	None

Resolution No. 2023-R41
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK DECLARING JUNE 2, 2023, NATIONAL GUN VIOLENCE AWARENESS DAY AND JUNE 3rd and 4th AS WEAR ORANGE WEEKEND IN MONTEREY PARK

6. CITY COMMUNICATIONS (CITY COUNCIL)

6-A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK CONDEMNING THE MILITARY JUNTA OF MYANMAR (BURMA) FOR THE OPPRESSION OF CIVILIANS WITH EXCESSIVE VIOLENCE AND STANDING FIRMLY WITH THE PEOPLE OF BURMA IN THEIR PURSUIT FOR A FAIR, JUST, AND SUSTAINABLE DEMOCRATIC SOVEREIGN GOVERNMENT (REQUESTED BY MAYOR PRO TEM WONG)

Action Taken: The City Council adopted Resolution No. 2023-R42 condemning the military junta of Myanmar (Burma) for the oppression of civilians with excessive violence and standing firmly with the people of Burma in their pursuit for a fair, just, and sustainable democratic sovereign government.

Motion: Moved by Mayor Pro Tem Wong and seconded by Mayor Sanchez, motion carried by the following vote:

Ayes:	Council Members:	Lo, Wong, Yiu, Ngo, Sanchez
Noes:	Council Members:	None
Absent:	Council Members:	None
Abstain:	Council Members:	None
Recusal:	Council Members:	None

Resolution No. 2023-R42
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK CONDEMNING THE MILITARY JUNTA OF MYANMAR (BURMA) FOR THE OPPRESSION OF CIVILIANS WITH EXCESSIVE VIOLENCE AND STANDING FIRMLY WITH THE PEOPLE OF BURMA IN THEIR PURSUIT FOR A FAIR, JUST, AND SUSTAINABLE DEMOCRATIC SOVEREIGN GOVERNMENT

6-B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK RECOGNIZING THE MONTH OF JUNE 2023 AS LGBTQ PRIDE MONTH (REQUESTED BY COUNCIL MEMBER LO)

Action Taken: The City Council adopted Resolution No. 2023-R43 recognizing the month of June 2023 as LGBTQ Pride Month.

Motion: Moved by Council Member Lo and seconded by Mayor Pro Tem Wong, motion carried by the following vote:

Ayes:	Council Members:	Lo, Wong, Yiu, Ngo, Sanchez
Noes:	Council Members:	None
Absent:	Council Members:	None
Abstain:	Council Members:	None
Recusal:	Council Members:	None

Resolution No. 2023-R43
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK RECOGNIZING THE MONTH OF JUNE 2023 AS LGBTQ PRIDE MONTH

Council Member Lo said he attended the Cinco de Mayo and the Play Day events and thanked City staff for delivering quality family programing for the community. He reported his attendance at the Buddhist Tzu Chi Foundation, Buddha Day and Interfaith Prayer Confirmation Ceremony.

Council Member Yiu reported she also attended the Tzu Chi event and the JFK Award Ceremony. She acknowledged Congresswoman Judy Chu's achievements and expressed the City's appreciation for her dedication. She mentioned her attendance to the City's birthday celebration and Cinco de Mayo events.

Council Member Ngo said he attended many of the same meetings. He spoke of the meeting with U.S. Trade Ambassador Katherine Tai where they had a vibrate discussion on bringing local businesses back to order after the tragic incident. He shared that he attended Congresswoman Judy Chu Woman of the Year event along with other council members, and he was involved with 4 different AAPI celebrations in which he was a keynote speaker for the Asian Pacific Islanders Disability of California Youth Summit. He commented on his attendance at the Play Day and Cinco de Mayo events, AAPI event organized by the Dodger organization, and that he had the opportunity to share his story at an American Automobile Association (AAA) AAPI event.

Mayor Pro Tem Wong directed staff to agendize the Regional Housing Trust item for a future meeting for discussion. He reported his attendance to the Southern California Association of Governments (SCAG) General Assembly as the City's delegate where various issues including housing, homelessness, transportation, and funding were discussed. He said he also attended the Alhambra Latino Association dinner, and the Play Day / Cinco de Mayo celebrations. He directed staff to move forward with the planning process for a permanent memorial for the Jan. 21, 2023 tragedy and to involve the community, families of victims, and those affected directly by the tragedy; and to integrate the efforts into next year's Lunar New Year festival.

Mayor Sanchez reported his attendance at a Mother's Day event hosted by World Journal with Council Member Lo, and the Alhambra Latino Association banquet dinner with Mayor Pro Tem Wong. He thanked the Police and Fire Departments for visiting Brightwood Elementary at the Egg Drop event where his daughter attends school. He also thanked city staff for putting together the many events including Play Days and Cinco De Mayo.

7. FUTURE AGENDA ITEMS
None.

8. CLOSED SESSION (IF REQUIRED; CITY ATTORNEY TO ANNOUNCE) - None.

ADJOURNMENT
There being no further business for consideration, the meeting was adjourned at 10:16 p.m. in memory of Gloria Molina, first Latina Assembly Member in California, on the Los Angeles City Council and LA County Board of Supervisors.

_____
Maychelle Yee
City Clerk

MINUTES
MONTEREY PARK CITY COUNCIL
FINANCING AUTHORITY (MPFA)
HOUSING AUTHORITY (MPHA)
GEOLOGIC HAZARD ABATEMENT DISTRICT (GHAD)
SUCCESSOR AGENCY (SA)
SPECIAL MEETING
MAY 24, 2023

The City Council, the Financing Authority (MPFA), the Housing Authority (MPHA), the Geologic Hazard Abatement District (GHAD), and the Successor Agency (SA) of the City of Monterey Park held a Special Meeting of the Council in the Council Chamber, located at 320 West Newmark Avenue in the City of Monterey Park, Wednesday, May 24, 2023 at 5:30 p.m.

CALL TO ORDER:
Mayor Sanchez called the meeting to order at 5:34 p.m.

ROLL CALL:
City Clerk Maychelle Yee called the roll:
Council Members Present: Henry Lo, Vinh Ngo, Jose Sanchez, Thomas Wong, Yvonne Yiu
Council Members Absent: None

ALSO PRESENT: City Treasurer Amy Lee, City Manager Ron Bow, Assistant City Manager Inez Alvarez, Fire Chief Matt Hallock, Police Chief Scott Wiese, Director of Human Resources and Risk Management Christine Tomikawa, Director of Management Services Martha Garcia, Director of Recreation and Community Services Robert Aguirre, City Librarian Diana Garcia, Director of Public Works Shawn Igo, Director of Community Development Serrano, Police Captain Gustavo Jimenez, IT Manager Stanley Ardon, Principal Management Analyst Andrew Lee, Principal Management Analyst Xochitl Tipan, Principal Management Analyst Angela Loera, Senior Accountant Terry Kim, Recreation and Community Services Manager Christine Alatorre, Recreation and Community Services Supervisor Guillermo Chavez, Recreation and Community Services Supervisor Orlando Muro, Deputy City Clerk Cindy Trang

VIRTUALLY PRESENT: Laura Borjon, Finance Manager; Lieutenant Gabriel Escarsega, Investigations Clerk Isabella Goeders, Housing Consultant Debbie Sottek

PUBLIC COMMUNICATIONS

- Molly Rhodes, representative of the Service Employees International Union (SEIU) 721, requested for a fair agreement. She stated that the State's minimum wages is lower than the Los Angels County's minimum wage standard and that there is a need to do better to keep people out of poverty.

- City Clerk Yee received and filed seven written communications from Lina Nguyen, Jose R. Garcia, Michael Le, Deborah Takahashi, Jesus Hernandez, Joel Toro, and John Lieu, requesting Council's support for the SEIU labor negotiation and encouraging the approval of employees' wage increase.

NEW BUSINESS

1. FISCAL YEAR 2023-2024 BUDGET

Consideration and possible action regarding the Fiscal Year 2023-2024 Budget. Staff will present a brief overview of policy issues, financial prospect and economic development, challenges/solutions, goals and strategies associated with the budget including, without limitation, the following matters

- City 2023-2024 spending plan overview;
- Proposed staffing changes to reflect efficient core staffing mix;
- Proposed capital improvement projects;
- Goals and Objectives presented by all departments.

Council may raise other development, policy, capital project and potential budget adjustment items for consideration as part of the Budget.

RECESSED AND RECONVENED
The City Council recessed at 8:04 p.m. and reconvened with all Council Members present at 8:14 p.m.

Action Taken: The City Council received and filed the Preliminary Budget documentation for Fiscal Year 2023-2024.

ADJOURNMENT

There being no further business for consideration, the meeting was adjourned at 9:42 p.m.

_____

Maychelle Yee
City Clerk

MINUTES
MONTEREY PARK CITY COUNCIL
FINANCING AUTHORITY (MPFA)
HOUSING AUTHORITY (MPHA)
GEOLOGIC HAZARD ABATEMENT DISTRICT (GHAD)
SUCCESSOR AGENCY (SA)
SPECIAL MEETING
JUNE 6, 2023

The City Council, the Financing Authority (MPFA), the Housing Authority (MPHA), the Geologic Hazard Abatement District (GHAD), and the Successor Agency (SA) of the City of Monterey Park held a Special Meeting of the Council in the Council Chamber, located at 320 West Newmark Avenue in the City of Monterey Park, Tuesday, June 6, 2023 at 6:00 p.m.

CALL TO ORDER:
Mayor Sanchez called the meeting to order at 6:05 p.m.

FLAG SALUTE:
Mayor Sanchez

ROLL CALL:
Assistant Deputy City Clerk Helena Cho called the roll:

Council Members Present:	Henry Lo, Vinh Ngo, Jose Sanchez, Thomas Wong, Yvonne Yiu
Council Members Absent:	None

ALSO PRESENT: City Librarian Diana Garcia and Assistant Deputy City Clerk Helena Cho

PUBLIC COMMUNICATIONS: None.

1. NEW BUSINESS

1. APPOINTMENT TO THE LIBRARY BOARD OF TRUSTEES

The second term of Library Trustee Andy Yam will end on June 30, 2023, resulting in a vacancy on the Library Board of Trustees. The upcoming vacancy was advertised and the City Clerk's office has received six applications from residents interested in serving on the Library Board of Trustees: Patrick Chiu, Ricky Choi, Veronica Ciafone, Katherine C. Guevara, Janine Lui and Abe Porras. The City Council is asked to appoint one individual to fill the upcoming vacancy for the term beginning July 1, 2023 and ending June 30, 2026.

Action Taken: The City Council appointed Ricki Choi to fill the vacancy on the Library Board of Trustees.

Motion: Moved by Council Member Ngo and seconded by Council Member Yiu, motion carried by the following vote:

Ayes:	Council Members:	Lo, Yiu, Ngo, Wong, Sanchez
Noes:	Council Members:	None
Absent:	Council Members:	None
Abstain:	Council Members:	None
Recusal:	Council Members:	None

ADJOURNMENT

There being no further business for consideration, the meeting was adjourned at 7:07 p.m.

_____

Maychelle Yee
City Clerk

City Council Staff Report

DATE: July 19, 2023

AGENDA ITEM NO: Consent Calendar - 3B

TO: The Honorable Mayor and City Council

FROM: Amy Lee, City Treasurer

SUBJECT: Monthly Investment Report – June 2023

RECOMMENDATION:

It is recommended that the City Council consider:

1. Receiving and filing the monthly investment report; and
2. Taking such additional, related, action that may be desireable.

EXECUTIVE SUMMARY:

As of June 30, 2023, invested funds for the City of Monterey Park is $87,989,100.53

BACKGROUND:

In accordance with the City's Investment Policy, a monthly investment report is presented to the City Council showing the types of investments, dates and maturities, amounts of deposits, rates of interest, and the current market values for securities with maturity more than 12 months. The attached monthly investment report includes a summary investment report for the LA County Pooled Investment Fund, which displays the composition by type for the entire pooled investment fund.

Respectfully submitted by:

Amy Lee
City Treasurer

Prepared by:

Martha Garcia
Finance Director

Approved by:

Inez Alvarez
Interim City Manager

ATTACHMENT:

1. Monthly Investment Report

ATTACHMENT 1
Monthly Investment Report

CITY OF MONTEREY PARK
INVESTMENT REPORT
JUNE 30, 2023

INVESTMENTS PORTFOLIO PROFILE:

TOTAL BALANCE AT 03/31/2023 $ 87,989,100.53

INVESTMENT COMPOSITION

(1)	**LA COUNTY POOLED INVESTMENT FUND** *(See Schedule A for LA County Pool Composition)*	ON DEMAND	3.430%	***$ 43,748,898.40***
(2)	**LOCAL AGENCY INVESTMENT FUND**	ON DEMAND	3.167%	***$ 36,395,202.13***

(3) **CERTIFICATES OF DEPOSIT**	Purchase Date	Maturity Date	Interest Rate	
1 PREFERRED BANK	09/03/22	09/03/23	2.51%	100,000
2 PREFERRED BANK	09/08/22	09/08/23	2.67%	150,000
3 SALLIE MAE BANK	08/11/21	08/12/24	0.70%	245,000
4 TOYOTA FINANCIAL SAVINGS BANK	09/16/21	09/16/24	0.65%	245,000
5 SYNCHRONY BANK	09/17/21	09/17/24	0.65%	245,000
6 UBS BANK USA	09/22/21	09/23/24	0.65%	245,000
7 STATE BANK OF INDIA	10/18/21	10/18/24	0.70%	245,000
8 MEDALLION BANK UTAH	01/28/22	01/28/25	1.25%	245,000
9 PENTAGON FEDERAL UNION	01/31/22	01/31/25	1.25%	245,000
10 BEAL BANK	02/02/22	01/29/25	1.15%	245,000
11 VALLIANCE BANK	03/18/22	03/18/25	1.40%	245,000
12 STATE BANK OF TEXAS	03/25/22	03/25/25	1.45%	245,000
13 FIRST FED SAVINGS & LOAN	03/30/22	03/31/25	2.00%	245,000
14 LAFAYETTE FEDERAL CREDIT UNION	03/30/22	03/31/25	2.20%	245,000
15 ALLY BANK	03/31/22	03/28/24	1.95%	245,000
16 COMENITY CAPITAL BANK	04/14/22	04/14/25	2.55%	245,000
17 AMERICU CREDIT UNION	04/21/22	04/21/25	2.30%	245,000
18 BALBOA THRIFT & LOAN	04/29/22	04/29/25	2.00%	245,000
19 CONNEXUS CREDIT UNION	05/26/22	05/28/24	2.65%	245,000
20 METRO CREDIT UNION	07/13/22	07/12/24	3.20%	245,000
21 FIRST TECHNOLOGY CREDIT UNION	08/05/22	08/05/24	3.25%	245,000
22 AUSTIN TELCO FEDERAL CREDIT UNION	12/16/22	12/16/24	5.00%	245,000
23 GREENWOOD MUNICIPAL FED CREDIT UNI(	01/27/23	01/27/25	4.80%	245,000
24 RAIZ CREDIT UNION	01/27/23	01/27/25	4.75%	245,000
25 WORKERS	01/27/23	01/27/25	4.70%	245,000
26 MANUF & TRADERS TRUST CO	01/31/23	01/31/26	4.25%	245,000
27 ALPINE BANK	01/31/23	01/31/25	4.55%	245,000
28 TECHNOLOGY FCU	02/10/23	02/24/25	5.00%	245,000
29 RED CROWN FCU	02/14/23	02/21/25	4.85%	245,000
30 UFIRST FEDERAL CREDIT UNION	02/15/23	02/25/25	4.85%	245,000
31 SEA COMM FEDERAL CREDIT UNION	02/23/23	03/03/25	4.90%	245,000
32 GLOBAL CREDIT UNION	05/02/23	05/12/25	4.85%	245,000
33 WESTERN ALLIANCE BANK	05/02/23	05/05/25	4.85%	245,000
Total CDs (33)			3.149%	***$ 7,845,000.00***

OTHER INFORMATION:

BANK BALANCE: [(1)] $ 10,128,219.56

AVERAGE MATURITY DAYS 58

AVERAGE INTEREST RATE FOR THE MONTH 3.225%

THE CITY'S INVESTMENT HAS SUFFICIENT LIQUIDITY TO MEET THE CITY'S EXPENDITURE REQUIREMENTS FOR THE NEXT 180 DAYS. THE 180-DAY LIQUIDITY DISCLOSURE IS REQUIRED PER GOVERNMENT CODE 53646.

INTEREST EARNINGS FOR 2nd QTR 2022-2023 **$ 528,767.96**

THERE HAVE BEEN NO VARIANCES TO THE INVESTMENT POLICY.

(1) Bank balance is maintained to cover outstanding warrants, payroll checks and on-going operating costs.

POOLED SURPLUS AND SPECIFIC PURPOSE INVESTMENTS
AS OF MAY 31, 2023

SCHEDULE A

PORTFOLIO PROFILE	Pooled Surplus Investments	Specific Purpose Investments
Inventory Balance at 05/31/23		
At Cost	$ 55,343,374,870	$ 306,194,178
At Market	$ 52,742,662,978	$ 282,467,139
Repurchase Agreements	$ -	$ -
Reverse Repurchase Agreements	$ -	$ -
Composition by Security Type:		
Certificates of Deposit	5.51%	0.00%
United States Government and Agency Obligations	67.01%	85.72%
Bankers Acceptances	0.00%	0.00%
Commercial Paper	27.42%	0.00%
Municipal Obligations	0.04%	0.81%
Corporate and Deposit Notes	0.02%	0.00%
Repurchase Agreements	0.00%	0.00%
Asset-Backed	0.00%	0.00%
Other	0.00%	13.47%
1-60 days	41.21%	0.00%
61 days-1 year	21.27%	28.18%
Over 1 year	37.52%	71.82%
Weighted Average Days to Maturity	740	

City Council Staff Report

DATE: July 19, 2023

AGENDA ITEM NO: Consent Calendar - 3C

TO:	The Honorable Mayor and City Council
FROM:	Christine Tomikawa, Director of Human Resources and Risk Management
SUBJECT:	Resolution approving the Memorandum of Understanding between the City and the Monterey Park Mid-Management Association for the term of July 1, 2023 to June 30, 2025

RECOMMENDATION:

It is recommended that the City Council consider:

1. Adopting a Resolution approving a Memorandum of Understanding ("MOU") between the City of Monterey Park and the Monterey Park Mid-Management Association ("MMA"). The MMA represents various non-sworn classifications in supervisory and manager positions for the City of Monterey Park;
2. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

Representatives of the City of Monterey Park ("City") and MMA met and conferred to negotiate the terms and conditions of a new Memorandum of Understanding ("MOU") regarding employment. The parties reached an agreement on an MOU effective July 1, 2023 to June 30, 2025.

BACKGROUND:

MMA's current MOU term is valid from July 1, 2022 to June 30, 2023. On June 26, 2023, MMA's representatives agreed to the following terms and conditions:

- Two year agreement – July 1, 2023 to June 30, 2025
- Equity adjustment in base salary for the following classifications – Assistant City Engineer – 2.5%, Building Official – 3.0%, Deputy City Clerk – 12.3%, Deputy Fire Marshal – 3.8%, Economic Development Project Manager – 5.0%, Fire Marshal – 2.8%, and Principal Management Analyst – 4.0%
- Base salary increase – 5% cost of living adjustment to base salary effective the first full pay period after July 1, 2023 and 5% cost of living adjustment to base salary effective the first full pay period after July 1, 2024.
- Article 12 Cash Out of Accrued Leave – increase cash out of vacation and holiday accrued leave up to an additional 40 hours and ability to designate cash out two times in a calendar year.
- Article 17 Holidays – increase designated holiday hours to ten (10) hours in duration.
- MOU language modification:
    - Article 9 – Administrative Leave

- Article 13 – Bereavement Leave
- Article 26 – Salaries – Educational/Certification Pay

FISCAL IMPACT:
The total cost of the MOU is estimated at $153,698 for Fiscal Year 2023-2024 and the estimated amount of $151,550 for Fiscal Year 2024-2025 will be budgeted appropriately. This amount will be paid by various funds.

Respectfully submitted by:

Christine Tomikawa
Director of Human Resources and
Risk Management

Review by:

Martha Garcia
Director of Finance

Approved by:

Inez Alvarez
Interim City Manager

Reviewed by:

Karl H. Berger
City Attorney

ATTACHMENTS:
1. Proposed MOU Resolution with redline version of MOU

ATTACHMENT 1
Proposed Resolution with Redline Version Memorandum of Understanding July 1, 2023 to June 30, 2025

RESOLUTION NO. ____

A RESOLUTION APPROVING THE MEMORANDUM OF UNDERSTANDING FOR CONTRACT YEAR 2023-2025 BETWEEN THE CITY OF MONTEREY PARK AND THE MONTEREY PARK MID-MANAGEMENT ASSOCIATION.

THE CITY COUNCIL RESOLVES AS FOLLOWS:

SECTION 1: City representatives, approved by the City Council, and representatives from the Monterey Park Mid-Management Association ("MMA") met and conferred regarding wages, retirement funding, hours and the terms and conditions of employment for contract year 2023-2025.

SECTION 2: Following such negotiations, the representatives drafted a Memorandum of Understanding ("MOU") for fiscal years 2023-25. A copy of that MOU is attached as Exhibit "A," and is incorporated by reference.

SECTION 3: Following a vote of its membership, the MMA informed the City that it accepted the MOU.

SECTION 4: After reviewing the MOU, the City Council finds that it is in the public interest to approve it retroactively effective July 1, 2023. Accordingly, the Interim City Manager is authorized to execute the MOU in a form approved by the City Attorney.

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

SECTION 7: *Effective Date*. This Resolution will become effective immediately upon adoption.

PASSED AND ADOPTED this ____ day of _____, 20__.

_____
Jose Sanchez, Mayor

ATTEST:

_____
Maychelle Yee, City Clerk

APPROVED AS TO FORM:

_____
Karl H. Berger, City Attorney

MEMORANDUM OF UNDERSTANDING
between
THE CITY OF MONTEREY PARK, CALIFORNIA
and
THE MONTEREY PARK MID - MANAGEMENT ASSOCIATION

July 1, 20~~19~~23 – June 30, 20~~23~~25~~XX~~

TABLE OF CONTENTS

MEMORANDUM OF UNDERSTANDING
between
THE CITY OF MONTEREY PARK, CALIFORNIA
and
THE MONTEREY PARK MID - MANAGEMENT ASSOCIATION

July 1, 20~~19~~23 – June 30, 20~~23~~25

PREAMBLE 1
ARTICLE 1: SCOPE OF MEMORANDUM OF UNDERSTANDING 1
ARTICLE 2: RECOGNITION 1
ARTICLE 3: CITY RESPONSIBILITIES AND RIGHTS 1
ARTICLE 4: EMPLOYEE AND/OR EMPLOYEE REPRESENTATIVES 2
ARTICLE 5: COMMUNICATIONS 3
ARTICLE 6: CONTINUED PERFORMANCE OF CITY SERVICES AND OPERATIONS 3
ARTICLE 7: GRIEVANCE PROCEDURE.....4
ARTICLE 8: OVERTIME.....5
ARTICLE 9: ADMINISTRATIVE LEAVE 6
ARTICLE 10: VACATION.....7
ARTICLE 11: SICK LEAVE 8
ARTICLE 12: CASH OUT OF ACCRUED LEAVE 10
ARTICLE 13: BEREAVEMENT LEAVE.....12~~11~~
ARTICLE 14: MILITARY LEAVE.....12~~11~~
ARTICLE 15: JURY DUTY 12
ARTICLE 16: LEAVE OF ABSENCE .....13~~12~~
ARTICLE 17: HOLIDAYS 13
ARTICLE 18: AUTHORIZATION TO UTILIZE PAID LEAVE TIME.....15~~14~~
ARTICLE 19: ACTING ASSIGNMENTS .....15~~14~~
ARTICLE 20: BILINGUAL PAY.....16~~15~~
ARTICLE 21: UNIFORM ALLOWANCE.....17~~16~~
ARTICLE 22: HEALTH INSURANCE.....19~~18~~
ARTICLE 23: PERS CONTRIBUTION .....22~~21~~
ARTICLE 24: RETIREMENT BENEFITS.....22~~21~~

ARTICLE 25: EDUCATIONAL ENROLLMENT COST REIMBURSEMENT .....23~~21~~
ARTICLE 26: SALARIES .....23~~22~~
ARTICLE 27: PROBATIONARY PERIOD.....28~~26~~
ARTICLE 28: DEFERRED COMPENSATION PLAN .....28~~26~~
ARTICLE 29: INDUSTRIAL INJURY .....28~~26~~
ARTICLE 30: UNIT DETERMINATION AND MODIFICATION.....29~~27~~
ARTICLE 31: GENERAL PROVISIONS .....32~~30~~
ARTICLE 32: TERM OF MEMORANDUM OF UNDERSTANDING.....32~~30~~
ARTICLE 33: CITY COUNCIL APPROVAL 31
ADDENDUM A - SALARY TABLES

MEMORANDUM OF UNDERSTANDING
between
THE CITY OF MONTEREY PARK, CALIFORNIA
and
THE MONTEREY PARK MID - MANAGEMENT ASSOCIATION

PREAMBLE

This memorandum of understanding (MOU) has been prepared in accordance with the California Government Code (Section 3500 et seq.). The City of Monterey Park, California, hereinafter referred to as the "City", and the Monterey Park Mid-Management Association, hereinafter also referred to as the "Association" or MPMMA," have reached this Memorandum of Understanding pursuant to meeting and conferring in good faith.

ARTICLE 1: SCOPE OF MEMORANDUM OF UNDERSTANDING

It is the intent and purpose of this MOU to assure sound and mutually beneficial working and economic relations between the parties to provide an orderly and peaceful means of resolving any misunderstandings or differences which may arise, and to set forth the basic and full agreement between the parties concerning wages, hours of employment, and other conditions of employment.

ARTICLE 2: RECOGNITION

The City hereby acknowledges the Monterey Park Mid-Management Association as the representative for the Mid-Management employees of the City of Monterey Park, California, for the purpose of meeting and conferring in good faith regarding wages, hours, and other terms and conditions of employment.

This MOU shall cover all Mid-Management employees as outlined in Addendum A.

Parties mutually agree to discuss At-will classifications starting no later than September 1, 2023.

ARTICLE 3: CITY RESPONSIBILITIES AND RIGHTS

A. To ensure that the City is able to carry out its statutory functions and responsibilities, the following matters will not be subject to the terms of this MOU but shall be within the exclusive discretion of the City: to select and determine the number and types of employees required; to assign work to employees in accordance with the requirements determined by the City; to establish and change work schedules and assignments; to hire, transfer, and to promote or to lay off employees for lack of work and for all other legitimate reasons; to suspend, discipline, or discharge employees for just cause; to expand or diminish services; to subcontract for any work or operations; to determine and change methods of operations; to determine and change, at its sole discretion, the number of locations, relocations and types of operations and the processes and materials to be

employed.

B. Except in emergencies, or where the City is required to make changes in its operations because of the requirements of law, whenever the exercise of management's rights shall impact on employees of the bargaining unit, the City agrees to meet and confer with representatives of the Association, upon request by the Association, regarding the impact of the exercise of such rights, unless the matter of the exercise of such rights is provided for in this Memorandum of Understanding, Personnel Rules and Regulations or Salary Resolutions.

ARTICLE 4: EMPLOYEE AND/OR EMPLOYEE REPRESENTATIVES

A. During the term of this MOU, all employees, as described above in Article 2, shall have the right to join the Monterey Park Mid-Management Association, or to refuse or refrain from joining said organization.

B. Subject to Section F, below, members of the Association may, by any reasonable method, select four (4) employee members to meet and confer with the City Representative Committee or other management officials on subjects within the scope of representation during the regular duty or work hours, without loss of time, provided:

1. That no employee representative shall leave duty, workstation or assignment without specific approval by an authorized departmental management official.

2. That any such meeting is subject to scheduling by an authorized departmental management official so as to avoid interference with, or interruption of, assigned work schedules or work performance.

C. The City will deduct dues and/or initiation fees from those employees who voluntarily sign and have submitted to the City the necessary authorization cards.

D. Deductions, as authorized in writing by the employee, shall be deducted from earned wages on each payday of each month. The City shall forward to the Monterey Park Mid-Management Association, at each pay period, all dues and/or initiation fees deducted from the employees.

E. Representatives of the Association, after permission by the Department Director or his/her designated representatives may enter City properties for the sole purpose of transacting business of MPMMA; provided, however, that such business does not interfere with the work or training of the employees or City operations. If, however, said parties are not available, then permission must be obtained from the City Manager or his/her designated representative.

F. Pursuant to Government Code Section 3505.3, the City shall allow a reasonable number of City employee representatives of the Association reasonable time off without loss of

compensation or other benefits when formally meeting and conferring with representatives of the City on matters within the scope of representation. Therefore, the parties agree that no more than four (4) Association representatives shall be deemed a reasonable number of representatives that shall be provided reasonable time off to engage in the meet and confer process with representatives of the City. However, the Department Director(s) or his/her designee(s) has authorization to deny use of release time by any Association representative when, in the sole judgment of the Department Director(s), release of the representative(s) may reasonably be expected to cause or contribute to an unreasonable delay in the provision of services on behalf of the Department.

G. Release of representatives of the Association to participate in non-meet and confer activities of the Association, such as grievance representation and participation in Association meetings during scheduled work hours shall be governed by the release rules and regulations set forth in paragraph F, above. However, City representatives may confine non-meet and confer related release time to less than four (4) Association representatives. The number of employees to be released in such circumstances shall be at the sole discretion of the City representative.

H. Any Association representative validly participating in Association activities during the employee's scheduled hours of work shall suffer no deduction in compensation as a result of participation in the Association activities. However, participation in Association activities shall not be considered as time worked and shall not entitle any Association representatives to overtime or other compensation in excess of that regularly paid to the employee.

I. A written list of the Officers of the Association and the Employee Representatives shall be furnished to the Director of Human Resources and Risk Management immediately after their designation and the Association shall notify the Director of Human Resources and Risk Management promptly in writing of any changes of such Officers or Representatives.

ARTICLE 5: COMMUNICATIONS

Space shall be provided on City bulletin boards for the posting of the following notices of immediate concern to the employee organization members including, but not limited to, the following:

1. Association recreational and social activities.
2. Association election notices and results.
3. Association meetings and events.

ARTICLE 6: CONTINUED PERFORMANCE OF CITY SERVICES AND OPERATIONS

A. The Association hereby agrees that during the term of this MOU, the employees of the City, as set forth in Article 2, Addendum A, the officers and/or agents of the Association

shall not engage in, encourage, sanction, support, authorize, or suggest any work stoppages, strikes, boycotts, slowdowns, mass resignations, mass absenteeism, picketing, or any other intentional interference of work of the City.

B. In the event any employee, or employees, participates in any such activities as set forth above, the Association shall notify such employee, or employees so engaged, to cease and desist from such activities and shall instruct said person, or persons, to return to their normal work assignment and duties.

C. The employee, or employees, participating in such activities as set forth in Sections A and B above shall be subject to disciplinary action by the City, including suspension or discharge, in accordance with the City's Personnel Rules and Regulations.

ARTICLE 7: GRIEVANCE PROCEDURE

Except as modified herein, the Grievance Procedure shall be governed by Personnel Rule XV, Disciplinary Proceedings, Sec. 6, Grievances, which is outlined as follows:

The presentation and hearing of all employee grievances shall be governed by the following rules:

A. A grievance shall be defined as an alleged violation of a specific provision of this Memorandum of Understanding, the City Personnel Rules and Regulations, or of the Rules and Regulations validly propagated by any department within the City, or State Law governing conditions of employment. The grievance procedure shall not be utilized by an employee to contest the content of a performance evaluation, verbal or written reprimands, or other documentation regarding the employee's work performance, which is not defined as "disciplinary action" by Rule XV of the City Personnel Rules and Regulations.

Discipline shall be imposed in such a manner as to not violate the FLSA with regard to "exempt" employees.

B. All grievances shall be filed in writing with the immediate supervisor of the person aggrieved within fifteen (15) calendar days after the employee knows, or in the exercise of reasonable diligence, would have known, of the occurrence in question.

C. Written notice of disposition of the grievance shall be filed with the next higher administrative authority by the supervisor with whom the grievance was originally filed. Such notice shall be filed within fifteen (15) calendar days of the original filing of the grievance.

D. If satisfactory redress is not obtained by the employee from the immediate supervisor, the grievance may be appealed in writing through the normal administrative organization: that is, first to the Division Manager; second, the Department Director and third, the City Manager. In each case, a written notice of disposition must be forwarded to the grievant and to the next higher authority within fifteen (15) calendar days of receipt of the employee's written grievance.

E. The City Manager shall be the final authority in all cases except those in which a violation of the Personnel Ordinance or Rules is alleged. The City Manager shall forward notice of disposition of such grievance to the grievant within fifteen (15) calendar days of receipt of the employee's written grievance.

F. In the case of those grievances in which a violation of the Personnel Ordinance or Rules is alleged, an employee may appeal to the Personnel Board after the procedures set forth above have been exhausted.

Such appeals will be filed in writing with the Director of Human Resources and Risk Management who will cause them to be brought to the attention of the Board. The Board will review such appeals and determine whether an investigation and/or hearing should be held. This preliminary consideration of an appeal will not constitute a hearing by the Board. Within ten (10) calendar days after concluding a hearing pursuant to this section, the Personnel Board shall certify its findings and decision in writing to the City Council, to the City Manager, and to any other official from whose action the appeal is taken, and to the affected employee.

Recommendations by the Board for redress of grievances will be addressed to the City Manager and shall be advisory in nature.

ARTICLE 8: OVERTIME

Except as modified herein, overtime for eligible non-exempt managers/supervisors shall be governed by Personnel Rule V. Compensation, Sec. 3 Overtime, Sec. 3a General Government Employees, which is outlined as follows:

A. Work Period Defined - Work performed in excess of forty (40) hours per work period shall be classified as overtime work. A work period is a regular recurring period of 168 hours in the form of seven consecutive 24-hour periods.

1. The work period for employees working a regular 5/40, Monday through Friday schedule begins on Saturday at 0001 hours and terminates at the end of the following Friday at midnight. Work performed during the work period includes vacation, sick leave, holiday, and compensatory time off, provided that they do not fall within a workday when work is actually performed. A workday is a regular recurring period of eight hours within a twenty-four-hour period. For shift workers, the work period shall be defined in such a manner as to comply with FLSA work period requirements. Management shall maintain the right to schedule employees' workdays, start and end times, and establish FLSA work periods.

2. The work period for employees working a "9/80" work schedule shall be defined in such a manner as to comply with FLSA work period requirements. The "9/80" schedule provides eighty (80) scheduled hours in a 14 day (two week) cycle where (1) one week the employee works four 9-hour workdays and one 8-hour workday,

and (2) the subsequent week consists of four 9-hour workdays with one day off. The work period for FLSA overtime purposes shall be established as four hours into the shift of the eight-hour day and in such a manner that no consecutive seven-day (168 hour) period shall exceed forty (40) hours. Management shall maintain the right to schedule employees' workdays, start and end times, and establish FLSA work periods.

3. The work period for employees working a 4/10 schedule begins on Saturday at 0001 hours and terminates at the end of the following Friday at midnight. Work performed during the work period includes vacation, sick leave, holiday, and compensatory time off, provided that they do not fall within a workday when work is actually performed. A workday is a regular recurring period of ten hours within a twenty-four-hour period. For shift workers, the work period shall be defined in such a manner as to comply with FLSA work period requirements. Management shall maintain the right to schedule employees' workdays, start and end times, and establish FLSA work periods.

B. Overtime worked shall be compensated by either compensatory time off at a time requested by the employee, and agreed to by the Department Director, equal to one and one-half times the time worked, or by cash payment of one and one-half times the employee's regular hourly rate.

C. Emergency work shall be paid at the rate of two hours pay for the first hour worked, or any portion thereof, and time and a half for all time worked in excess of one hour. In lieu of such payment, the employee may receive compensatory time off of not less than two hours off for the first hour worked and time and a half hours off for work in excess of one hour, if the employee requests time off and the request is approved by the employee's Department Director. "Emergency work" is work performed by an employee at a time other than the employee's regular working hours to deal with a sudden and unexpected turn of events calling for immediate action in response to a call for such work by a Department Director or any other person so authorized by the City Manager.

D. An employee required to work a scheduled or planned call back shall be credited with a minimum of two hours of work if the call back assignment requires less than two hours.

E. Accumulated compensatory time off in excess of forty (40) hours will be paid off in cash on the first payroll date following December 1 of each year.

F. Non-Exempt employees who are regularly scheduled to work on a holiday or who are assigned to work on a holiday because of a foreseeable City need for their services, shall receive time and one-half payment for the holiday worked and accrue eight (8) hours holiday time (i.e., Special Event requirements, parades, etc.). Exempt employees who are assigned to work on a holiday shall receive straight time pay in addition to accruing 8 hours holiday time.

ARTICLE 9: ADMINISTRATIVE LEAVE

A. Administrative leave shall only be given to positions that are FLSA exempt and are, therefore, not eligible for overtime.

B. During the term of this agreement, FLSA exempt employees, who are regularly required to attend evening meetings or work additional hours, shall receive 40 hours of Administrative Leave, each July 1st, in addition to flex time for extraordinary assignments. ~~One e~~Employees holding the position of Recreation Manager~~Superintendent~~ and Recreation Supervisor will receive an additional sixteen (16) hours of administrative leave (for a total of 56 hours) per year. Administrative Leave shall have no monetary value, nor shall it be carried over from one fiscal year to the next.

1. FLSA exempt employees who have been designated by their Department Director, with the approval of the City Manager, may receive an additional 16 hours each fiscal year of Administrative Leave. This additional Administrative Leave shall be granted utilizing the following criteria: employee is regularly required or expected to attend City Council, City Commission or other City related functions that occur after normal business hours and/or the Department Director determines that the employee is consistently required to work hours beyond the normal business hours to the extent that the additional hours are justified.

2. Effective October 1, 2011, any current Administrative Leave hours shall be moved into a separate account and shall be subject to existing provisions for use and cash out upon retirement.

C. The times during the fiscal year at which an employee may take his/her administrative leave shall be determined by the Department Director with due regard for the wishes of the employee and the needs of the service. Eligibility for this leave shall not be predicated upon first having all vacation and sick leave exhausted. Administrative leave may be utilized at any time during the fiscal year.

D. Employees requesting to utilize their administrative leave shall complete a Leave of Absence request form and forward the approved form to payroll. The Management Services Department shall maintain records of accrued administrative leave hours and the Human Resources Department shall maintain records of FLSA exempt employees eligible to earn or utilize administrative leave time in conformity with the guidelines set forth within this Article.

ARTICLE 10: VACATION

A. Accrual of, and eligibility to utilize, vacation shall commence upon date of employment.

B. Vacation shall not be accumulated in excess of 500 hours. Any hours in the member's vacation account on September 30, 2012 in excess of 300 hours was placed in a separate bank for future use, (i.e.- actual vacation time, cash out, as authorized, or it may remain in the bank until the employee retires, with no requirement to use this time prior to using the

employee's primary bank).

C. It is the intent and purpose of this vacation policy that all unit members avail themselves of accrued vacation time in order to promote a safe and productive working environment. However, the parties do recognize that personal circumstances and/or the staffing requirements of any given department may periodically impact the ability of a unit member to utilize any or all of his/her annual vacation accrual. Therefore, it is the policy of the city that no unit member may accrue greater than 500 vacation hours. Upon accrual of 500 vacation hours, no unit member shall accrue any additional vacation hours nor be compensated for any vacation hours in excess of 500 unless and until utilization of accrued vacation time results in the employee's vacation account totaling less than 500 hours.

D. In the event one or more municipal holidays fall within an annual vacation leave, such holidays shall not be charged as vacation leave.

E. The times during the calendar year at which an employee may take his/her vacation shall be determined by the Department Director with due regard for the wishes of the employee, the employee's accumulated vacation credits, and with particular regard for the needs of the service.

F. At the sole discretion of the City Manager, special consideration may be given to an employee's written request to accumulate vacation credits in excess of the maximum allowable vacation balance of 500 hours. Only in exceptional circumstances shall an employee be allowed to exceed the maximum vacation accrual. Any approval to accrue in excess of the accrual cap requires a written request from the Department Director to the City Manager stating that the employee will not be authorized to utilize vacation prior to reaching the accrual cap because of Department staffing requirements.

G. Upon commencement of employment, vacation leave with pay shall be granted each regular employee at the rate of 80 hours each year.

Additional Vacation - Additional vacation leave with pay shall be granted each regular employee at the rate of 8 hours each year, beginning with the commencement of the employee's sixth (6th) anniversary until the accrual is 200 hours per year. Maximum vacation accrual per year (basic plan plus additional vacation days) is 200 hours.

ARTICLE 11: SICK LEAVE

A. Sick leave with pay shall be granted to every full-time employee who has been continuously employed for a period of time in excess of 30 days. Such sick leave shall be granted by the appointing authority at any time after 30 days of employment at the rate of 7.33 hours per month (88 hours per year) for each full calendar month of continuous employment with the City, including time served in a probationary status.

B. Sick leave is paid leave from work that can be used for the following purposes:

(a) diagnosis, care, or treatment of an existing health condition of, or preventative care for, an employee or any of the following of the employee's family members: child of any age or dependency status; parent; parent-in-law; spouse; registered domestic partner; grandparent; grandchildren; or sibling; or

(b) for an employee who is a victim of domestic violence, sexual assault, or stalking to: i) obtain or attempt to obtain a temporary restraining order or other court assistance to help ensure the health safety or welfare of the employee or his or her child; or ii) obtain medical attention or psychological counseling; services from a shelter; program or crisis center; or participate in safety planning or other actions to increase safety.

For full time employees, one-half of the employee's accrued and available annual sick leave is protected and may be used for any of the purposes stated above. However, the City permits that a total of forty-eight (48) hours of sick leave may be used per calendar year for family sick leave purposes.

C. Sick usage shall first be deducted from Bank No. 2.

D. In order to receive compensation while absent on sick leave, the employee shall notify his/her immediate supervisor, or the Director of Human Resources and Risk Management, prior to the time set for the beginning of his/her daily duties or as specified by the Director of his/her department. A supervisor may require an employee to submit a physician's statement of illness or other satisfactory verification of illness after three days absence for illness. Following three (3) days of absence, a supervisor may require of the employee that they submit a health care provider's certificate indicating they are capable of returning to duty.

E. The City Manager may, at any time, in order to receive further information with respect to the competency of the employee to perform his/her job duties, require such employee to submit to a medical examination, either physical or mental, at the expense of the City.

Refusal of an employee to submit to such medical examination will constitute insubordination and grounds for disciplinary action.

F Sick Leave Reimbursement Plan – the City shall continue the plan for reimbursement of the unused balance of accrued sick leave earned prior to October 1, 2011, in the following manner:

SICK LEAVE BANK NO. 1:

1. Upon service or disability retirement of an employee, the City will pay to the employee an amount equal to 50% of the individual employee's accumulated sick leave account in Bank No. 1. In addition, the City contracts with PERS for the Sick Leave Credit option.

a. Upon death of an employee prior to retirement, the City will pay to the employee's designated beneficiary, an amount equal to 50% of the employee's accumulated sick leave balance in Bank No. 1

For sick leave earned on or after October 1, 2011, the following applies:

SICK LEAVE BANK NO. 2:

1. Sick leave for all bargaining unit members shall be "capped" at 800 hours in Sick Leave Bank No. 2. Employees who retire with more than 10 total years of city service shall be eligible to "cash out" accrued sick leave in Bank No. 2 at the rate of 12 hours for each one year (12 full months) of city service. City service, for the purposes of determining how many hours an employee would be eligible to cash out, shall be calculated beginning with October 1, 2011.

2. Upon voluntary resignation, the City will pay to the employee an amount equal to 25% of the employee's accumulated sick leave balance, provided that the employee's sick leave utilization rate has not exceeded 33% of the annual accrual rate in the preceding five years, excluding sick leave hours cashed out pursuant to the provisions of this MOU, utilized for donations or membership in the Catastrophic Leave Bank.

G. Catastrophic Leave Bank. All regular employees covered by this Agreement will be enrolled in the Catastrophic Leave Bank as described in Administrative Policy 30-10. The City will annually contribute eight (8) hours of sick leave on behalf of each eligible employee. Probationary employees are not eligible for participation in the Catastrophic Leave Bank program but will be enrolled upon completion of probation.

ARTICLE 12: CASH OUT OF ACCRUED LEAVE

1. Optional Annual Cash-Out

~~A. Effective through December 31, 2021, employees may elect to cash-out up to a total of one hundred and twenty (120) hours of accumulated but unused vacation, sick, and/or holiday time.~~

~~There is no limit to the number of requests for cash-out that an employee may make during this time period, as long as the total number of time cashed-out does not exceed the one hundred and twenty (120) hours during that time period.~~

~~The payments are made via payroll upon receipt and processing of the request.~~

~~B.~~A. ~~Effective January 1, 2022 and continuing thereafter, e~~Employees must submit an irrevocable election form, by no later than December 15th of the preceding calendar year, to cash-out vacation, sick or holiday leave (or a combination thereof), up to 120 hours of leave that may accrue in the following calendar year. Employees may increase their irrevocable election by an additional 40 hours (for a maximum of 160 hours).

However, the additional 40 hours can only be from vacation hours or holiday hours (but not sick leave hours) to be accrued in the following calendar year. The cash-out is for hours to be accrued in the calendar year following submission of the irrevocable election form. The employee shall indicate on the irrevocable election form the number of hours to be cashed out with the last paycheck in June and/or the last paycheck in December. Employees must maintain a minimum of 100 hours in sick leave bank 2 and cannot cash out sick hours that will bring them below the 100 hour minimum requirement.

The payment shall be made via payroll with the last paycheck in the following June or December, as designated by the employee, after receipt of the irrevocable election form.

Employees who do not submit an irrevocable election form by December 15th will be deemed as foregoing participation in the optional annual leave cash-out program for that following calendar year.

In the event an employee has less hours in their leave bank at the time the cash-out is to be paid than they had previously elected to cash-out, the employee shall only be paid for up to the amount remaining in their designated leave bank at the time of the actual cash-out.

If an employee makes an irrevocable election to cash-out leave in the following calendar year and uses leave during that subsequent calendar year, the leave used may come from leave the employee had earned (if any) prior to January 1st of the calendar year the employee had elected to cash-out and/or in that same calendar year. The employee's use of earned, but unused leave accumulated from previous calendar years shall not result in a reduction in the amount of leave hours the employee is eligible to cash-out.

~~C.~~B. An employee who experiences an unforeseeable emergency may be permitted to make a new irrevocable election and/or to increase the amount of a previous election, subject to the same value that was permitted at the time the annual irrevocable election forms were due.

For these purposes, an "unforeseeable emergency" means a financial hardship to the employee resulting from any of the following:

- Accident, illness, injury or death of the employee or an immediate family member. For this purpose, an "immediate family member" is restricted to a spouse, registered domestic partner, child/legal dependent, or parent; or
- Loss or extensive damage to the employee's property due to casualty; or
- Other similar extraordinary and unforeseeable circumstances arising as a result of events beyond the control of the participant.

Whether an occurrence is an unforeseeable emergency shall be solely determined by

the City Manager or designee.

The payment shall be made with the last paycheck in December of that same calendar year.

~~D~~C. Any cash-out of sick leave shall not cause the employee's total amount of accumulated sick leave in their sick leave bank 2 to fall below a~~n~~ hundred~~eighty~~ (100~~80~~) hour minimum balance. Cash-out of accumulated time shall be at the employee's option. Requests for cash-out are to be submitted in a manner prescribed by the City.

ARTICLE 13: BEREAVEMENT LEAVE

A. Each employee covered by this agreement may be granted bereavement leave at the discretion of the employee's Department Director whenever death occurs to a member of the employee's immediate family. Paid b~~B~~ereavement leave may not exceed ~~three~~ four (4~~3~~) working days. Should the employee require a fifth working day off, the employee shall be able to use sick or vacation leave, or take an unpaid day off.. H,~~h~~owever, if travel outside the State of California, or within the State of California, but extending beyond a distance of 300 miles from Monterey Park is necessary, paid bereavement leave may be extended to a total of five (5) working days. Bereavement Leave shall be charged to a separate, paid leave account. Employees shall be allowed to take bereavement leave pursuant to this article within three (3) months of the death of the immediate family member.

B. Immediate family, for the purpose of bereavement leave, shall include spouse, registered domestic partner, father, father-in-law, mother, mother-in-law, child, stepchild, grandparents, grandchildren, brother, brother-in-law, sister or sister-in-law of the employee.

ARTICLE 14: MILITARY LEAVE

Military Leave of Absence shall be granted in accordance with provisions of the City of Monterey Park's Personnel System Rules and Regulations, Administrative Policy 30-14 and as defined in Section 395 et. seq. of the Military and Veteran's Code of the State of California.

An employee who is granted either a temporary military leave or other military leave while serving a probationary period must complete the remainder of the probationary period upon his/her reinstatement. The leave period will not reduce the length of the probationary period or offset any portion of the probationary period.

ARTICLE 15: JURY DUTY

A. An employee of the City who is required to participate as a juror or required to participate in the jury selection process, shall be paid up to and including ten (10) days of salary and benefits during each fiscal year while engaged in such activities. Compensation shall

extend beyond ten (10) days only upon provision to the City of a certified court document showing that trial counsel and/or the court estimated the trial for which an employee has been selected as a juror, to be of ten (10) or less days in duration.

B. Under such circumstances, the employee shall receive his/her regular salary while on such leave, provided that the employee remits to the City any payments or fees received as a witness. The employee shall be allowed leave with pay during the period of such service. While the employee is receiving his/her salary, any court or State jury fees, exclusive of mileage reimbursement, shall be remitted to the City by the employee.

C. The employee shall advise the Director of Human Resources and Risk Management upon receiving a court order to appear for the initial examination as a prospective juror or subsequently to serve as a juror. The granting of such leave with pay shall be subject to the approval of the City Manager.

ARTICLE 16: LEAVE OF ABSENCE

Leave of Absence shall be governed by Personnel Rule XI, Attendance and Leaves, Sec. 4, Leave of Absence, of the Personnel Rules and Regulations of the City of Monterey Park which is outlined as follows:

A. The City Manager may grant a regular employee leave of absence without pay for a period not to exceed ninety (90) days.

B. No such leave shall be granted except upon written request of the employee.

C Approval shall be in writing and a copy filed with the Director of Human Resources and Risk Management.

D. The City Council may grant a regular employee leave of absence without pay for a period not to exceed one year.

E. Upon expiration of a regularly approved leave, or within a reasonable period of time after notice to return to duty, the employee shall be reinstated to the position held at the time leave was granted. Failure on the part of an employee on leave to report promptly at its expiration, or within a reasonable time after notice to return to duty shall be cause for discharge.

ARTICLE 17: HOLIDAYS

A. Municipal offices, including the Library, and with the exception of the Police and Fire Department facilities, shall be closed on the following holidays:

New Year's Day	Labor Day	Day after Thanksgiving
Washington's Birthday Third Monday in February	Veteran's Day	Christmas Eve Day
Martin Luther King, Jr. Third Monday in January	Independence Day	Christmas Day
Memorial Day Last Monday in May	Thanksgiving Day	New Year's Eve Day

Represented employees shall receive one floating holiday. Holiday hours shall be accrued during the pay period in which the holiday occurs.

All designated holidays are ~~up to~~ ten (10) ~~nine (9)~~ hours in duration ~~depending on the employee's normal work schedule~~ and employees will receive ten (10)~~nine~~ hours credit in the employee's holiday bank, ~~or if a holiday lands on a Saturday or Sunday, the employee's holiday bank shall be credited eight (8) hours as described in the following paragraph~~.

~~Effective April 1, 2014, m~~Members shall be afforded thirteen (13) holidays. One floating holiday of ten (10) hours will credited to employee's holiday bank the first full pay period after July 1.~~be eliminated in exchange for the City implementing holidays capped at nine (9) hours credit.~~ Any employees working a shift in excess of ten~~nine~~ hours will use their vacation or holiday leave balance to account for their full shift for a holiday.

B. The employee shall be subject to two (2) separate holiday accumulation banks, each of which shall consist only of floating holidays. The first holiday bank (Bank No. 1) shall consist of those floating and/or minimum staff day holidays not utilized during the fiscal year 1992/93, and the total number of holidays accrued on or before June 19, 1993. The number of holidays contained within this Bank No. 1 shall not increase.

C. ~~C.~~ The maximum "holiday" accrual shall be eighty hours. Upon reaching the maximum, no additional hours will accrue to the employee.

D. Holiday usage may be deducted from either of the above two (2) banks.

E. Library employees, who are required to work a Saturday on a three-day weekend, in order to keep the Library open, shall accrue compensatory time off for actual time worked at a straight time rate.

F. Employees must be on paid status on both the workday prior to, and the workday following the holiday, in order to receive compensation for the holiday. An employee on vacation, sick leave, or other paid leave of absence is considered to be in a paid status and, therefore, would receive compensation for the holiday.

Employees who are regularly scheduled to work on a holiday or who are assigned to work on a holiday because of a foreseeable City need for their services, shall receive time and one-half payment for the holiday worked and accrue ten~~nine~~ (10~~9~~) hours holiday time, or if a holiday lands on a Saturday or Sunday, the employee's holiday bank shall be credited ten~~eight~~ (10~~8~~) hours (i.e., Special Event requirements, parades, etc.). Refer to Article 9,

Section C above for employees who are required to work Emergency Call Back.

Should a holiday fall on an employee's regularly scheduled day off, that employee shall receive tennine (109) hours holiday time., or iIf a designated holiday lands on a Saturday, it shall be observed by the City on the preceding Friday or if Friday is an employee's regularly scheduled day off or Sunday, the employee's holiday bank shall be credited teneight (810) hours subject to the maximum accrual provisions of this Article. If a designated holiday lands on a Sunday, it shall be observed by the City on the Monday following the holiday or if Monday is an employee's regularly scheduled day off, the employee's holiday bank shall be credited ten (10) hours subject to the maximum accrual provisions of this Article.

ARTICLE 18: AUTHORIZATION TO UTILIZE PAID LEAVE TIME

Each unit member's Department Director or his/her designee shall have sole discretion to approve or deny an employee's request to take paid leave time off (i.e. vacations, etc.). The Department Director's determination shall be based upon the service needs of the City and the leave request may be denied by the Department Director if he/she determines that utilization of leave time off will or may have a negative effect on provision of services.

ARTICLE 19: ACTING ASSIGNMENTS

Acting assignments shall be filled in the following manner (to the extent that this Article is inconsistent with the City Personnel Rules, this Article shall prevail):

A. Need for Acting Assignments - To assure the orderly performance and continuance of municipal services, the City may be required to temporarily upgrade employees on acting basis to positions of a higher classification. For the purposes of this Article, it is understood that acting assignments may be required in order to temporarily fill position classification vacancies, which may exist for any of the following reasons:

1. A position classification is permanently vacant and is scheduled to be filled by a regular full-time employee and a limited period of time is required in order to proceed with and complete the normal appointment procedure.

2. A position classification is temporarily vacant although, permanently filled, because the regular employee is on an approved paid or unpaid leave of absence.

It is not the intent of the City to circumvent or avoid the normal employment or promotion process and therefore, the City shall make every possible and reasonable effort to fill vacancies in a most expeditious manner and to keep the need for such acting assignments to a minimum.

B. Selection for Acting Assignments - The selection of an employee for acting assignments shall be at the sole discretion of the Department Director or his/her designee, taking into consideration the requirements of the position to be filled and the qualifications, job

performance, and seniority of those employees eligible for the acting assignment. No persons shall be appointed to an acting assignment either when on probation or into a position classification more than one class level above his or her regular class in those instances where such an assignment would result in the acting employee being in a supervisory position in relation to an employee who is regularly the acting employee's supervisor. If a person is appointed to an acting assignment in a position classification more than one class level above his or her regular class and if during the term of said acting assignment, the vacant class level immediately below the acting position is filled, then the acting assignment shall terminate with the employee being restored to his/her regular position.

C. Pay for Acting Assignments - Acting pay shall be authorized when an employee is acting in a higher level position commencing with the start of the thirtieth consecutive working day that the employee is acting in the higher level position and paid retroactively to the first day of the acting assignment. Acting pay shall be authorized at Step 1 of the position classification to which the acting assignment is made, provided that Step 1 is at least 5% higher than the base salary of the employee's regular assignment. If Step 1 is less than 5% greater, the acting appointment will be made at the first step which is greater than 5% but is less than 10% above the base salary. No changes in employee benefits shall be granted to employees in acting assignments.

D. Status of Employee in Acting Assignment - Time served in an acting assignment shall not be credited towards completion of a probationary test period in the acting position. Time served in an acting position shall not alter the employee's anniversary date. If the acting employee would have been eligible for a merit increase had the acting appointment not been made, the employee shall remain eligible for such merit increase with the employee's performance in both the regular and acting positions being considered.

E. Duration of Acting Assignment - Absent exigent circumstances, a position in the competitive service shall not be filled in an acting capacity for more than six (6) consecutive months. The City shall meet and consult with the Association prior to any extension of an acting appointment beyond six months and at mutually agreeable intervals thereafter, during continuation of the acting assignment.

ARTICLE 20: BILINGUAL PAY

A. Bilingual Pay (Interpretation)

1. Association members who are capable of speaking, interpreting and, on an occasional or sporadic basis, providing limited general translation for routine correspondence (i.e., constituent letters, resident suggestions/complaints, newspaper articles, etc.) in a foreign language, as deemed useful by the City, shall receive $50.00 per month bilingual skill pay in addition to his/her regular salary.

2. The City shall establish qualifying tests to determine bilingual capability and certification. Employees who become eligible for bilingual pay may be required to recertify their eligibility every four years.

3. To be eligible for bilingual pay, the employee must routinely and regularly use his/her translation and interpretation skills in the performance of his/her regular duties that includes customer service and public contact. Should the employee's duties change such that the use of bilingual skills is no longer required, the bilingual skill pay shall cease. Eligibility for bilingual skill pay is subject to the approval of the Department Director and Human Resources Director and their decision is not subject to appeal. Further, the number of employees to be approved as qualified to translate in any language shall be at the sole discretion of the City and such determination is not subject to any appeal.

B. Bilingual Pay (Transcription)

1. All employees who are certified as bilingual pursuant to Section A above and are qualified to perform formal translation of City documents (i.e. forms, brochures, press releases, etc.) and are routinely requested to translate documents utilized in the conduct of City business for City departments, will receive fifty dollars ($50) per month bilingual translation skill pay. The number of employees so qualified to translate in any language shall be determined at the sole discretion of the City. Employees may make application for translation certification through the Human Resources Department. The certification process shall consist of such tests as determined by the Human Resources Department. Recertification may be required every four years.

C. Combined Bilingual Pay

1. Unit employees who are certified as bilingual pursuant to A.1 and are qualified to perform both verbal and formal translation of City documents (i.e. forms, brochures, press releases, etc.) and are routinely requested to translate documents utilized in the conduct of City business for City departments, will receive a combined $150 for bilingual verbal and written translation in lieu of Section A and Section B above. The number of employees so qualified to translate in any language shall be determined at the sole discretion of the City. Employees may make application for translation certification through the Human Resources Department. The certification process shall consist of such tests as determined by the Human Resources Department. Re-certification will be required on biennial basis.

The parties agree that this is special compensation and shall be reported as such to CalPERS, to the extent legally permissible, pursuant to Title 2 CCR, Section 571(a)(4) – Bilingual Premium.

ARTICLE 21: UNIFORM ALLOWANCE

A. Regular Employees - Employees who are required to wear uniforms, and who receive a full clothing issue pursuant to section B of this Article, will be paid an annual uniform

allowance of $300.00 per year. Effective the pay period following City Council approval of the MOU, the uniform allowance will be $450 per year. Uniform allowance is paid monthly.

The parties agree that this is special compensation and shall be reported as such to CalPERS for "classic members", to the extent legally permissible, pursuant to Title 2 CCR, Section 571(a)(5).

1. Personnel assigned to the Auto Shop, who are required to wear a uniform, shall not receive a uniform allowance but, in lieu, uniforms will be provided and maintained through a uniform service vendor. Selection of uniform service vendor and uniform articles shall be at the sole discretion of the City.

2. Employees receiving uniform allowance payments may elect to use either a Uniform Service Provider or receive store "credit". Any change is to be coordinated with the Management Services Department and approved by the Department Director and the Director of Human Resources/Risk Management.

B. Probationary Employees - A probationary employee assigned to the Water, Parks or Maintenance Service Department and who is required to wear a uniform, will be provided with the full clothing issue (5 uniforms and 1 jacket) at the time of his/her appointment. A probationary employee assigned to the Police Department and who is provided a uniform will be provided with the full clothing issue as issued other police civilian personnel as per the Police Department's uniform policy and as approved by the City Manager.

If the employee leaves, either voluntarily or involuntarily during the twelve-month probationary period, $175.00 will be deducted from his/her final paycheck to reimburse the City for the initial clothing issue or uniform allowance.

After the employee has completed twelve (12) months of service, the employee will then be entitled to receive the next quarterly clothing allowance.

C. Uniform Replacement - An employee who damages or destroys his/her uniform while performing City services shall be reimbursed for the replacement cost of the uniform. This provision shall not be applicable to normal wear and tear of the uniform, nor shall it be applicable to items of a personal nature (non-uniform clothing, jewelry, watches, wallets, eyeglasses, etc.). An employee shall give the damaged or destroyed uniform to a supervisor prior to being authorized replacement cost.

D. An employee terminating from City service will retain uniform items. However, the City identification patches shall be removed by the employee and turned in to the appropriate Department Director or Division Manager.

E. Hats are not a required item of the uniform except where the Division or Department requires safety hard hats. However, an employee who is not required to wear a safety helmet may purchase and wear a poplin brimmed hat of a color to blend with his/her uniform.

F. Safety Boots - Employees whose position requires safety boots, per OSHA regulations, will be provided with one pair of safety boots per fiscal year. The City shall select the vendor and the quality of the boots to be provided. Safety boots will be available on August 1st of each fiscal year. The maximum annual allowance for purchase of appropriate safety boots is $225.00. Effective the pay period following City Council approval of the MOU, the maximum safety boot allowance is up to $350 per year.

In cases where the nature of the employee's duty assignment causes exceptional wear, the Department Director may, in his/her sole discretion, authorize the replacement of one pair of safety boots or one pair of uniform issue shoes. In no case shall an employee receive more than three pairs of safety boots or one additional pair of uniform shoes in any 24-month period.

ARTICLE 22: HEALTH INSURANCE

A. Medical Insurance (Active Employees)

Employees will receive insurance coverage through CalPERS under the California Public Employees' Medical and Hospital Care Act (PEMHCA). The City's contribution toward medical insurance under PEMHCA will be the minimum employer contribution (MEC) required by PEMHCA (in 2023~~2021~~ the MEC is $151~~143~~/month).

B. Retiree Medical Insurance

1. Employees Hired on or After January 1, 2016

Employees, who are hired into City service on or after January 1, 2016 and retire from the City, will be eligible for medical insurance provided by PEMHCA and the City will contribute the minimum employer contribution (MEC) as required under PEMHCA. For 2023~~2021~~, this amount is $151~~143~~ per month. PEMHCA determines the amount annually and therefore, this is subject to change.

2. Retiree and Employees Hired Prior to January 1, 2016

Individuals who retired prior to January 1, 2016 and employees who were hired on or before December 31, 2015, and who retire from the City, will be eligible for medical insurance provided by PEMHCA and when enrolled in PEMHCA, receive a City contribution equal to the MEC under PEMHCA. The City shall also make a monthly contribution to a retiree Health Reimbursement Account (HRA) for the difference between the MEC and the contribution amount set forth below (subject to the actual premium of the PEMHCA plan):

a. If the employee retired from City employment with less than 20 years of City service and remains enrolled in PEMHCA in retirement he/she will receive up to $355/month (includes the MEC) toward the purchase of medical insurance

under PEMHCA for retiree and all eligible dependents. If the amount of the premium for single party coverage (with Medicare part A and B if age 65 or older) for a retiree on the least expensive CalPERS offered plan exceeds $355/month, the City will pay the full cost of the eligible retiree's single party premium.

In the event the amount of the monthly premium for the lowest cost single party HMO plan available in the Los Angeles Area Region for medical care in the United States (with Medicare Parts A and B if age 65 or older) exceeds $355/month, the City agrees to increase their total contribution to the amount of such single party premium.

b. If the employee retired from City employment with 20 or more years of City service and remains enrolled in PEMHCA in retirement he/she will receive up to $435/month toward the purchase of medical insurance under PEMHCA for retiree and all eligible dependents.

In the event the amount of the monthly premium for the lowest cost single party HMO plan available in the Los Angeles Area Region for medical care in the United States (with Medicare Parts A and B if age 65 or older) exceeds $435/month, the City agrees to increase their total contribution to the amount of such single party premium.

c. Medicare

Retirees must comply with the Medicare enrollment requirements set forth by PEMHCA and the City's health plan program.

If a retiree does not qualify for Medicare and has submitted the requisite proof to CalPERS, the retiree may remain on a CalPERS basic plan until the retiree later qualifies for Medicare Part A at no cost.

d. Retirees must pay for any premium costs that exceed the City's contribution (MEC and HRA contributions).

C. Dental Insurance

The City will contribute up to ninety ($90) dollars per month toward the premium for eligible employees and all eligible dependents. Beginning the first pay period in January 2021, the City will contribute up to one hundred ($100) dollars per month toward the premium for eligible employees and all eligible dependents. The employee will pay any and all premiums due in excess of the City's contribution under the City's Cafeteria Plan (Section 125).

D. Vision Insurance Plan

The City shall provide a vision insurance plan. The City will contribute up to thirty ($30)

dollars per month for the employee and eligible dependents. The employee will pay any and all premiums due in excess of the City contribution under the City's Cafeteria Plan. The plan design shall be: Examination every 12 months; Frames and Lenses every 12 months. Deductible shall be $10.00/exam; $20.00/frame and lenses.

E. Section 125 Cafeteria Plan

1. The City's contribution under the Section 125 Cafeteria plan for active employees shall be up to ~~one thousand two hundred fifty ($1,250) dollars per month for employees electing to enroll in a medical plan in PEMHCA. Beginning the first pay period in January 2021, the City will contribute up to one thousand three hundred fifty dollars ($1,350) per month for employees electing to enroll in a medical plan in PEMHCA. Beginning the first pay period in January 2022, the City will contribute up to one thousand four hundred dollars ($1,400) per month for employees electing to enroll in a medical plan in PEMHCA. Beginning the first pay period in January 2023, the City will contribute up to~~ one thousand four hundred fifty dollars ($1,450) per month for employees electing to enroll in a medical plan in PEMHCA.

The City's contribution will include the PEMHCA MEC ($~~143~~ 151 per month for 202~~3~~) toward the medical plan and the balance may be used for other eligible expenses. Eligible expenses include: (1) medical insurance premiums, (2) dental insurance premium, (3) disability insurance premium, (4) vision insurance premium, and cash (as set forth below). Employees will be responsible for paying the amount of the total insurance premium that exceeds the City's contribution via the Cafeteria Plan (IRC Section 125 Plan).

2. For employees who elect to waive medical insurance from the City (opt out), the City will pay $300/month in cash to the employee. In order to receive the opt-out incentive, the employee must annually certify that he/she has medical insurance coverage in a group plan (not including Covered California) that provides minimum essential coverage under the Affordable Care Act for the employee and all members of his/her tax family.

3. Specific details of this cafeteria plan will be contained in a plan document available for review by employees at the City's Human Resources Department.

F. Long Term Disability Plan

The City will pay the premiums for a long-term disability plan.

G. Life Insurance

The City shall provide a term life insurance policy for each employee in the amount of $100,000.

Additional life insurance may be purchased by each employee. Any premium cost for

additional life insurance shall be paid solely by the employee. The City shall offer employees to purchase supplemental life insurance in $10,000 increments up to the lesser of $300,000 or 3 times the employees' annual salary.

H. Affordable Care Act Reopener

The City may reopen negotiations at any time during the term of the MOU to meet and confer over impacts of the Affordable Care Act.

ARTICLE 23: PERS CONTRIBUTION

All association members who are "classic" members of the CalPERS retirement system will pay 100% of the full 8% employee's share of the CalPERS retirement contribution.

ARTICLE 24: RETIREMENT BENEFITS

Association members shall be eligible for the following retirement benefits:

A. The city provides retirement benefits through the California Public Employees' Retirement System (CALPERS) pursuant to a contract with CalPERS. Effective January 1, 2013, the City shall provide to newly hired employees, the PERS retirement formula known as 2% @ 62 with the average of the three (3) highest consecutive years of compensation. Employees hired prior to December 30, 2013, as determined by PEPRA shall be considered classic PERS employees whose retirement formula is known as the "2.7% at Age 55 Plan.", one (1) year final compensation (12 highest paid consecutive highest months/Section 20042).

B. The 1959 Survivor's Benefit –The City shall provide Level 4 Survivor's Benefit. Any resultant CalPERS cost increase designated as constituting "employee" costs for this benefit shall be borne by the employee.

C. Credit for Unused Sick Leave (Government Code Section 20965.)

D. One (1) year final compensation (Government Code Section 20042) for employees hired prior to January 1, 2013 and average of the three (3) consecutive highest years for employees hired after said date.

E. Military Service Credit as Public Service (Government Code Section 21024).

F. Pre-Retirement Option 2W Death Benefit.

ARTICLE 25: EDUCATIONAL ENROLLMENT COST REIMBURSEMENT

A. Educational costs shall be limited to four thousand dollars ($4,000) annually per unit member for eligible reimbursement expenses as defined within this Article. Effective January 2022, educational costs shall be limited to $4,500 annually per unit member for eligible reimbursement expenses as defined within this Article for coursework taken after January 2022. Enrollment cost reimbursement is subject to approval by both the Department Director and Director of Human Resources and Risk Management. In rendering a reimbursement determination, the Department Director and Director of Human Resources and Risk Management shall consider whether or not the course(s) for which reimbursement is sought is related to the employee's then existing principal duties and the availability of funds for reimbursement purposes. No employee shall be entitled to reimbursement unless pre-course enrollment written authorization for reimbursement is received from the Department Director and Director of Human Resources and Risk Management. The reimbursement eligibility determinations described herein are not subject to any administrative or judicial appeal procedure and the decision of the Department Director and Director of Human Resources and Risk Management shall be final.

B. An employee must have completed their initial probationary period to be eligible for Educational Cost Reimbursement under this Article.

C. An employee who separates from City service within 12 months of receiving educational cost reimbursement shall reimburse the City the full amount of educational cost reimbursement that he/she received in the preceding 12-month period.

D. Educational cost reimbursement shall be provided for tuition fees for college-level courses in an accredited academic institution only, as determined by the Director of Human Resources and Risk Management.

E. An employee will be reimbursed up to seventy-five dollars ($75.00) for books required for six units or less, and two hundred dollars ($200.00) for seven units or more taken during a semester (or equivalent enrollment period). Effective January 2021, an employee will be reimbursed up to ninety dollars ($90.00) for books required for six units or less, and three hundred dollars ($300.00) for seven units or more taken during a semester (or equivalent enrollment period). Reimbursement shall only be for books required for the approved course(s). All requests for reimbursement shall be accompanied by valid receipts.

ARTICLE 26: SALARIES

A. ~~With the Association's ratification of this agreement and approval by the City Council, each active unit member, in the pay period following City Council approval of this MOU, will receive a lump-sum signing bonus of one thousand dollars ($1,000).~~

B. Salaries of represented employees shall be adjusted in the following manner:

a. ~~Current~~ Ssalary ranges for represented employees ~~are~~ reflecting the equity adjustments and cost of living increases described below in subparagraph (b) are set out in ~~ed in Attachment~~ Addendum A and are incorporated herein by this reference.

b. Effective the beginning of the first full pay period following July 1, 2023 and City Council approval of the MOU, equity adjustments will be made to the salary ranges for the following classifications:

Assistant City Engineer	2.5%
Building Official	3.0%
Deputy City Clerk	12.3%
Deputy Fire Marshal	3.8%
Economic Development Project Manager	5.0%
Fire Marshal	2.8%
Principal Management Analyst	4.0%

~~b.~~ Effective July 8, 2023 and after City Council approval of MOU, ~~In addition to the equity adjustments set out above, and effective at the same time,~~ the salary ranges of all unit classifications will increase by five~~one and one-half~~ percent (5.0~~1.5~~%) in addition to the equity adjustments made for the classifications listed above.

c. Effective the beginning of the pay period following July 1, 2024~~2021~~, salary ranges of unit classifications will increase by five~~one and one-half~~ percent (5.0~~1.5~~%)

~~d. Effective the beginning of the pay period following July 1, 2022, salary ranges of unit classifications will increase by two percent (2%).~~

~~e.~~d. ~~Effective the beginning of the pay period following January 1, 2023, salary ranges of unit classifications will increase by one percent (1%).~~

C. 10 STEP SYSTEM

There shall be approximately 2.5% between each step of steps 1 through 9 and approximately 5% between steps 9 and 10. Advancement within the ten-step salary range shall be subject to the terms and conditions as set forth herein:

1. Except as modified herein, the Administrative Policy 30-41 – "Ten-Step Meritorious Program" provides rules related to the ten-step system.

2. Advancement between steps may occur at intervals of no less than one year. Recommendations for step increases or denial of step increases must be accompanied

by a performance evaluation to substantiate performance. No multiple step increases may be granted. Performance evaluations and consideration of merit adjustments shall be due annually on the employee's anniversary of the probationary appointment to his/her position classification. Nothing in this Article shall prevent a supervisor from exercising management rights to suspend, reduce, demote, layoff, or terminate for cause an employee in accordance with City Personnel Rule XIII - Changes in Employment Status, or Rule XIV - Separation from Service, or Rule XV - Disciplinary Proceedings.

3. Advancement from step 1 through step 9 shall be contingent upon receiving "meets job standards" performance evaluations or better.
4. Advancement to step 10 is both temporary and conditional upon achieving "meets job standards" performance as determined by rules set forth by the City Manager. Sustained placement at step 10 of the range is not guaranteed but must be earned on an annual basis. Failure to achieve "meets job standards" performance ratings in a succeeding year shall result in the employee's salary being returned to step 9.

5. Step 10 Changes: If the step 10 policy is revised with any other general employee association, the MMA shall share the results of those revisions.

D. Longevity Pay

Each unit member with twenty (20) years of continuous City service shall receive longevity pay of one hundred ($100) per month, and each unit member with twenty-five (25) years of continuous City service shall receive longevity pay of three hundred fifty ($350) per month Longevity Pay shall be included in the biweekly paycheck.

The parties agree that that this is special compensation and shall be reported as such to CalPERS, to the extent legally permissible, pursuant to Title 2 CCR, Section 571(a)(1).

E. Educational/Certification Pay: The City shall make a payment to each unit member as Educational Incentive Pay in the following amounts:

a. $80.00 per month for associate degree from an accredited educational university.;

b. $110.00 per month for bachelor's degree from an accredited educational university;

c. $175 per month for a master's degree and/or juris doctor degree from an accredited educational university;

d. $50.00 per month for a Certified Municipal Clerk Certification;

e. $50.00 per month for a Public Works Certificate through Citrus College;

f. $120.00 per month for License for Qualified Applicator License or Agriculture Pest Control Advisor, pay is for one certificate or the other (not both);

g. $60.00 per month for Water DHS Certification for each certificate below level 3 either in distribution and/or treatment, and $70.00 per month for each certification level 3 or higher in either distribution and/or treatment [up to four certifications total of any level of either distribution or treatment or any combination thereof];

h. $50.00 per month for an Arborist License/Certificate.

All degrees, licenses, certificates and/or certifications shall be reviewed and approved by the Department Director and Director of Human Resources and Risk Management before the Educational/Certification Pay will be issued.

Each unit member is only eligible for the highest compensable Educational/Certification Pay, unless clearly noted. The foregoing items, including the Auto Mechanic Certification Pay below, shall not be stacked or compiled such that the unit member is receiving multiple Educational/Certification pays. For example, if a unit member is receiving $120.00 per month for a License for Agriculture Pest Control Advisor, he/she is not also entitled to a $80.00 per month payment for an Associate Degree. His/her Educational/Certification Pay shall be capped at $120.00 per month which reflects one Educational/Certification Pay.

The parties agree that this is special compensation and shall be reported as such to CalPERS, to the extent legally permissible, pursuant to Title 2 CCR, Section 571(a)(2) – Educational Incentive Pay.

F. Auto Mechanic Certification Pay:

1. The Equipment Maintenance Supervisor will be eligible for certification premium in the amount of $40.00 per month for each ASE Automotive/Light Truck Certification up to a maximum of two (2) such certifications. The maximum certification pay under this subsection 1 is limited to $80.00 per month.

2. Upon receipt by the Equipment Maintenance Supervisor of certification as an ASE-Certified "Master Automotive Technician," in lieu of the premium indicated in subsection 1 above, the individual so certified shall be eligible for certification premium in the amount of $120.00 per month.

The parties agree that this is special compensation and shall be reported as such to CalPERS, to the extent legally permissible, pursuant to Title 2 CCR, Section 571(a)(2) – Educational Incentive Pay.

G. First Responder Standby - Qualified non-exempt employees of the Public Works Department or Parks Division of the Recreation & Parks Department may be assigned, at the discretion of the City, as First Responder Standby for after-hours emergency response. In addition to any additional reporting procedures established by the City, the following provisions shall apply to any individual assigned to First Responder Standby status:

1. First Responder Standby duty shall be assigned to no more than three (3) individuals City-wide (one of which shall be fully qualified to respond to water distribution incidents and one to water production incidents) for a period of seven (7) calendar days. The First Responder Standby schedule shall be determined at the sole discretion of the City.

2. An individual so assigned shall be compensated at the rate of $25.00 per weekday (0001 hrs. Monday through 2400 hrs. Thursday) and $45.00 per weekend day (0001 hrs. Friday through 2400 Sunday).

3. Should an employee be assigned First Responder Standby status on a City designated holiday (defined as the actual date of holiday), compensation shall be at the rate of $50.00 per holiday.

4. While on First Responder Standby status, the assigned employee shall: carry a City provided cell phone and lap-top computer (if applicable); respond via telephone within five (5) minutes to any phone call; and report fit-for-duty to the incident site within 25 minutes (no later than 45 minutes) following receipt of call-out information (or, if applicable, correct problem via computer). Failure to abide by the provisions of this subsection 4 will result in forfeiture of stand-by compensation for that 24-hour period and may result in removal from standby assignment and/or disciplinary action.

5. To be eligible for First Responder Standby assignment, an individual must be certified by the Public Works Maintenance Manager, Water Utility Manager and Parks Superintendent as:

   a. Having adequate knowledge of traffic control protocols; sewer, water and irrigation systems; and operation of designated equipment to effectively perform as a First Responder to after-hours emergency situations; and,

   b. Residing in a geographic location that allows for a response time as designated in subsection 4 above.

6. The parties mutually agree that this program shall be formally evaluated annually. Said evaluation will include evaluation of the effectiveness of the program and such measurements as: a review of number of call-outs, response time, type of calls, ability of first responder to clear call without additional support, time to clear call, number of calls for additional support, response time for support personnel and any other measurements determined appropriate by the City.

7. The Association specifically acknowledges that the City maintains the sole and exclusive right to assign personnel to First Responder Standby and to determine the need for such assignment. Nothing contained in this Article, shall create a duty upon the City to assign individuals to First Responder Standby nor shall any individual have a right to be so assigned. The City agrees to meet and consult with

the Association prior to any modification or termination of the First Responder Standby program.

ARTICLE 27: PROBATIONARY PERIOD

Employees who are newly hired or promoted shall serve a probationary period of twelve (12) months.

ARTICLE 28: DEFERRED COMPENSATION PLAN

A deferred compensation plan will be made available to all members of the City of Monterey Park Mid-Management Association. The City will contribute a matching twenty-five ($25) dollars per pay period to the contributing employee's deferred compensation plan. Effective with the first pay period in January 2021, the City will match an employee contribution up to fifty dollars ($50) per pay period. Effective with the first pay period in January 2022, the City will match an employee contribution up to seventy-five dollars ($75) per pay period. Effective with the pay period following July 1, 2023, the City will match an employee contribution up to one-hundred dollars ($100) per pay period.

ARTICLE 29: INDUSTRIAL INJURY

All full-time employees shall be allowed for each injury or illness, normal salary for the first day of absence to, and including, the last day of absence for a period not to exceed 120 calendar days that occur within a 36-month period.

If the employee is still receiving temporary disability payments after entitlement to industrial injury or illness leave is exhausted, the employee shall be placed on regular sick leave, vacation leave, or accumulated compensatory time off. While Temporarily Totally Disabled (TTD), the employee shall be entitled to use only so much of such other leave benefits (i.e. sick, vacation, comp, etc.), which, when added to temporary disability payments, provide for a normal full day's wage or salary.

The City shall be authorized to make application for said employee's disability retirement in those instances where the employee is either permanent, stationary and incapacitated for the performance of his or her duties, or in the alternative, where there is not a reasonable medical certainty that the employee, although not permanent and stationary, will recover to the extent necessary to perform the essential duties of his/her position regardless of whether or not any form of paid leave remains in the employee's various paid leave accounts.

During the time frame that an employee is on full paid leave, the employee shall continue to accrue all fringe benefits.

Nothing herein shall prohibit an employee from requesting a leave of absence without pay from the City Council. Such leave is not guaranteed, nor may it exceed beyond a period of one (1) year from date of injury.

The granting of industrial injury and illness leave may be withheld until the City has accepted the injury or illness as being an industrial accident or a compensable injury.

ARTICLE 30: UNIT DETERMINATION AND MODIFICATION

A. Policy and Standards for Determination of Appropriate Units

The policy objectives in determining the appropriateness of units shall include: (1) efficient operations of the City and its compatibility with the primary responsibility of the City and its employees to effectively and economically serve the public, and on (2) providing employees with effective representation based on recognized community of interest considerations. These policy objectives require that the appropriate unit shall be the broadest feasible grouping of positions that share an identifiable community of interest. Factors to be considered shall be:

1. Similarity of the general kinds of work performed, types of qualifications required, and the general working conditions.

2. History of representation in the City and in similar employment; except however, that no unit shall be deemed to be an appropriate unit solely on the basis of the extent to which employees in the proposed unit have organized.

3. Consistency with the organizational patterns of the City.

4. Number of employees and classifications, and the effect on the administration of employer-employee relations because of the fragmentation of classifications and/or proliferation of units.

5. Effect on the classification structure and impact on the stability of the employer-employee relationship because of dividing a single or related classification among two or more units.

Notwithstanding the foregoing provisions of this Section, managerial, supervisory and confidential responsibilities, as defined in this Section, are determinative factors in establishing appropriate units hereunder. Therefore, such managerial, supervisory and confidential employees may not represent any employee organization that represents other employees and may not be represented by the same.

The Director of Human Resources and Risk Management shall, after notice to and consultation with affected employee organizations, allocate new classifications or positions, delete eliminated classifications or position, and retain, reallocate or delete modified classifications or positions, from units in accordance with the provisions of this Section.

The following definitions apply to this Section:

1. "Appropriate Unit" means a unit of employee classes or positions, established pursuant to this Section.

2. "Management Employee" means any employee having responsibility for formulating, administering or managing the implementation of City policies and programs.

3. "Supervisory Employee" means any employee having authority, in the interest of the City, to hire, suspend, layoff, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, or to adjust their grievances, or effectively to recommend such action if, in connection with the forgoing, the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

4. "Confidential Employee" means any employee who assists and acts in a confidential capacity to person(s) who formulate, determine, and effectuate management policies in the field of employee relations and/or who has access in the course and scope of employment to any information that is or may be utilized in formulating such management policies.

B. Procedure for Modification of Established Appropriate Units

1. Requests by employee organizations for modification of established appropriate units shall be considered by the Director of Human Resources and Risk Management. Such requests shall be submitted in the form of a Recognition Petition and, in addition to the requirements set forth in Municipal Code Section 2.32.050, shall contain a complete statement of all relevant facts and citations in support of the proposed modified unit in terms of the policies and standards set forth in Section A of this Article. Any Association request for modification to its unit shall be limited to a two (2) week window period annually to be determined by the Director of Human Resources and Risk Management with reasonable notice to the Association. The Director of Human Resources and Risk Management shall process such petition as recognition petitions are processed under this Chapter.

2. The Director of Human Resources and Risk Management may, on his/her own motion, propose that an established unit be modified. The Director of Human Resources and Risk Management shall give written notice of the proposed modification(s) to any affected employee organization. Any affected employee organization may, within seven (7) calendar days after service of notice, request a meeting with the Director of Human Resources and Risk Management by which to contest the proposal(s). Not later than seven (7) calendar days after receipt of such request, the Director of Human Resources and Risk Management shall conduct such meeting at which time all affected employee organizations shall be heard. Thereafter, the Director of Human Resources and Risk Management shall determine the composition of the appropriate unit or units in accordance with Section A of this Article, and shall give written notice of such determination by

depositing the same in the mail, addressed to the affected employee organizations. The Director of Human Resources and Risk Management's determination may be appealed as provided in paragraph 3 of this Section. However, if a unit is modified pursuant to the motion of the Director of Human Resources and Risk Management, employee organizations may thereafter file Recognition Petitions seeking to become the Exclusively Recognized Employee Organization for such new appropriate unit or units pursuant to Section 2.32.050 of the Municipal Code.

The "meeting" described herein shall be informal and shall consist of the participating employee organization providing verbal and/or written input regarding its position.

3. Appeals

An employee organization aggrieved by an appropriate unit determination of the Director of Human Resources and Risk Management pursuant to this Section may, within ten (10) calendar days of mailing by the Director of Human Resources and Risk Management of notice thereof, appeal such determination to the City Manager for final decision.

Appeals to the City Manager shall be filed in writing with the City Manager's Secretary and a copy shall be provided to the Director of Human Resources and Risk Management by the appellant. The written appeal shall be received by the City Manager's Secretary no later than ten (10) calendar days after the Director of Human Resources and Risk Management's decision was mailed.

A unit designated by the Director of Human Resources and Risk Management need not be "most appropriate," or "more appropriate," but need only be "appropriate." If "appropriate," then the City Manager shall affirm the decision of the Director of Human Resources and Risk Management. If not "appropriate," then the City Manager shall determine which unit is "appropriate."

An employee organization's appeal shall state the complete basis for the appeal and shall be confined to a determination of whether or not the unit resulting from the Director of Human Resources and Risk Management's decision was "appropriate" pursuant to the guidelines of Paragraph 1, above. The City Manager shall conduct the appeal hearing within fifteen (15) calendar days of receipt of the appeal and shall issue his/her written decision within fifteen (15) calendar days after conclusion of the hearing. The City Manager's decision shall be served upon the appellant(s) by depositing the same in the U.S. mail, and shall be administratively final and binding.

4 To the extent that any element of this Section is inconsistent with any other provision of this Chapter, the provisions of this Section shall prevail to the extent necessary to cause the Section to be operative.

5 Subsequent to this agreement, should the City and another association adopt a

version of this Article 33 of the MOU that is different than that adopted by the City and the Association, the Association has the right to negotiate and adopt any such changes limited to this Article 33 and include them in this MOU.

ARTICLE 31: GENERAL PROVISIONS

A. This MOU shall not in any way interfere with the obligations of the parties to comply with the State and Federal laws, or of any rule, regulation, or order issued by such government authority pertaining to matters covered herein. If any provision, or provisions, of the MOU should be affected by State or Federal laws, or of any rule, regulation, or order issued by such governmental authority, or if any provision, or provisions, should be held invalid by a court of record, the remainder of the MOU shall not otherwise be affected.

B. The parties acknowledge that during the meeting and conferring in good faith, which resulted in this MOU, each had the unlimited right and opportunity to make demands and proposals with respect to any and all subjects or matters not removed by law from the area of meeting and conferring, and that the understanding and agreement arrived at by the parties after the exercise of that right and opportunity is set forth in this MOU.

However, upon the request of the City to re-open any subject in the MOU, the parties shall meet within ten (10) business days to commence the meet and confer process.

C. The parties hereto agree to continue their long-standing policies in that there shall be no discrimination against any employee because of membership or non-membership in MPMMA, or because of race, color, creed, national origin, age, gender, legal disability, marital status, sexual orientation, political/union activity, or for any other protected status as defined by law.

D. The parties hereto agree that this MOU cannot be modified, changed, and/or canceled in any way except by mutual consent of said parties in writing.

ARTICLE 32: TERM OF MEMORANDUM OF UNDERSTANDING

The Memorandum of Understanding shall be in effect for a basic term commencing July 1, 2023~~2019~~ – June 30, 2025~~2023~~ and shall continue in effect from year-to-year thereafter, unless or until terminated. This MOU may be terminated as of the end of the initial term or any subsequent contract period by either party giving written notice to the other not less than sixty (60) calendar days prior to the termination date. Unless specifically described to the contrary herein, all changes in matters within the scope or representation shall be provided prospectively from the date of MOU implementation. The "date of MOU implementation" shall be the date of City Council adoption of the MOU.

ARTICLE 33: CITY COUNCIL APPROVAL

It is, however, the mutual understanding of all parties hereto that this Memorandum of Understanding is of no force or effect whatsoever unless or until ratified by the City Council of the City of Monterey Park.

IN WITNESS HEREOF, the parties hereto have caused this Memorandum of Understanding to be executed this 19th~~16th~~ day of July~~December~~ 2023~~2020~~.

MONTEREY PARK MID-MANAGEMENT ASSOCIATION

By: _____
Cindy Trang~~Tim Shay~~, MMA President

By: _____
Jessica Estrella, MMA Vice President~~Cesar Vega Interim~~ Director
Human Resources & Risk Mgmt

CITY OF MONTEREY PARK

By: _____
Inez Alvarez~~Ron Bow~~
Interim City Manager

By: _____
Christine Tomikawa~~Danielle Tellez~~,
Negotiating Team Member

APPROVED AS TO FORM:

_____
Karl H. Berger
City Attorney

ADDENDUM A

MID-MANAGEMENT SALARY TABLE

~~**EFFECTIVE DECEMBER 26, 2020**~~

Effective July 8, 2023

Job Classification	Range	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
Adult Literacy Coordinator Communications Supervisor Facilities Maintenance Supervisor Financial Analyst Fleet Maintenance Supervisor Park Supervisor Public Works Maintenance Supervisor Recreation Supervisor Senior Librarian	1	6,730	6,897	7,070	7,247	7,428	7,614	7,804	7,999	8,199	8,609
~~Special Events Manager~~ Jail Supervisor Records Supervisor	2	6,605	6,770	6,939	7,113	7,291	7,473	7,660	7,851	8,047	8,450
Consumer Services Supervisor Water Distribution Supervisor Water Production Supervisor Water Operations Supervisor	2.5	7,177	7,355	7,539	7,727	7,921	8,118	8,322	8,530	8,744	9,180
~~Recreation Superintendent~~ Senior Accountant ~~Transportation Program Manager~~ ~~Park Superintendent~~	3.5	7,308	7,491	7,679	7,871	8,067	8,269	8,476	8,687	8,905	9,349
Deputy City Clerk	3	8,207	8,412	8,624	8,839	9,059	9,286	9,519	9,755	10,001	10,499
Principal Management Analyst ~~Housing Program & Grant Admin Coordinator~~	4	7,946	8,145	8,348	8,557	8,770	8,989	9,215	9,445	9,681	10,164
~~Redevelopment Project Manager~~ Senior Planner	5	8,009	8,210	8,416	8,624	8,841	9,062	9,289	9,521	9,759	10,247
~~Police Records/Dispatch~~	6										

ADDENDUM A

MID-MANAGEMENT SALARY TABLE

~~**EFFECTIVE DECEMBER 26, 2020**~~

Effective July 8, 2023

~~Support Services Manager~~ Economic Development Project Manager	6.5	8,956	9,182	9,410	9,645	9,886	10,134	10,387	10,647	10,913	11,459
~~Recreation Manager~~Senior Civil Engineer	7	8,960	9,184	9,413	9,649	9,890	10,137	10,391	10,650	10,917	11,463
Fire Marshal	7.5	9,468	9,705	9,947	10,196	10,450	10,712	10,980	11,254	11,536	12,112
Building Official	8	9,611	9,851	10,096	10,349	10,607	10,873	11,145	11,423	11,708	12,294
~~Water Utility Manager~~ Public Works Maint. Manager	8.5	10,029	10,280	10,536	10,800	11,069	11,347	11,630	11,921	12,219	12,830
~~Planning Manager~~	9										
Assistant to City Manager	9.5	8,822	9,043	9,269	9,501	9,738	9,982	10,231	10,487	10,749	11,287
Civil Engineering Associate	11	7,641	7,833	8,028	8,229	8,434	8,646	8,862	9,084	9,310	9,777
Assistant City Engineer	12	10,850	11,121	11,399	11,684	11,974	12,275	12,582	12,896	13,218	13,881
Deputy Fire Marshal	13	7,111	7,289	7,470	7,658	7,849	8,045	8,246	8,452	8,663	9,096

ADDENDUM A

MID-MANAGEMENT SALARY TABLE

~~**EFFECTIVE DECEMBER 26, 2020**~~

Effective the first full pay period after July 01, 2024

Job Classification	Range	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
Adult Literacy Coordinator Communications Supervisor Facilities Maintenance Supervisor Financial Analyst Fleet Maintenance Supervisor Park Supervisor Public Works Maintenance Supervisor Recreation Supervisor Senior Librarian	1	7,066	7,242	7,423	7,609	7,799	7,994	8,194	8,399	8,609	9,039
Jail Supervisor Records Supervisor	2	6,935	7,108	7,286	7,468	7,655	7,846	8,043	8,2,44	8,450	8,872
Consumer Services Supervisor Water Distribution Supervisor Water Production Supervisor Water Operations Supervisor	2.5	7,536	7,723	7,916	8,114	8,317	8,524	8,738	8,956	9,181	9,639
Deputy City Clerk	3	8,618	8,833	9,055	9,281	9,512	9,750	9,995	10,243	10,501	11,024
Senior Accountant	3.5	7,674	7,866	8,063	8,265	8,471	8,682	8,900	9,121	9,350	9,816
Principal Management Analyst	4	8,343	8,553	8,766	8,985	9,209	9,439	9,676	9,917	10,165	10,672
Senior Planner	5	8,410	8,620	8,837	9,056	9,283	9,515	9,753	9,996	10,247	10,759

ADDENDUM A

MID-MANAGEMENT SALARY TABLE

~~**EFFECTIVE DECEMBER 26, 2020**~~

Effective the first full pay period after July 01, 2024

Economic Development Project Manager	6.5	9,404	9,641	9,881	10,128	10,381	10,641	10,907	11,179	11,458	12,032
Senior Civil Engineer	7	9,408	9,643	9,884	10,131	10,384	10,644	10,910	11,183	11,463	12,036
Fire Marshal	7.5	9,941	10,190	10,445	10,706	10,973	11,248	11,529	11,817	12,112	12,718
Building Official	8	10,091	10,343	10,601	10,866	11,138	11,417	11,703	11,994	12,293	12,909
Public Works Maintenance Manager	8.5	10,530	10,794	11,062	11,340	11,623	11,914	12,211	12,517	12,830	13,472
Assistant to City Manager	9.5	9,263	9,495	9,732	9,976	10,225	10,481	10,743	11,011	11,287	11,851
Civil Engineering Associate	11	8,024	8,225	8,430	8,640	8,856	9,078	9,305	9,538	9,775	10,266
Assistant City Engineer	12	11,393	11,677	11,969	12,268	12,573	12,889	13,211	13,541	13,879	14,575
Deputy Fire Marshal	13	7,466	7,653	7,844	8,041	8,241	8,447	8,659	8,875	9,096	9,550

ADDENDUM A

MID-MANAGEMENT SALARY TABLE

~~**EFFECTIVE DECEMBER 26, 2020**~~

Effective December 26, 2020

Job Classification	Range	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
Fleet Maintenance Supervisor Facilities Maintenance Supervisor Public Works Maint. Supv. Senior Librarian Adult Literacy Coordinator Park Supervisor Recreation Supervisor	1	6,130	6,281.8	6,439	6,601	6,765	6,934	7,108	7,286	7,467	7,841
Special Events Manager	2	6,016	6,166	6,320	6,478	6,640	6,806	6,976	7,151	7,330	7,696
Consumer Services Supervisor Water Distribution Supervisor Water Production Supervisor Water Operations Supervisor	2.5	6,537	6,699	6,866	7,038	7,215	7,394	7,580	7,769	7,964	8,362
Recreation Superintendent Senior Accountant Transportation Program Manager Park Superintendent Deputy City Clerk	3	6,656	6,823	6,994	7,169	7,348	7,531	7,720	7,912	8,111	8,515
Principal Management Analyst Housing Program & Grant Admin Coordinator	4	6,959	7,133	7,311	7,494	7,681	7,872	8,070	8,271	8,478	8,902
Redevelopment Project Manager Senior Planner	5	7,295	7,478	7,665	7,855	8,052	8,254	8,460	8,672	8,888	9,333
Police Records/Dispatch	6	7,647	7,839	8,035	8,235	8,441	8,652	8,869	9,090	9,318	9,784

ADDENDUM A

MID-MANAGEMENT SALARY TABLE

~~**EFFECTIVE DECEMBER 26, 2020**~~

Communication Manager											
Support Services Manager Economic Development Project Manager	6.5	7,769	7,965	8,163	8,367	8,576	8,791	9,010	9,235	9,466	9,940
Recreation Manager	7	8,161	8,365	8,574	8,788	9,008	9,233	9,464	9,700	9,943	10,440
Fire Marshall	7.5	8,388	8,598	8,813	9,033	9,259	9,491	9,728	9,971	10,221	10,732
Building Official	8	8,499	8,711	8,928	9,151	9,380	9,615	9,856	10,101	10,353	10,872
Water Utility Manager Public Works Maint. Manager	8.5	9,134	9,363	9,596	9,836	10,082	10,335	10,593	10,857	11,129	11,686
Planning Manager	9	9,221	9,451	9,688	9,930	10,179	10,433	10,694	10,960	11,234	11,797
Assistant to City Manager	9.5	8,035	8,236	8,442	8,653	8,870	9,091	9,319	9,552	9,790	10,280
Civil Engineering Associate	11	6,960	7,134	7,312	7,495	7,682	7,874	8,071	8,273	8,479	8,905
Assistant City Engineer	12	9,641	9,882	10,129	10,382	10,640	10,907	11,180	11,459	11,746	12,334
Deputy Fire Marshal	13	6,239	6,396	6,555	6,719	6,887	7,059	7,236	7,417	7,601	7,981

ADDENDUM A

MID-MANAGEMENT SALARY TABLE

~~**EFFECTIVE JULY 10, 2021**~~

Effective July 10, 2021

Job Classification	Range	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
Fleet Maintenance Supervisor **Facilities Maintenance Supervisor** **Public Works Maint. Supv.** **Senior Librarian** **Adult Literacy Coordinator** **Park Supervisor** **Recreation Supervisor**	1	6,222	6,376.1	6,536	6,700	6,866	7,038	7,215	7,395	7,579	7,958
Special Events Manager	2	6,106	6,259	6,415	6,575	6,740	6,908	7,081	7,258	7,439	7,811
Consumer Services Supervisor **Water Distribution Supervisor** **Water Production Supervisor** **Water Operations Supervisor**	2.5	6,635	6,799	6,969	7,144	7,323	7,505	7,694	7,885	8,083	8,487
Recreation Superintendent **Senior Accountant** **Transportation Program Manager** **Park Superintendent** **Deputy City Clerk**	3	6,756	6,925	7,099	7,276	7,458	7,644	7,836	8,031	8,233	8,643
Principal Management Analyst **Housing Program & Grant Admin Coordinator**	4	7,063	7,240	7,421	7,606	7,796	7,990	8,191	8,395	8,605	9,035
Redevelopment Project Manager **Senior Planner**	5	7,404	7,590	7,780	7,973	8,173	8,378	8,587	8,802	9,022	9,473
Police Records/Dispatch Communication Manager	6	7,762	7,956	8,156	8,359	8,568	8,782	9,002	9,227	9,458	9,931
Support Services Manager	6.5	7,885	8,084	8,285	8,492	8,704	8,923	9,145	9,374	9,608	10,089

ADDENDUM A

MID-MANAGEMENT SALARY TABLE

~~EFFECTIVE JULY 10, 2021~~

Economic Development Project Manager											
Recreation Manager	7	8,283	8,490	8,702	8,920	9,143	9,371	9,606	9,846	10,092	10,597
Fire Marshall	7.5	8,514	8,727	8,945	9,169	9,398	9,633	9,874	10,121	10,374	10,893
Building Official	8	8,626	8,841	9,062	9,289	9,520	9,759	10,003	10,253	10,508	11,035
Water Utility Manager **Public Works Maint. Manager**	8.5	9,271	9,504	9,740	9,984	10,233	10,490	10,751	11,020	11,296	11,861
Planning Manager	9	9,359	9,593	9,834	10,079	10,331	10,589	10,854	11,125	11,403	11,974
Assistant to City Manager	9.5	8,156	8,360	8,569	8,783	9,003	9,228	9,458	9,695	9,937	10,434
Civil Engineering Associate	11	7,064	7,241	7,422	7,607	7,797	7,992	8,192	8,397	8,606	9,038
Assistant City Engineer	12	9,786	10,030	10,281	10,538	10,800	11,071	11,348	11,631	11,922	12,519
Deputy Fire Marshal	13	6,333	6,491	6,653	6,820	6,990	7,165	7,344	7,528	7,715	8,101

ADDENDUM A

MID-MANAGEMENT SALARY TABLE

~~**EFFECTIVE JULY 09, 2022**~~

Effective July 09, 2022

Job Classification	Range	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
Fleet Maintenance Supervisor **Facilities Maintenance Supervisor** **Public Works Maint. Supv.** **Senior Librarian** **Adult Literacy Coordinator** **Park Supervisor** **Recreation Supervisor**	1	6,346	6,503.6	6,666	6,834	7,004	7,179	7,359	7,543	7,731	8,118
Special Events Manager	2	6,228	6,384	6,543	6,707	6,875	7,046	7,223	7,403	7,588	7,968
Consumer Services Supervisor **Water Distribution Supervisor** **Water Production Supervisor** **Water Operations Supervisor**	2.5	6,767	6,935	7,109	7,286	7,469	7,655	7,848	8,043	8,245	8,657
Recreation Superintendent **Senior Accountant** **Transportation Program Manager** **Park Superintendent** **Deputy City Clerk**	3	6,891	7,064	7,241	7,422	7,607	7,797	7,993	8,191	8,397	8,815
Principal Management Analyst **Housing Program & Grant Admin Coordinator**	4	7,204	7,385	7,569	7,758	7,952	8,150	8,355	8,563	8,778	9,216
Redevelopment Project Manager **Senior Planner**	5	7,552	7,741	7,936	8,132	8,336	8,545	8,759	8,978	9,202	9,662
Police Records/Dispatch **Communication Manager**	6	7,917	8,115	8,319	8,526	8,739	8,958	9,182	9,411	9,647	10,130

ADDENDUM A

MID-MANAGEMENT SALARY TABLE

~~EFFECTIVE JULY 09, 2022~~

Support Services Manager **Economic Development Project Manager**	6.5	8,043	8,246	8,451	8,662	8,878	9,101	9,328	9,561	9,800	10,291
Recreation Manager	7	8,449	8,660	8,876	9,098	9,326	9,559	9,798	10,043	10,294	10,809
Fire Marshall	7.5	8,685	8,902	9,124	9,352	9,586	9,826	10,071	10,323	10,581	11,110
Building Official	8	8,799	9,018	9,243	9,474	9,711	9,955	10,204	10,458	10,718	11,255
Water Utility Manager **Public Works Maint. Manager**	8.5	9,456	9,694	9,935	10,184	10,438	10,700	10,966	11,241	11,522	12,098
Planning Manager	9	9,546	9,784	10,030	10,280	10,538	10,801	11,071	11,347	11,631	12,213
Assistant to City Manager	9.5	8,319	8,527	8,740	8,959	9,183	9,412	9,648	9,889	10,136	10,643
Civil Engineering Associate	11	7,206	7,386	7,570	7,759	7,953	8,152	8,356	8,565	8,779	9,219
Assistant City Engineer	12	9,982	10,231	10,486	10,749	11,016	11,292	11,575	11,864	12,160	12,770
Deputy Fire Marshal	13	6,459	6,621	6,786	6,956	7,130	7,309	7,491	7,678	7,870	8,263

ADDENDUM A

MID-MANAGEMENT SALARY TABLE

~~**EFFECTIVE JANUARY 07, 2023**~~

Effective January 07, 2023

Job Classification	Range	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
Fleet Maintenance Supervisor **Facilities Maintenance Supervisor** **Public Works Maint. Supv.** **Senior Librarian** **Adult Literacy Coordinator** **Park Supervisor** **Recreation Supervisor**	1	6,409	6,568.6	6,733	6,902	7,074	7,251	7,433	7,618	7,808	8,199
Special Events Manager	2	6,290	6,448	6,609	6,774	6,943	7,117	7,295	7,477	7,664	8,047
Consumer Services Supervisor **Water Distribution Supervisor** **Water Production Supervisor** **Water Operations Supervisor**	2.5	6,835	7,005	7,180	7,359	7,544	7,732	7,926	8,123	8,327	8,743
Recreation Superintendent **Senior Accountant** **Transportation Program Manager** **Park Superintendent** **Deputy City Clerk**	3	6,960	7,134	7,314	7,496	7,683	7,875	8,073	8,273	8,481	8,904
Principal Management Analyst **Housing Program & Grant Admin Coordinator**	4	7,277	7,459	7,645	7,836	8,031	8,232	8,439	8,649	8,865	9,308
Redevelopment Project Manager **Senior Planner**	5	7,628	7,819	8,015	8,214	8,420	8,631	8,846	9,068	9,294	9,759
Police Records/Dispatch Communication Manager	6	7,997	8,197	8,402	8,611	8,826	9,047	9,273	9,505	9,743	10,231

ADDENDUM A

MID-MANAGEMENT SALARY TABLE

~~EFFECTIVE JANUARY 07, 2023~~

Support Services Manager **Economic Development Project Manager**	6.5	8,123	8,328	8,535	8,749	8,967	9,192	9,421	9,657	9,898	10,394
Recreation Manager	7	8,533	8,746	8,965	9,189	9,419	9,654	9,896	10,143	10,397	10,917
Fire Marshall	7.5	8,771	8,991	9,215	9,446	9,682	9,924	10,172	10,426	10,687	11,221
Building Official	8	8,887	9,108	9,336	9,569	9,808	10,054	10,306	10,562	10,826	11,368
Water Utility Manager **Public Works Maint. Manager**	8.5	9,551	9,791	10,034	10,285	10,542	10,807	11,076	11,353	11,638	12,219
Planning Manager	9	9,642	9,882	10,130	10,383	10,643	10,909	11,182	11,461	11,747	12,335
Assistant to City Manager	9.5	8,402	8,612	8,828	9,048	9,275	9,506	9,744	9,988	10,237	10,749
Civil Engineering Associate	11	7,278	7,460	7,646	7,837	8,032	8,234	8,440	8,651	8,866	9,311
Assistant City Engineer	12	10,082	10,333	10,591	10,856	11,126	11,405	11,691	11,983	12,282	12,897
Deputy Fire Marshal	13	6,524	6,687	6,854	7,026	7,201	7,382	7,566	7,755	7,948	8,345

City Council Staff Report

DATE: July 19, 2023

AGENDA ITEM NO: Consent Calendar - 3D

TO:	The Honorable Mayor and City Council
FROM:	Christine Tomikawa, Director of Human Resources and Risk Management
SUBJECT:	Resolution approving the Memorandum of Understanding between the City and the Monterey Park Confidential Employee Association for the term of July 1, 2023 to June 30, 2025

RECOMMENDATION:

It is recommended that the City Council consider:

1. Adopting a Resolution approving a Memorandum of Understanding ("MOU") between the City of Monterey Park and the Monterey Park Confidential Employee Association ("CEA"). The CEA represents various non-sworn confidential classifications in the City of Monterey Park;
2. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

Representatives of the City of Monterey Park ("City") and CEA met and conferred to negotiate the terms and conditions of a new Memorandum of Understanding ("MOU") regarding employment. The parties reached an agreement on an MOU effective July 1, 2023 to June 30, 2025.

BACKGROUND:

CEA's current MOU term is valid from July 1, 2022 to June 30, 2023. On June 29, 2023, CEA's representatives agreed to the following terms and conditions:

- Two year agreement – July 1, 2023 to June 30, 2025.
- Equity adjustment in base salary for the following classifications – Human Resources Technician 0.6%.
- Base salary increase – 5% cost of living adjustment to base salary effective the first full pay period after July 1, 2023 and 5% cost of living adjustment to base salary effective the first full pay period after July 1, 2024.
- Article 12 Cash Out of Accrued Leave – increase cash out of vacation and holiday accrued leave up to an additional 40 hours and ability to designate cash out two times in a calendar year.
- Article 17 Holidays – increase designated holiday hours to ten (10) hours in duration.
- Article 26 Salaries – Longevity: add 15 years of continuous City service shall receive $75 per month and increase 20 years to $125 per month.
- MOU language modification:
    - Article 9 – Administrative Leave

- Article 13 – Bereavement Leave
- Article 25 – Educational Enrollment Cost Reimbursement

FISCAL IMPACT:
The total cost of the MOU is estimated at $48,974 for Fiscal Year 2023-2024 and the estimated amount of $46,275 for Fiscal Year 2024-2025 will be budgeted appropriately. This amount will be paid by various funds.

Respectfully submitted by:

Christine Tomikawa
Director of Human Resources and
Risk Management

Review by:

Martha Garcia
Director of Finance

Approved by:

Inez Alvarez
Interim City Manager

Reviewed by:

Karl H. Berger
City Attorney

ATTACHMENTS:
1. Proposed MOU Resolution with redline version of MOU

ATTACHMENT 1

Proposed Resolution with Redline Version of Memorandum of Understanding July 1, 2023 to June 30, 2025

RESOLUTION NO. ____

A RESOLUTION APPROVING THE MEMORANDUM OF UNDERSTANDING FOR CONTRACT YEAR 2023-2025 BETWEEN THE CITY OF MONTEREY PARK AND THE MONTEREY PARK CONFIDENTIAL EMPLOYEES ASSOCIATION.

THE CITY COUNCIL RESOLVES AS FOLLOWS:

SECTION 1: City representatives, approved by the City Council, and representatives from the Monterey Park Confidential Employees Association ("CEA") met and conferred regarding wages, retirement funding, hours and the terms and conditions of employment for contract year 2023-2025.

SECTION 2: Following such negotiations, the representatives drafted a Memorandum of Understanding ("MOU") for fiscal years 2023-25. A copy of that MOU is attached as Exhibit "A," and is incorporated by reference.

SECTION 3: Following a vote of its membership, the CEA informed the City that it accepted the MOU.

SECTION 4: After reviewing the MOU, the City Council finds that it is in the public interest to approve it retroactively effective July 1, 2023. Accordingly, the Interim City Manager is authorized to execute the MOU in a form approved by the City Attorney.

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

SECTION 7: *Effective Date*. This Resolution will become effective immediately upon adoption.

PASSED AND ADOPTED this ____ day of _____, 20__.

_____
Jose Sanchez, Mayor

ATTEST:

_____
Maychelle Yee, City Clerk

APPROVED AS TO FORM:

_____
Karl H. Berger, City Attorney



MEMORANDUM OF UNDERSTANDING
between
THE CITY OF MONTEREY PARK, CALIFORNIA
and
THE MONTEREY PARK CONFIDENTIAL EMPLOYEES ASSOCIATION

July 1, 20~~19~~23 — June 30, 2025~~23~~~~XX~~

TABLE OF CONTENTS

MEMORANDUM OF UNDERSTANDING
between
THE CITY OF MONTEREY PARK, CALIFORNIA
and
THE MONTEREY PARK CONFIDENTIAL EMPLOYEES ASSOCIATION

July 1, 20~~19~~23 — June 30, 2025~~23~~

PREAMBLE 1

ARTICLE 1: SCOPE OF MEMORANDUM OF UNDERSTANDING 1

ARTICLE 2: RECOGNITION 1

ARTICLE 3: CITY RESPONSIBILITIES AND RIGHTS 1

ARTICLE 4: EMPLOYEE AND/OR EMPLOYEE REPRESENTATIVES 2

ARTICLE 5: COMMUNICATIONS 3

ARTICLE 6: CONTINUED PERFORMANCE OF CITY SERVICES AND OPERATIONS 4

ARTICLE 7: GRIEVANCE PROCEDURE 4

ARTICLE 8: OVERTIME 5

ARTICLE 9: ADMINISTRATIVE LEAVE 6

ARTICLE 10: VACATION 7

ARTICLE 11: SICK LEAVE 8

ARTICLE 12: CASH OUT OF ACCRUED LEAVE 10

ARTICLE 13: BEREAVEMENT LEAVE ..... 12~~11~~

ARTICLE 14: FAMILY SICK LEAVE 12

ARTICLE 15: MILITARY LEAVE ..... 13~~12~~

ARTICLE 16: JURY DUTY 13

ARTICLE 17: LEAVE OF ABSENCE ..... 14~~13~~

ARTICLE 18: HOLIDAYS 14

ARTICLE 19: AUTHORIZATION TO UTILIZE PAID LEAVE TIME ..... 16~~15~~

ARTICLE 20: ACTING ASSIGNMENTS ..... 16~~15~~

ARTICLE 21: PREMIUM PAY ..... 17~~16~~

ARTICLE 22: HEALTH INSURANCE ..... 19~~18~~

ARTICLE 23: PERS CONTRIBUTION 21

ARTICLE 24: RETIREMENT BENEFITS ..... 22~~21~~

ARTICLE 25: EDUCATIONAL ENROLLMENT COST REIMBURSEMENT ..... 22~~21~~

ARTICLE 26: SALARIES ..... 23~~22~~

ARTICLE 27: PROBATIONARY PERIOD ..... 25~~24~~

ARTICLE 28: DUTY HOURS/ALTERNATIVE SCHEDULE ..... 25~~24~~

ARTICLE 29: DEFERRED COMPENSATION PLAN ..... 26~~25~~

ARTICLE 30: INDUSTRIAL INJURY ..... 26~~25~~

ARTICLE 31: UNIT DETERMINATION AND MODIFICATION ..... 26~~25~~

ARTICLE 32: GENERAL PROVISIONS ..... 29~~28~~

ARTICLE 33: TERM OF MEMORANDUM OF UNDERSTANDING ..... 30~~29~~

ARTICLE 34: CITY COUNCIL APPROVAL ..... 31~~30~~

ADDENDUM A SALARY TABLES ..... 32~~31~~

MEMORANDUM OF UNDERSTANDING

between

THE CITY OF MONTEREY PARK, CALIFORNIA

and

THE CONFIDENTIAL EMPLOYEES ASSOCIATION

TERM: July 1, 20~~19~~23 — June 30, 202~~523XX~~

PREAMBLE

This memorandum of understanding (MOU) has been prepared in accordance with the California Government Code (Section 3500 et seq.). The City of Monterey Park, California, hereinafter referred to as the "City", and the Monterey Park Confidential Employees Association, hereinafter also referred to as the "Association" or "Confidential Employee Organization," have reached this Memorandum of Understanding pursuant to meeting and conferring in good faith.

ARTICLE 1: SCOPE OF MEMORANDUM OF UNDERSTANDING

It is the intent and purpose of this MOU to assure sound and mutually beneficial working and economic relations between the parties to provide an orderly and peaceful means of resolving any misunderstandings or differences which may arise, and to set forth the basic and full agreement between the parties concerning wages, hours of employment, and other conditions of employment. Unless otherwise noted, all provisions of the MOU become effective the beginning of the pay period following City Council approval of the MOU.

ARTICLE 2: RECOGNITION

The City hereby acknowledges the Monterey Park Confidential Employees Association as the representative for the Confidential employees of the City of Monterey Park, California, for the purpose of meeting and conferring in good faith regarding wages, hours, and other terms and conditions of employment.

The City and the Association agree that either party may reopen this MOU during its term to discuss results of the classification study performed on behalf of the City and/or modifications to Confidential employee classifications subject to this MOU.

This MOU shall cover all Confidential employees as outlined in Addendum A.

ARTICLE 3: CITY RESPONSIBILITIES AND RIGHTS

A. To ensure that the City is able to carry out its statutory functions and responsibilities, the following matters will not be subject to the terms of this MOU but shall be within the exclusive discretion of the City: to select and determine the number and types of employees required; to

assign work to employees in accordance with the requirements determined by the City; to establish and change work schedules and assignments; to hire, transfer, and to promote or to lay off employees for lack of work and for all other legitimate reasons; to suspend, discipline, or discharge employees for just cause; to expand or diminish services; to subcontract for any work or operations; to determine and change methods of operations; to determine and change, at its sole discretion, the number of locations, relocations and types of operations and the processes and materials to be employed.

B. Except in emergencies, or where the City is required to make changes in its operations because of the requirements of law, whenever the exercise of management's rights shall impact on employees of the bargaining unit, the City agrees to meet and confer with representatives of the Association, upon request by the Association, regarding the impact of the exercise of such rights, unless the matter of the exercise of such rights is provided for in this Memorandum of Understanding, Personnel Rules and Regulations or Salary Resolutions.

ARTICLE 4: EMPLOYEE AND/OR EMPLOYEE REPRESENTATIVES

A. During the term of this MOU, all employees, as described above in Article 2, shall have the right to join the Monterey Park Confidential Employees Association, or to refuse or refrain from joining said organization.

B. Subject to Section F, below, members of the Association may, by any reasonable method, select four (4) employee members to meet and confer with the City Representative Committee or other management officials on subjects within the scope of representation during the regular duty or work hours, without loss of time, provided:

1. That no employee representative shall leave duty, workstation or assignment without specific approval by an authorized departmental management official.

2. That any such meeting is subject to scheduling by an authorized departmental management official so as to avoid interference with, or interruption of, assigned work schedules or work performance.

C. The City will deduct dues and/or initiation fees from those employees who voluntarily sign and have submitted to the City the necessary authorization cards.

D. Deductions, as authorized in writing by the employee, shall be deducted from earned wages on each payday of each month. The City shall forward to the Monterey Park Confidential Employees Association, at each pay period, all dues and/or initiation fees deducted from the employees.

E. Representatives of the Association, after permission by the Department Director or his/her designated representatives may enter City properties for the sole purpose of transacting business of the Recognized Employee Organization; provided, however, that such business does not interfere with the work or training of the employees or City operations. If, however,

said parties are not available, then permission must be obtained from the City Manager or his/her designated representative.

F. Pursuant to Government Code Section 3505.3, the City shall allow a reasonable number of City employee representatives of the Association reasonable time off without loss of compensation or other benefits when formally meeting and conferring with representatives of the City on matters within the scope of representation. Therefore, the parties agree that no more than four (4) Association representatives shall be deemed a reasonable number of representatives that shall be provided reasonable time off to engage in the meet and confer process with representatives of the City. However, the Department Director(s) or his/her designee(s) has authorization to deny use of release time by any Association representative when, in the sole judgment of the Department Director(s), release of the representative(s) may reasonably be expected to cause or contribute to an unreasonable delay in the provision of services on behalf of the Department.

G. Release of representatives of the Association to participate in non-meet and confer activities of the Association, such as grievance representation and participation in Association meetings during scheduled work hours shall be governed by the release rules and regulations set forth in paragraph F, above. However, City representatives may confine non-meet and confer related release time to less than four (4) Association representatives. The number of employees to be released in such circumstances shall be at the sole discretion of the City representative.

H. Any Association representative validly participating in Association activities during the employee's scheduled hours of work shall suffer no deduction in compensation as a result of participation in the Association activities. However, participation in Association activities shall not be considered as time worked and shall not entitle any Association representatives to overtime or other compensation in excess of that regularly paid to the employee.

I. A written list of the Officers of the Association and the Employee Representatives shall be furnished to the Director of Human Resources and Risk Management immediately after their designation and the Association shall notify the Director of Human Resources and Risk Management promptly in writing of any changes of such Officers or Representatives.

ARTICLE 5: COMMUNICATIONS

Space shall be provided on City bulletin boards for the posting of the following notices of immediate concern to the employee organization members including, but not limited to, the following:

1. Association recreational and social activities.

2. Association election notices and results.

3. Association meetings and events.

ARTICLE 6: CONTINUED PERFORMANCE OF CITY SERVICES AND OPERATIONS

A. The Association hereby agrees that during the term of this MOU, the employees of the City, as set forth in Article 2, Addendum A, the officers and/or agents of the Association shall not engage in, encourage, sanction, support, authorize, or suggest any work stoppages, strikes, boycotts, slowdowns, mass resignations, mass absenteeism, picketing, or any other intentional interference of work of the City.

B. In the event any employee or employees participate in any such activities as set forth above, the Association shall notify such employee, or employees so engaged, to cease and desist from such activities and shall instruct said person, or persons, to return to their normal work assignment and duties.

C. The employee, or employees, participating in such activities as set forth in Sections A and B above shall be subject to disciplinary action by the City, including suspension or discharge, in accordance with the City's Personnel Rules and Regulations.

ARTICLE 7: GRIEVANCE PROCEDURE

Except as modified herein, the Grievance Procedure shall be governed by Personnel Rule XV, Disciplinary Proceedings, Sec. 6, Grievances, of the Personnel Rules and Regulations of the City of Monterey Park which is outlined as follows:

The presentation and hearing of all employee grievances shall be governed by the following rules:

A. A grievance shall be defined as an alleged violation of a specific provision of this Memorandum of Understanding, the City Personnel Rules and Regulations, or of the Rules and Regulations validly propagated by any department within the City, or State Law governing conditions of employment. The grievance procedure shall not be utilized by an employee to contest the content of a performance evaluation, verbal or written reprimands or other documentation regarding the employee's work performance yet which is not defined as "disciplinary action" by Rule XV of the City Personnel Rules and Regulations.

Discipline shall be imposed in such a manner as to not violate the FLSA with regard to "exempt" employees.

B. All grievances shall be filed in writing with the immediate supervisor of the person aggrieved within fifteen (15) calendar days after the employee knows, or in the exercise of reasonable diligence, would have known, of the occurrence in question.

C. Written notice of disposition of the grievance shall be filed with the next higher administrative authority by the supervisor with whom the grievance was originally filed. Such notice shall be filed within fifteen (15) calendar days of the original filing of the grievance.

D. If satisfactory redress is not obtained by the employee from the immediate supervisor, the grievance may be appealed in writing through the normal administrative organization: that is, first to the Division Manager; second, the Department Director and third, the City Manager. In each case a written notice of disposition must be forwarded to the grievant and to the next higher authority within fifteen (15) calendar days of receipt of the employee's written grievance.

E. The City Manager shall be the final authority in all cases except those in which a violation of the Personnel Ordinance or Rules is alleged. The City Manager shall forward notice of disposition of such grievance to the grievant within fifteen (15) calendar days of receipt of the employee's written grievance.

F. In the case of those grievances in which a violation of the Personnel Ordinance or Rules is alleged, an employee may appeal to the Personnel Board after the procedures set forth above have been exhausted.

Such appeals will be filed in writing with the Director of Human Resources and Risk Management who will cause them to be brought to the attention of the Board. The Board will review such appeals and determine whether an investigation and/or hearing should be held. This preliminary consideration of an appeal will not constitute a hearing by the Board. Within ten (10) calendar days after concluding a hearing pursuant to this section, the Personnel Board shall certify its findings and decision in writing to the City Council, to the City Manager, and to any other official from whose action the appeal is taken, and to the affected employee.

Recommendations by the Board for redress of grievances will be addressed to the City Manager and shall be advisory in nature.

ARTICLE 8: OVERTIME

Except as modified herein, overtime for eligible non-exempt confidential employees shall be governed by Personnel Rule V. Compensation, Sec. 3 Overtime, Sec. 3a General Government Employees, of the Personnel Rules and Regulations of the City of Monterey Park which is outlined as follows:

A. Work Period Defined - Work performed in excess of forty (40) hours per work period shall be classified as overtime work. A work period is a regular recurring period of 168 hours in the form of seven consecutive 24-hour periods.

1. The work period for employees working a regular 5/40, Monday through Friday schedule begins on Saturday at 0001 hours and terminates at the end of the

following Friday at midnight. Work performed during the work period includes vacation, sick leave, holiday, and compensatory time off, provided that they do not fall within a workday when work is actually performed. A workday is a regular recurring period of eight hours within a twenty-four-hour period. For shift workers, the work period shall be defined in such a manner as to comply with FLSA work period requirements. Management shall maintain the right to schedule employees' workdays, start and end times, and establish FLSA work periods.

2. The work period for employees working a "9/80" work schedule shall be defined in such a manner as to comply with FLSA work period requirements. The "9/80" schedule provides 80 scheduled hours in a 14 day (two week) cycle where (1) one week the employee works four 9-hour work-days and one 8-hour work-day, and (2) the subsequent week consists of four 9-hour work-days with one day off. The work period for FLSA overtime purposes shall be established as four hours into the shift of the eight-hour day and in such a manner that no consecutive seven-day (168 hour) period shall exceed forty (40) hours. Management shall maintain the right to schedule employees' workdays, start and end times, and establish FLSA work periods.

~~2.~~3. The work period for employees working a 4/10 schedule begins on Saturday at 0001 hours and terminates at the end of the following Friday at midnight. Work performed during the work period includes vacation, sick leave, holiday, and compensatory time off, provided that they do not fall within a workday when work is actually performed. A workday is a regular recurring period of ten hours within a twenty-four-hour period. For shift workers, the work period shall be defined in such a manner as to comply with FLSA work period requirements. Management shall maintain the right to schedule employees' workdays, start and end times, and establish FLSA work periods.

B. Overtime worked shall be compensated by either compensatory time off at a time requested by the employee, and agreed to by the Department Director, equal to one and one-half times the time worked or by cash payment of one and one-half times the employee's regular hourly rate.

C. Accumulated compensatory time off in excess of forty (40) hours will be paid off in cash on the first payroll date following December 1 of each year.

D. Non-Exempt employees who are regularly scheduled to work on a holiday or who are assigned to work on a holiday because of a foreseeable City need for their services, shall receive time and one-half payment for the holiday worked and accrue eight (8) hours holiday time (i.e., Special Event requirements, parades, etc.). Exempt employees who are assigned to work on a holiday shall receive straight time pay in addition to accruing 8 hours holiday time.

ARTICLE 9: ADMINISTRATIVE LEAVE

A. Administrative leave shall only be given to positions that are FLSA exempt and are, therefore, not eligible for overtime. As of the effective date of this MOU, the only classification eligible for Administrative leave is Information Systems Specialist.

B. During the term of this agreement, FLSA exempt employees who are regularly required to attend evening meetings or work additional hours shall receive forty (40) hours of Administrative Leave each July 1st in addition to flex time for extraordinary assignments. Administrative Leave shall have no monetary value, nor shall it be carried over from one fiscal year to the next.

1. FLSA exempt employees who have been designated by their Department Director, with the approval of the City Manager, may receive an additional 16 hours each fiscal year of Administrative Leave. This additional Administrative Leave shall be granted utilizing the following criteria: employee is regularly required or expected to attend City Council, City Commission or other City related functions that occur after normal business hours and/or the Department Director determines that the employee is consistently required to work hours beyond the normal business hours to the extent that the additional hours are justified.

C. The times during the fiscal year at which an employee may take his/her administrative leave shall be determined by the Department Director with due regard for the wishes of the employee and the needs of the service. Eligibility for this leave shall not be predicated upon first having all vacation and sick leave exhausted. Administrative leave may be utilized at any time during the fiscal year.

D. Employees requesting to utilize their administrative leave shall complete a Leave of Absence request form and forward the approved form to payroll. The Management Services Department shall maintain records of accrued administrative leave hours and the Human Resources Department shall maintain records of FLSA exempt employees eligible to earn or utilize administrative leave time in conformity with the guidelines set forth within this Article.

ARTICLE 10: VACATION

A. Accrual of, and eligibility to utilize, vacation shall commence upon date of employment.

B. Earned vacation shall not be accumulated in excess of 500 hours.

1. Effective September 30, 2012, any accumulated vacation in excess of 200 hours was placed into a second bank and no further accumulation shall accrue in that second bank.

C. It is the intent and purpose of this vacation policy that all unit members avail themselves of accrued vacation time in order to promote a safe and productive working environment. However, the parties do recognize that personal circumstances and/or the staffing

requirements of any given department may periodically impact the ability of a unit member to utilize any or all of his/her annual vacation accrual. Therefore, it is the policy of the city that no unit member may accrue greater than 500 vacation hours. Upon accrual of 500 vacation hours, no unit member shall accrue any additional vacation hours nor be compensated for any vacation hours in excess of 500 hours unless and until utilization of accrued vacation time results in the employee's vacation account totaling less than 500 hours in their current vacation accrual bank.

D. In the event one or more municipal holidays fall within an annual vacation leave, such holidays shall not be charged as vacation leave.

E. The times during the calendar year at which an employee may take his/her vacation shall be determined by the Department Director with due regard for the wishes of the employee, the employee's accumulated vacation credits, and with particular regard for the needs of the service.

F. At the sole discretion of the City Manager, special consideration may be given to an employee's written request to accumulate vacation credits in excess of the maximum allowable vacation balance of 500 hours. Only in exceptional circumstances shall an employee be allowed to exceed the maximum vacation accrual. Any approval to accrue in excess of the accrual cap requires a written request from the Department Director to the City Manager stating that the employee will not be authorized to utilize vacation prior to reaching the accrual cap because of Department staffing requirements.

G. Upon commencement of employment, vacation leave with pay shall be granted each regular employee at the rate of 80 hours each year.

Additional Vacation - Additional vacation leave with pay shall be granted each regular employee at the rate of 8 hours each year, beginning with the commencement of the employee's sixth (6th) anniversary until the maximum accrual of 200 hours per year is reached. Maximum vacation accrual per year is 200 hours.

ARTICLE 11: SICK LEAVE

A. Sick leave with pay shall be granted to every full-time employee who has been continuously employed for a period of time in excess of 30 days. Such sick leave shall be granted by the appointing authority at any time after 30 days of employment at the rate of 7.33 hours for each full calendar month of continuous employment with the City, including time served in a probationary status.

B. Sick leave is paid leave from work that can be used for the following purposes:

(a) diagnosis, care, or treatment of an existing health condition of, or preventative care for, an employee or any of the following of the employee's family members: child of any age or dependency status; parent; parent-in-law; spouse; registered domestic

partner; grandparent; grandchildren; or sibling; or

(b) for an employee who is a victim of domestic violence, sexual assault, or stalking to: i) obtain or attempt to obtain a temporary restraining order or other court assistance to help ensure the health safety or welfare of the employee or his or her child; or ii) obtain medical attention or psychological counseling; services from a shelter; program or crisis center; or participate in safety planning or other actions to increase safety.

For full time employees, one-half of the employee's accrued and available annual sick leave is protected and may be used for any of the purposes stated above. However, the City permits that a total of forty-eight (48) hours of sick leave may be used per calendar year for family sick leave purposes.

C. Sick usage shall first be deducted from Bank No. 2.

D. In order to receive compensation while absent on sick leave, the employee shall notify his/her immediate supervisor, or the Director of Human Resources and Risk Management, prior to the time set for the beginning of his/her daily duties or as specified by the Director of his/her department. A supervisor may require an employee to submit a physician's statement of illness or other satisfactory verification of illness after three days absence for illness. Following three (3) days of absence, a supervisor may require of the employee that they submit a health care provider's certificate indicating they are capable of returning to duty.

E. The City Manager may, at any time, in order to receive further information with respect to the competency of the employee to perform his/her job duties, require such employee to submit to a medical examination, either physical or mental, at the expense of the City.

Refusal of an employee to submit to such medical examination will constitute insubordination and grounds for disciplinary action.

F. Sick Leave Reimbursement Plan — The City shall continue the plan for reimbursement of the unused balance of accrued sick leave earned prior to October 1, 2011, in the following manner:

SICK LEAVE BANK NO. 1:

1. Upon service or disability retirement of an employee, the City will pay to the employee an amount equal to 50% of the individual employee's accumulated sick leave account in Bank No. 1. In addition, the City contracts with PERS for the Sick Leave Credit option.

    a. Upon death of an employee prior to retirement, the City will pay to the employee's designated beneficiary, an amount equal to 50% of the employee's accumulated sick leave balance in Bank No. 1.

For sick leave earned on or after October 1, 2011, the following applies:

SICK LEAVE BANK NO. 2:

1. Sick leave for all bargaining unit members shall be "capped" at 800 hours in Sick Leave Bank No. 2. Employees who retire with more than 10 total years of city service shall be eligible to "cash out" accrued sick leave in sick leave Bank No. 2 at the rate of 12 hours for each one year (12 full months) of city service. City service, for the purposes of determining how many hours an employee would be eligible to cash out, shall be calculated beginning from the date of employment.

2. Upon voluntary resignation, the City will pay to the employee an amount equal to 25% of the employee's accumulated sick leave balance, provided that the employee's sick leave utilization rate has not exceeded 33% of the annual accrual rate in the preceding five years, excluding sick leave hours cashed out pursuant to the provisions of this MOU, utilized for donations or membership in the Catastrophic Leave Bank.

G. Catastrophic Leave Bank. All regular employees covered by this Agreement will be enrolled in the Catastrophic Leave Bank as described in Administrative Policy 30-10. The City will annually contribute eight (8) hours of sick leave on behalf of each eligible employee. Probationary employees are not eligible for participation in the Catastrophic Leave Bank program but will be enrolled upon completion of probation.

ARTICLE 12: CASH OUT OF ACCRUED LEAVE

1. Optional Annual Cash-Out

~~A. Effective through December 31, 2021, employees may elect to cash-out up to a total of one hundred and twenty (120) hours of accumulated but unused vacation, sick, and/or holiday time.~~

~~There is no limit to the number of requests for cash-out that an employee may make during this time period, as long as the total number of time cashed-out does not exceed the one hundred and twenty (120) hours during that time period.~~

~~The payments are made via payroll upon receipt and processing of the request.~~

~~B.~~A. ~~Effective January 1, 2022 and continuing thereafter, e~~Employees must submit an irrevocable election form, by no later than December 15th of the preceding calendar year, to cash-out vacation, sick or holiday leave (or a combination thereof), up to 120 hours of leave that may accrue in the following calendar year. Employees may increase their irrevocable election by an additional 40 hours (for maximum of 160 hours). However, the additional 40 hours can only be from vacation hours or holiday hours (but not sick leave hours) to be accrued in the following calendar year. The cash-out is

for hours to be accrued in the calendar year following submission of the irrevocable election form. The employee shall indicate on the irrevocable election form the number of hours to be cashed out with the last paycheck in June and/or the last paycheck in December. Employees must maintain a minimum of 100 hours in sick bank 2 and cannot cash out sick hours that will bring them below the 100 hour minimum requirement~~No cash out will occur unless, at the time the cash out payment is made, the employee maintains a balance of at least one-hundred (100) hours in sick leave bank 2~~.

The payment shall be made via payroll with the last paycheck ~~in~~ inthe following June and/or December after receipt of the irrevocable election form~~.~~ as designated by the employee.

Employees who do not submit an irrevocable election form by December 15th will be deemed as foregoing participation in the optional annual leave cash-out program for that following calendar year.

In the event an employee has less hours in their leave bank at the time the cash-out is to be paid than they had previously elected to cash-out, the employee shall only be paid for up to the amount remaining in their designated leave bank at the time of the actual cash-out.

If an employee makes an irrevocable election to cash-out leave in the following calendar year and uses leave during that subsequent calendar year, the leave used may come from leave the employee had earned (if any) prior to January 1st of the calendar year the employee had elected to cash-out and/or in that same calendar year. The employee's use of earned, but unused leave accumulated from previous calendar years shall not result in a reduction in the amount of leave hours the employee is eligible to cash-out.

~~C.~~B. An employee who experiences an unforeseeable emergency may be permitted to make a new irrevocable election and/or to increase the amount of a previous election, subject to the same value that was permitted at the time the annual irrevocable election forms were due.

For these purposes, an "unforeseeable emergency" means a financial hardship to the employee resulting from any of the following:

- Accident, illness, injury or death of the employee or an immediate family member. For this purpose, an "immediate family member" is restricted to a spouse, registered domestic partner, child/legal dependent, or parent; or
- Loss or extensive damage to the employee's property due to casualty; or
- Other similar extraordinary and unforeseeable circumstances arising as a result of events beyond the control of the participant.

Whether an occurrence is an unforeseeable emergency shall be solely determined by the City Manager or designee.

The payment shall be made with the last paycheck in December of that same calendar year.

~~D~~C. Any cash-out of sick leave shall not cause the employee's total amount of accumulated sick leave in their sick leave bank 2 to fall below an eighty (80) hour minimum balance. Cash-out of accumulated time shall be at the employee's option. Requests for cash-out are to be submitted in a manner prescribed by the City.

ARTICLE 13: BEREAVEMENT LEAVE

A. Each employee covered by this agreement may be granted bereavement leave at the discretion of the employee's Department Director. Paid b~~B~~ereavement leave may not exceed four ~~three~~ (4~~3~~) working days. Should an employee require a fifth working day off, the employee shall be able to use sick or vacation leave, or take an unpaid day off. H~~, h~~owever, if travel outside the State of California, or within the State of California, but extending beyond a distance of 300 miles from Monterey Park is necessary, paid bereavement leave may be extended to a total of five (5) working days. Bereavement Leave shall be charged to a separate, paid leave account. Employees shall be allowed to take bereavement leave pursuant to this article within three (3) months of the death of the immediate family member.

B. Bereavement leave shall be defined as whenever any unit employee has experienced a death, or critical illness where death appears imminent in the immediate family, defined as the spouse, the employee's or employee's spouse's mother or father, stepmother or stepfather, brother or sister, child, grandparents, grandchildren, son-in-law, daughter-in-law, brother-in-law, sister-in-law and the employee's registered domestic partner.

ARTICLE 14: FAMILY SICK LEAVE

A. An employee with regular status may be granted emergency sick leave or family sick leave at the discretion of the employee's Department Director whenever serious illness or injury occurs to a member of the employee's immediate family.

B. Emergency and family sick leave will be charged to sick leave.

C. Immediate family, for the purpose of emergency or family sick leave, shall be defined as in Article 13 - Bereavement Leave.

D. Serious illness, for the purpose of emergency sick leave, shall be defined as an emergency situation, in that the family member - injured or ill - requires hospitalization and/or immediate medical attention and treatment by a physician. The employee is expected to make suitable arrangements for the care of the injured or ill family member as soon as practicable following the actual emergency.

E. Family illness shall be defined as a situation which requires an employee to take care of a family member who is ill or has a scheduled appointment with a health care professional.

F. Should the need for family leave under the terms of this Article exceed six working days per occurrence, the employee shall make application for leave under authority of the Family and Medical Leave Act (FMLA) and any continued approval for leave shall be governed by provisions contained therein.

G. In order to receive compensation while absent on family or emergency sick leave, the employee shall receive verbal approval from their Department Director or her/his authorized representative.

H. In the event that an employee has less than six accumulated sick leave days, family sick leave can be granted only to the extent of the employee's accumulated sick leave account balance.

ARTICLE 15: MILITARY LEAVE

Military Leave of Absence shall be granted in accordance with provisions of the City of Monterey Park's Personnel System Rules and Regulations, Administrative Policy 30-14 and as defined in Section 395 et. seq. of the Military and Veteran's Code of the State of California.

An employee who is granted either a temporary military leave or other military leave while serving a probationary period must complete the remainder of the probationary period upon his/her reinstatement. The leave period will not reduce the length of the probationary period or offset any portion of the probationary period.

ARTICLE 16: JURY DUTY

A. An employee of the City who is required to participate as a juror or required to participate in the jury selection process, shall be paid up to and including ten (10) days of salary and benefits during each fiscal year while engaged in such activities. Compensation shall extend beyond ten (10) days only upon provision to the City of a certified court document showing that trial counsel and/or the court estimated the trial for which an employee has been selected as a juror, to be of ten (10) or less days in duration.

B. Under such circumstances, the employee shall receive his/her regular salary while on such leave, provided that the employee remits to the City any payments or fees received as a witness. The employee shall be allowed leave with pay during the period of such service. While the employee is receiving his/her salary, any court or State jury fees, exclusive of mileage reimbursement, shall be remitted to the City by the employee.

C. The employee shall advise the Director of Human Resources and Risk Management upon receiving a court order to appear for the initial examination as a prospective juror or

subsequently to serve as a juror. The granting of such leave with pay shall be subject to the approval of the City Manager.

ARTICLE 17: LEAVE OF ABSENCE

Leave of Absence shall be governed by Personnel Rule XI, Attendance and Leaves, Sec. 4, Leave of Absence,, of the Personnel Rules and Regulations of the City of Monterey Park which is outlined as follows:

A. The City Manager may grant a regular employee leave of absence without pay for a period not to exceed ninety (90) days.

B. No such leave shall be granted except upon written request of the employee.

C. Approval shall be in writing and a copy filed with the Director of Human Resources and Risk Management.

D. The City Council may grant a regular employee leave of absence without pay for a period not to exceed one year.

E. Upon expiration of a regularly approved leave, or within a reasonable period of time after notice to return to duty, the employee shall be reinstated to the position held at the time leave was granted. Failure on the part of an employee on leave to report promptly at its expiration, or within a reasonable time after notice to return to duty shall be cause for discharge.

ARTICLE 18: HOLIDAYS

A. Municipal offices, including the Library, and with the exception of the Police and Fire Department facilities, shall be closed on the following holidays:

New Year's Day	Independence Day	Day after Thanksgiving
Martin Luther King, Jr. Third Monday in January	Labor Day	Christmas Eve Day
Washington's Birthday Third Monday in February	Veteran's Day	Christmas Day
Memorial Day Last Monday in May	Thanksgiving Day	New Year's Eve Day

Represented employees shall receive one floating holiday. Holiday hours shall be accrued during the pay period in which the holiday occurs.

All designated holidays are ~~up to~~ ten ~~nine~~ (10~~9~~) hours in duration and employees will receive ~~nine up to~~ ten hours credit in the employee's holiday bank ~~(depending on the employees work schedule), or if a holiday lands on a Saturday or Sunday, the employee's holiday bank shall be credited eight (8) hours~~.

~~Effective April 1, 2014, m~~Members shall be afforded thirteen (13) holidays. One floating holiday of ten (10) hours will be credited to the employee's holiday bank the first full pay period after July 1.~~One floating holiday will be eliminated in exchange for the City implementing holidays capped at nine hours credit.~~ Any employees working a shift in excess of ten~~nine~~ hours will use their vacation or holiday leave balance to account for their full shift for a holiday.

B. The employee shall be subject to two (2) separate holiday accumulation banks, each of which shall consist only of floating holidays. The first holiday bank (Bank No. 1) shall consist of those floating and/or minimum staff day holidays not utilized during the fiscal year 1992/93, and the total number of holidays accrued on or before June 19, 1993. The number of holidays contained within this Bank No. 1 shall not increase.

C. The maximum "holiday" accrual shall be eighty (80) hours. Upon reaching the maximum, no additional hours will accrue to the employee.

D. Holiday usage may be deducted from either of the above two (2) banks.

E. Only those employees who hold probationary or regular appointments shall receive compensation for legal holidays. However, employees holding probationary or regular appointments must be on paid status on both the workday prior to, and the workday following the holiday, in order to receive compensation for the holiday. An employee on vacation, sick leave, or other paid leave of absence is considered to be in a paid status and, therefore, would receive compensation for the holiday.

Employees who are regularly scheduled to work on a holiday or who are assigned to work on a holiday because of a foreseeable City need for their services, shall receive time and one-half payment for the holiday worked and accrue ten~~nine~~ (10~~9~~) hours holiday time, or if a holiday lands on a Saturday or Sunday, the employee's holiday bank shall be credited ten~~eight~~ (10~~8~~) hours (i.e., Special Event requirements, parades, etc.). Refer to Article 8, Section D above for employees who are required to work Emergency Call Back.

Should a holiday fall on an employee's regularly scheduled day off, that employee shall receive ten~~nine~~ (10~~9~~) hours holiday time.~~, or i~~If a designated holiday lands on a Saturday ~~or Sunday~~, it shall be observed by the City on the preceding Friday or if Friday is an employee's regularly scheduled day off, the employee's holiday bank shall be credited ten~~eight~~ (10~~8~~) hours subject to the maximum accrual provisions of this Article. If a designated holiday lands on a Sunday, it shall be observed by the City on the Monday following the holiday or if Monday is an employee's regularly scheduled day off, the employee's holiday bank shall be credited ten (10) hours subject to the maximum accrual provisions of this Article.

ARTICLE 19: AUTHORIZATION TO UTILIZE PAID LEAVE TIME

Each unit member's Department Director or his/her designee shall have sole discretion to approve or deny an employee's request to take paid leave time off (i.e. vacations, etc.). The Department Director's determination shall be based upon the service needs of the City and the leave request may be denied by the Department Director if he/she determines that utilization of leave time off will or may have a negative effect on provision of services.

ARTICLE 20: ACTING ASSIGNMENTS

Acting assignments shall be filled in the following manner (to the extent that this Article is inconsistent with the Personnel Rules and Regulations of the City of Monterey Park, this Article shall prevail):

A. Need for Acting Assignments - To assure the orderly performance and continuance of municipal services, the City may be required to temporarily upgrade employees on an acting basis to positions of a higher classification. For the purposes of this Article, it is understood that acting assignments may be required in order to temporarily fill position classification vacancies, which may exist for any of the following reasons:

1. A position classification is permanently vacant and is scheduled to be filled by a regular full-time employee and a limited period of time is required in order to proceed with and complete the normal appointment procedure.

2. A position classification is temporarily vacant although, permanently filled, because the regular employee is on an approved paid or unpaid leave of absence.

It is not the intent of the City to circumvent or avoid the normal employment or promotion process and therefore, the City shall make every possible and reasonable effort to fill vacancies in a most expeditious manner and to keep the need for such acting assignments to a minimum.

B. Selection for Acting Assignments - The selection of an employee for acting assignments shall be at the sole discretion of the Department Director or his/her designee, taking into consideration the requirements of the position to be filled and the qualifications, job performance, and seniority of those employees eligible for the acting assignment. No persons shall be appointed to an acting assignment either when on probation or into a position classification more than one class level above his or her regular class in those instances where such an assignment would result in the acting employee being in a supervisory position in relation to an employee who is regularly the acting employee's supervisor. If a person is appointed to an acting assignment in a position classification more than one class level above his or her regular class and if during the term of said acting assignment, the vacant class level immediately below the acting position is filled, then the acting assignment shall terminate with the employee being restored to his/her regular position.

C. Pay for Acting Assignments - Acting pay shall be authorized when an employee is acting in a higher level position commencing with the start of the thirtieth consecutive working day that the employee is acting in the higher level position and paid retroactively to the first day of the acting assignment. Acting pay shall be authorized at Step 1 of the position classification to which the acting assignment is made, provided that Step 1 is at least 5% higher than the base salary of the employee's regular assignment. If Step 1 is less than 5% greater, the acting appointment will be made at the first step which is greater than 5% but is less than 10% above the base salary. No changes in employee benefits shall be granted to employees in acting assignments.

D. Status of Employee in Acting Assignment - Time served in an acting assignment shall not be credited towards completion of a probationary test period in the acting position. Time served in an acting position shall not alter the employee's anniversary date. If the acting employee would have been eligible for a merit increase had the acting appointment not been made, the employee shall remain eligible for such merit increase with the employee's performance in both the regular and acting positions being considered.

E. Duration of Acting Assignment - Absent exigent circumstances, a position in the competitive service shall not be filled in an acting capacity for more than six (6) consecutive months. The City shall meet and consult with the Association prior to any extension of an acting appointment beyond six-months and at mutually agreeable intervals thereafter, during continuation of the acting assignment. The City shall give notice to the Association, as soon as reasonably practicable, when a personnel action form is processed to place a Confidential employee in an acting assignment.

ARTICLE 21: PREMIUM PAY

A. Bilingual Pay (Interpretation)

1. Association members who are capable of speaking, interpreting and, on an occasional or sporadic basis, providing limited general translation for routine correspondence (i.e., constituent letters, resident suggestions/complaints, newspaper articles, etc.) in a foreign language, as deemed useful by the City, shall receive $50.00 per month bilingual skill pay in addition to his/her regular salary.

2. The City shall establish qualifying tests to determine bilingual capability and certification. Employees who become eligible for bilingual pay may be required to recertify their eligibility every four years.

3. To be eligible for bilingual pay, the employee must routinely and regularly use his/her translation and interpretation skills in the performance of his/her regular duties that includes customer service and public contact. Should the employee's duties change such that the use of bilingual skills is no longer required, the bilingual skill pay shall cease. Eligibility for bilingual skill pay is subject to the approval of the Department Director and Human Resources Director and their decision is not subject to appeal. Further, the number of employees to be approved as qualified to translate

in any language shall be at the sole discretion of the City and such determination is not subject to any appeal.

B. Bilingual Pay (Transcription)

All confidential employees who are certified as bilingual pursuant to Section A above and are qualified to perform formal translation of City documents (i.e. forms, brochures, press releases, etc.) and are routinely requested to translate documents utilized in the conduct of City business for City departments, will receive fifty dollars ($50) per month bilingual translation skill pay. The number of employees so qualified to translate in any language shall be determined at the sole discretion of the City. Employees may make application for translation certification through the Human Resources Department. The certification process shall consist of such tests as determined by the Human Resources Department. Recertification may be required every four years.

C. Combined Bilingual Pay

Unit employees who are certified as bilingual pursuant to A.1. and are qualified to perform both verbal and formal translation of City documents (i.e. forms, brochures, press releases, etc.) and are routinely requested to translate documents utilized in the conduct of City business for City departments, will receive a combined $150 for bilingual verbal and written translation in lieu of Section A and B above. The number of employees so qualified to translate in any language shall be determined at the sole discretion of the City. Employees may make application for translation certification through the Human Resources Department. The certification process shall consist of such tests as determined by the Human Resources Department. Re-certification will be required on a biennial basis.

The parties agree that this is special compensation and shall be reported as such to CalPERS, to the extent legally permissible, pursuant to Title 2 CCR, Section 571(a)(4) – Bilingual Premium.

D. Public Notary Services

In recognition of the City's need and use of public notary services, those confidential unit employees who have such public notary certificates as approved by the Secretary of State for the State of California shall receive one hundred dollars ($100.00) per month pay in addition to his/her base salary. However, there shall be no more than three (3) authorized employees at any one time with determination of who and how many to be at the sole discretion of the City Manager.

The parties agree that this is special compensation and shall be reported as such to CalPERS, to the extent legally permissible, pursuant to Title 2 CCR, Section 571(a) (2) – Education Premium.

E. CMO Premium Pay

1. Employees who are assigned to the City Council/City Manager's office on a regular

basis shall receive $100 per month bonus pay in addition to his/her regular salary.

ARTICLE 22: HEALTH INSURANCE

A. Medical Insurance (Active Employees)

Employees will receive insurance coverage through CalPERS under the California Public Employees' Medical and Hospital Care Act (PEMHCA). The City's contribution toward medical insurance under PEMHCA will be the minimum employer contribution (MEC) required by PEMHCA (in 2023~~2021~~ the MEC is $151~~143~~/month).

B. Retiree Medical Insurance

1. Retiree and Employees in Effect Until December 31, 2015

Individuals who were hired on or before January 1, 2016, and who retire from City service, will receive a City contribution toward the purchase of medical insurance (single party only coverage). Retirees are required to coordinate with Medicare, including the purchase of a Medicare supplement.

a. If the employee retired from City employment with less than 20 years of City service and remains enrolled in PEMHCA in retirement he/she will receive up to $355/month (includes the MEC) toward the purchase of medical insurance under PEMHCA (single party only coverage).

In the event the amount of the monthly premium for the lowest cost single party HMO plan available in the Los Angeles Area Region for medical care in the United States (with Medicare Parts A and B if age 65 or older) exceeds $355/month, the City agrees to increase their total contribution to the amount of such single party premium.

b. If the employee retired from City employment with 20 or more years of City service and remains enrolled in PEMHCA in retirement he/she will receive up to $435/month toward the purchase of medical insurance under PEMHCA (single party only coverage).

In the event the amount of the monthly premium for the lowest cost single party HMO plan available in the Los Angeles Area Region for medical care in the United States (with Medicare Parts A and B if age 65 or older) exceeds $435/month, the City agrees to increase their total contribution to the amount of such single party premium.

c. Retirees must pay for any premium cost that exceeds the City's contribution.

2. Retiree Medical Benefits Beginning January 1, 2016

a. Employees, who are hired into City service on or after January 1, 2016 and retire from the City, will be eligible for medical insurance provided by PEMHCA and the City will contribute the minimum employer contribution (MEC) as required under PEMHCA. For 2023~~1~~, this amount is $15143~~43~~ per month. PEMHCA determines the amount annually and therefore, this is subject to change.

b. Those individuals who were hired on or before January 1, 2016 will be eligible for medical insurance provided by PEMHCA and receive a City contribution equal to the MEC under PEMHCA. For 2023~~1~~, this amount is $15143~~43~~ per month. PEMHCA determines the amount annually and therefore, this is subject to change. The City shall also make a monthly contribution to a Retiree Health Reimbursement Account (HRA) for the difference between the MEC and the contribution set forth in B.1 above.

C. Dental Insurance

~~The City will contribute up to ninety ($90) dollars per month toward the premium for eligible employees and all eligible dependents.~~ Beginning the first pay period in January 2021, the city will contribute up to one hundred ($100) dollars per month toward the premium for eligible employees and all eligible dependents. The employee will pay any and all premiums due in excess of the City's contribution under the City's Cafeteria Plan (Section 125).

D. Vision Insurance Plan

The City shall provide a vision insurance plan. The City will contribute up to thirty ($30) dollars per month for the employee and eligible dependents. The employee will pay any and all premiums due in excess of the City contribution under the City's Cafeteria Plan. The plan design shall be: Examination every 12 months; Frames and Lenses every 12 months. Deductible shall be $10.00/exam; $20.00/frame and lenses.

E. Section 125 Cafeteria Plan

1. The City's contribution under the Section 125 Cafeteria plan for active employees shall be up to ~~one thousand two hundred fifty dollars ($1,250) per month for employees electing to enroll in a medical plan in PEMHCA. Beginning the first pay period in January 2021, the City will contribute up to one thousand three hundred fifty dollars ($1,350) per month for employees electing to enroll in a medical plan in PEMHCA. Beginning the first pay period in January 2022, the City will contribute up to one thousand four hundred dollars ($1,400) per month for employees electing to enroll in a medical plan in PEMHCA. Beginning the first pay period in January 2023, the City will contribute up to~~ one thousand four hundred

fifty dollars ($1,450) per month for employees electing to enroll in a medical plan in PEMHCA.

2. The City's contribution will include the PEMHCA MEC ($1514~~3~~ per month for 2023~~1~~) toward the medical plan and the balance may be used for other eligible expenses. Eligible expenses include: (1) medical insurance premiums, (2) dental insurance premium, (3) long term disability insurance premium, (4) vision insurance premium, and cash (as set forth below). Employees will be responsible for paying the amount of the total insurance premium that exceeds the City's contribution via the Cafeteria Plan (IRC Section 125 Plan).

3. For employees who elect to waive medical insurance from the City (opt out), the City will pay $300/month in cash to the employee. In order to receive the opt-out incentive, the employee must annually certify that he/she has medical insurance coverage in a group plan (not including Covered California) that provides minimum essential coverage under the Affordable Care Act for the employee and all members of his/her tax family.

4. Specific details of this cafeteria plan will be contained in a plan document available for review by employees at the City's Human Resources Department.

F. Long Term Disability Plan

The City will pay the premiums for a long-term disability plan.

G. Life Insurance

The City shall provide a term life insurance policy for each employee in the amount of $100,000.

Additional life insurance may be purchased by each employee. Any premium cost for additional life insurance shall be paid solely by the employee. The City shall offer employees to purchase supplemental life insurance in $10,000 increments up to the lesser of $300,000 or 3 times the employee's annual salary.

H. Affordable Care Act Reopener

The City may reopen negotiations at any time during the term of the MOU to meet and confer over impacts of the Affordable Care Act.

ARTICLE 23: PERS CONTRIBUTION

All association members who are "classic" members of the CalPERS retirement system will pay 100% of the full 8% employee's share of the Ca1PERS retirement contribution and 'new' members

pay the full 6.25% employee share (or amount as required by CalPERS) of the CalPERS retirement contribution.

ARTICLE 24: RETIREMENT BENEFITS

A. The city provides retirement benefits through the California Public Employees' Retirement System (CALPERS) pursuant to a contract with CalPERS. Effective January 1, 2013, the City shall provide to newly hired employees, the PERS retirement formula known as 2% @ 62 with the average of the three (3) highest consecutive years of compensation. Employees hired prior to December 30, 2013, shall be considered classic PERS employees whose retirement formula is known as the "2.7% at Age 55 Plan.", one (1) year final compensation (12 highest paid consecutive highest months/Section 20042).

B. The 1959 Survivor's Benefit —The City shall provide Level 4 Survivor's Benefit. Any resultant Ca1PERS cost increase designated as constituting "employee" costs for this benefit shall be borne by the employee.

C. Credit for Unused Sick Leave Section 20965.

D. One (1) year final compensation (Government Code Section 20042) for employees hired prior to January 1, 2013 and average of the three (3) consecutive highest years for employees hired after said date.

E. Military Service Credit as Public Service (Section 21024).

F. Pre-Retirement Option 2W Death Benefit.

ARTICLE 25: EDUCATIONAL ENROLLMENT COST REIMBURSEMENT

A. Educational costs are limited to three thousand five hundred dollars ($3,500) annually per unit member for eligible reimbursement expenses as defined within this Article. Effective January 2022, educational costs may be reimbursed up to $4,500 per year for reimbursement requests received after January 2022. Enrollment cost reimbursement is subject to approval by both the Department Director and Director of Human Resources and Risk Management. In rendering a reimbursement determination, the Department Director and Director of Human Resources and Risk Management shall consider whether or not the course(s) for which reimbursement is sought is related to the employee's then existing principal duties and the availability of funds for reimbursement purposes. No employee shall be entitled to reimbursement unless pre-course enrollment written authorization for reimbursement is received from the Department Director and Director of Human Resources and Risk Management. The reimbursement eligibility determinations described herein are not subject to any administrative or judicial appeal procedure and the decision of the Department Director and Director of Human Resources and Risk Management shall be final.

B. An employee must have completed their initial probationary period to be eligible for Educational Cost Reimbursement under this Article. Initial probationary period,for purposes of this subsection, does not extend to promotional probationary periods.

C. An employee who separates from City service within 12 months of receiving educational cost reimbursement shall reimburse the City the full amount of educational cost reimbursement that he/she received in the preceding 12-month period.

D. Educational cost reimbursement shall be provided for tuition fees for college-level courses in an accredited academic institution only, as determined by the Director of Human Resources and Risk Management.

E. An employee will be reimbursed up to seventy-five dollars ($75.00) for books required for six units or less, and two hundred dollars ($200.00) for seven units or more taken during a semester (or equivalent enrollment period). Effective January 2021, an employee will be reimbursed up to ninety dollars ($90.00) for books required for six units or less and three hundred dollars ($300 for seven units or more taken during a semester (or equivalent enrollment period). Reimbursement shall only be for books required for the approved course(s). All requests for reimbursement shall be accompanied by valid receipts.

ARTICLE 26: SALARIES

~~A. With the Association's ratification of this agreement and approval by the City Council, each active unit member, in the pay period following City Council approval of this MOU, will receive a lump-sum signing bonus of one thousand dollars ($1,000).~~

A.

B. Salaries of represented employees shall be adjusted in the following manner:

a. Current salary ranges for represented employees ~~are~~ reflecting the equity adjustment and cost of living increases described below in subparagraph (b) are set out~~ed~~ in ~~Attachment~~ Addendum A and are incorporated herein by this reference.

~~b.~~ Effective ~~the beginning of the first full pay period following~~ July 8, 2023~~1~~ and after City Council approval of the MOU ~~(December 26, 2020)~~, an equity adjustment of 0.6% will be made to the salary range for Human Resources Technician~~s~~, and the salary ranges of all unit classifications will increase by five~~one and one-half~~ percent (5.0~~1.5~~%) in addition to the equity adjustment for Human Resources Technician~~.~~

b.

c. Effective the beginning of the pay period following July 1, 2024~~21 (July 10, 2021)~~, salary ranges of unit classifications will increase by five~~one and one-half~~ percent (5.0~~1.5~~%).

~~d. Effective the beginning of the pay period following July 1, 2022 (July 09, 2022), salary ranges of unit classifications will increase by two percent (2%).~~

~~e. Effective the beginning of the pay period following January 1, 2023 (January 07, 2023), salary ranges of unit classifications will increase by one percent (1%).~~

C. TEN-STEP PROGRAM

There shall be approximately 2.5% between each step of steps 1 through 9 and approximately 5% between steps 9 and 10. Advancement within the ten-step salary range shall be subject to the terms and conditions as set forth herein:

1. Except as modified herein, the Administrative Policy 30-41 – "Ten-Step Meritorious Program" provides rules related to the ten-step system.

2. Advancement between steps may occur at intervals of no less than one year. Recommendations for step increases or denial of step increases must be accompanied by a performance evaluation to substantiate performance. ~~No multiple step increases may be granted.~~ Performance evaluations and consideration of merit adjustments shall be due annually on the employee's anniversary of the probationary appointment to his/her position classification. Nothing in this Article shall prevent a supervisor from exercising management rights to suspend, reduce, demote, layoff, or terminate for cause an employee in accordance with Personnel Rule XIII - Changes in Employment Status, or Rule XIV - Separation from Service, or Rule XV Disciplinary Proceedings of the Personnel Rules and Regulations of the City of Monterey Park.

3. Advancement from step 1 through step 9 shall be contingent upon receiving "meets job standards" performance evaluations or better.

4. Advancement to step 10 is both temporary and conditional upon achieving "meets job standards" performance as determined by rules set forth by the City Manager. Sustained placement at step 10 of the range is not guaranteed but must be earned on an annual basis. Failure to achieve "meets job standards" performance ratings in a succeeding year shall result in the employee's salary being returned to step 9.

D. Longevity Pay: Each unit member with fifteen (15) years of continuous City service shall receive longevity pay of seventy-five ($75) per month,. Effective July 8, 2023, ~~E~~each unit member with twenty (20) years of continuous City service shall receive longevity pay of one hundred twenty-five ($~~100~~125) per month, and each unit member with twenty-five (25) years of continuous City service shall receive longevity pay of three hundred fifty ($350) per month. Longevity Pay shall be included in the biweekly paycheck.

The parties agree that that this is special compensation and shall be reported as such to CalPERS, to the extent legally permissible, pursuant to Title 2 CCR, Section 571(a)(1).

E. Education Incentive Pay: Employees who possess a bachelor's degree or higher from an accredited university recognized by the Department of Education shall receive a $110.00 per month Education Incentive, and employees who possess an associate degree shall

receive $80.00 per month. Effective the pay period following City Council approval of the MOU, employees with a master's degree will receive Education Incentive of $175.00 per month. These incentives shall not be stacked or compiled such that the unit member is receiving multiple Education Incentives.

The parties agree that this is special compensation and shall be reported as such to CalPERS, to the extent legally permissible, pursuant to Title 2 CCR, Section 571(a) (2) – Educational Incentive Pay.

F. Uniform Allowance: Unit members who are required to wear a uniform as part of their daily job duties shall receive an annual allowance in the amount of three hundred dollars ($300.00.) The parties agree that this is special compensation and shall be reported as such to CalPERS for "classic" employees, to the extent legally permissible, pursuant to Title 2 CCR, Section 571(a)(5) – Uniform Allowance.

ARTICLE 27: PROBATIONARY PERIOD

Employees who are newly hired or promoted shall serve a probationary period of twelve (12) months.

ARTICLE 28: DUTY HOURS/ALTERNATIVE SCHEDULE

Except as modified herein, duty hours shall be governed by Personnel Rule XI, Attendance and Leaves, Sec. 5, Hours of Work, of the Personnel Rules and Regulations of the City of Monterey Park, which is outlined as follows:

~~A.~~ Effective January 1, 2015, City Hall shall ~~re-~~be open Fridays as an 8-hour workday for employees on a 5/40 or~~, implement a~~ 9/80 work schedule and a 10–hour workday for employees on a 4/10 work schedule that is scheduled to work on a Friday. ~~40-hour weekly work schedule will be restored.~~

A.

B. Any such assignments shall be based upon the needs of the Department and will be made at the sole discretion of the Department Director subject to approval of the City Manager.

C. Department Directors shall have full latitude and authority to establish and/or change any individual's schedule depending on the needs of the Department.

~~D. "Holidays" are defined as nine (9)up to ten (10) hours in duration depending on the employee's regular work schedule, or if a holiday lands on a Friday, Saturday or Sunday the employee's holiday bank shall be credited eight (8) hours.~~

~~E.~~D. An employee will be required to utilize the exact number of hours associated with their schedule for any requested work shifts off (i.e., 9 hours for vacation, compensatory, sick, and/or holiday time if on a 9/80 schedule, 10 hours if on a 4/10 schedule and 8 hours if on a 5/40 schedule).

~~F.~~E. Individual employees may request to maintain a 5/40 schedule (i.e., Monday - Friday). The decision of the Department Director to grant or deny such a request is not subject to appeal or further review.

ARTICLE 29: DEFERRED COMPENSATION PLAN

A deferred compensation plan will be made available to all members of the City of Monterey Park Confidential Employees Association. The City will contribute a matching twenty-five ($25) dollars per pay period to the employees deferred compensation plan. Effective with the first pay period in January 2021, the City will match an employee contribution up to fifty dollars ($50) per pay period. Effective with the first pay period in January 2022, the City will match an employee contribution up to seventy-five dollars ($75) per pay period. Effective with the pay period following July 1, 2023, the City will match an employee contribution up to one-hundred dollars ($100) per pay period.

ARTICLE 30: INDUSTRIAL INJURY

All full-time employees shall be allowed for each injury or illness, normal salary for the first day of absence to, and including, the last day of absence for a period not to exceed 120 calendar days that occur within a 36-month period.

If the employee is still receiving temporary disability payments after entitlement to industrial injury or illness leave is exhausted, the employee shall be placed on regular sick leave, vacation leave, or accumulated compensatory time off While Temporarily Totally Disabled (TTD), the employee shall be entitled to use only so much of such other leave benefits (i.e. sick, vacation, comp, etc), which, when added to temporary disability payments, provide for a normal full day's wage or salary.

The City shall be authorized to make application for said employee's disability retirement in those instances where the employee is either permanent, stationary and incapacitated for the performance of his or her duties, or in the alternative, where there is not a reasonable medical certainty that the employee, although not permanent and stationary, will recover to the extent necessary to perform the essential duties of his/her position regardless of whether or not any form of paid leave remains in the employee's various paid leave accounts.

During the time frame that an employee is on full paid leave, the employee shall continue to accrue all fringe benefits.

Nothing herein shall prohibit an employee from requesting a leave of absence without pay from the City Council. Such leave is not guaranteed, nor may it exceed beyond a period of one (1) year from date of injury.

The granting of industrial injury and illness leave may be withheld until the City has accepted the injury or illness as being an industrial accident or a compensable injury.

ARTICLE 31: UNIT DETERMINATION AND MODIFICATION

A. Policy and Standards for Determination of Appropriate Units

The policy objectives in determining the appropriateness of units shall include: (1) efficient operations of the City and its compatibility with the primary responsibility of the City and its employees to effectively and economically serve the public, and on (2) providing employees with effective representation based on recognized community of interest considerations. These policy objectives require that the appropriate unit shall be the broadest feasible grouping of positions that share an identifiable community of interest. Factors to be considered shall be:

1. Similarity of the general kinds of work performed, types of qualifications required, and the general working conditions.

2. History of representation in the City and in similar employment; except however, that no unit shall be deemed to be an appropriate unit solely on the basis of the extent to which employees in the proposed unit have organized.

3. Consistency with the organizational patterns of the City.

4. Number of employees and classifications, and the effect on the administration of employer-employee relations because of the fragmentation of classifications and/or proliferation of units.

5. Effect on the classification structure and impact on the stability of the employer-employee relationship because of dividing a single or related classification among two or more units.

Notwithstanding the foregoing provisions of this Section, managerial, supervisory and confidential responsibilities, as defined in this Section, are determinative factors in establishing appropriate units hereunder. Therefore, such managerial, supervisory and confidential employees may not represent any employee organization that represents other employees and may not be represented by the same.

The Director of Human Resources and Risk Management shall, after notice to and consultation with affected employee organizations, allocate new classifications or positions, delete eliminated classifications or position, and retain, reallocate or delete modified classifications or positions, from units in accordance with the provisions of this Section.

The following definitions apply to this Section:

a. "Appropriate Unit" means a unit of employee classes or positions, established pursuant to this Section.

b. "Management Employee" means any employee having responsibility for formulating, administering or managing the implementation of City policies

and programs.

c. "Supervisory Employee" means any employee having authority, in the interest of the City, to hire, suspend, layoff, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, or to adjust their grievances, or effectively to recommend such action if, in connection with the forgoing, the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

d. "Confidential Employee" means any employee who assists and acts in a confidential capacity to person(s) who formulate, determine, and effectuate management policies in the field of employee relations and/or who has access in the course and scope of employment to any information that is or may be utilized in formulating such management policies.

B. Procedure for Modification of Established Appropriate Units

1. Requests by employee organizations for modification of established appropriate units shall be considered by the Director of Human Resources and Risk Management. Such requests shall be submitted in the form of a Recognition Petition and, in addition to the requirements set forth in Municipal Code Section 2.32.050, shall contain a complete statement of all relevant facts and citations in support of the proposed modified unit in terms of the policies and standards set forth in Section A of this Article. Any Association request for modification to its unit shall be limited to a two (2) week window period annually to be determined by the Director of Human Resources and Risk Management with reasonable notice to the Association. The Director of Human Resources and Risk Management shall process such petition as recognition petitions are processed under this Chapter.

2. The Director of Human Resources and Risk Management may, on his/her own motion, propose that an established unit be modified. The Director of Human Resources and Risk Management shall give written notice of the proposed modification(s) to any affected employee organization. Any affected employee organization may, within seven (7) calendar days after service of notice, request a meeting with the Director of Human Resources and Risk Management by which to contest the proposal(s). Not later than seven (7) calendar days after receipt of such request, the Director of Human Resources and Risk Management shall conduct such meeting at which time all affected employee organizations shall be heard. Thereafter, the Director of Human Resources and Risk Management shall determine the composition of the appropriate unit or units in accordance with Section A of this Article, and shall give written notice of such determination by depositing the same in the mail, addressed to the affected employee organizations. The Director of Human Resources and Risk Management's determination may be appealed as provided in paragraph 3 of this Section. However, if a unit is modified pursuant to the motion of the Director of Human Resources and Risk Management, employee organizations may thereafter file Recognition Petitions seeking to become the Exclusively

Recognized Employee Organization for such new appropriate unit or units pursuant to Section 2.32.050 of the Municipal Code.
The "meeting" described herein shall be informal and shall consist of the participating employee organization providing verbal and/or written input regarding its position.

3. Appeals

An employee organization aggrieved by an appropriate unit determination of the Director of Human Resources and Risk Management pursuant to this Section may, within ten (10) calendar days of mailing by the Director of Human Resources and Risk Management of notice thereof, appeal such determination to the City Manager for final decision.

Appeals to the City Manager shall be filed in writing with the City Manager's Secretary and a copy shall be provided to the Director of Human Resources and Risk Management by the appellant. The written appeal shall be received by the City Manager's Secretary no later than ten (10) calendar days after the Director of Human Resources and Risk Management's decision was mailed.

A unit designated by the Director of Human Resources and Risk Management need not be "most appropriate," or "more appropriate," but need only be "appropriate." If "appropriate," then the City Manager shall affirm the decision of the Director of Human Resources and Risk Management. If not "appropriate," then the City Manager shall determine which unit is "appropriate."

An employee organization's appeal shall state the complete basis for the appeal and shall be confined to a determination of whether or not the unit resulting from the Director of Human Resources and Risk Management's decision was "appropriate" pursuant to the guidelines of Paragraph 1, above. The City Manager shall conduct the appeal hearing within fifteen (15) calendar days of receipt of the appeal and shall issue his/her written decision within fifteen (15) calendar days after conclusion of the hearing. The City Manager's decision shall be served upon the appellant(s) by depositing the same in the U.S. mail, and shall be administratively final and binding.

4. To the extent that any element of this Section is inconsistent with any other provision of this Article, the provisions, of this Section shall prevail to the extent necessary to cause the Section to be operative.

5. Subsequent to this agreement, should the City and another association adopt a version of this Article 31 of the MOU that is different than that adopted by the City and the Association, the Association has the right to negotiate and adopt any such changes limited to this Article 31 and include them in this MOU.

ARTICLE 32: GENERAL PROVISIONS

A. This MOU shall not in any way interfere with the obligations of the parties hereto to comply with the State and Federal laws, or of any rule, regulation, or order issued by such government authority pertaining to matters covered herein. If any provision, or provisions, of the MOU should be affected by State or Federal laws, or of any rule, regulation, or order issued by such governmental authority, or if any provision, or provisions, should be held invalid by a court of record, the remainder of the MOU shall not otherwise be affected thereby.

B. The parties acknowledge that during the meeting and conferring in good faith, which resulted in this MOU, each had the unlimited right and opportunity to make demands and proposals with respect to any and all subjects or matters not removed by law from the area of meeting and conferring, and that the understanding and agreement arrived at by the parties after the exercise of that right and opportunity is set forth in this Memorandum.

However, upon the request of the City to re-open any subject in the MOU, the parties shall meet within ten (10) business days to commence the meet and confer process.

C. The parties agree to continue their long-standing policies in that there shall be no discrimination against any employee because of membership or non-membership in the Association, or because of race, color, creed, national origin, age, gender, legal disability, marital status, sexual orientation, political/union activity, or for any other protected status as defined by law.

D. The parties agree that this MOU cannot be modified, changed, and/or canceled in any way except by mutual consent of said parties in writing, or as set forth in Article 32.

E. This agreement constitutes the sole and entire existing agreement between the parties and supersedes all prior agreements, commitments, and practices.

ARTICLE 33: TERM OF MEMORANDUM OF UNDERSTANDING

This Memorandum of understanding shall be in effect for an initial term commencing July 1, 2023~~2019~~ and ending June 30, 2025~~2023~~. Unless specifically described to the contrary herein, all changes in matters within the scope or representation shall be provided prospectively from the date of MOU implementation. The "date of MOU implementation" shall be the date of City Council adoption of the MOU.

ARTICLE 34: CITY COUNCIL APPROVAL

It is, however, the mutual understanding of all parties that this Memorandum of Understanding is of no force or effect whatsoever unless or until ratified by the City Council of the City of Monterey Park.

IN WITNESS HEREOF, the parties hereto have caused this Memorandum of Understanding to be executed this 19th ~~16th~~ day of July 2023~~December 2020~~.

MONTEREY PARK CONFIDENTIAL ASSOCIATION

By: _____
Cristina Garcia~~Beatriz Velazquez~~, President

By:_____
Gwen Kishida, Negotiator

~~By:_____~~
~~Cristina Garcia, Negotiator~~

CITY OF MONTEREY PARK

By: _____
Inez Alvarez~~Ron Bow~~, Interim City Manager

By: _____
Christine Tomikawa~~Danielle Tellez~~, ~~Interim~~ Director of Human Resources & Risk Management

APPROVED AS TO FORM:

_____
Karl H. Berger
City Attorney

CONFIDENTIAL SALARY TABLE

ADDENDUM A

Effective July 8, 2023

Job Classification	Range	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
Administrative Secretary **Police Chief's Secretary**	10	4,629	4,745	4,863	4,986	5,111	5,238	5,368	5,503	5,640	5,923
Administrative Aide	11	4,869	4,991	5,115	5,242	5,373	5,510	5,647	5,787	5,932	6,228
Payroll Technician	12	5,115	5,242	5,373	5,509	5,646	5,787	5,932	6,079	6,232	6,544
Secretary to City Manager **Human Resources Assistant**	13	5,763	5,905	6,053	6,204	6,359	6,518	6,682	6,849	7,020	7,372
Senior Management Analyst	14	6,493	6,655	6,821	6,992	7,167	7,346	7,530	7,718	7,911	8,307
Human Resources Analyst	3M	6,781	6,952	7,126	7,303	7,487	7,674	7,867	8,063	8,263	8,676
~~**Financial Services Manager**~~											
Human Resources Technician	7	5,047	5,174	5,304	5,435	5,572	5,711	5,853	5,999	6,149	6,457
Police Administrative Assistant	9	4,396	4,506	4,618	4,734	4,852	4,972	5,084	5,225	5,356	5,623
Information Systems Specialist	3	7,308	7,491	7,679	7,871	8,067	8,269	8,476	8,687	8,905	9,349

CONFIDENTIAL SALARY TABLE

Effective the first full pay period after July 1, 2024

Job Classification	Range	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
Administrative Secretary **Police Chief's Secretary**	10	4,861	4,982	5,106	5,235	5,366	5,500	5,636	5,778	5,922	6,219
Administrative Aide	11	5,112	5,241	5,371	5,504	5,641	5,785	5,929	6,076	6,229	6,540
Payroll Technician	12	5,371	5,504	5,641	5,784	5,928	6,076	6,229	6,383	6,543	6,871
Secretary to City Manager **Human Resources Assistant**	13	6,051	6,201	6,356	6,514	6,676	6,844	7,016	7,192	7,371	7,740
Senior Management Analyst	14	6,817	6,988	7,162	7,341	7,525	7,713	7,907	8,104	8,307	8,722
Human Resources Analyst	3M	7,120	7,299	7,482	7,668	7,861	8,057	8,260	8,466	8,676	9,109
Human Resources Technician	7	5,300	5,433	5,569	5,707	5,850	5,996	6,146	6,299	6,457	6,780
Police Administrative Assistant	9	4,616	4,731	4,849	4,971	5,095	5,221	5,338	5,487	5,624	5,904
Information Systems Specialist	3	7,674	7,866	8,063	8,265	8,471	8,682	8,900	9,121	9,350	9,816

CONFIDENTIAL SALARY TABLE

EFFECTIVE DECEMBER 26, 2020

Job Classification	Range	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
Administrative Secretary **Police Chief's Secretary**	10	4,216	4,322	4,429	4,541	4,655	4,771	4,889	5,012	5,137	5,395
Administrative Aide	11	4,435	4,546	4,659	4,775	4,893	5,018	5,143	5,271	5,403	5,673
Payroll Technician	12	4,659	4,775	4,893	5,017	5,142	5,271	5,403	5,537	5,676	5,960
Secretary to City Manager **Human Resources Assistant**	13	5,249	5,378	5,513	5,651	5,792	5,937	6,086	6,238	6,393	6,714
Senior Management Analyst	14	5,913	6,061	6,213	6,368	6,527	6,690	6,858	7,030	7,206	7,566
Human Resources Analyst	3M	6,176	6,332	6,490	6,651	6,819	6,989	7,165	7,344	7,526	7,902
Financial Services Manager	6M	9,786	10,029	10,280	10,537	10,801	11,070	11,348	11,631	11,921	12,518
Human Resources Technician	7	4,570	4,684	4,802	4,921	5,045	5,170	5,299	5,431	5,567	5,846
Police Administrative Assistant	9	4,004	4,104	4,206	4,312	4,419	4,529	4,630	4,759	4,878	5,122
Information Systems Specialist	3	6,656	6,823	6,994	7,169	7,348	7,531	7,720	7,912	8,111	8,515

CONFIDENTIAL SALARY TABLE

EFFECTIVE JULY 10, 2021

Job Classification	Range	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
Administrative Secretary **Police Chief's Secretary**	10	4,280	4,387	4,496	4,609	4,725	4,842	4,963	5,087	5,214	5,476
Administrative Aide	11	4,501	4,614	4,729	4,846	4,967	5,093	5,220	5,350	5,484	5,758
Payroll Technician	12	4,729	4,846	4,967	5,092	5,219	5,350	5,484	5,620	5,761	6,049
Secretary to City Manager **Human Resources Assistant**	13	5,327	5,459	5,596	5,735	5,878	6,026	6,177	6,332	6,489	6,815
Senior Management Analyst	14	6,002	6,152	6,306	6,464	6,625	6,791	6,961	7,135	7,314	7,679
Human Resources Analyst	3M	6,269	6,427	6,587	6,751	6,921	7,094	7,272	7,454	7,639	8,020
Financial Services Manager	6M	9,932	10,180	10,434	10,695	10,963	11,236	11,518	11,805	12,100	12,706
Human Resources Technician	7	4,638	4,754	4,874	4,995	5,120	5,248	5,379	5,513	5,651	5,934
Police Administrative Assistant	9	4,064	4,165	4,269	4,376	4,486	4,597	4,700	4,831	4,951	5,199
Information Systems Specialist	3	6,756	6,925	7,099	7,276	7,458	7,644	7,836	8,031	8,233	8,643

CONFIDENTIAL SALARY TABLE

EFFECTIVE JULY 09, 2022

Job Classification	Range	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
Administrative Secretary Police Chief's Secretary	10	4,365	4,474	4,586	4,701	4,819	4,939	5,062	5,189	5,318	5,585
Administrative Aide	11	4,591	4,707	4,823	4,943	5,066	5,195	5,325	5,457	5,594	5,873
Payroll Technician	12	4,823	4,943	5,066	5,194	5,324	5,457	5,594	5,732	5,876	6,170
Secretary to City Manager Human Resources Assistant	13	5,434	5,568	5,708	5,850	5,996	6,146	6,301	6,458	6,619	6,951
Senior Management Analyst	14	6,122	6,275	6,432	6,593	6,758	6,927	7,100	7,278	7,460	7,833
Human Resources Analyst	3M	6,394	6,555	6,719	6,886	7,059	7,236	7,418	7,603	7,792	8,181
Financial Services Manager	6M	10,131	10,383	10,643	10,909	11,182	11,460	11,748	12,041	12,342	12,960
Human Resources Technician	7	4,731	4,850	4,971	5,094	5,223	5,353	5,486	5,623	5,764	6,053
Police Administrative Assistant	9	4,146	4,249	4,355	4,464	4,575	4,689	4,794	4,927	5,050	5,302
Information Systems Specialist	3	6,891	7,064	7,241	7,422	7,607	7,797	7,993	8,191	8,397	8,815

CONFIDENTIAL SALARY TABLE

EFFECTIVE JANUARY 07, 2023

Job Classification	Range	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
Administrative Secretary Police Chief's Secretary	10	4,409	4,519	4,632	4,748	4,867	4,988	5,112	5,241	5,371	5,641
Administrative Aide	11	4,637	4,754	4,872	4,993	5,117	5,247	5,378	5,512	5,650	5,932
Payroll Technician	12	4,872	4,993	5,117	5,246	5,377	5,512	5,650	5,790	5,935	6,232
Secretary to City Manager Human Resources Assistant	13	5,488	5,624	5,765	5,908	6,056	6,208	6,364	6,523	6,685	7,021
Senior Management Analyst	14	6,183	6,338	6,496	6,659	6,825	6,996	7,171	7,351	7,535	7,911
Human Resources Analyst	3M	6,458	6,621	6,786	6,955	7,130	7,308	7,492	7,679	7,870	8,263
Financial Services Manager	6M	10,232	10,487	10,749	11,018	11,294	11,575	11,866	12,162	12,465	13,089
Human Resources Technician	7	4,778	4,898	5,021	5,145	5,275	5,406	5,541	5,679	5,821	6,113
Police Administrative Assistant	9	4,187	4,291	4,398	4,509	4,621	4,736	4,842	4,977	5,101	5,356
Information Systems Specialist	3	6,960	7,134	7,314	7,496	7,683	7,875	8,073	8,273	8,481	8,904

City Council Staff Report

DATE: July 19, 2023

AGENDA ITEM NO: Consent Calendar - 3E

TO: The Honorable Mayor and City Council

FROM: Matthew Hallock, Fire Chief

SUBJECT: Award of Bid for the Purchase of Two Rescue Ambulances

RECOMMENDATION:

It is recommended that the City Council consider:

1. Authorizing the Interim City Manager to execute an agreement with Republic EVS, LLC, in a form approved by the City Attorney, to purchase two Rescue Ambulances. Funds were allocated in the Fiscal Year 2023-2024 adopted budget; and
2. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The Fire Department (Department) currently has two frontline Rescue Ambulances (RA) in service, one is located at Station 61 and the other at Station 62. The current units have 59,469 miles (RA 61) and 63,207 miles (RA 62) respectively. Staff solicited bids for the purchase of two Rescue Ambulances. One bid was received. Staff seeks the City Council's consideration to award the bid to Republic EVS, LLC.

BACKGROUND:

The Fire Department responds to nearly 5,000 emergency calls each year, with approximately 80% related to medical emergencies. The Department provides daily operations of Emergency Medical Services (EMS) with two Rescue Ambulances.

The Department's fleet regularly undergoes routine maintenance to mitigate excessive expenditures associated with major maintenance issues. Additionally, the Department has a vehicle replacement schedule to ensure the integrity of its vehicles and maintain quality of service. The last Rescue Ambulance was purchased in 2016. In anticipation of the lengthy acquisition process, staff is requesting the consideration of two new ambulances to replace the existing fleet. The current Rescue Ambulances will serve as reserve units, upon acquiring the new vehicles.

FISCAL IMPACT:

Fiscal Year 2023-2024 adopted budget has an allocation of $815,275.60 for the purchase of two Rescue Ambulances.

Respectfully submitted by:

Matthew Hallock
Fire Chief

Prepared by:

Angela Loera
Principal Management Analyst

Reviewed by:

Martha Garcia
Director of Finance

Approved by:

Inez Alvarez
Interim City Manager

Reviewed by:

Karl H. Berger
City Attorney

ATTACHMENT:

1. Republic of EVS, LLC – Bid Price

ATTACHMENT 1
Republic of EVS, LLC – Bid Price

C.BID
AUTOMOTIVE EMERGENCY MEDICAL SERVICES AMBULANCES

The following:

Company Name: **Republic EVS, LLC**	
Address: **12410 Clark St. Santa Fe Springs, CA 90670**	

Submits its Price Quote for Project Name: AUTOMOTIVE EMERGENCY MEDICAL SERVICES AMBULANCE in compliance with the attached requirements as follows:

Item	Description	Quantity	Unit	Unit Price	Total Price
1	**2023 Medix AL171 Dodge 5500 4x2**	**(2)**		$**369,673.97**	$ **739,347.94**
1	**Tax Based on a Rate of 9.5%**	**(2)**		$**35,119.03**	$**70,238.06**
1	**DMV and Tire Fee**	**(2)**		$**72.25**	$ **144.50**
Total Price Quote					**$809,730.50**

The prices must include any and all costs, including labor, materials, appurtenant expenses, taxes, royalties and any and all other incidental costs to complete the project, in compliance with this Bid and all applicable law and standards. All other work items not specifically listed in the above items and/or not shown on the Bid, but are necessary to complete the work per all applicable law and standards are assumed to be included in the bid prices.

Authorized Signature: 

Name and Title: **Garett Adelman, Owner**

Tel: **562-204-6047** E-mail: **Garett@RepublicEVS.com**

Date: **7-1-23**

BID PRICE TAX ADJUSTMENT FROM 9.5% TO 10.25%

ITEM	DESCRIPTION	QUANTITY	UNIT PRICE
1	2023 Medix AL171 DODGE 5500 4X2	2	$ 739,347.94
1	Tax Base Adjustment Rate of 10.25%	2	$ 75,783.16
1	DMV and Tire Fee	2	$ 144.50
TOTAL:			$ 815,275.60

City Council Staff Report

DATE: July 19, 2023

AGENDA ITEM NO: Consent Calendar - 3F

TO: The Honorable Mayor and City Council

FROM: Matthew Hallock, Fire Chief

SUBJECT: Renewal of Contract with Wittman Enterprises, LLC

RECOMMENDATION:

It is recommended that the City Council consider:

1. Authorizing the Interim City Manager to execute an amendment with Wittman Enterprises, LLC, in a form approved by the City Attorney, to oversee the Fire Department's billing and collections services. Funds were allocated in the Fiscal Year 2023-2024 adopted budget; and
2. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

In 2017 staff initiated a multiyear contract with Wittman Enterprises, LLC ("Wittman"). The contract covers services related to Emergency Medical Services (EMS) billing and collections, as well as cost recovery billing and collections for Fire Prevention. Under the Monterey Park Municipal Code ("MPMC") Chapters 3.20 and 3.90 and in accordance with the city's Purchasing & Contracting Policy staff seeks to renew the Professional Services Agreement for an additional four years, culminating in 2027.

BACKGROUND:

The Fire Department (Department) provides pre-hospital emergency medical services and ambulance transport. Service is provided by state licensed firefighter/paramedics. Due to the complexity of healthcare billing regulations and requirements, the Department utilizes Wittman's services to ensure billing and collections are done in a timely and accurate manner. The Fire Prevention division also employs Wittman's services for cost recovery billing and collections. Wittman assists with retrieving expenses associated with Fire Prevention inspections, annual fire permits, and miscellaneous billing.

Wittman is responsive to staff requests, acting quickly and professionally to assist the Fire Department with billing, cost recovery; as well as with federal and state mandated reporting associated with Emergency Medical Services. Moreover, Wittman staff work diligently with clients, patients, and insurance companies reviewing emergency medical reports for treatments and treatment codes, medical coding, medical necessity, and accuracy of charges for services rendered. Coding with the appropriate customer, patient condition, and charges are typically done within 48 hours of receipt. Wittman

also handles submittal and coordination with insurance companies, Medicare, and Medi-Cal subsequent billing, in addition to oversight of delinquent accounts. Wittman's Medicare and Medi-Cal specialists are versed in federal and state laws, implementation of the fee schedule, and follow up on government payers and appeals. The company also has a Revenue Assurance Team, who are knowledgeable about laws, mandates, insurance codes, and health and safety codes, which assists with cost recovery efforts.

FISCAL IMPACT:
Fiscal Year 2023-2024 provides a budget of $100,800 in account 1013220-5215 for EMS Billing and $14,000 in account 1013205-5211 for Fire Prevention cost recovery and billing services. Staff will continue to budget accordingly for the subsequent fiscal years.

Respectfully submitted by:

Matthew Hallock
Fire Chief

Prepared by:

Angela Loera
Principal Management Analyst

Reviewed by:

Martha Garcia
Director of Finance

Approved by:

Inez Alvarez
Interim City Manager

Reviewed by:

Karl H. Berger
City Attorney

ATTACHMENT:
1. Second Amendment for Agreement No. 1152-A with Wittman Enterprise, LLC

ATTACHMENT 1

Second Amendment for Agreement No. 1152-A with Wittman Enterprise, LLC

SECOND AMENDMENT TO
AGREEMENT NO. 1152-A BETWEEN
THE CITY OF MONTEREY PARK AND
WITTMAN ENTERPRISES, LLC

THIS SECOND AMENDMENT ("Amendment") is made and entered into this 19th, day of July 2023, by and between the CITY OF MONTEREY PARK, a general law city and municipal corporation ("CITY"), and WITTMAN ENTERPRISES, LLC, a California, Limited Liability Company ("CONSULTANT").

1. CITY and CONSULTANT intend for this Amendment to be retroactively effective beginning July 1, 2023.

2. Pursuant to Section 35 of Agreement No. 1152-A ("Agreement"), Section 9 is amended to read as follows:

   "The term of this Agreement is effective upon execution and expires June 30, 2027."

3. Pursuant to Agreement Section 35, Section 1(C) is amended in its entirety to read as follows:

   "CITY agrees to pay CONSULTANT a flat rate per EMS Patient Care report processed to complete the Scope of Services as follows:

   EMS Billing and Collections:
   Contract Year 2023 - 2024 "$24 PCR"
   Contract Year 2024 - 2025 "$26 PCR"
   Contract Year 2025 - 2026 "26 PCR"
   Contract Year 2026 - 2027 "26 PCR"

4. Pursuant to Agreement Section 35, Section 1(D) of Agreement No. 1152-A ("Agreement"), part D is amended to read as follows:

   "CITY agrees to pay CONSULTANT a flat rate for Fire Prevention Cost Recovery Programs as follows:

   Fire Prevention Cost Recovery Billing and Collections
   Contract years 2023 – 2027: "$15.00 per account"

5. **ELECTRONIC SIGNATURES.** This Agreement may be executed by the Parties on any number of separate counterparts, and all such counterparts so executed constitute one Agreement binding on all the Parties notwithstanding that all the Parties are not signatories to the same counterpart. In accordance with Government Code §16.5, the Parties agree that this Agreement, Agreements ancillary to this Agreement, and related documents to be entered into in connection with this Agreement will be considered signed when the signature of a

party is delivered by electronic transmission. Such electronic signature will be treated in all respects as having the same effect as an original signature.

6. This Amendment may be executed in any number or counterparts, each of which will be an original, but all of which together constitutes one instrument executed on the same date.

7. Except as modified by this Amendment, all other terms and conditions of Agreement No. 1152-A remain the same.

[SIGNATURES ON NEXT PAGE]

IN WITNESS WHEREOF the parties hereto have executed this contract the day and year first hereinabove written.

CITY OF MONTEREY PARK

_____
Inez Alvarez,
Interim City Manager

WITTMAN ENTERPRISES, LLC

_____
Corinne Wittman-Wong
CEO

ATTEST:

_____
Maychelle Yee,
City Clerk

Taxpayer ID No. _____

APPROVED AS TO FORM:

_____
Karl H. Berger, City Attorney

City Council Staff Report

DATE: July 19, 2023

AGENDA ITEM NO: Consent Calendar - 3G

TO: The Honorable Mayor and City Council

FROM: Joseph Torres, Economic Development Manager

SUBJECT: Authorizing the Interim City Manager to execute a professional services agreement with The Natelson Dale Group consulting firm to assist the City in updating its 2010 Economic Development Strategic Plan and to appropriate $81,620 from the General Fund to the FY2023-24 budget to fund the project.

RECOMMENDATION:

It is recommended that the City Council consider:

1. Authorizing the Interim City Manager to enter into a professional services agreement, in the amount of $81,620, with the Natelson Dale Group, a consulting firm, in a form approved by the City Attorney, to assist the City in updating its 2010 Economic Development Strategic Plan;
2. Appropriating $81,620 from the General Fund to the FY2023-24 budget for engaging the consulting services of the Natelson Dale Group; and
3. Taking such additional, related action that may be desirable.

EXECUTIVE SUMMARY:

The staff is requesting the City Council to authorize the Interim City Manager to engage a consulting firm to assist the City in updating its 2010 Economic Development Strategic Plan. Monterey Park's economic landscape has been evolving rapidly over the past decade, accelerated even more with the onset of the COVID-19 pandemic. Therefore, updating our outdated plan is crucial to ensure the City's economic growth, competitiveness, and resilience. By working with a consulting firm, the City can tap into its expertise, benefit from a fresh perspective, and leverage the rigorous qualifications-based selection process that helped us identify The Natelson Dale Group as the most suitable candidate for this project. Their knowledge, skills, and most favorable pricing structure will provide the City with an updated plan that aligns with our current economic goals and positions Monterey Park for long-term growth and success.

BACKGROUND:

The City of Monterey Park's 2010 Economic Development Strategic Plan was last updated 13 years ago. However, the City's economic landscape has evolved rapidly over the past decade, intensified even more with the COVID-19 pandemic. Since then, our City has experienced significant changes in its economic landscape, including industry trends, technological advancements, and demographic patterns. To ensure sustained growth, job

creation, and an enhanced quality of life for our residents, it is crucial that our Economic Development Strategic Plan remains relevant and aligned with the changing needs of our community. However, updating a comprehensive economic development strategic plan requires specialized knowledge, expertise, and dedicated resources. The benefit of engaging a qualified consultant includes the following:

Expertise and Specialized Knowledge: Working with a consultant specializing in economic development strategic planning brings a wealth of expertise to Monterey Park. These professionals deeply understand economic trends, industry analysis, market research, and best practices in economic development. By leveraging their knowledge, we can develop a comprehensive and forward-thinking plan tailored to Monterey Park's unique needs and challenges. In addition, the consultant will provide insights into emerging industries, innovative strategies, and successful case studies, allowing us to make informed decisions that maximize current and future economic potential.

Fresh Perspective: Engaging a consultant provides an external perspective invaluable in updating Monterey Park's economic development strategic plan. They bring a fresh set of eyes and impartial judgment to the process, helping us identify gaps, untapped opportunities, and potential barriers that may have gone unnoticed by our internal staff. In addition, a consultant's objective viewpoint and experience working with diverse communities in the Los Angeles and San Gabriel Valley area enable them to offer innovative ideas and creative solutions that enhance the effectiveness of our plan.

Rigorous Selection Process: To ensure transparency and fairness, the City staff conducted a Request for Proposals (RFP) using a rigorous qualifications-based selection process to identify the most suitable consulting firm for this project. The RFP solicited proposals from multiple consulting firms with economic development strategic planning expertise. The evaluation committee thoroughly reviewed and scored proposals based on experience, qualifications, demonstrated success in similar projects at similar cities, approach to stakeholder engagement, and cost. As a result, the consulting firm selected, The Dale Natelson Group, emerged as the top candidate due to its extensive experience, proven track record, and competitive pricing.

Best Value for the City: The Natelson Dale Group was selected not only based on its expertise but also with consideration for the most favorable price, given the City's budget, while ensuring high-quality deliverables. The firm has extensive experience working with cities in the Los Angeles and San Gabriel Valley area similar to Monterey Park, including a detailed 2019 market analysis for Monterey Park's General Plan update. By engaging The Natelson Dale Group, we can obtain the best value for our investment, combining their proven skills with a cost-effective approach that maximizes the impact of our economic development efforts.

FISCAL IMPACT:

Staff recommends that the City Council approves the appropriation of $81,620.00 from the General Fund to the FY2023-24 budget for engaging the Natelson Dale Group

consulting firm to assist the City in updating its 2010 Economic Development Strategic Plan. This cost includes its professional fees, data analysis, stakeholder engagement activities, plan development and implementation, and presentation of the final document to the City Council.

Respectfully prepared and submitted by:

Joseph Torres
Economic Development Manager

Approved by:

Inez Alvarez
Interim City Manager

Reviewed by:

Karl H. Berger
City Attorney

City Council Staff Report

DATE: July 19, 2023

AGENDA ITEM NO: Consent Calendar - 3H

TO: The Honorable Mayor and City Council

FROM: Shawn Igoe, Director of Public Works

SUBJECT: Notice of Completion – 2022 City Hall Carpet Replacement

RECOMMENDATION:

It is recommended that the City Council consider:

1. Receiving and filing the Notice of Completion recorded by the Public Works Director on July 03, 2023 accepting the 2022 City Hall Carpet Replacement Specification No. 2022-02 completed by JJJ Flooring Covering, Inc.; and
2. Taking such additional, related action that may be desirable.

EXECUTIVE SUMMARY:

Pursuant to City Council Resolution No. 11701, the Public Works Director is authorized to record a Notice of Completion for the 2022 City Hall Carpet Replacement Specification No. 2022-02. The project is now complete, and the work was inspected and approved by the City Engineer.

BACKGROUND:

On July 6, 2022, the City awarded a contract with JJJ Floor Covering, Inc. for the 2022 City Hall Carpet Replacement Specification No. 2022-02, in the amount of $189,910.09. A 5% contingency was requested and approved for a total project cost of $199,406.09. On June 08, 2023, the construction of the project was finalized. The work included the removal of approximately 21,000 square feet of existing carpet and installation of new carpet over clean sound floors.

The final cost of the project was $199,405.09 which included change order work for furnishing and installing stair tread, riser, bottom of stairs following ADA standards, stringers and rubber tile for the staircase located at the first level of City Hall.

FISCAL IMPACT:

Funds for this project were budgeted in CIP 95015 - City Hall Carpet Replacement project. The total cost for the project was $202,005.09

Project Budget	$202,007.00
Actual Expenditures	$202,005.09
Amount Under Budget	$1.91

Respectfully submitted by:

Shawn Igoe
Director of Public Works

Reviewed by:

Martha Garcia
Director of Finance

Approved by:

Inez Alvarez
Interim City Manager

Reviewed by:

Karl H. Berger
City Attorney

ATTACHMENT(S):

1. Notice of Completion

ATTACHMENT 1
Notice of Completion

2316-A

This page is part of your document - DO NOT DISCARD

CITY CLERK OFFICE
2023 JUL -3 P 1:58
CITY OF MONTEREY PARK

20230420530

Recorded/Filed in Official Records
Recorder's Office, Los Angeles County,
California

06/28/23 AT 08:29AM

Pages:
0003

FEES:	0.00
TAXES:	0.00
OTHER:	0.00
PAID:	0.00

LEADSHEET

202306282890002

00023557232

014141604

SEQ:
01

DAR - Mail (Intake)

THIS FORM IS NOT TO BE DUPLICATED

E488308

RECORDING REQUESTED BY:
CITY OF MONTEREY PARK

WHEN RECORDED MAIL TO:

NAME MAYCHELLE YEE, CITY CLERK
CITY OF MONTEREY PARK

MAILING ADDRESS 320 WEST NEWMARK AVENUE

CITY, STATE and ZIP CODE MONTEREY PARK, CA 91754

23557232

Batch Number: 14141604

SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

TITLE(S)

NOTICE OF COMPLETION OF CONSTRUCTION PROJECT

B015 rev 20171228

Recording Requested by
and When Recorded Mail To:

City Clerk, City Hall
320 W Newmark Avenue
Monterey Park, CA 91754

NOTICE OF COMPLETION OF CONSTRUCTION PROJECT

Project Name : 2022 City Hall Carpet Replacement

Project No. : Specification No. 2022-002

Take notice pursuant to Civil Code § 3093, *et seq.* that:

1. The undersigned is an officer of the owner of the interest stated below in the property hereinafter described:

2. The full name of the owner is: City of Monterey Park

3. The full address of the owner is: 320 W Newmark Avenue, Monterey Park, CA 91754

4. The nature of the interest of the owner is: in fee.

5. A work of improvement on the property hereinafter described was field reviewed by the City Engineer on June 08, 2023. The work done was:
Carpet replacement at Monterey Park City Hall

7. The name of the Contractor for such work of improvement was: JJJ Floor Covering, Inc.

8. The property on which said work of improvement was completed is in the City of Monterey Park, County of Los Angeles, State of California, and is described as follows:
Monterey Park City Hall

9. The street address of said property is: 320 W Newmark Avenue, Monterey Park, CA 91754

10. This Notice of Completion is being recorded in accordance with Resolution No. 11701 (adopted November 5, 2014).

Dated: 6/20/2023

City of Monterey Park

Public Works Director

VERIFICATION

I, the undersigned, say: I am the Public Works Director for the City Monterey Park, the declarant of the foregoing Notice of Completion; I have read said Notice of Completion and know the contents thereof; the same is true of my own knowledge.

I declare under penalty of perjury the foregoing is true and correct.

Executed on June 20, 2023 at Monterey Park, California.

City of Monterey Park

Public Works Director

City Council Staff Report

DATE: July 19, 2023

AGENDA ITEM NO: Consent Calendar - 3I

TO: The Honorable Mayor and City Council

FROM: Shawn Igoe, Director of Public Works

SUBJECT: Receive and File Staff Report Summarizing the Status of Emergency Repairs of the Monterey Pass Road Water Line

RECOMMENDATION:

It is recommended that the City Council consider:

1. Receiving and filing the staff report summarizing the status of emergency repairs of the Monterey Pass Road water line; and
2. Taking such additional, related, action that may be desirable.

BACKGROUND:

On August 17, 2022, City Council adopted Resolution No. 2022-R69 authorizing the City Manager to take necessary measures for emergency repair of a water main line on Monterey Pass Road. Recurring water main leaks in several areas within Monterey Pass Road between the intersections of Vagabond Drive and Brightwood street resulted in extensive infrastructure damage to the roadway and necessary water main pipe repairs to ensure continued water service to residences and businesses in the area.

The design phase was completed in December 2022 followed by research of available material and cost during the months of December and January to ensure the project could be expedited due to the significant material delivery delays. Construction started on March 2023 and is scheduled to be complete by December 2023.

As part of the City's outreach efforts, the construction manager visited business along the project area prior to the start of the project to notify them of the upcoming construction. The Economic Development Division also mailed out letters to businesses that may be impacted by this project. Message boards were placed within the project area prior to construction commencing to alert drivers of the impact to their commutes. The City will continue to provide project updates to the community for the duration of the project through the City website, social media, and City Council meetings. A dedicated webpage has been established on the city's website as, www.Montereypark.ca.gov/Montereypass, to inform the public about the project and provide progress updates. Residents and businesses can also sign up to receive project updates by subscribing to NIXLE, by texting "MPSS" to 888777.

As of the week ending on July 7, the contractor will have completed approximately 83% of the project main lines with the installation of 9,000 linear feet of 12" PVC water pipeline along Monterey Pass between Floral Dr and Vagabond Rd. It is anticipated that by July 21st, the contractor will have completed the installation of the 12" pipeline for the entire project from Floral Dr to Vagabond Rd or a total length of 10,800 linear feet of pipeline. This is the backbone of the water distribution system along Monterey Pass road.

The Contractor will then proceed with the work at the intersection of Vagabond Rd and Monterey Pass Rd to connect the 12" transmission pipeline between the west side and east side of Monterey Pass Road. At the completion of the pipe connections on Vagabond Rd, the Contractor will begin the work of trenching and installing the 6-inch, 4-inch, 2-inch, and 1-inch diameter lateral service pipes for the fire hydrants, fire services, and water meters from Floral Dr to Vagabond Rd.

Traffic control devices have provided a safe working condition for both contractor and the driving public. These devices are removed at the end of the day and proper temporary asphalt resurfacing of the trench has provided a seamless transition for vehicular traffic. Street sweeping is performed on a daily basis to provide a clean working environment during and after work. A map showing construction work through July 14th is included as Attachment 1.

FISCAL IMPACT:

The Monterey Pass Road Emergency Water Main Improvements is included in the FY 22-23 Capital Improvement Plan as Project No. 99025. The following is an estimated cost for the project:

CIP 99025 – Monterey Pass Road Emergency Watermain	
Engineering Design	$ 131,000
Geotechnical	$ 100,000
Construction Cost	$ 4,800,000
Material Cost	$ 1,600,000
Street Rehabilitation	$ 950,000
Construction Management and Inspection	$ 410,000
Total	$7,991,000

Respectfully submitted by:

Shawn Igoe,
Director of Public Works

Reviewed by:

Martha Garcia
Director of Finance

Approved by:

Inez Alvarez
Interim City Manager

Reviewed by:

Karl H. Berger
City Attorney

ATTACHMENT:

1. Construction Map

ATTACHMENT 1
Construction Map


Monterey Pass
Transmission Main Replacement
Legend
VAGABOND RD
MONTEREY PASS RD
DAVIDSON DR
FLORAL DR
Laguna Channel
FH
WS
WS
WS
FH
FS
SINGLE AND DOUBLE PIPELINE INSTALLED AS OF 7/7/23
ANTICIPATED SINGLE PIPE LINE INSTALLED BY 7/14/23
FIRE HYDRANT (FH), FIRE SERVICE (FS), WATER SERVICE (WS) INSTALLED
Google Earth
1000 ft
N

City Council Staff Report

DATE: July 19, 2023

AGENDA ITEM NO: Public Hearing - 4A

TO: The Honorable Mayor and City Council

FROM: Justin A. Tamayo, Deputy City Attorney

SUBJECT: Consideration and possible action to introduce an Ordinance adding Chapter 21.55 entitled "Firearm Health Protection Zone" to the Monterey Park Municipal Code

RECOMMENDATION:

It is recommended that the City Council consider:

1. Opening a public hearing and taking testimonial and documentary evidence;
2. After receiving verbal and written testimony, close the public hearing;
3. After closing the public hearing and considering the evidence, adopt an urgency ordinance implementing the "Firearm Health Protection Zone" immediately upon a 4/5s vote;
4. After closing the public hearing and considering the evidence submitted during that public hearing, introduce and waive first reading of Ordinance No. _____ adding Chapter 21.55 entitled "Firearm Health Protection Zone" to the Monterey Park Municipal Code;
5. Taking such additional, related action that may be desirable.

EXECUTIVE SUMMARY:

This Ordinance was drafted in accordance with Section 3(A) of City Council Resolution No. 2023-R15, adopted March 1, 2023. That Section directed the City Manager and City Attorney to draft an ordinance substantially similar to that proposed to the Los Angeles County Board of Supervisors on February 7, 2023. If adopted, this Ordinance would add a new Chapter to the Monterey Park Municipal Code ("MPMC") regulating firearms dealers within the City's jurisdiction. Specifically, the Ordinance will create a Firearm Health Protection Zone separating firearms dealers from sensitive receptors, such as residences and schools.

TYPE OF ACTION (LEGISLATIVE; QUASI-JUDICIAL; OR ADVISORY)

Legislative: The recommended action involves a zoning code text amendment creating a Health Protection Zone. In considering such actions, the City Council acts in its discretionary legislative capacity (formulating rules that apply to all future uses). For a zoning code text amendment, the City Council must make these findings (MPMC 21.38.050):

- That the proposed amendment is consistent with the goals, policies, and objectives of the General Plan;

- That the proposed amendment will not adversely affect surrounding properties; and
- That the proposed amendment promotes public health, safety, and general welfare and serves the goals and purposes of the Zoning Code.

ENVIRONMENTAL ASSESSMENT:

The City reviewed the environmental impacts of this Ordinance under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq*. "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Regs. §§ 15000, *et seq*., the "CEQA Guidelines"). An Initial Study of Environmental Impacts and Negative Declaration ("ND") was prepared pursuant to CEQA Guidelines § 15063. The public comment period on the ND was from May 1, 2023 to May 21, 2023.

BOARD/COMMISSION REVIEW:

At its June 27, 2023, regular meeting, the Planning Commission reviewed this Ordinance and recommended City Council adopt the Ordinance.

BACKGROUND:

The City Council reacted to the Mass Casualty Incident ("MCI") on January 21, 2023 by taking a number of actions intended to both mitigate the impact of the MCI in the community and reduce the likelihood of future incidents. Among other things, the City Council adopted Resolution No. 2023-R15 (Attachment C) directing the City Manager and City Attorney to make recommendations regarding a number of gun-related matters.

The proposed Ordinance is one of several of these items. If adopted, the Ordinance would add Chapter 21.55 to the MPMC creating a 1,000-foot buffer zone between firearms dealers and sensitive receptors. Under the Ordinance, sensitive receptors include residences, schools, and other community resource centers. New firearms dealers would need to obtain a Conditional Use Permit ("CUP") to operate within the Shopping Center (S-C) Zone.

As illustrated in the attached map of existing firearm dealer locations (Attachment B), there are currently two firearms dealers within the City's jurisdiction. These already meet the buffer zone requirements. While they do not possess CUPs, they would be legal nonconforming uses and could continue to operate even if the Ordinance were adopted.

FISCAL IMPACT:

None.

Respectfully submitted by:

Justin A. Tamayo
Deputy City Attorney

Reviewed and approved by:

Karl H. Berger
City Attorney

ATTACHMENTS:

1. Ordinance No. _____ adding Chapter 21.55 entitled “Firearm Health Protection Zone” to the Monterey Park Municipal Code;
2. Urgency Ordinance No._____ adding Chapter 21.55 entitled “Firearm Health Protection Zone” to the Monterey Park Municipal Code;
3. Maps showing location of current firearms dealers; and
4. City Council Resolution No. 2023-R15
5. Initial Study and Negative Declaration

ATTACHMENT 1
Ordinance

ORDINANCE NO.

AN ORDINANCE ADDING CHAPTER 21.55 ENTITLED "FIREARM PROTECTION ZONE" TO THE MONTEREY PARK MUNICIPAL CODE

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

SECTION 1: *Findings.* The City Council finds as follows:

A. On January 21, 2023, 11 people were murdered and nine were severely injured as the result of a shooting spree by an individual using a modified firearm that may be classified as an assault weapon.

B. For this Ordinance, the City Council identifies a mass casualty incident ("MCI") as one occurring in a relatively public place, involving four or more deaths – not including the shooter(s) – and shooters who select victims somewhat indiscriminately. The violence in these cases is not a means to an end – the shooters do not pursue criminal profit or kill in the name of terrorist ideologies (*see* "Public Mass Shootings in the United States: Selected Implications for Federal Public Health and Safety Policy," Congressional Research Service, April 16, 2013, pp.2-3).

C. The City Council recognizes that the regulation of firearms is controversial. It cannot ignore, however, that the United States has less than 5% of the world's population but 46% of the world's civilian-owned guns (*see, e.g.,* "U.S. Gun Policy: Global Comparisons," Masters, Jonathan, Council on Foreign Relations, June 10, 2022). It ranks number one in firearms per capita (*Id.*) The United States also has the highest homicide-by-firearm rate of the world's most-developed nations (*Id.*). Consequently, this matter is a national and regional health concern that requires immediate, realistic, and practical responses.

D. Since the beginning of 2023, there have been more than 100 MCIs in the United States including the one in our community on January 21, 2023.

E. According to the Centers for Disease Control and Prevention ("CDC"), there were 45,222 firearm-related deaths in the United States in 2020. That equates to approximately 124 people dying from a firearm-related injury each day. More than half of firearm-related deaths were suicides and more than 4 out of every 10 were firearm homicides (*see* "Fast Facts: Firearm Violence Prevention," Centers for Disease Control and Prevention, May 4, 2022).

F. Studies demonstrate that child-access prevention ("CAP") laws reduce

unintentional firearm injuries and deaths among children (*see, e.g.,* www.rand.org/research/gun-policy/analysis/child-access-prevention/unintentional-injuries.html; updated January 10, 2023). Additionally, studies that examined effects on young adults or adults provide limited evidence that these laws may reduce unintentional firearm injuries and deaths among adults as well.

G. It is vital that the City Council act to the greatest extent possible to protect this community from violence resulting from firearms. While the City of Monterey Park's ability to regulate firearms may be limited, it is empowered by the California Constitution to enact laws to protect public health and safety. Accordingly, this Ordinance is adopted in accordance with the City's police powers as enshrined in Article XI, § 7 of the California Constitution.

H. In verifying the City's ability to enact the regulations adopted by this Ordinance, the City Council takes note of *Suter v. City of Lafayette* (1997) 57 Cal.App.4th 1109 (zoning ordinance confining firearms dealership to commercially zoned areas upheld).

I. On May 17, 2023, the Planning Commission considered a proposed Ordinance that was drafted in accordance with Resolution No. 2023-R15, adopted March 1, 2023 by the City Council.

J. Section 3(A) of that Resolution directed the City Manager and City Attorney to draft an ordinance substantially similar to that proposed to the Los Angeles County Board of Supervisors on February 7, 2023.

K. If adopted, the Ordinance would add a new Chapter to the Monterey Park Municipal Code ("MPMC") regulating firearms dealers within the City's jurisdiction. Most importantly, the Ordinance would create a Firearm Health Protection Zone to separate firearms dealers from certain sensitive receptors, e.g., residences and schools.

L. The City reviewed the Ordinance pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, et seq., "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Regulations §§15000, et seq., the "CEQA Guidelines"). CEQA and the CEQA Guidelines are collectively referred to as "CEQA Regulations."

M. Notice of Public a Hearing before the City Council was duly given and published in the time, form, and manner as required by law; and

N. On July 19, 2023, the City Council considered this Ordinance. Its findings are made based on the entire administrative record including testimony and evidence presented to the Planning Commission on June 27, 2023, and to the City Council at its July 19, 2023 public hearing, including, without limitation, the staff report submitted by the Community Development Director.

SECTION 2: *Factual Findings and Conclusions.* The City Council finds as follows:

A. The proposed amendments to the Monterey Park Municipal Code ("MPMC") are consistent with the goals, policies and objectives of the General Plan including, without limitation, Land Use Policy 3.1: "Maintain the quality and character of residential neighborhoods"; Land Use Policy 5.2: "Facilitate safe, convenient, and affordable access to basic services and community-based amenities"; and Land Use Policy 7.3: "Protect neighborhoods from the encroachment of incompatible activities or land uses that may have a negative impact on the residential living environment."

B. Among other things, the proposed regulations would prohibit firearm sales within 1000 feet of sensitive receptors which facilitates a safe community, thereby preserving the City's character. The regulations continue to permit firearm dealers, but confines the use to zones where it will not encroachment upon sensitive receptors or otherwise pose a danger to public health, safety, and general welfare.

C. These regulations will not adversely affect surrounding properties. Such regulations will operate citywide and will not affect a change in the use or the intensity of use of property in any zone.

D. These regulations promote public health, safety, and general welfare and serve the goals and purposes of the MPMC's zoning regulations. The proposed regulations ensure that firearm dealership uses do not encroach into sensitive areas and make the community more secure while continuing to allow for a range of commercial services to meet the needs of the community. A review of the City's records shows that there are two existing firearms dealers located within its jurisdiction.

E. Both firearms dealers are located outside the health protection zone established by this ordinance.

F. The City's records do not show there are any pending applications for establishing a new firearms dealer within the City's jurisdiction.

SECTION 3: *Environmental Assessment*. The City reviewed the environmental impacts of this Ordinance under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq*. "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Regs. §§ 15000, *et seq*., the "CEQA Guidelines"). An Initial Study of Environmental Impacts and Negative Declaration ("ND") were prepared pursuant to CEQA Guidelines § 15063. The public comment period on the ND was from May 1, 2023 to May 21, 2023.

SECTION 4: *Notice of Determination.* The City Manager, or designee, is directed to file a notice of determination in accordance with CEQA §§ 21152, 21167(f); CEQA Guidelines § 15094; and any other applicable law.

SECTION 5: *Health Protection Zone*. A new Chapter 21.55 is added to the MPMC to read as follows:

"**Chapter 21.55**

Firearm Health Protection Zone

21.55 010. PURPOSE.

This chapter is adopted in accordance with Article XI, § 7 of the California Constitution for the purpose of protecting the most vulnerable members of the public from death or serious bodily injury resulting from use of a firearm.

21.55 020. DEFINITIONS.

Unless the contrary is stated or clearly appears from the context, the following definitions will govern the construction of the words and phrases used in this chapter:

A. "Area" means surface area, and all measurement of distances is on the surface of the land.

B. "Health protection zone" means the area within 1,000 feet of a sensitive receptor. The measurement must be made from the property line of the receptor unless the receptor building is more than 50 feet set back from the property line, in which case the measurement is made from the outline of the building footprint to 1,000 feet in all directions.

C. "Firearms Dealer" means "gunsmith" or "armorer," as defined by this

code, and has the same meaning as Penal Code § 26700.

D. "Sensitive receptor" means any of the following:

1. A residence, including a private home, condominium, apartment, and living quarter.

2. An education resource, including a preschool, school maintaining transitional kindergarten, kindergarten, or any of grades 1 to 12, inclusive, daycare center, park, playground, university, and college. A park is an education resource if it is an area that is open to the public for outdoor recreation that is at least partially within one-quarter mile of a residence or another education resource. Only the portion of a park that is within one-quarter mile of a residence or another education resource is considered a sensitive receptor.

3. A community resource center, including a youth center.

4. A health care facility, including a hospital, retirement home, and nursing home.

5. Live-in housing, including a long-term care hospital, hospice, prison, detention center, and dormitory.

21.55 030. Measuring Distances.

A. For the purposes of this Chapter, distances are measured in feet as horizontal distance.

B. When distance from a sensitive receptor is measured from the property line, the measurement is from the property line directly between the sensitive receptor and the firearms dealer and from the point on the property line that is nearest to the firearms dealer.

21.55 040. Health Protection Zone Established.

Health protection zones are established between sensitive receptors and firearms dealers. It is unlawful for any firearms dealers to be located within a health protection zone. The City Attorney is authorized to take any enforcement actions needed to enforce this prohibition in accordance with Title 4 of this code including, without limitation, seeking judicial intervention without additional city council authorization.

21.55 050. Conditional Use Permit Required.

A firearms dealer use may be approved within the Shopping Center Zone (S-C) upon being issued a conditional use permit by the Planning Agency in accordance with this Title."

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: *Enforceability*. Repeal of any provision of the Monterey Park Municipal Code does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 8: *Reliance on Record*. Every one of the findings and determinations in this Ordinance are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the matter. The determinations constitute the independent findings and determinations of the City Council in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 9: *Limitations*. The City Council's analysis and evaluation of the project is based on the best information currently available. It is inevitable that in evaluating a project that absolute and perfect knowledge of all possible aspects of the project will not exist. One of the major limitations on analysis of the project is the City Council's lack of knowledge of future events. In all instances, best efforts have been made to form accurate assumptions. Somewhat related to this are the limitations on the City's ability to solve what are in effect regional, state, and national problems and issues. The City must work within the political framework within which it exists and with the limitations inherent in that framework.

SECTION 10: *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 11: *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 12: *Publications*. The City Clerk is directed to certify the passage and adoption of this Ordinance; 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, cause it to be published or posted in accordance with California law.

SECTION 13: *Recording.* The City Clerk 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 fifteen days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 14: *Effective Date.* This Ordinance becomes effective on the 30th day following its passage and adoption.

ORDINANCE NO. ___ HAD ITS FIRST READING ON JULY 19, 2023, ITS SECOND READING ON ____, AND WAS DULY PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MONTEREY PARK AT ITS REGULAR MEETING OF _____.

Jose Sanchez, Mayor

ATTEST:

_____
Maychelle Yee, City Clerk

APPROVED AS TO FORM:

_____
Karl H. Berger, City Attorney

ATTACHMENT 2
Urgency Ordinance

ORDINANCE NO.

AN URGENCY ORDINANCE ADDING CHAPTER 21.55 ENTITLED "FIREARM PROTECTION ZONE" TO THE MONTEREY PARK MUNICIPAL CODE

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

SECTION 1: *Findings.* The City Council finds as follows:

A. On January 21, 2023, 11 people were murdered and nine were severely injured as the result of a shooting spree by an individual using a modified firearm that may be classified as an assault weapon.

B. For this Ordinance, the City Council identifies a mass casualty incident ("MCI") as one occurring in a relatively public place, involving four or more deaths – not including the shooter(s) – and shooters who select victims somewhat indiscriminately. The violence in these cases is not a means to an end – the shooters do not pursue criminal profit or kill in the name of terrorist ideologies (*see* "Public Mass Shootings in the United States: Selected Implications for Federal Public Health and Safety Policy," Congressional Research Service, April 16, 2013, pp.2-3).

C. The City Council recognizes that the regulation of firearms is controversial. It cannot ignore, however, that the United States has less than 5% of the world's population but 46% of the world's civilian-owned guns (*see, e.g.,* "U.S. Gun Policy: Global Comparisons," Masters, Jonathan, Council on Foreign Relations, June 10, 2022). It ranks number one in firearms per capita (*Id.*) The United States also has the highest homicide-by-firearm rate of the world's most-developed nations (*Id.*). Consequently, this matter is a national and regional health concern that requires immediate, realistic, and practical responses.

D. Since the beginning of 2023, there have been more than 100 MCIs in the United States including the one in our community on January 21, 2023.

E. According to the Centers for Disease Control and Prevention ("CDC"), there were 45,222 firearm-related deaths in the United States in 2020. That equates to approximately 124 people dying from a firearm-related injury each day. More than half of firearm-related deaths were suicides and more than 4 out of every 10 were firearm homicides (*see* "Fast Facts: Firearm Violence Prevention," Centers for Disease Control and Prevention, May 4, 2022).

F. Studies demonstrate that child-access prevention ("CAP") laws reduce unintentional firearm injuries and deaths among children (*see, e.g.,* www.rand.org/research/gun-policy/analysis/child-access-prevention/unintentional-injuries.html; updated January 10, 2023). Additionally, studies that examined effects on young adults or adults provide limited evidence that these laws may reduce unintentional firearm injuries and deaths among adults as well.

G. It is vital that the City Council act to the greatest extent possible to protect this community from violence resulting from firearms. While the City of Monterey Park's ability to regulate firearms may be limited, it is empowered by the California Constitution to enact laws to protect public health and safety. Accordingly, this Ordinance is adopted in accordance with the City's police powers as enshrined in Article XI, § 7 of the California Constitution.

H. In verifying the City's ability to enact the regulations adopted by this Ordinance, the City Council takes note of *Suter v. City of Lafayette* (1997) 57 Cal.App.4th 1109 (zoning ordinance confining firearms dealership to commercially zoned areas upheld).

I. On May 17, 2023, the Planning Commission considered a proposed Ordinance that was drafted in accordance with Resolution No. 2023-R15, adopted March 1, 2023 by the City Council.

J. Section 3(A) of that Resolution directed the City Manager and City Attorney to draft an ordinance substantially similar to that proposed to the Los Angeles County Board of Supervisors on February 7, 2023.

K. If adopted, the Ordinance would add a new Chapter to the Monterey Park Municipal Code ("MPMC") regulating firearms dealers within the City's jurisdiction. Most importantly, the Ordinance would create a Firearm Health Protection Zone to separate firearms dealers from certain sensitive receptors, e.g., residences and schools.

L. The City reviewed the Ordinance pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, et seq., "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Regulations §§15000, et seq., the "CEQA Guidelines"). CEQA and the CEQA Guidelines are collectively referred to as "CEQA Regulations."

M. On July 10, 2023, the Community Development Director received an inquiry from a licensed gun dealer seeking to open business as a

firearms dealer at 740 West Garvey Avenue. This area is located within the Regional Specialty Center (R-S) zone and Mixed Use land use designation which currently allows firearm dealers to operate. Unless the regulations in this Ordinance take effect immediately, the protections provided by the new MPMC Chapter 21.55 will not be imposed upon the conceptual firearms dealer

; and

N. On July 19, 2023, the City Council considered this Ordinance. Its findings are made based on the entire administrative record including testimony and evidence presented to the Planning Commission on June 27, 2023, and to the City Council at its July 19, 2023 public hearing, including, without limitation, the staff report submitted by the Community Development Director.

O. In accordance with Government Code §§ 36934 and 36937(b), the City Council finds that this Ordinance should be adopted on an urgency basis to preserve the public health, safety and welfare. This Ordinance's immediate adoption is necessary to preserve the character of sensitive uses in the city, including, without limitation, residences, schools, and medical facilities. This will ensure compatibility between existing sensitive uses and commercial operations.

SECTION 2: *Factual Findings and Conclusions.* The City Council finds as follows:

A. The proposed amendments to the Monterey Park Municipal Code ("MPMC") are consistent with the goals, policies and objectives of the General Plan including, without limitation, Land Use Policy 3.1: "Maintain the quality and character of residential neighborhoods"; Land Use Policy 5.2: "Facilitate safe, convenient, and affordable access to basic services and community-based amenities"; and Land Use Policy 7.3: "Protect neighborhoods from the encroachment of incompatible activities or land uses that may have a negative impact on the residential living environment."

B. Among other things, the proposed regulations would prohibit firearm sales within 1000 feet of sensitive receptors which facilitates a safe community, thereby preserving the City's character. The regulations continue to permit firearm dealers, but confines the use to zones where it will not encroachment upon sensitive receptors or otherwise pose a danger to public health, safety, and general welfare.

C. These regulations will not adversely affect surrounding properties. Such regulations will operate citywide and will not affect a change in the use or the intensity of use of property in any zone.

D. These regulations promote public health, safety, and general welfare and serve the goals and purposes of the MPMC's zoning regulations. The proposed regulations ensure that firearm dealership uses do not encroach into sensitive areas and make the community more secure while continuing to allow for a range of commercial services to meet the needs of the community. A review of the City's records shows that there are two existing firearms dealers located within its jurisdiction.

E. Both firearms dealers are located outside the health protection zone established by this ordinance.

F. The City's records do not show there are any pending applications for establishing a new firearms dealer within the City's jurisdiction.

SECTION 3: *Environmental Assessment*. The City reviewed the environmental impacts of this Ordinance under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq*. "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Regs. §§ 15000, *et seq*., the "CEQA Guidelines"). An Initial Study of Environmental Impacts and Negative Declaration ("ND") were prepared pursuant to CEQA Guidelines § 15063. The public comment period on the ND was from May 1, 2023 to May 21, 2023.

SECTION 4: *Notice of Determination.* The City Manager, or designee, is directed to file a notice of determination in accordance with CEQA §§ 21152, 21167(f); CEQA Guidelines § 15094; and any other applicable law.

SECTION 5: *Health Protection Zone*. A new Chapter 21.55 is added to the MPMC to read as follows:

"**Chapter 21.55**

Firearm Health Protection Zone

21.55 010. PURPOSE.

This chapter is adopted in accordance with Article XI, § 7 of the California Constitution for the purpose of protecting the most vulnerable members of the public from death or serious bodily injury resulting from use of a firearm.

21.55 020. DEFINITIONS.

Unless the contrary is stated or clearly appears from the context, the following definitions will govern the construction of the words and phrases used in this chapter:

A. "Area" means surface area, and all measurement of distances is on the surface of the land.

B. "Health protection zone" means the area within 1,000 feet of a sensitive receptor. The measurement must be made from the property line of the receptor unless the receptor building is more than 50 feet set back from the property line, in which case the measurement is made from the outline of the building footprint to 1,000 feet in all directions.

C. "Firearms Dealer" means "gunsmith" or "armorer," as defined by this code, and has the same meaning as Penal Code § 26700.

D. "Sensitive receptor" means any of the following:

1. A residence, including a private home, condominium, apartment, and living quarter.

2. An education resource, including a preschool, school maintaining transitional kindergarten, kindergarten, or any of grades 1 to 12, inclusive, daycare center, park, playground, university, and college. A park is an education resource if it is an area that is open to the public for outdoor recreation that is at least partially within one-quarter mile of a residence or another education resource. Only the portion of a park that is within one-quarter mile of a residence or another education resource is considered a sensitive receptor.

3. A community resource center, including a youth center.

4. A health care facility, including a hospital, retirement home, and nursing home.

5. Live-in housing, including a long-term care hospital, hospice, prison, detention center, and dormitory.

21.55 030. Measuring Distances.

A. For the purposes of this Chapter, distances are measured in feet as horizontal distance.

B. When distance from a sensitive receptor is measured from the property line, the measurement is from the property line directly between the sensitive receptor and the firearms dealer and from the point on the property line that is nearest to the firearms dealer.

21.55 040. Health Protection Zone Established.

Health protection zones are established between sensitive receptors and firearms dealers. It is unlawful for any firearms dealers to be located within a health protection zone. The City Attorney is authorized to take any enforcement actions needed to enforce this prohibition in accordance with Title 4 of this code including, without limitation, seeking judicial intervention without additional city council authorization.

21.55 050. Conditional Use Permit Required.

A firearms dealer use may be approved within the Shopping Center Zone (S-C) upon being issued a conditional use permit by the Planning Agency in accordance with this Title."

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: *Enforceability*. Repeal of any provision of the Monterey Park Municipal Code does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 8: *Reliance on Record*. Every one of the findings and determinations in this Ordinance are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the matter. The determinations constitute the independent findings and determinations of the City Council in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 9: *Limitations*. The City Council's analysis and evaluation of the project is based on the best information currently available. It is inevitable that in evaluating a project that absolute and perfect knowledge of all possible aspects of the project will not exist. One of the major limitations on analysis of the project is the City Council's lack of knowledge of future events. In all instances, best efforts have been made to form accurate assumptions. Somewhat related to this are the limitations on the City's ability to solve what are in effect regional, state, and national problems and issues. The City must work within the political framework within which it exists and with the limitations inherent in that framework.

SECTION 10: *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 11: *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 12: *Publications*. The City Clerk is directed to certify the passage and adoption of this Ordinance; 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, cause it to be published or posted in accordance with California law.

SECTION 13: *Recording.* The City Clerk 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 fifteen days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 14: *Effective Date.* Based on the findings in Section 1, this urgency ordinance is adopted by a four-fifths vote for the immediate preservation of the public peace, health, safety and welfare and will become effective immediately upon adoption pursuant to Government Code § 36937(b).

ORDINANCE NO. ___ HAD ITS FIRST READING ON JULY 19, 2023, ITS SECOND READING ON ____, AND WAS DULY PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MONTEREY PARK AT ITS REGULAR MEETING OF _____.

Jose Sanchez, Mayor

ATTEST:

_____
Maychelle Yee, City Clerk

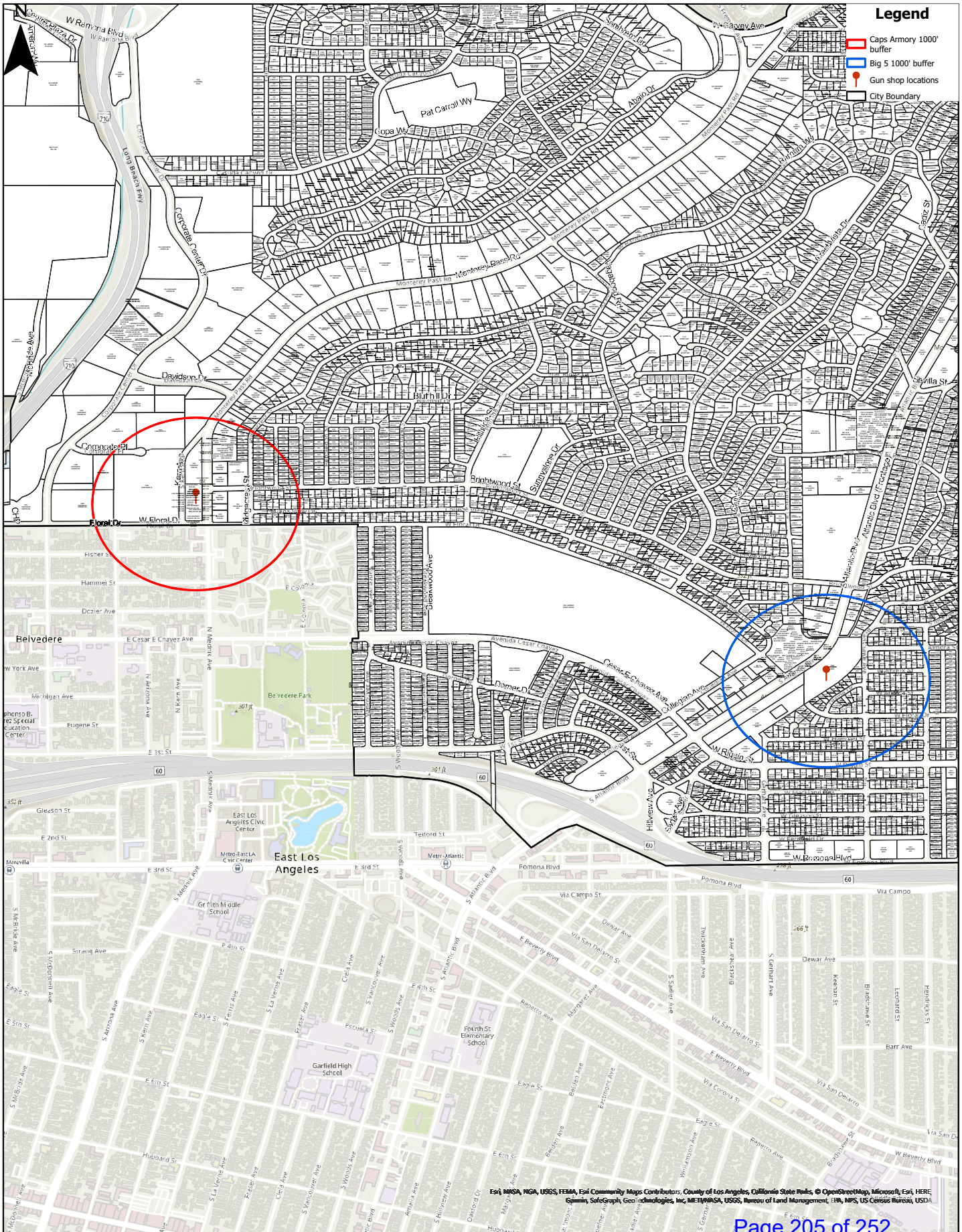
APPROVED AS TO FORM:

_____
Justin A. Tamayo, Deputy City Attorney

ATTACHMENT 3

Maps showing location of current firearm dealers

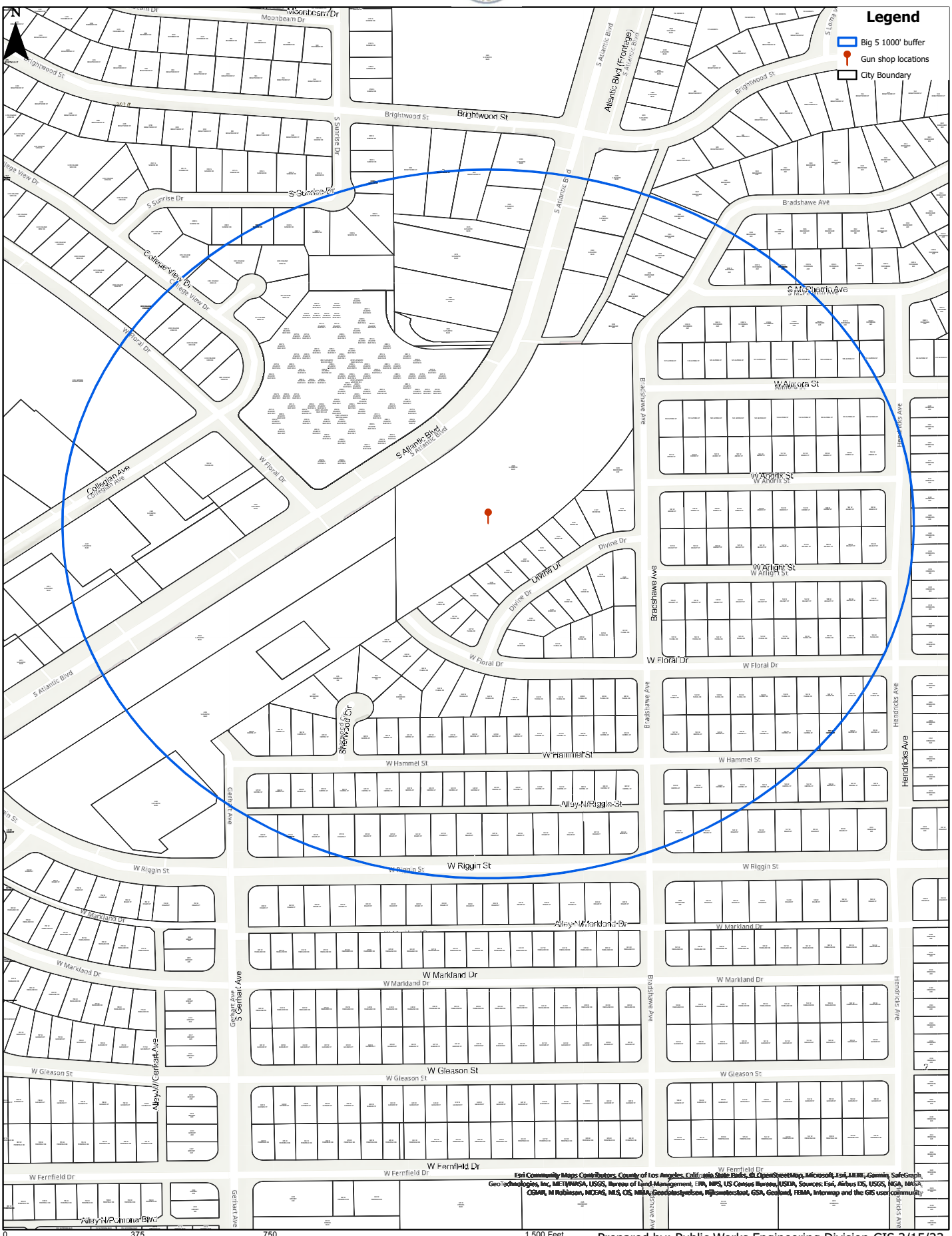
City of Monterey Park 1000' gun shop radius



0 375 750 1,500 Feet

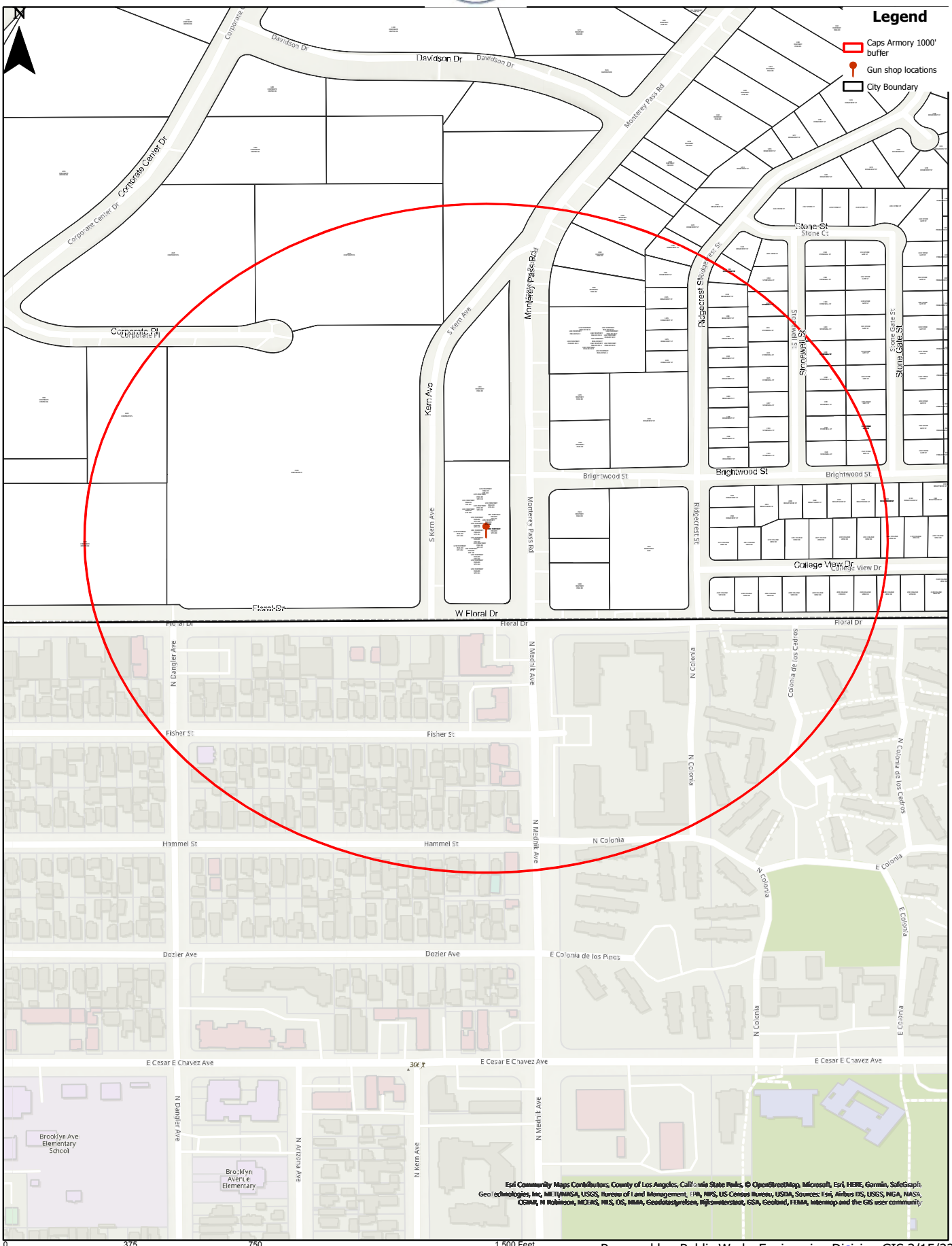
Prepared by: Public Works Engineering Division-GIS 3/15/23

1000' radius of 2602 S. Atlantic Blvd



Prepared by: Public Works Engineering Division-GIS 3/15/23

1000' radius of 1455 Monterey Pass Road, suite 110



Prepared by: Public Works Engineering Division GIS 3/15/23

ATTACHMENT 4
Resolution No. 2023-R15

RESOLUTION NO. 2023-R15

A RESOLUTION ADOPTED BY THE CITY COUNCIL SUPPORTING CERTAIN PROPOSED FEDERAL AND STATE LEGISLATION REGULATING THE SALE AND AVAILABILITY OF FIREARMS AND DIRECTING THE CITY MANAGER AND CITY ATTORNEY TO PROVIDE OPTIONS FOR CITY REGULATIONS NEEDED TO PROTECT PUBLIC HEALTH AND SAFETY FROM MASS CASUALTY INCIDENTS (AS DEFINED).

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

SECTION 1: **Findings.** The City Council finds as follows:

A. On January 21, 2023, 11 people were murdered and nine were severely injured as the result of a shooting spree by an individual using a modified firearm that may be classified as an assault weapon.

B. For this Resolution, the City Council identifies a mass casualty incident ("MCI") as one occurring in a relatively public place, involving four or more deaths – not including the shooter(s) – and shooters who select victims somewhat indiscriminately. The violence in these cases is not a means to an end – the shooters do not pursue criminal profit or kill in the name of terrorist ideologies (*see* "Public Mass Shootings in the United States: Selected Implications for Federal Public Health and Safety Policy," Congressional Research Service, April 16, 2013, pp.2-3).

C. The City Council recognizes that the regulation of firearms is controversial. It cannot ignore, however, that the United States has less than 5% of the world's population but 46% of the world's civilian-owned guns (*see, e.g.,* "U.S. Gun Policy: Global Comparisons," Masters, Jonathan, Council on Foreign Relations, June 10, 2022). It ranks number one in firearms per capita (*Id.*) The United States also has the highest homicide-by-firearm rate of the world's most-developed nations (*Id.*). Consequently, this matter is a national and regional health concern that requires immediate, realistic, and practical responses.

D. Since the beginning of 2023, there have been 73 MCIs in the United States including the one our community on January 21, 2023.

E. According to the Centers for Disease Control and Prevention ("CDC"), there were 45,222 firearm-related deaths in the United States in 2020. That equates to approximately 124 people dying from a firearm-related injury each day. More than half of firearm-related deaths were suicides and more than 4 out of every 10 were firearm homicides (*see* "Fast Facts: Firearm Violence Prevention," Centers for Disease Control and Prevention, May 4, 2022).

F. It is vital that the City Council act to the greatest extent possible to protect this community from violence resulting from firearms. While the City of Monterey Park's ability to regulate firearms may be limited, it is empowered by the California Constitution to enact laws to protect public health and safety. Accordingly, this Resolution is adopted in accordance with the City's police powers as enshrined in Article XI, § 7 of the California Constitution.

SECTION 2: **Endorsements.** The City Council endorses the following legislative proposals and authorizes the Mayor and City Manager to take all appropriate action to ensure that this draft legislation is adopted:

A. Federal Legislation. The City Council endorses enactment of the following Bills in the United States Senate:

1. S14 (Feinstein): A Bill to amend Title 18 of the United States Code to prohibit the purchase of certain firearms by individuals under 21 years of age, and for other purposes (https://www.congress.gov/bill/118th-congress/senate-bill/14/text).

2. S25 (Feinstein): A Bill to regulate assault weapons, to ensure that the right to keep and bear arms is not unlimited, and for other purposes (*see* https://www.congress.gov/bill/118th-congress/senate-bill/25/text).

B. California Legislation. The City Council endorses enactment of the following Bills in the California Senate:

1. SB 2 (Portantino): Concealed Weapons Permits (https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202320240SB2).

2. SB 241 (Min): Minimum training for firearm dealers (attached as Exhibit "A" for reference).

3. AB 732 (Fong): Relinquishment of firearms following conviction under the Penal Code.

SECTION 3: **Direction**. The City Council directs the City Manager and City Attorney to take the following actions within 90 days following adoption of this Resolution:

A. Draft an ordinance amending the Monterey Park Municipal Code ("MPMC") in a manner substantially similar to that proposed by the Los Angeles County Board of Supervisors on February 7, 2023 adopting zoning regulations with a 1000 foot buffer zone between firearm dealers

and sensitive areas (e.g., “child safety zones”) and between firearm dealers and other firearm dealers;

B. Propose amendments to the MPMC that, to the extent legally feasible, implement the following:

1. Restrict minors’ presence in gun and ammunition stores and requires corresponding signage to be posted at entrances to stores;

2. Require firearms dealers to maintain annual sales reports and make them available to law enforcement upon request;

3. Require firearms dealers to maintain a fingerprint log and make it available to law enforcement upon request;

4. Require firearms dealers to maintain and report inventory in real-time and make it available to law enforcement upon request;

5. Require firearms dealers to install and maintain security cameras and make footage available to law enforcement immediately upon request;

6. Require firearms and ammunition dealers to provide purchasers a letter regarding gun owner responsibilities and firearms laws;

7. Requiring signs to be displayed with specific language warning customers about the risk associated with access to firearms at any site where firearm sales or transfers are conducted within the City;

8. Requiring all firearms in a residence be securely stored in a locked container or disabled with a trigger lock;

9. Mandate liability insurance for firearms owners in the City;

10. The feasibility of implementing a City firearms database that may be accessed by first responders to protect the health and safety of those individuals and the larger community;

11. Banning the sale of .50 caliber handguns and ammunition in City; and

12. Prohibiting carrying/possession of firearms on all City owned property.

C. Provide such additional, practical, recommendations for changes in federal, state, or local laws that may help prevent a future MCI but also

mitigate the aftershocks of such events. Such recommendations may include, for example, changes to the Internal Revenue Code that facilitate the creation of community funds that may accept – and disburse – tax exempt monies to persons affected by MCIs.

SECTION 4: **Validity**. 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 and Monterey Park Municipal Code Chapter 3.95. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

SECTION 6: **Effectiveness**. This Resolution will take effect immediately upon adoption.

PASSED AND ADOPTED this 1st day of March, 2023.

Jose Sanchez, Mayor

ATTEST:

Maychelle Yee, City Clerk

APPROVED AS TO FORM:

Karl H. Berger, City Attorney

Exhibits:

A – SB 241 (Min)

State of California)
County of Los Angeles) §
City of Monterey Park)

I, Maychelle Yee, City Clerk of the City of Monterey Park, California, do hereby certify that the foregoing Resolution No. 2023-R15 was duly and regularly adopted by the City Council of the City of Monterey Park at a meeting held on the 1st day of March, 2023 by the following vote:

Ayes:	Council Members:	Lo, Yiu, Ngo, Wong, Sanchez
Nays:	Council Members:	None
Absent:	Council Members:	None
Abstain:	Council Members:	None

Dated this 1st day of March, 2023.

Maychelle Yee, City Clerk
City of Monterey Park, California

ATTACHMENT 5
Initial Study and Negative Declaration

COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
320 West Newmark Avenue
Monterey Park, CA 91754
(626) 307-1315

NEGATIVE DECLARATION

Project Entitlement No(s):

Applicant: City of Monterey Park

Address: 320 West Newmark Ave, Monterey Park, CA 91754

Project Location: City-Wide affecting properties in the Commercial and Office Professional Zones

Project Description: Adopt an ordinance amending the Monterey Park Municipal Code related to the operations of firearms dealers.

Based on the attached Initial Study prepared for this project, the City of Monterey Park has determined that there would be no significant, adverse, effect on the environment due to the scope of the project. All other materials that constitute the basis upon for determining to adopt this Negative Declaration are available for public review at the City of Monterey Park Planning Division, 320 West Newmark Ave, Monterey Park, CA 91754. This document constitutes a Negative Declaration.

RESPONSIBLE AGENCIES (i.e., any agency that has discretionary approval power over the project):
City of Monterey Park

TRUSTEE AGENCIES (i.e., the California Department of Fish and Game, State Lands Commission, State Department of Parks and Recreation, and University of California):
None

Notice Pursuant to Section 21092.5 of the Public Resources Code:

The 20-day review period for the draft Initial Study and Negative Declaration begins on May 1, 2023 and expires on May 21, 2023. A meeting before the Planning Commission will be held at 6:30 p.m. on May 23, 2023 in the City of Monterey Park, Council Chambers (located at 320 West Newmark Ave, Monterey Park, California) to consider this project. At that time, all interested parties are welcome to address the City on this matter. Comments regarding the Initial Study and Negative Declaration will be accepted until May 21, 2023. Final consideration regarding this project will be with the City Council.

The public is invited to submit written comments on the proposed Negative Declaration to the Planning Division, attention Beth Chow, Senior Planner, 320 West Newmark Avenue, Monterey Park, CA 91754 or phone (626) 307-1318 or via email at bchow@montereypark.ca.gov

Beth Chow
Beth Chow, AICP Senior Planner

May 1, 2023
Date

DRAFT

COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
320 West Newmark Avenue
Monterey Park, CA 91754
(626) 307-1315

INITIAL STUDY

INITIAL STUDY ENVIRONMENTAL CHECKLIST FORM

1. **Project Title: Zoning Code Amendment - ZCA-23-02** – Firearms Sales and Dealer Regulations

2. **Lead Agency Name and Address:**
City of Monterey Park
320 West Newmark Avenue
Monterey Park, CA 91754

3. **Contact Person and Phone Number:**
Beth Chow, AICP Senior Planner
(626) 307-1318

4. **Project Location:**
The proposed ordinance will apply to properties zoned for commercial and office professional uses, Citywide.

5. **Project Applicant Name and Address:**
City of Monterey Park
320 West Newmark Avenue
Monterey Park, CA 91754

6. **General Plan Designation**: Commercial and Innovation/Technology

7. **Zoning:** Commercial and Office Professional Zones

8. **Description of Project:** Consideration to amend the Monterey Park Municipal Code establishing regulations for firearms sales and dealers.

9. **Surrounding Land Uses and Setting**: N/A

Other agencies whose approval is required (e.g., permits, financing approval, or participating agreement): None

DRAFT

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" or as indicated by the checklist on the following pages.

☐ Aesthetics	☐ Agricultural Resources	☐ Air Quality
☐ Biological Resources	☐ Cultural Resources	☐ Geology/Soils
☐ Greenhouse Gas Emissions	☐ Hazards & Hazardous Materials	☐ Hydrology/Water Quality
☐ Land Use/Planning	☐ Mineral Resources	☐ Noise
☐ Population/Housing	☐ Public Services	☐ Recreation
☐ Transportation/Traffic	☐ Utilities/Service Systems	☐ Mandatory Findings of Significance

DETERMINATION: (To be completed by the Lead Agency)
On the basis of this initial evaluation:

☒ I find the proposed project COULD NOT have a significant effect on the environment and a NEGATIVE DECLARATION will be prepared.

☐ I find that although the project could have a significant effect on the environment there will not be a significant effect in this case because revisions in the project have been made or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature	**Date**
Beth Chow	Senior Planner
Print Name	**Title**

DRAFT

ENVIRONMENTAL IMPACT EVALUATION CHECKLIST

1. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," cited in support of conclusions reached in other sections may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
    a. Earlier Analysis Used—Identify and state where they are available for review.
    b. Impacts Adequately Addressed—Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
    c. Mitigation Measures—For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. The explanation of each issue should identity: a) The significance criteria or threshold, if any, used to evaluate each question; and b) The mitigation measure identified, if any, to reduce the impact to less than significance.

DRAFT

A. AESTHETICS

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation	Less than Significant Impact	No Impact
1. Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
2. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?)	☐	☐	☐	☒
3. Substantially degrade the existing visual character or quality of the site and its surroundings?)	☐	☐	☐	☒
4. Create a source of substantial light or glare, which would adversely affect day or nighttime views in the area?	☐	☐	☐	☒

B. AGRICULTURAL RESOURCES*

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation	Less than Significant Impact	No Impact
5. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use?	☐	☐	☐	☒
6. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
7. Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to nonagricultural use?	☐	☐	☐	☒

* *In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agricultural and farmland.*

DRAFT

C. AIR QUALITY*

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less than Significant Impact	No Impact
8. Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒
9. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☐	☒
10. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☐	☒
11. Expose sensitive receptors to substantial pollutant concentrations?)	☐	☐	☐	☒
12. Create objectionable odors affecting a substantial number of people?)	☐	☐	☐	☒

* *Where available, the significant criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.*

D. BIOLOGICAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less than Significant Impact	No Impact
13. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
14. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒

DRAFT

D. BIOLOGICAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less than Significant Impact	No Impact
15. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
16. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒
17. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
18. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

E. CULTURAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less than Significant Impact	No Impact
19. Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	☐	☐	☒
20. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☐	☐	☒
21. Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	☐	☐	☐	☒
22. Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒

DRAFT

F. GEOLOGY AND SOILS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less than Significant Impact	No Impact
23. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
a. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of known fault? Refer to Division of Mines and Geology Special Pub. 42.	☐	☐	☐	☒
b. Strong seismic ground shaking?	☐	☐	☐	☒
c. Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒
d. Landslides?	☐	☐	☐	☒
24. Result in substantial soil erosion, or the loss of topsoil?	☐	☐	☐	☒
25. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	☒
26. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☐	☒
27. Have soils incompatible of adequately supporting the use of septic tanks or alternative waste water disposal system where sewers are not available for the disposal system where sewers are not available for the disposal of waste water?	☐	☐	☐	☒

DRAFT

G. GREENHOUSE GAS EMISSIONS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less than Significant Impact	No Impact
28. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☐	☒
29. Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing emission of greenhouse gases?	☐	☐	☐	☒

H. HAZARDS AND HAZARDOUS MATERIALS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less than Significant Impact	No Impact
30. Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?	☐	☐	☐	☒
31. Create a significant hazard to the public or the environment through reasonably foreseeable up-set and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☒
32. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
33. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
34. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
35. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒

DRAFT

H. HAZARDS AND HAZARDOUS MATERIALS	Potentially Significant Impact	Less Than Significant With Mitigation	Less than Significant Impact	No Impact
Would the project:				
36. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
37. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒

I. HYDROLOGY AND WATER QUALITY	Potentially Significant Impact	Less Than Significant With Mitigation	Less than Significant Impact	No Impact
Would the project:				
38. Violate any water quality standards or waste discharge requirements?	☐	☐	☐	☒
39. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of preexisting nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	☒
40. Substantially alter the existing drainage patter of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on-or off-site?	☐	☐	☐	☒
41. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on-or off-site?	☐	☐	☐	☒

DRAFT

I. HYDROLOGY AND WATER QUALITY

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less than Significant Impact	No Impact
42. Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	☒
43. Otherwise substantially degrade water quality?	☐	☐	☐	☒
44. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒
45. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	☒
46. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒
47. Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒

J. LAND USE AND PLANNING

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less than Significant Impact	No Impact
48. Physically divide an established community?	☐	☐	☐	☒
49. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒
50. Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒

DRAFT

K. MINERAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less than Significant Impact	No Impact
51. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
52. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒

L. NOISE

Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation	Less than Significant Impact	No Impact
53. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☐	☒
54. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☒
55. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒
56. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels without the project?	☐	☐	☐	☒
57. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
58. For a project located within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

DRAFT

M. POPULATION AND HOUSING

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less than Significant Impact	No Impact
59. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through an extension of roads or other infra-structure)?	☐	☐	☐	☒
60. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
61. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

N. PUBLIC SERVICES*

Would the project result in substantial adverse physical impacts to the following:	Potentially Significant Impact	Less Than Significant With Mitigation	Less than Significant Impact	No Impact
62. Fire protection?	☐	☐	☐	☒
63. Police protection?	☐	☐	☐	☒
64. Schools?	☐	☐	☐	☒
65. Parks?	☐	☐	☐	☒
66. Other public facilities?	☐	☐	☐	☒

* *Include potential effects associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services.*

O. RECREATION

	Potentially Significant Impact	Less Than Significant With Mitigation	Less than Significant Impact	No Impact
67. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
68. Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	☐	☐	☐	☒

DRAFT

O. TRANSPORTATION/TRAFFIC

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less than Significant Impact	No Impact
69. Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	☐	☐	☐	☒
70. Exceed, either individually or cumulatively, a level of service standard established by the County congestion management agency for designated roads or highways?	☐	☐	☐	☒
71. Result in a change in traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒
72. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
73. Result in inadequate emergency access?	☐	☐	☐	☒
74. Result in inadequate parking capacity?	☐	☐	☐	☒
75. Conflict with adopted policies, plans or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	☐	☐	☐	☒

P. UTILITIES AND SERVICE SYSTEMS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less than Significant Impact	No Impact
76. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒
77. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒

DRAFT

P. UTILITIES AND SERVICE SYSTEMS

	Potentially Significant Impact	Less Than Significant With Mitigation	Less than Significant Impact	No Impact
Would the project:				
78. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
79. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☒
80. Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
81. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☒
82. Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☒

Q. MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less Than Significant With Mitigation	Less than Significant Impact	No Impact
83. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☐	☒

DRAFT

Q. MANDATORY FINDINGS OF SIGNIFICANCE	Potentially Significant Impact	Less Than Significant With Mitigation	Less than Significant Impact	No Impact
84. Does the project have impacts that are individually limited, but cumulatively considerable ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☐	☒
85. Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒

-End of Environmental Impact Evaluation Checklist –

ENVIRONMENTAL IMPACT EVALUATION DISCUSSION

The following is a discussion of the potential impacts associated with the approval of the proposed project, as identified in the above *Environmental Impact Evaluation Checklist*. Explanations are provided for each item below.

A. AESTHETICS. ***Would the proposal:***

1) *Have a substantial adverse effect on a scenic vista?*

No Impact: The project involves the creation of additional zoning regulations for properties within the commercial and office professional zoning districts. No plans, development or construction is proposed at this time. No impacts are anticipated.

Mitigation Measures: None.

2) *Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?*

No Impact: Refer to response A-1 above.

Mitigation Measures: None.

3) Substantially degrade the existing visual character or quality of the site and its surroundings?

DRAFT

No Impact: Refer to response A-1 above.

Mitigation Measures: None.

4) *Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?*

No Impact: Refer to response A-1 above.

Mitigation Measures: None.

B. AGRICULTURAL RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

5) *Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?*

No Impact: According to the State of California, Department of Conservation, California Important Farmland Finder, there are no properties identified within the City of Monterey Park which are considered prime farmland, unique farmland, or farmland of statewide significance.

Mitigation Measures: None.

6) *Conflict with existing zoning for agricultural use, or a Williamson Act contract?*

No Impact: Refer to response B-5 above.

Mitigation Measures: None.

7) *Involve other changes in the existing environment, which due to their location or nature, could result in the conversion of Farmland, to non-agricultural use?*

No Impact: Refer to response B-5 above.

Mitigation Measures: None.

C. AIR QUALITY. ***Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:***

DRAFT

8) *Conflict with or obstruct implementation of the applicable air quality plan?*

No Impact: The South Coast Air Quality Management District (SCAQMD) adopted a 2012 Air Quality Management Plan (AQMP) for the South Coast Air Basin (SoCAB), which sets forth a program to ensure compliance with federal and state air quality standards. The AQMP control measures and related emission reduction estimates are based upon the 2012 Regional Transportation Plan/Sustainable Communities Strategy and updated emission inventory methodologies for various source categories.

The project involves the creation of additional zoning regulations for properties within the commercial and office professional zoning districts. No plans, development or construction is proposed at this time. Such actions are not specifically related to construction and will not result in construction related emissions nor will the project conflict with the implementation of AQMP.

Mitigation Measures: None.

9) *Violate any air quality standard or contribute substantially to an existing or projected air quality violation?*

No Impact: Refer to response C-8 above.

Mitigation Measures: None.

10) ***Result in a cumulatively considerable net increase of any criteria pollutant for which*** *the project region is non-****attainment under an applicable federal or state ambient*** *air quality standard* ***(including releasing emissions which exceed quantitative thresholds for ozone precursors)?***

No Impact: Refer to response C-8 above.

Mitigation Measures: None.

11) ***Expose sensitive receptors to substantial pollutant concentrations?***

No impact**:** Refer to response C-8 above.

Mitigation Measures: None.

12) *Create objectionable odors affecting a substantial number of people?*

No Impact: The project involves the creation of additional zoning regulations for properties within the commercial and office professional zoning districts. No plans, development or construction is proposed at this time.

Mitigation Measures: None.

D. BIOLOGICAL RESOURCES. ***Would the project:***

13) *Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*

No Impact: The City of Monterey Park is a fully urbanized community. The Sustainable Community Element and the Resources Element of the Monterey Park General Plan indicates there are no unique, rare or endangered plants or animals known to inhabit the City. No new development is proposed as part of the creation of a new zoning Chapter. As a result, the proposed project will not have any impacts to sensitive or special status species, riparian habitat or other sensitive natural community, protected wetlands, or wildlife.

Mitigation Measures: None.

14) *Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*

No Impact: Refer to response to D-13 above.

Mitigation Measures: None.

15) *Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*

No Impact: Refer to response to D-13 above.

Mitigation Measures: None.

16) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

No Impact: Refer to response to D-13 above.
Mitigation Measures: None.

17) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

No Impact: Refer to response to D-13 above.

Mitigation Measures: None.

DRAFT

18) *Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?*

No Impact: Refer to response to D-13 above.

Mitigation Measures: None

E. CULTURAL RESOURCES. ***Would the project:***

19) *Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines §15064.5?*

No Impact: The project involves the creation of additional zoning regulations for properties within the commercial and office professional zoning districts. No plans, development or construction is proposed at this time. Therefore, the project will not alter the status of any local, state, or federally designated historic structure or property, nor will it impact a building/structure's eligibility for potential inclusion on any local, state or federal historic register.

Mitigation Measures: None.

20) *Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5?*

No Impact: No archaeological resources are identified within the Monterey Park General Plan.

Mitigation Measures: None.

21) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

No Impact: No unique paleontological resources or unique geologic features are identified within the Monterey Park General Plan.

Mitigation Measures: None.

22) *Disturb any human remains, including those interred outside of formal cemeteries?*

No Impact: The project involves the creation of additional zoning regulations for properties within the commercial and office professional zoning districts. No plans, development or construction is proposed at this time. Therefore, the proposed project will not disturb any human remains, including those interred outside of formal cemeteries.

Mitigation Measures: None.

DRAFT

F. GEOLOGY AND SOILS.

Overview

Building safety and construction are regulated by the requirements as set forth in the City's Municipal Code, including such regulations as the California Building Code (CBC). The CBC represents the most current practices in building safety and construction of earthquake resistant structures and facilities.

Would the project:

23) *Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:*

a.) *Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.*

No Impact: The project involves the creation of additional zoning regulations for properties within the commercial and office professional zoning districts. No plans, development or construction is proposed at this time.

Mitigation Measures: None.

b.) *Strong seismic ground shaking?*

No Impact: Refer to response F-23(a) above.

Mitigation Measures: None.

c.) *Seismic-related ground failure, including liquefaction?*

No Impact: Refer to response F-23(a) above.

Mitigation Measures: None.

d.) *Landslides?*

DRAFT

No Impact: Refer to response F-23(a) above.

Mitigation Measures: None.

24) *Result in substantial soil erosion or the loss of topsoil?*

No Impact: Refer to response F-23(a) above.

Mitigation Measures: None.

25) *Be located on a geologic unit or soil that is unstable, or would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?*

No Impact: The project involves the creation of additional zoning regulations for properties within the commercial and office professional zoning districts. No plans, development or construction is proposed at this time.

Mitigation Measures: None.

26) *Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?*

No Impact: Refer to response F-25 above.

Mitigation Measures: None.

27) *Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal system where sewers are not available for the disposal of waste water?*

No Impact: Refer to response F-25 above.

Mitigation Measures: None.

G. GREENHOUSE GAS EMISSIONS. ***Would the project:***

28) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

No Impact: The project involves the creation of additional zoning regulations for properties within the commercial and office professional zoning districts. No plans, development or construction

DRAFT

is proposed at this time. Therefore, the proposed project will not result in any negative impacts on the environment.

Mitigation Measures: None.

29) *Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?*

No Impact: Refer to G-28 above.

Mitigation Measures: None.

H. HAZARDS AND HAZARDOUS MATERIALS. *Would the project:*

30) *Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*

No Impact:
The project involves the creation of additional zoning regulations for properties within the commercial and office professional zoning districts. No plans, development or construction is proposed at this time. Therefore, it will not result in the transportation or exposure of hazardous materials to the environment or to the population.

Mitigation Measures: None.

31) *Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*

No Impact: Refer to response H-30 above.

Mitigation Measures: None.

32) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

No Impact: Refer to response H-30 above.

Mitigation Measures: None.

33) *Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?*

DRAFT

No Impact: Refer to response H-30 above.

Mitigation Measures: None.

34) *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?*

No Impact: The project involves the creation of additional zoning regulations for properties within the commercial and office professional zoning districts. No plans, development or construction is proposed at this time. Additionally, no properties located in the City of Monterey Park are located within an airport land use plan or within two miles of a public airport or public use airport. No impacts are anticipated in the regard.

Mitigation Measures: None.

35) *For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?*

No Impact: No portion of the City of Monterey Park is located within two miles of a public airport or public use airport. Therefore, no impact is anticipated.

Mitigation Measures: None.

36) *Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

No Impact: The project involves the creation of additional zoning regulations for properties within the commercial and office professional zoning districts. No plans, development or construction is proposed at this time. Therefore, the project will not result in any impacts.

Mitigation Measures: None.

37) *Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?*

No Impact: The project involves the creation of additional zoning regulations for properties within the commercial and office professional zoning districts. No plans, development or construction is proposed at this time. The City of Monterey Park is a fully urbanized community surrounded by other fully urbanized cities, which are not in proximity to any wildlands. Therefore, the threat of wildland fires has no impact.

DRAFT

Mitigation Measures: None.

I. HYDROLOGY AND WATER QUALITY. *Would the project:*

38) *Violate any water quality standards or waste discharge requirements?*

No Impact: The project involves the creation of additional zoning regulations for properties within the commercial and office professional zoning districts. No plans, development or construction is proposed at this time. Therefore, the proposed project will not result in any impacts to the water system, supply, or quality.

Mitigation Measures: None.

39) *Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?*

No Impact: Refer to response I-38 above.

Mitigation Measures: None.

40) *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of stream or river, or substantially increase the rate or amount of the surface runoff in a manner, which would result in substantial erosion or siltation on- or off-site?*

No Impact: Refer to response I-38 above.

Mitigation Measures: None.

41) *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on-or off-site?*

No Impact: Refer to response I-38 above.

Mitigation Measures: None.

42) *Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?*

No Impact: Refer to response I-38 above.

.

DRAFT

Mitigation Measures: None.

43) *Otherwise substantially degrade water quality?*

No Impact: Refer to response I-38 above.

Mitigation Measures: None.

44) *Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?*

No Impact: According to Federal Emergency Management Agency (FEMA) Flood Control maps, the City of Monterey Park Monterey Park is located within Flood Zone "X". This means that the community has no special flood hazard areas and a flood map for the community has not been published. The city's Community Number is 065047. The city's current effective map is designated No Specific Flood Hazard Area (NSFHA). Although it may not be subject to the 100-year flood, floods of greater magnitude could occur here. Since the project does not involve any plans, development or construction, no impacts are anticipated.

Mitigation Measures: None.

45) *Place within a 100-year flood hazard area structures which would impede or redirect flood flows?*

No Impact: Refer to response I-44 above.

Mitigation Measures: None.

46) *Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?*

No Impact: Refer to response I-44 above.

Mitigation Measures: None.

47) *Inundation by seiche, tsunami, or mudflow?*

No Impact: The City of Monterey Park is located more than fifteen (15) miles away from the Pacific Ocean. Therefore, no impact is anticipated.

Mitigation Measures: None.

J. LAND USE AND PLANNING. ***Would the project:***

DRAFT

48) *Physically divide an established community?*

No Impact: The project involves the creation of additional zoning regulations for properties within the commercial and office professional zoning districts. No plans, development or construction is proposed at this time. Therefore, the proposed project will not result in any impacts.

Mitigation Measures: None

49) *Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?*

No Impact: The project involves the creation of additional zoning regulations for properties within the commercial and office professional zoning districts. No plans, development or construction is proposed at this time. Therefore, the proposed project will not result in any impacts.

Mitigation Measures: None.

50) *Conflict with any applicable habitat conservation plan or natural community conservation plan?*

No Impact: Refer to D-13 above.

Mitigation Measures: None.

K. *MINERAL RESOURCES. Would the project:*

51) *Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?*

No Impact: No mineral resources have been identified within the City of Monterey Park in the City's General Plan. The project involves the creation of additional zoning regulations for properties within the commercial and office professional zoning districts. No plans, development or construction is proposed at this time. Therefore, the proposed project will not result in any impacts.

Mitigation Measures: None.

52) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

No Impact: Refer to response K-51 above.

DRAFT

Mitigation Measures: None.

L. NOISE. ***Would the project result in:***

53) *Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*

No Impact: The project involves the creation of additional zoning regulations for properties within the commercial and office professional zoning districts. No plans, development or construction is proposed at this time.

Mitigation Measures: None.

54) *Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?*

No Impact: Refer to L-53 above.

Mitigation Measures: None.

55) *A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?*

No Impact: Refer to response L-53 above.

Mitigation Measures: None.

56) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

No Impact: The project involves the creation of additional zoning regulations for properties within the commercial and office professional zoning districts. No plans, development or construction is proposed at this time.

Mitigation Measures: None.

57) *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?*

No Impact: Not applicable. According the City's General Plan, there are no public or private airports located in or surrounding the City of Monterey Park within two (2) miles.

DRAFT

Mitigation Measures: None.

58) *For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?*

No Impact: Refer to H-34 above.

Mitigation Measures: None.

M. POPULATION AND HOUSING. *Would the project:*

59) *Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*

No Impact: The project involves the creation of additional zoning regulations for properties within the commercial and office professional zoning districts. No plans, development or construction is proposed at this time.

Mitigation Measures: None.

60) *Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?*

No Impact: The project involves the creation of additional zoning regulations for properties within the commercial and office professional zoning districts. No plans, development or construction is proposed at this time. No housing is part of this proposal, therefore there is no displacement of housing, therefore, no impacts are anticipated.

Mitigation Measures: None.

61) *Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?*

No Impact: Refer to M-60 above

Mitigation Measures: None

N. PUBLIC SERVICES.

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts,

DRAFT

in order to maintain acceptable service ratio, response times or other performance objectives for any of the public service:

62) *Fire protection?*

No Impact: The project involves the creation of additional zoning regulations for properties within the commercial and office professional zoning districts. No plans, development or construction is proposed at this time.

Mitigation Measures: None

63) Police protection?

No Impact: The project involves the creation of additional zoning regulations for properties within the commercial and office professional zoning districts. No plans, development or construction is proposed at this time.

Mitigation Measures: None.

64) Schools?

No Impact: The project involves the creation of additional zoning regulations for properties within the commercial and office professional zoning districts. No plans, development or construction is proposed at this time.

Mitigation Measures: None.

65) Parks?

No Impact: The project involves the creation of additional zoning regulations for properties within the commercial and office professional zoning districts. No plans, development or construction is proposed at this time.

Mitigation Measures: None.

66) Other Public Facilities?

No Impact: The project involves the creation of additional zoning regulations for properties within the commercial and office professional zoning districts. No plans, development or construction is proposed at this time.

Mitigation Measures: None.

DRAFT

O. RECREATION

67) *Would the proposed project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?*

No Impact: The project involves the creation of additional zoning regulations for properties within the commercial and office professional zoning districts. No plans, development or construction is proposed at this time.

Mitigation Measures: None.

68) *Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse effect on the environment?*

No Impact: Refer to response O-67 above.

Mitigation Measures: None.

P. TRANSPORTATION/TRAFFIC. *Would the project:*

69) *Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?*

No Impact: The project involves the creation of additional zoning regulations for properties within the commercial and office professional zoning districts. No plans, development or construction is proposed at this time. Therefore, the project will not result in an increase in traffic. The proposed project would not intensify the existing operations or use at any site, therefore, the project would not generate an increase in vehicle trips and associated mobile-source emissions.

Mitigation Measures: None.

70) *Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?*

No Impact: Refer to response P-69 above.

Mitigation Measures: None.

71) *Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?*

DRAFT

No Impact: The City of Monterey Park is not located in proximity to an airport, as the nearest airport is San Gabriel Valley Airport, located four miles northeast from the city. The project involves the creation of additional zoning regulations for properties within the commercial and office professional zoning districts. No plans, development or construction is proposed at this time. No impact is expected in this regard.

Mitigation Measures: None.

72) *Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*

No Impact: Refer to response P–69 above.

Mitigation Measures: None.

73) *Result in inadequate emergency access?*

No Impact: Refer to response P–69 above.

Mitigation Measures: None.

74) *Result in inadequate parking capacity?*

No Impact: Refer to response P–69 above.

Mitigation Measures: None.

75) *Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?*

No Impact: Refer to response P–69 above.

Mitigation Measures: None.

Q. UTILITIES AND SERVICE SYSTEMS. *Would the project:*

76) *Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?*

DRAFT

No Impact: The project involves the creation of additional zoning regulations for properties within the commercial and office professional zoning districts. No plans, development or construction is proposed at this time.

Mitigation Measures: None.

77) *Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?*

No Impact: Refer to response Q-76 above.

Mitigation Measures: None.

78) *Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?*

No Impact: Refer to response Q-76 above.

Mitigation Measures: None.

79) *Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?*

No Impact: Refer to response Q-76 above.

Mitigation Measures: None.

80) *Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?*

No Impact: Refer to response Q-76 above.

Mitigation Measures: None.

81) *Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?*

No Impact: The project involves the creation of additional zoning regulations for properties within the commercial and office professional zoning districts. No plans, development or construction is proposed at this time.

DRAFT

Mitigation Measures: None.

82) *Comply with federal, state, and local statutes and regulations related to solid waste?*

Less Than Significant Impact: Refer to Q-81 above.

Mitigation Measures: None.

R. MANDATORY FINDINGS OF SIGNIFICANCE.

83) *Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?*

No Impact: The City of Monterey Park is a fully urbanized community. The Sustainable Community Element and the Resources Element of the Monterey Park General Plan indicates there are no unique, rare or endangered plants or animals known to inhabit the City. The project involves the creation of additional zoning regulations for properties within the commercial and office professional zoning districts. No plans, development or construction is proposed at this time. Therefore, the proposed project will have no impact on any sensitive plant or animal species or habitat. Likewise, there will there no conflict with any adopted City, County, Regional, State or Federal policies, goals, or plans pertaining to the preservation and/or conservation of biological resources in the City of Monterey Park.

Mitigation Measures: None.

84) *Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?*

No Impact: The project involves the creation of additional zoning regulations for properties within the commercial and office professional zoning districts. No plans, development or construction is proposed at this time.

Mitigation Measures: None.

85) *Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?*

No Impact: The project involves the creation of additional zoning regulations for properties within the commercial and office professional zoning districts. No plans, development or construction

is proposed at this time. Therefore, no environmental effects which will cause substantial adverse effects on human being, either directly or indirectly, are anticipated.

Mitigation Measures: None.

-End of Environmental Impact Evaluation Discussion -

DRAFT

REFERENCES FOR ENVIRONMENTAL EVALUATION

The following references were utilized during preparation of this Initial Study:

1) City of Monterey Park General Plan
2) Monterey Park Municipal Code
3) State of California, Department of Conservation, California Important Farmland Finder
4) South Coast Air Quality Plan (SCAQM)
5) 2012 Air Quality Management Plan (AQMP)
6) California Register of Historical Resources
7) California Department of Conservation, division of Mines and Geology
8) Federal Emergency Management Agency (FEMA) Map for the City of Monterey Park.
9) California Building Code
10) Secretary of the Interior Standards for Historic Structures
11) City of Monterey Park Hazardous Petroleum Substance Map
12) City of Monterey Park Building Official
13) State of California Government Code
14) United States Environmental Protection Agency

DRAFT

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF MONTEREY PARK IN SUPPORT OF HOUSE RESOLUTION NO. 3681, THE SAN GABRIEL MOUNTAINS PROTECTION ACT

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 25, 2023 Representative Judy Chu introduced H.R. 3681, which is a bill to modify the boundaries of the San Gabriel Mountains National Monument in the State of California to include additional National Forest System land.

B. The aim of this legislation is to expand the San Gabriel Mountains National Monument by adding an additional 109,167 acres of wilderness land from the National Forest System.

SECTION 2: The City of Monterey Park supports H.R. 3681 a bill intended to modify the boundaries of the San Gabriel Mountains National Monument to include additional National Forest Service land.

SECTION 3: *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 provision or application and, to this end, the provisions of this Resolution are severable.

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.

(Mayor signature and attestation must be on the same page.)

PASSED AND ADOPTED this 19th day of July, 2023.

_____
Jose Sanchez, Mayor

Attest:

_____
Maychelle Yee, City Clerk

Approved as to Form:

_____
Karl H. Berger, City Attorney