

**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**

**SPECIAL CITY COUNCIL MEETING CONCURRENT WITH THE REGULAR CITY COUNCIL
MEETING**

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

**Wednesday
December 7, 2022
6:30 p.m.**

MISSION STATEMENT

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

GENERAL INFORMATION

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

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

PUBLIC PARTICIPATION

In accordance with Government Code § 54953(e) and City Council resolution, remote public participation is allowed in the following ways:

Via Email

Public comment will be accepted up to 2 hours before the meeting via email to mpclerk@montereypark.ca.gov and read into the record during public comment, when feasible. We request that written communications be limited to not more than 50 words.

Via Telephone

Public comment may be submitted via telephone during the meeting, before the close of public comment, by calling (888) 788-0099 or (877) 853-5247 and entering Zoom Meeting ID: 289 222 5995 then press pound (#). When prompted to enter participation ID number press pound (#) again. If participants would like to make a public comment they will enter "*9" then the Clerk's office will be notified, and you will be in the rotation to make a public comment. Press "*6" to unmute yourself when called upon to speak. Participants are encouraged to join the meeting 15 minutes before the start of the meeting. You may speak up to 5 minutes on Agenda items. Speakers will not be allowed to combine time. The Mayor and City Council may change the amount of time allowed for speakers. As part of the virtual meeting protocols, anonymous persons will not be allowed to provide public comment.

Monterey Park City Council Agenda, December 7, 2022 - Page 2

Important Disclaimer – When a participant calls in to join the meeting, their name and/or phone number will be visible to all participants. Note that all public meetings will be recorded.

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 4 hours before a meeting. Council Chambers are wheelchair accessible.

PUBLIC COMMUNICATIONS. Pursuant to Government Code Section 54954.3(a), the public may address the City Council only on matters listed on the Agenda. Those wishing to speak on an agenda item must utilize one of the methods listed above. No other public comment will be accepted. Attempts to provide comment at times not designated on the agenda may result in the City dropping you from the meeting.

CALL TO ORDER Mayor

FLAG SALUTE The Monterey Park Police Explorers

ROLL CALL Peter Chan, Hans Liang, Henry Lo, Yvonne Yiu

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS

[1.] NEW BUSINESS

1-A. DECLARATION OF EMERGENCY: COVID-19 EXPOSURE

It is recommended that the City Council consider:

- (1) Adopting a Resolution declaring a local emergency resulting from exposure to the COVID-19 virus and ratifying the City Manager's Administrative Declaration of Emergency dated December 6, 2022; and
- (2) Taking such additional, related, action that may be desirable.

ADJOURN



City Council Staff Report

DATE: December 7, 2022

AGENDA ITEM NO: 1-A

TO: The Honorable Mayor and City Council
FROM: Ron Bow, City Manager
SUBJECT: Declaration of Emergency: COVID-19 Exposure

RECOMMENDATION:

It is recommended that the City Council consider:

1. Adopting a Resolution declaring a local emergency resulting from exposure to the COVID-19 virus and ratifying the City Manager's Administrative Declaration of Emergency dated December 6, 2022; and
2. Taking such additional, related action that may be desirable.

BACKGROUND

On November 8, 2022, the Monterey Park voters elected new public officials as City Council Members, City Clerk, and City Treasurer. The results of that election are now certified by the City's Elections Official and await confirmation by the City Council during its December 7, 2022 regular meeting.

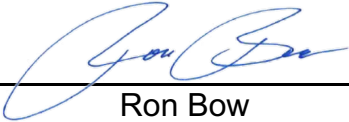
On December 6, 2022, the City Manager was informed that at least one of the newly elected public officials tested positive for the COVID-19 virus. To protect public health and safety, the City Manager issued an administrative Declaration of Emergency regarding the December 7th meeting. A copy of that Declaration of Emergency is attached as an exhibit to the draft Resolution. Among other things, the City Manager implemented teleconferencing and electronic protocols to help reduce the chance that persons attending the December 7th meeting might be exposed to COVID-19.

Declaring a local emergency provides flexibility to the City for allowing public officials and the public to attend the December 7th meeting and witness newly elected officials being sworn into office. Amendments made to the Ralph M. Brown Act during the statewide COVID-19 emergency give more leeway to electronic participation while the City is operating pursuant to a local emergency (AB 361, effective September 16, 2021). The City Council must review the circumstances of a local emergency every 30 days to continue utilizing the teleconferencing methods set forth in the draft Resolution.

FISCAL IMPACT:

Unknown at this time. The City Manager's office will provide a report within 30 days after the City Council's action.

Respectfully submitted by:



Ron Bow
City Manager

Reviewed by:



Karl H. Berger
City Attorney

ATTACHMENT(S):

1. Draft Resolution
2. Government Code § 54953

ATTACHMENT 1

Draft Resolution

RESOLUTION NO.

A RESOLUTION ADOPTED BY THE CITY COUNCIL FOR THE CITY OF MONTEREY PARK CONFIRMING THE EXISTENCE OF A LOCAL EMERGENCY AND AUTHORIZING HYBRID PUBLIC MEETINGS VIA TELECONFERENCING.

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

SECTION 1: The City Council finds as follows:

- A. On November 8, 2022, voters in the City of Monterey Park elected new public officials for the City Council, City Clerk, and City Treasurer. The City Council is scheduled to certify the results of that election on December 7, 2022.
- B. On December 6, 2022, the City Manager was informed that at least one of the newly elected public officials tested positive for COVID-19. To ensure that the public is protected during the December 7, 2022 City Council meeting and facilitate the assumption of office by new elected public officials, the City Manager proclaimed a local emergency on December 6, 2022 to implement social distancing requirements. A copy of the Declaration of Emergency is attached as Exhibit "A," and incorporated by reference ("Declaration of Emergency").
- C. Government Code § 54953(e) allows the City to continue utilizing teleconferencing (which includes internet based video conferencing) to conduct public meetings during a declared emergency. It is in the public interest to adopt this Resolution in order to help reduce the spread of the COVID-19 virus.

SECTION 2: *Ratification.* The City Council has reviewed the state of the community and ratifies the City Manager's Declaration of Emergency including, without limitation, the Electronic Protocols. In accordance with MPMC Chapter 2.52, and applicable law, the City Council declares that a local emergency exists within the City of Monterey Park's territorial limits as specified in the Declaration of Emergency.

SECTION 3: *Teleconferencing.*

- A. Pursuant to Government Code § 54953(e), the City Council finds as follows:
 - 1. The Declaration of Emergency caused the City to implement certain social distancing requirements including, without limitation, utilizing teleconferencing methods for public attendance at the December 7, 2022 City Council meeting (see Government Code § 54953(e)); and

2. Based upon the recommendations of the City Manager, along with the most recent Order of the Health Officer for County of Los Angeles Department of Public Health (dated September 23, 2022), masks and social distancing continue to be desirable to curb the spread of the COVID-19 virus (Government Code § 54953(e)(3)(B)(ii)).
- B. Accordingly, to protect public health and safety the City Council finds that it is in the public interest to conduct public meetings requiring attendance of elected officials as follows:
1. Fully vaccinated public officials may appear in person at regular and special meetings. Public officials who are not fully vaccinated may appear via teleconferencing;
 2. Fully vaccinated public officials, designated by the City Manager, may attend public meetings if presenting matters during the meeting;
 3. Persons testing positive for the COVID-19 virus may not attend any meeting in person, but may attend public meetings via teleconference, as defined by Government Code § 54953; and
 4. All members of the public may access the public meeting via teleconference, as defined by Government Code § 54953.
- C. The City will adhere to all requirements of Government Code § 54953 governing teleconferencing during the emergency including, without limitation, posting agendas; allowing for real-time public comment via either call-in or internet-based; allowing for written communications that will be either read or summarized into the record during the meeting as determined by the City Council; and protecting the statutory and constitutional rights of all persons appearing before the legislative body. No physical location will be provided for persons wishing to provide real-time public comment.

SECTION 4: Reporting. Every 30 days following adoption of this Resolution, the City Council will reconsider the extension of the teleconferencing method of public meetings in accordance with Government Code § 54953(e)(3). Such determinations may take the form of a minute order and be placed on the consent calendar.

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

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

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

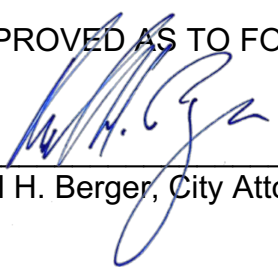
PASSED AND ADOPTED this 7th day of December, 2022.

Henry Lo, Mayor

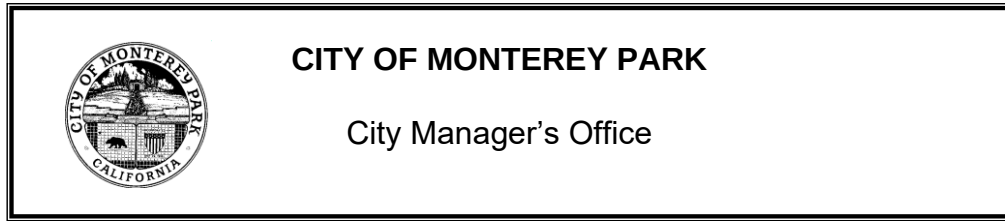
ATTEST:

Vincent D. Chang, City Clerk

APPROVED AS TO FORM:



Karl H. Berger, City Attorney



DECLARATION OF EMERGENCY

The City Manager finds:

Pursuant to Monterey Park Municipal Code § 2.52.060(a)(1), a local emergency is proclaimed to exist within the City of Monterey Park beginning on December 6, 2022.

On December 6, 2022, the City was informed that one or more persons elected to public office in the November 8, 2022 election tested positive for the COVID-19 virus. Certification of the November 8th election results is scheduled to occur during the December 7, 2022 City Council meeting. It is anticipated that a large crowd will gather to witness the swearing in of newly elected officials.

The September 23, 2022 Order of the Los Angeles County Health Officer (the "Order") continues to urge "individuals to continue taking common sense precautions ... that persons at elevated risk for severe illness continue to mask at indoor public spaces ... [and] test prior to gathering with others who are at an elevated risk for severe illness...."

While the Order does not mandate that the City continue the December 7th meeting to a different date, it is a sensible precaution to allow persons to participate in the December 7, 2022 City Council meeting in accordance with Government Code § 54953(e) to help prevent the spread of COVID-19.

Accordingly, I am authorizing the Assistant City Manager and Deputy City Clerk to implement the electronic meeting protocols required by California law in addition to those previously approved by the City Council via Exhibit B to Resolution No. 12226 in order to preserve public health, safety, and welfare ("Electronic Protocols"). A copy of the Electronic Protocols are attached to this Administrative Declaration of Emergency along with a copy of Government Code § 54953.



Ron Bow, City Manager

December 6, 2022 at 2:05 p.m.
Date/Time

EXHIBIT B
TECHNOLOGY PROTOCOLS
CITY OF MONTEREY PARK

City Clerk's Office

The City Clerk's office is implementing the following technology meeting protocols on a temporary basis. These protocols are utilized in accordance with Executive Order No. N-29-20 and Resolution No. 12142 in order to facilitate the City Council's virtual meetings.

➤ **General Notice Regarding Virtual Meetings:**

- All meetings of the City Council will be recorded including, without limitation, public comment.
- Such recordings will include the screen name of individuals who are part of the audience even if you choose not to provide public comment.
- Unless you are providing public comment, your audio will be muted and your video will be stopped.
- If you choose to provide public comment, the City Clerk will identify you, ask that you unmute your audio, and allow your video to be shared.
- Closed sessions of the City Council – if any – will not be recorded.

➤ **Public Communications:**

The following applies to persons wishing to provide public communications regarding agenda items for either a regular meeting or a special meeting:

- At least 24 hours before a meeting, provide the City Clerk's office with an email to mpclerk@montereypark.ca.gov to be read into the record not longer than 50 words; **OR**
- At least 24 hours before a meeting, provide the City Clerk's office with written correspondence -whether email or otherwise – that will be distributed to the City Council without being read into the record; **OR**
- At least 24 hours before a meeting, request to address the City Council electronically via audio/video; **OR**

- During the meeting, utilize the “raise hand” option to be recognized by the City Council at the public comment sections identified on the City Council agenda. You will be recognized in the order that your “raise hand” was received; **OR**
- Public comment may be submitted via telephone during the meeting, before the close of public comment, by calling (877) 853-5247 or (888) 788-0099 and entering the published Zoom Meeting ID provided on the respective agenda then press pound (#). When prompted to enter participation ID number press pound (#) again. If participants would like to make a public comment they will enter “*9” then the Clerk’s office will be notified and you will be in the rotation to make a public comment.

For Regular Meetings: Public Comment regarding any item of public interest within the City Council’s subject-matter jurisdiction will be accepted in the “Public Comment” section of the City Council Agenda.

For Special Meetings: Government Code § 54954.3(a) allows the City to limit public comment to only matters listed on the agenda. No other public comment will be accepted.

➤ **Meeting Decorum:**

- Persons wishing to be audience members to the meeting may do so anonymously. Anonymous participants, however, will not be recognized for public comment.
- Persons with names that violate community standards, e.g., fighting words, will not be admitted into the meeting. The City’s host will notify those persons in the waiting room that they must either change their participation meeting or will not be allowed into the meeting.
- Persons will not be allowed rename themselves upon being admitted to the meeting from the “waiting room.”
- Persons who seek to by-pass the City’s host controls will be dropped from, and blocked, from the meeting.

ATTACHMENT 2

Government Code § 54953



KeyCite Yellow Flag - Negative Treatment

Proposed Legislation

West's Annotated California Codes

Government Code (Refs & Annos)

Title 5. Local Agencies (Refs & Annos)

Division 2. Cities, Counties, and Other Agencies (Refs & Annos)

Part 1. Powers and Duties Common to Cities, Counties, and Other Agencies (Refs & Annos)

Chapter 9. Meetings (Refs & Annos)

West's Ann.Cal.Gov.Code § 54953

§ 54953. Meetings to be open and public; attendance; teleconferencing

Effective: September 16, 2021 to December 31, 2022

[Currentness](#)

<Section operative until Jan. 1, 2024. See, also, [§ 54953](#) operative Jan. 1, 2024.>

<For Executive Order N-15-21 ([2021 CA EO 15-21](#)), relating to the applicability of Assembly Bill 361 and provisions governing teleconference meetings, in light of the COVID-19 pandemic, see Historical and Statutory Notes under Education Code § 89305.6.>

(a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b)(1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all otherwise applicable requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivisions (d) and (e). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to [Section 54954.3](#) at each teleconference location.

(4) For the purposes of this section, “teleconference” means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c)(1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in [subdivision \(d\) of Section 3511.1](#), during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Chapter 3.5 (commencing with [Section 6250](#)) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d)(1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to [Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code](#), any joint powers authority created pursuant to Article 1 (commencing with [Section 6500](#)) of Chapter 5 of Division 7 for the purpose of contracting pursuant to [Section 14087.3 of the Welfare and Institutions Code](#), and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with [Section 1340](#)) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e)(1) A local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in any of the following circumstances:

(A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

(B) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(2) A legislative body that holds a meeting pursuant to this subdivision shall do all of the following:

(A) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(B) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to [Section 54954.3](#). In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(C) The legislative body shall conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body of a local agency.

(D) In the event of a disruption which prevents the public agency from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments using the call-in option or internet-based service option, the body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption which prevents the public agency from broadcasting the meeting may be challenged pursuant to [Section 54960.1](#).

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(F) Notwithstanding [Section 54953.3](#), an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(G)(i) A legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph (F), to provide public comment until that timed public comment period has elapsed.

(ii) A legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide

public comment, including time for members of the public to register pursuant to subparagraph (F), or otherwise be recognized for the purpose of providing public comment.

(iii) A legislative body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the opportunity to register, pursuant to subparagraph (F), until the timed general public comment period has elapsed.

(3) If a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 30 days after teleconferencing for the first time pursuant to subparagraph (A), (B), or (C) of paragraph (1), and every 30 days thereafter, make the following findings by majority vote:

(A) The legislative body has reconsidered the circumstances of the state of emergency.

(B) Any of the following circumstances exist:

(i) The state of emergency continues to directly impact the ability of the members to meet safely in person.

(ii) State or local officials continue to impose or recommend measures to promote social distancing.

(4) For the purposes of this subdivision, “state of emergency” means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with [Section 8550](#)) of Chapter 7 of Division 1 of Title 2).

(f) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

Credits

(Added by Stats.1953, c. 1588, p. 3270, § 1. Amended by Stats.1988, c. 399, § 1; Stats.1993, c. 1136 (A.B.1426), § 4, operative April 1, 1994; Stats.1993, c. 1137 (S.B.36), § 4, operative April 1, 1994; Stats.1994, c. 32 (S.B.752), § 4, eff. March 30, 1994, operative April 1, 1994; Stats.1997, c. 253 (S.B.138), § 2; Stats.1998, c. 260 (S.B.139), § 1; Stats.2005, c. 540 (A.B.1438), § 1; Stats.2012, c. 209 (S.B.475), § 1; Stats.2013, c. 257 (S.B.751), § 1; Stats.2016, c. 175 (S.B.1436), § 1, eff. Jan. 1, 2017; Stats.2017, c. 137 (A.B.428), § 1, eff. Jan. 1, 2018; Stats.2021, c. 615 (A.B.474), § 204, eff. Jan. 1, 2022, operative Jan. 1, 2023; Stats.2021, c. 165 (A.B.361), § 3, eff. Sept. 16, 2021.)

Editors' Notes

REPEAL

<For repeal of this section, see its terms.>

Notes of Decisions (67)

West's Ann. Cal. Gov. Code § 54953, CA GOVT § 54953

Current with urgency legislation through Ch. 997 of 2022 Reg.Sess. Some statute sections may be more current, see credits for details.

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