



Library Board of Trustees Staff Report

DATE: January 19, 2021

AGENDA ITEM NO: 5-A

TO: Monterey Park Bruggemeyer Library Board of Trustees
FROM: Diana Garcia, City Librarian
SUBJECT: Restructuring of Library Fines and Fees

RECOMMENDATION:

It is recommended that the Board of Trustees consider:

1. Recommending that the Monterey Park City Council vote to change proposed amendments to the Monterey Park Bruggemeyer Library Fines and Fees Procedures including waiving overdue fines and fees; eliminating audio-visual fees (with exceptions); increasing maximum renewals for eligible items; and implementing automatic renewals for eligible items; and
2. Requesting that the City Council direct the City Manager, or designee, not to take action to recover any outstanding fines owed before the date of this action; and
3. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

Public libraries nationwide are restructuring their fine and fee schedules and eliminating overdue fines in order to increase access to library services in their communities. The pausing of overdue fines in March 2020 due to the novel coronavirus has provided a natural inflection point for reexamining the Library's current fine and fee structure in order to ensure that the department is serving its users in an equitable and efficient way.

The Library Board of Trustees first considered this topic at the meeting held on November 17, 2020 and again at their meeting on December 15, 2020.

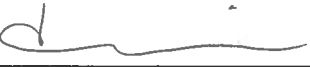
FISCAL IMPACT:

It is anticipated that eliminating overdue fines and fees for use of audio-visual materials will reduce annual General Fund revenue by approximately \$10,000 - \$15,000. Outstanding overdue fines and fees total \$95,038.78; however it is difficult to ascertain how much of this would ultimately be collected.

Library Fines and Fees are not a line item in the library's annual budget – they go into the City's General Fund. The amount collected annually represents less than 1 percent of the library's total operational budget.

Restructuring of Library Fines and Fees
January 19, 2021

Respectfully prepared and submitted by:



Diana Garcia
City Librarian

ATTACHMENTS:

1. Updated Library Fines and Fees Procedure

ATTACHMENT 1

Updated Library Fines and Fees Procedure

FINES AND FEES SCHEDULE

<u>CIRCULATION MATERIALS</u>	<u>LOAN PERIOD</u>	<u>FEES</u>	<u>OVERDUE FINES</u>
Adult Fiction/Non-Fiction	21 Days		\$.25/Day
Adult Paperback	21 Days		-.25/Day
YA Fiction/Non-Fiction	21 Days		-.25/Day
YA Paperback	21 Days		-.25/Day
Children's Book	21 Days		-.25/Day
Children's Book/CD Set	21 Days		-.25/Day
Children's Magazines	7 Days		-.25/Day
Children's Paperback	21 Days		-.25/Day
Audiobook	21 Days		-.25/Day
Compact Disk (CD)	21 Days		-.25/Day
Government Document	21 Days		-.25/Day
Pamphlet	21 Days		
DVD (New Releases)	2 Days	\$2.00/2 Days	-.25/Day
Blu-Ray (New Releases)	2 Days	\$23.00/2 Days	2.00/Day
DVD (Feature)	7 Days	\$1.65/7 Days	23.00/Day
Blu-Ray (Feature)	7 Days	\$2.10/7 Days	1.25/Day
DVD (Non-Fiction)	7 Days		2.00/Day
			1.25/Day

LIBRARY SERVICES:

Photocopy - Black & White	.25 per page	
- Color	.50 per page	
Library card lookup fee	\$.65	
Hold not picked up or cancelled after being processed	\$.50	
<u>REQUESTS</u>		
Interlibrary Loan (ILL) \$5.85 per request plus charges of lending library		
ILL Photocopy \$5.85 per page over 20 pages (pages 1-20 free)		
<u>REPLACEMENT OF LOST/DAMAGED ITEMS FEE</u>		
Processing Fee		\$10.00
Accompanying Material		9.05 per item
CD Case (Single)/Bag from Children's Book & CD set		2.10 per case or bag
DVD/Audiobook Case		4.80 per case
		DVD/CD/Book on CD
insert	2.15 per insert	
Book Rebinding		27.65 per book
Damaged/Torn Page		2.15 per page
Library Card		3.00 per card

MONTEREY PARK BRUGGEMEYER LIBRARY



LIBRARY CARD HOLDER INFORMATION:

- Applicants must present a valid California ID or Driver's License or ID with current address, or both a photo ID and verification of home address.
- Library card holder is responsible for everything checked out on his or her their card.
- There is no charge for the first library card.
- ~~The Library card holder must make sure items are returned on or before the due date or pay the resulting overdue fines.~~
- ~~The Library card holder cannot check out materials if he or she has overdue items or has any outstanding fines or fees over \$4.00.~~
- Items (with the exception of New Release DVDs and Blu-Rays) can be renewed once twice as long as there are no holds or fees on the item, and the Library card holder has less than \$5.00 in overdue fines. Eligible items will be automatically renewed on the due date. You may also renew items over the Web by accessing Your Account or by phone at (626) 307-1366. Renewals grant you an additional loan period from the renewal date.

FINES AND FEES: (See schedule on reverse)

- ~~The maximum overdue fine is the library's cost of the item or \$12.00 for children's materials and \$24.00 for adult/YA materials—whichever is less, and the item must be returned.~~
- Effective XX, 202X, the Monterey Park Bruggemeyer Library does not charge use fees or overdue fines for late materials, with the exception of New Release DVDs and Blu-Rays. Library patrons will receive notification of overdue items and will be billed for replacement and processing after 30 days overdue. Borrowing privileges will be suspended until materials are returned or the library is compensated for lost materials.
- Failure to return library items or pay for their replacement will result in having your account turned over to a collection agency. A \$15 processing fee will be charged if the account is sent to collections.
- Lost items are charged the Library's cost plus a processing fee. If no cost is available, the default cost applies. Replacement copy is acceptable will be accepted at the discretion after approval from of the selector.
- Materials not repairable and/or not in usable condition are charged as a damaged item.
The Library will retain the item.

- ~~If a person damages or tries to steal library materials, library equipment or property, the person or the parents/guardian will be charged the replacement cost of the item plus the processing fee. The person will not be able to keep the item. The Police may take additional action, as vandalism and theft are considered crimes.~~

REFUNDS

Refunds for lost items are granted within one year of payment under the following conditions:

- Item returned is in good condition as determined by Library staff.

- Processing fee is deducted from the amount to be refunded.
- Refund checks are mailed to the Library card holder (no cash refunds).



Library Board of Trustees Staff Report

DATE: January 19, 2021

AGENDA ITEM NO: 6-A

TO: Library Board of Trustees
FROM: Diana Garcia, City Librarian
SUBJECT: Distribution of City's Code of Conduct and Social Media Policy

RECOMMENDATION:

It is recommended that the Library Board of Trustees consider:

1. Receiving and filing the City's Code of Conduct and Social Media Policy; and
2. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

Attached are the City of Monterey Park's Code of Conduct and Social Media Policy.

The City Council adopted Resolution 12184 on August 5, 2020 to establish a code of conduct and rules for conducting City Council meetings in accordance with Government Code § 36813. Library Board Trustees, like Commissioners, are Public Officials and must abide by Core Principles outlined in the City of Monterey Park's Code of Conduct.

The City Council adopted Resolution 12167 on June 17, 2020 to guide the City's involvement in Social Media websites and address the City's Social Media usage. It establishes certain procedures and conduct for creating and posting on City Social Media, outlines acceptable site content, discusses privacy issues and how the City's Social Media is related to the City's retention schedule, and provides other pertinent standards. In particular, the provisions of **Section 3: Personal Social Media** and **Section 19: Ralph M. Brown Act** are pertinent to the Library Board Trustees.

BACKGROUND:

None

FISCAL IMPACT:

None

Respectfully submitted by:

A blue ink signature of Diana Garcia, the City Librarian, is written above a horizontal line.

Diana Garcia
City Librarian

Prepared by:

A blue ink signature of Gwen Kishida, the Administrative Secretary, is written above a horizontal line.

Gwen Kishida
Administrative Secretary

ATTACHMENTS:

1. Code of Conduct
2. Social Media Policy

Code of Conduct and Social Media Policy
January 19, 2021

ATTACHMENT 1

Code of Conduct

City of Monterey Park

Pride in the Past • Faith in the Future



CODE OF CONDUCT



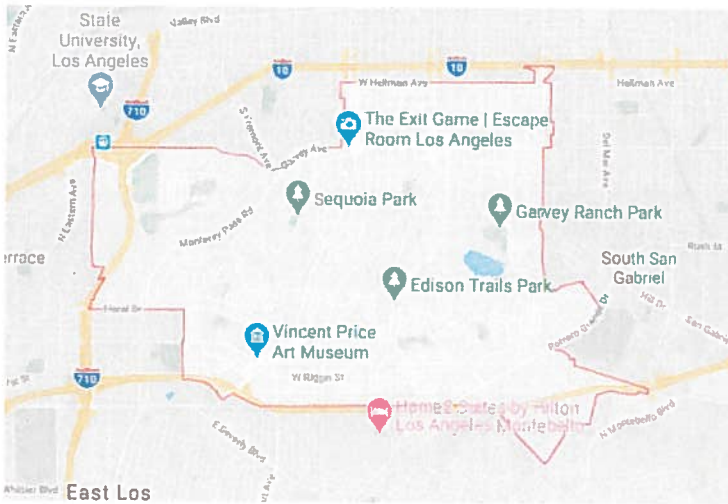
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FACTS

The City of Monterey Park is 7.73 square miles in size and located in the San Gabriel Valley, just east of Los Angeles. Incorporated on May 29, 1916, it is a city that combines a century of history and tradition with a modern approach to business, neighborhoods, people, and community.

Location



Monterey Park is conveniently located adjacent to three major freeways that provide north-south and east-west access to all of Southern California, bounded on the west by the Long Beach Freeway (Interstate 710), on the north by the San Bernardino Freeway (Interstate 10), and the south by the Pomona Freeway (State Highway 60).

With its central location and proximity to downtown Los Angeles, Monterey Park is well served by public rail and bus transit lines, providing residents and employees with many alternative ways to traveling to work, shopping, and home.

Real Estate

Striving to blend residence and commerce, Monterey Park maintains 60% of its space for residential living, 12% for industrial, 10% for commercial and retail use and 18% for schooling and recreational facilities. Major businesses include auto sales, banking, medical, education, and food service.

Culture

Monterey Park is a city with a rich mix of people of many backgrounds. As one of the most diverse and community-oriented cities in the area, the city hosts numerous cultural, educational, and festive programs, such as a weekly farmers market, Cherry Blossom Festival, Lunar New Year festival, Cinco de Mayo, Play Days (city's birthday), 4th of July celebration, trips to the Hollywood Bowl and the LAMP library literacy program to provide English-as-a-second language assistance.

HISTORY OF MONTEREY PARK

Early History

The original inhabitants of Monterey Park were Shoshone Indians, later renamed the Gabrielino Indians by the Spaniards. When Fathers Angel Somero and Pedro Canbon led the first parties of soldiers into the San Gabriel Valley in 1771, there were more than 4,000 Gabrielino residents.

By the early 1800's, the area now called Monterey Park was part of the Mission San Gabriel de Archangel and later, the Rancho San Antonio. The area first received a separate identity when Alessandro Repetto purchased 5,000 acres of the rancho and built his home, not far from where the Edison substation is now located on Garfield Avenue.



20th Century Expansion

Some years later, Richard Garvey, a mail rider for the U.S. Army whose route took him through Monterey Pass, a trail that is now Garvey Avenue, settled down in the King's Hills. Garvey began developing the land by bringing in spring water from near the Hondo River and by constructing a 54-foot high dam to form Garvey Lake located where Garvey Ranch Park is now. To pay for his development and past debts, Garvey began selling portions of his property. In 1906, the first subdivision in the area, Ramona Acres, was developed north of Garvey and east of Garfield Avenues.

Growth of a City



In 1916, the new residents of the area initiated action to become a city when Pasadena, South Pasadena, and Alhambra proposed to put a large sewage treatment facility in the area. The community voted itself into city hood on May 29, 1916, by a vote of 455 to 33.

The City's new board of directors immediately outlawed sewage plants within city boundaries and named the new city Monterey Park. The

name was taken from an old government map showing the oak-covered hills of the area as Monterey Hills. In 1920, a large area on the south edge of the city broke away and the separate city of Montebello was established.

Ethnic Expansion

By 1920, the Caucasian and Spanish-surname settlers were joined by Asian residents who began farming potatoes and flowers and developing nurseries in the Monterey Highlands area. They improved the Monterey Pass Trail with a road to aid in shipping their produce to Los Angeles. The nameless pass, which had been a popular location for western movies, was called Coyote Pass by Pioneer Masami Abe.

Developments

Real estate became a thriving industry during the 1920s with investors attracted to the many subdivisions under development and increasing commercial opportunities.

One such development was the Midwick View Estates by Peter N. Snyder, a proposed garden community that was designed to rival Bel-Air and Beverly Hills. Known as the Father of the East Side, Mr. Snyder was a key player in the vast undertaking in the 1920s of developing the East Side as part of the industrial base of Los Angeles. His efforts to build Atlantic Boulevard, his work with the East Side organization to bring industry to the East Side and his residential and commercial development projects along Atlantic Boulevard (Gardens Square, Golden Gate Square, and the Midwick View Estates) were a major influence to the surrounding communities.

Jardin del Encanto



The focal point of the Midwick View Estates was Jardin del Encanto, otherwise known as El Encanto, a Spanish style building that was to serve as the administration building and community center for Midwick View Estates and an amphitheater to be nestled into the hillside above Kingsford Street. Although the amphitheater was never built, the observation terrace from which viewers could look down to Jardin del Encanto and the fountain with cascading water going down the hillside in stepped pools to De La Fuente remains and is now known as

Heritage Falls Park or the Cascades. The Great Depression brought an abrupt end to the real estate boom and the Midwick proposal. The city had little development for nearly two decades.

Baby Boom

The end of World War II resulted in a revived growth trend and explosive population gains during the 1940s and 1950s. Until this time, the population was concentrated in the northern and southern portions of the city, with the Garvey and Monterey Hills forming a natural barrier. With the renewed growth, many new subdivisions were developed, utilizing even the previously undeveloped central area to allow for maximum growth potential. A series of annexations of surrounding acreage also occurred.

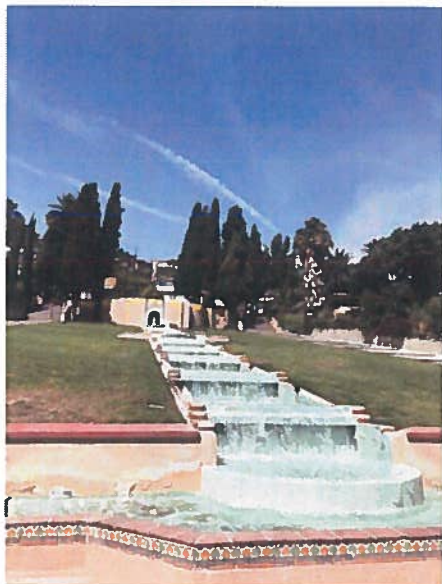
CITY GOVERNMENT

City Council

The City Council is the legislative and policy-making body for the City of Monterey Park. The Council members are elected by-district for four year, overlapping terms of office. The by-district elections system was instituted in 2019 with the election sequence of Districts 2, 3 and 4 beginning March 2020 and every 4 years after; and Districts 1 and 5 beginning 2022 and every 4 years after. The Mayor, who is selected during each Council reorganization, presides over all Council meetings and is the ceremonial head of the City for official functions.



The City Council is responsible to the electorate for keeping pace with changing community needs: for establishing the quality of municipal services and the community environment; promoting confidence in local government through open conduct of public affair; and encouraging constructive citizen participation. The Council determines service levels and revenue obligations through the adoption of an annual budget; authorizes City contracts and expenditures; establishes municipal service goals and operation policies; and adopts such regulatory measures as may be necessary to establish community protection.



Council members represent the City on various intergovernmental organization to achieve governmental cooperation, legislation, and programs that are consistent with the needs of Monterey Park's residents.

The City Council regularly meets on the first and third Wednesdays of each month at 6:30 p.m. in the Monterey Park City Council Chambers, 320 W. Newmark Avenue, Monterey Park.

City Clerk

The City Clerk is elected at-large for four years. The City Clerk's office is responsible to the electorate for keeping a complete and accurate record of City Council proceedings, maintaining official city records, supplying public information and conducting municipal elections according to the stipulations of State and Federal laws. The City Clerk's office ensures that legal requirements regarding public meetings, hearings, attestations and petitions are handled properly and according to applicable rules and laws.

City Treasurer

The City Treasurer is elected at-large for four years and is responsible to the electorate for overseeing the custody of the City monies and their disbursement upon order of the City Council. The City Treasurer's office receives and safely keeps City funds and schedule their availability to meet cash requirements; and provide overall investment management and strategy in order to obtain maximum earnings on money in custody in accordance with the City's investment policy and State laws.

CITY DEPARTMENTS

City Manager

The City Manager serves as the Chief Executive Officer of the City under the direction of the City Council. The Manager provides overall direction and coordination of City operations to ensure the City Council's adopted service objectives are met and that costs do not exceed budget restrictions; and provides continual monitoring and evaluation of services and programming to assure the City Council that City services, laws and programs remain relevant to community needs and are administered in an equitable manner.

City Attorney

The City Attorney acts as the City's general legal counsel. In his/her capacity, the City Attorney advises the City Council and staff on all legal matters relating to the operation of the municipal government. The general legal counsel services of the City Attorney are provided via contract with a private legal firm.

Fire Department



The Fire Department is entrusted with the responsibility of serving the community with fire protection, hazardous materials response, disaster preparedness, and emergency medical services. The Fire Department has been moving towards a community-centered metric driven organization committed to providing quality emergency, preventative, and risk reduction activities to the community. Personnel have become more proactive towards risk identification, public education, safety education, increased Community Emergency Response Teams ("CERT") training, and fire investigation activities. The department has five major divisions: Administration, Fire Prevention, Emergency Operations, Emergency Medical

Services, and Code Enforcement.

Human Resources & Risk Management

The Human Resources and Risk Management Department is responsible for attracting and retaining a qualified, diverse, and safe work force committed to providing excellent customer service. The department provides excellent opportunity for highly motivated individuals to pursue promotional advancement, obtain specialized training and excel in achieving personal goals. The Risk Management Division serves to protect the personnel and physical assets of the city from injury and loss. Risk Management manages the city's insurance and loss control programs, including worker's compensation, property insurance general / auto liability, long term disability and unemployment insurance.

Library



The mission of the Monterey Park Bruggemeyer Library is to meet the cultural, educational, and informational needs of the residents of the City of Monterey Park by providing free and open access to its resources and services. The Library divisions include Administration, Circulation, Reference, and Literacy & Citizenship.

Management Services Department

Management Services Department is the core of the City's financial operations. It provides centralized financial planning, budgeting, investing, debt management, general ledger, grant accounting, accounts payable, payroll, audits, and financial reporting. In addition, the department establishes and maintains the City's administrative policies and procedures for internal controls. The department serves dual functions: supporting other City departments and meeting the needs of the Monterey Park citizens. The primary operations include financial services, data processing, purchasing, and revenue collections.

Police Department

The mission of the Monterey Park Police Department is to provide the finest police service possible. This department serves to meet and anticipate the law enforcement needs of the community. The goal of the department is to protect the life and property of all people and ensure that service is delivered in accordance with the highest ethical standards. The Police Department views the community as partner in effective law enforcement. The department strives to prevent crime, aid victims, and pursues and apprehends violators with the participation and support of the residents of Monterey Park. The department has several major divisions: Administration, Animal Services, Communications Bureau, Community Services, Field Services, Investigation Bureau, Traffic Bureau, and Records Bureau.



Public Works

The Public Works Department is responsible for providing and maintaining the City's infrastructure in a manner that ensures the health, safety, and welfare of the City's residents and visitors. This includes the planning, design, construction, repair and maintenance of City vehicles and equipment, and operations of public land in the following areas: parks, roadways, sidewalks, sewers and storm drains, public buildings and structures, water production, and storage and delivery facilities. The Public Works Department consists of seven divisions: Community Transportation, Engineering, Maintenance Services, Parks, Water Utility, Building & Safety, and Planning.

Recreation and Community Services



The Recreation and Community Services Department enriches lives and fosters harmony within the community through citywide programs and special events. Through these programs, residents can fulfill their quality of life through healthy lifestyles, educational and recreational opportunities, public participation, respect, compassion, and enhancement of urban forest. The department oversees Aquatics, Child Care, Dial-A-Ride, Media Production, Facilities Supervision and Reservations,

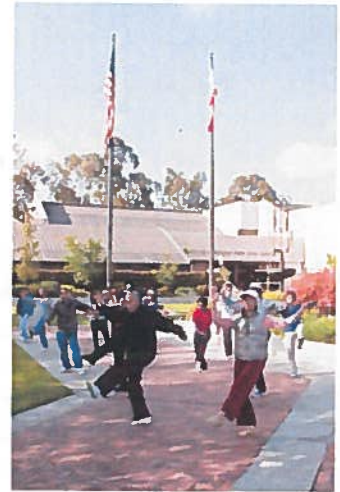
Langley Senior Center, and Recreational Activities.

CITY COMMISSIONS, COMMITTEES AND BOARDS

The City of Monterey Park strongly encourages residents to participate in the community. One way to make a significant contribution to the community and its residents is to serve on a City commission, board, or committee, collectively commissions. Although the specific duties vary with the purpose for which the commissions are formed, they generally assist the City Council in determining the overall goals of the community. They advise and assist the Council by acting as an additional line of communication between the general public and the Council by making recommendations, focusing attention to specific problems, encouraging broad citizen participation, and providing in-depth analyses of matters that will be decided by the City Council. The Commissions are governed by the Monterey Park Municipal Code Chapter 2.82.

Commission on Aging

The Commission on Aging consists of ten members that advises the City Council regarding the problems and services relating to the senior citizens of Monterey Park. It also serves as a liaison with other agencies and commissions on matters relating to senior programs. Members on this commission must be a Monterey Park resident.



Business Improvement District Advisory Committee

The Business Improvement District Advisory Committee consists of five members. The purpose of this committee is to make recommendations on the operations and extent of marketing the downtown business area and the methods and ways in which the revenue is derived from the charges, assessments and contributions imposed or authorized by Municipal Code Chapter 5.82, and California Street & Highway Code Section 36500 et.sq. Members on this committee must own or operate a business in the Business Improvement District.

Community Participation Commission

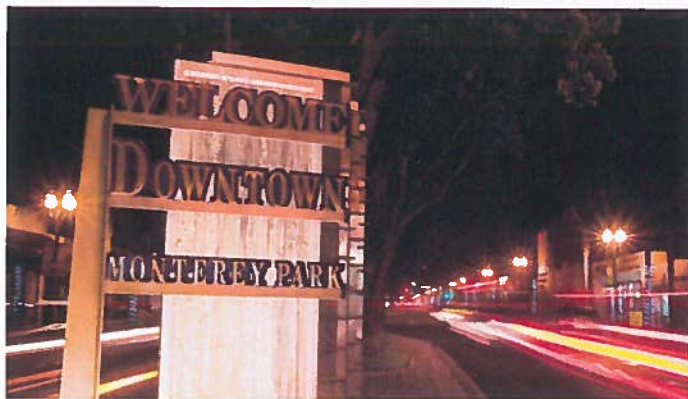


The Community Participation Commission has ten members and seven non-voting youth members that coordinate activities and programs to bring the community together. This commission promotes and publicizes artistic, cultural, and historic exhibits, performances and opportunities that would enhance the community. The commission also coordinates activities to increase public awareness and appreciation of Monterey Park's heritage. Members on this commission must be a Monterey Park resident.

Design Review Board

The Design Review Board consists of five members, created to advise the Planning Commission or City Council on matters regarding design of new buildings and structures and modifications to existing buildings. The Board advises the Planning Commission regarding high quality design standards in buildings and development projects to conserve the value of buildings. On an annual basis, or as requested by the City Planner, the Planning Commission, or the City Council.

Economic Development Advisory Commission



The Economic Development Advisory Commission consists of five members. The commission is tasked with the responsibility to: (1) monitor implementation of the most current Economic Development Strategic Plan adopted by the City Council; (2) recommend updates or amendments to the Economic Development Strategic Plan as deemed necessary; (3) provide the City Council with annual reports on

progress towards meeting economic and community development goals as identified in the Economic Development Strategic Plan; and (4) act in an advisory capacity to the City Council on the needs of local businesses, and the availability of economic development opportunities and resources. Each member must be either a resident of the city or operates a business or have operated or had business experience or have a background in finance, economics or development.

Environmental Commission

This commission consists of five voting members and two non-voting youth members that develop and implement policies and procedures relevant to the environment and sustainability of the community. It promotes programs to increase the education and awareness of the environment, in addition to advising the City Council on matters related to environmental protection. Members of



this commission may either be a Monterey Park resident, an individual operating or working in the city or a professional or scholar in the environmental field.

Library Board of Trustees

The five members Library Board, governed by the California Education Code, is an administrative body responsible for the effective delivery of library services to the community. The Library Board makes and enforces all rules, regulations, policies and bylaws necessary for the administration, government and protection of the library, and all property belonging thereto, and appoints and prescribes the duties and powers of the City Librarian. Members on this board must be a Monterey Park resident.

Personnel Board

The Personnel Board is comprised of five members and is primarily concerned with keeping City employment free from favoritism and irregularities. The Board reviews recruitment and examination procedures, hears appeals to disciplinary actions, and makes recommendations regarding the City's civil service rules and regulations.

Planning Commission



The Planning Commission is a quasi-judicial body consisting of five members who advise the Council on policies and legislation relating to the regulation of growth, development and environmental conditions affecting the City. The Commission investigates and makes recommendations on zone changes, specific plan revisions, subdivision maps, and decides on zone variances and conditional use permits, subject to appeal to the City Council. Members on this commission must be a Monterey Park resident.

Recreation and Parks Commission

The five member Recreation and Parks Commission advises the Council on the administrative policies (fees, monies allocated, priority for park improvements, etc.) regarding the City's parks and recreation activities. They also coordinate the City's recreation programs with those offered by other governmental agencies and volunteer organizations. Members on this commission must be a Monterey Park resident.

Traffic Commission

The Traffic Commission consists of five members that review traffic issues and recommend any needed changes. Issues range from traffic safety matters, parking restrictions resulting of a citizen's request or a staff recommendation, recommendations to the City Council for installation of stop signs and measures that may ease traffic congestion.



Members on this commission must be a Monterey Park resident.

CODE OF CONDUCT

Resolution 12184 adopted by the City Council on August 5, 2020, establishes a code of conduct and rules for conducting City Council meetings in accordance with Government Code § 36813.

Core Principles

The City Council finds and declares that its members, and all members of appointed boards and commissions (collectively, "Public Officials"), will abide by the following Core Principles:

- Principle 1: Public Officials should comply with both the letter and spirit of the laws and policies affecting the operations of government;
- Principle 2: Public Officials are expected by the public to be independent, impartial, and fair in their judgment and actions;
- Principle 3: Serving in public office is a privilege and should be exercised in trust for the public good, not for personal gain; and
- Principle 4: Public deliberations and processes should be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

General Policies

Implementing the Core Principles is one of the guiding objectives in adopting this Resolution. Accordingly, in addition to all requirements of applicable law, the Public Officials must adhere to the following policies:

- **Conduct of Public Officials**
The professional and personal conduct of Public Officials must be above reproach and avoid even the appearance of impropriety. Public Officials will refrain from abusive conduct, personal charges, or verbal attacks upon the character or motives of other Public Officials, City employees, or the public.
- **Respect for Process**
Public Officials will perform their duties in accordance with the processes and rules of order established by the City Council governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions.

- **Conduct of Public Meetings**
Public Officials will fully prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand. They will refrain from interrupting other speakers, making personal comments not germane to the business of the body, or otherwise interfering with the orderly conduct of meetings.
- **Communication**
Members will publicly share substantive information that is relevant to a matter under consideration by the City Council or boards, commissions, and committees, which they may have received from sources outside the public decision-making process.
- **Confidential Information**
Public Officials must respect the confidentiality of information concerning City property, personnel, or proceedings of the City. They will neither disclose confidential information without proper legal authorization nor use such information to advance their personal interests.
- **Advocacy**
When presenting their individual opinions and positions, Public Officials will expressly state they do not represent their body or the City of Monterey Park, nor will they allow the inference that they do. All written correspondence expressing an individual opinion and position must be on personal stationery and not on City stationery.
- **Policy Role of Public Officials**
Public Officials must respect and adhere to the council-manager structure of Monterey Park city government with respect to the City Manager's relationship with the City Council. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by the public, boards, commissions, and committees and City staff. The City Manager implements that policy.

Substance Abuse Policy

- While acting in their official capacities, Public Officials will refrain from imbibing alcohol to the point that it impairs their judgment, physical coordination, speech, or mental process.
- At all times, Public Officials will refrain from the use of a controlled substance, narcotic, amphetamine, barbiturate, prescribed or over-the-counter medication in excess of the prescribed dosage, or other non-prescribed hallucinogenic substance.

- Public Officials who have substance abuse problems are encouraged to make every effort to overcome such problems and to utilize the services of the Employee Assistance Program (EAP). Using the EAP is confidential.

Anti-Harassment Policy

- Harassment of an applicant or employee by a Public Official on the basis of race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, sexual orientation, gender identity, veteran or military status, sex, or age will not be tolerated.
- Harassment on the basis of race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, sexual orientation, gender identity, veteran or military status, sex, or age includes, without limitation, the following examples:
 - Verbal Harassment - Epithets, derogatory comments, or slurs on the basis of race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, sexual orientation, gender identity, veteran or military status, sex, or age.
 - Physical Harassment - Assault, impeding or blocking movement, or any physical interference with normal work or movement when directed at an individual on the basis of race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, sexual orientation, gender identity, veteran or military status, sex, or age.
 - Visual Forms of Harassment - Derogatory posters, notices, bulletins, cartoons, or drawings on the basis of race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, sexual orientation, gender identity, veteran or military status, sex, or age.
 - Sexual Favors - Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that is conditioned upon employment benefit, unreasonably interferes with an individual's work performance or creates an offensive work environment.

Expected Conduct

- Public Officials will request administrative services only through the City Manager or designee.
 - Public Officials cannot direct, order, or make demands on any City employee, other than inquiries that can be answered routinely and without research.

- Public Officials cannot attempt to reorganize an employee's priorities or influence the manner by which City staff performs their assigned functions or duties.
- Public Officials cannot retaliate or threaten to retaliate against employees as a result of disagreements over policy recommendations.
- Public Officials cannot threaten a City employee with disciplinary action.
- Public Officials must act collectively in a properly noticed and constituted meeting; Public Officials do not have authority to make decisions or take actions on behalf of the body unless expressly authorized to do so.
 - Public Officials cannot make representations or promises to any third party regarding the future actions of the City or of the body of which they are a member, unless such representation or promise has been duly authorized by the appropriate body.
 - When making public utterances, Public Officials must make it clear whether they are authorized to speak on behalf of the body of which they are a member, or whether they are presenting their own views.
 - Public Officials cannot interfere with the manner by which the City Manager performs his or her duties.
- Public Officials who are members of boards and commissions must limit their activities to matters within their subject matter jurisdiction.
 - Boards and commissions can address only those matters determined by the MPMC or by the City Council to be within their subject matter jurisdiction; staff need not place on an agenda, provide resources for or implement requests, directions or actions outside that jurisdiction. Unless directed otherwise by the City Council, Commissions and Boards must refrain from consideration of policy issues that are under active consideration by the City Council.
 - The City Council as a whole will provide direction and guidance to its subsidiary bodies.

- City resources must be used solely for proper governmental purposes, and only with proper authorization.
 - City letterhead may only be used by Public Officials for official City business.
 - City employees cannot be asked or directed to spend time on non-City business.
 - Public Officials cannot use or disclose information obtained through City service for improper purposes.

Commitment to Healthy Workplace Environment

While the Code of Conduct adopted by this Resolution is mandatory, elected and appointed public officials should help implement the Code of Conduct by committing to a Healthy Workplace Environment. To memorialize such commitment, the City Council believes that it is in the public interest for all Public Officials to enter into the acknowledgment attached as Exhibit "A" (the "Healthy Workplace Commitment"). The City Manager, or designee, is authorized to promulgate such administrative policies and procedures that will facilitate an alternative dispute resolution as contemplated in the Healthy Workplace Commitment. Such a program may be referenced as the "Monterey Park Healthy Workplace Environment Program."

Ex Parte Policy

To implement Core Principles Nos. 2-4, the City Council adopts the "Ex Parte Communication Policy" attached as Exhibit "B," and incorporated by reference.

Enforcement

To enforce the Core Principles, and the policies set forth in this Resolution to implement those Core Principles, the City Council adopts the following requirements for enforcement:

- A complaint regarding a violation of the Code of Conduct may be filed with the Mayor, the City Manager, or the City Attorney (collectively, the "Investigator").
- Upon receiving a complaint, the person receiving the complaint may take one of the following actions depending on the circumstances of the alleged violations of law or policy:
 - Take no action;

- Conduct a preliminary investigation of the allegations before recommending any action. Following such a preliminary investigation into the complaint, the Investigator may then either take no action or place the matter on a future City Council agenda with a recommendation for consideration; or
 - Place the matter on a future City Council agenda for consideration.
- If a complaint is placed on the City Council agenda, the City Council may take the following action:
 - Take no action;
 - Initiate an investigation of the allegations before considering any discipline identified in this Resolution; or
 - Based upon substantive evidence, take one of the disciplinary actions identified in this Resolution.
 - Nothing in this policy precludes individual City Council Members from making public statements regarding alleged conduct.
- In addition to any other remedy provided by applicable law, the City Council may undertake one or more of the following actions after finding a violation of this Resolution occurred:
 - Admonition. This is the least severe form of action. An admonition may typically be directed to all members of the City Council, reminding them that a particular type of behavior is in violation of law or City policy. An admonition may be issued by the City Council before any findings of fact regarding allegations, and because it is a warning or reminder, would not necessarily require an investigation or separate hearings to determine whether the allegation is true.
 - Sanction. This is the next most severe form of action. Sanction may be directed to a particular member of the City Council based on a particular action (or set of actions) that is determined to be in violation of law or City policy. A sanction is distinguished from censure in that it is not a punishment. A sanction may be issued based upon City Council review and consideration of a written allegation of a policy violation. The member accused of a violation will have an opportunity to provide a written response to the allegation. A sanction may be issued by the City Council and because it is not punishment or discipline, would not necessarily require an investigation or separate hearings.

- Censure. Censure is the most severe form of action. Censure is a formal statement of the City Council officially reprimanding one of its members. It is a punitive action, which serves as a penalty imposed for wrongdoing, but it carries no fine or suspension of the rights of the member as an elected official. Censure should be used for cases in which the City Council determines that the violation of law or policy is a serious offense. To protect the overriding right to freedom of speech, the City Council cannot impose censure on any of its members for the exercise of his or her First Amendment rights, no matter how distasteful the expression was to the City Council and the City. However, nothing can be construed to prohibit the City Council from collectively condemning and expressing their strong disapprobation of such remarks. A decision to censure requires the adoption of a Resolution making findings with regard to the specific charges, based on substantial evidence, and approved by a unanimous vote of the City Council.

EXHIBIT A

City of Monterey Park

Pride in the Past • Faith in the Future



MY COMMITMENT TO A HEALTHY WORK ENVIRONMENT

As a Public Official of the City of Monterey Park, I am committed to the creation and support of a healthy work environment for all Public Officials and City Employees.

I understand that positive, professional communications are critical to a healthy work environment and positive morale.

I commit to hold myself accountable to adhere to the Code of Conduct as adopted by Resolution No.12184 on August 5, 2020 and demonstrate professional communications with all Public Officials, employees, residents, businesses and customers of the City of Monterey Park.

If at any time it is brought to my attention that my behavior is not professional, I agree to listen to the feedback and commit to work on improving the issue brought to my attention.

I understand that on-going negative communications are unacceptable.

I commit to bring issues of un-professional communication to the attention of fellow Public Officials in a constructive manner.

Print Name

Title

Signature

Date

EXHIBIT B

EX PARTE COMMUNICATION POLICY

Ex parte communication is evidence gathering that takes place outside of a properly noticed, quasi-judicial hearing. *Ex parte* communications include the transmission, receipt or exchange of oral, written or graphic information relevant to the merits of an adjudicatory or quasi-judicial proceeding. *Ex parte* communications also include any other type of sensory communication that can convey visual or auditory information. For example, the visual inspection of the site of a proposed project can reveal a great deal of information about the site that may not otherwise be evident from the materials otherwise available to the parties and the public in the administrative record.

1. Disclosure of *ex parte* communications is critical to ensure due process in quasi-judicial proceedings.

In the context of adjudicatory or quasi-judicial proceedings, the guarantee of procedural due process is of paramount concern. A fair hearing before an impartial decisionmaker is a fundamental component of due process. Due process requires the decisionmakers to act only upon evidence that has been introduced during the course of an adjudicatory hearing and prohibits decisionmakers from acting on their own information. Stated differently, the decision making body must consider only the oral and documented evidence presented at the hearing by staff, the interested parties, and other interested individuals and groups. The body must then make its decision solely on the basis of evidence in the record of proceedings. When a decisionmaker uses (*i.e.*, relies upon or is influenced by) "evidence" outside of the record, there is a denial of a fair hearing "because, as to that 'evidence,' there has been no hearing at all, for the disadvantaged party has not been heard."

The right to a hearing before an administrative tribunal would be meaningless if the tribunal were permitted to base its determination upon information received without the knowledge of the parties. A fair hearing requires that the parties be apprised of all the evidence known to each of the decision makers so that the party may have the opportunity to refute, test, and explain it before deliberations begin and a decision is made. Consequently, the detailed disclosure of all *ex parte* communications is necessary to avoid a due process violation. Detailed disclosure also aids in preserving the due process requirement of an unbiased tribunal and the related public interest in avoiding the appearance of bias on the part of public decisionmakers.

2. The types of *ex parte* communications that must be disclosed.

Information that is evidentiary in nature and acquired through *ex parte* communications must be disclosed if that same information is not already set forth in the administrative record and available to the parties and the public. Information is evidentiary in nature if it is considered by the decisionmaker for its bearing on the issues and his or her ultimate decision on matter. Casual, non-substantive communications that do not bear on the ultimate decision do not potentially violate due process and, accordingly, do not need to be disclosed. For example, a constituent approaching a councilmember and expressing support or opposition for a particular project does not raise due process concerns if the constituent's expression is not accompanied by factual information that may influence the councilmember's decision-making process.

3. Recordkeeping requirements.

Presently, there is no legal requirement that you maintain written records of *ex parte* communications. However, it is strongly recommended that, to the extent feasible, you keep contemporaneous notes of the substance of all relevant *ex parte* communications, including the content of the communication, the names of those involved, and the date, time and place of the communication. Creating and maintaining contemporaneous notes of *ex parte* communications helps guard against forgetfulness and the resulting inadvertent failure to disclose. Keeping notes also helps ensure that the disclosure is thorough, *i.e.*, that all relevant aspects of the communication are disclosed.

4. Timing, form and substance of disclosures.

Disclosure of *ex parte* communications should be detailed and complete. The substance of the information communicated, the name of the source, and the date, time and place of the communication should all be disclosed. If you wrote notes summarizing the details of *ex parte* communications and you choose to use those notes to refresh your recollection during a hearing, you will need to produce a photocopy of your notes and give them to the recording secretary for inclusion in the administrative record. Disclosure must occur before the public comment period is opened at the subject hearing. Ideally, *ex parte* disclosures are made by each decisionmaker immediately after the staff presentation on the item is complete. This way, the interested parties and the public are given all of the relevant information and evidence at the same time and, in the event of a subsequent legal challenge, it will be easily located in the administrative record of the proceedings.

5. Obligation to refrain from *ex parte* communications after close of the public hearing and before final action is taken.

There can be no *ex parte* communications during the period between the closing of a public hearing and the final decision. This situation usually arises when the decisionmaking body closes the public hearing and then directs its staff to prepare written findings to bring back for consideration at a subsequent meeting. During this interim period, each decisionmaker must take care to avoid *ex parte* communications and must reject attempts by others to make *ex parte* contact with them on the subject matter of the closed hearing. Any decisionmaker who engages in *ex parte* communications or who comes into possession of new information or evidence during this interim period should immediately inform the City Attorney so that proper steps can be taken to preserve the integrity of the process.

City of Monterey Park
320 West Newmark Ave
Monterey Park

Phone: 626-307-1458
Fax: 626-288-6861
www.MontereyPark.ca.gov

Facebook

<https://www.facebook.com/City-of-Monterey-Park-Calif-334782029915381/>

Twitter

[@CityofMPK](#)

Instagram

[@cityofmontereypark](#)

Nixle Emergency Alerts

MPK Police **<https://local.nixle.com/monterey-park-police-department/>**
MPK Fire **<https://local.nixle.com/city-of-monterey-park-fire-department>**

Police Department

Twitter **[@MontereyParkPD](#)**
Instagram **[@montereypark_pd](#)**

Fire Department

Twitter **[@MontereyParkFD](#)**

Library

Twitter **[@MontereyParkLib](#)**

Recreation Department

Twitter **[@MontereyParkRec](#)**

MPK-TV Government Access TV

YouTube **[@MontParkTV](#)**
Twitter **[@MontParkTV](#)**

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Print Name

Title

Signature

Date

Code of Conduct and Social Media Policy
January 19, 2021

ATTACHMENT 2

Social Media Policy

RESOLUTION NO. 12167

A RESOLUTION ESTABLISHING POLICIES AND PROCEDURES FOR UTILIZING SOCIAL MEDIA (THE "SOCIAL MEDIA POLICY").

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

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

- A. The City of Monterey Park ("City") hosts several Social Media accounts and seeks to expand its Social Media use for purposes of promoting business growth in the City and providing useful information to its residents and businesses.
- B. The City's participation with Social Media is an effort to engage the Monterey Park community in open, interactive communications while effectively disseminating accurate information to a unique target market. With the advent and widespread use of Social Media, the City desires to capitalize on the potential value of and increasing opportunities presented by Social Media.
- C. The City has an overriding interest and expectation in protecting the information posted on its Social Media and the content that is attributed to the City and its officials.
- D. This policy is designed to guide the City's involvement in Social Media websites and address certain challenges presented by the City's Social Media usage. It establishes certain procedures and conduct for creating and posting on City Social Media, outlines acceptable site content, discusses privacy issues and how the City's Social Media related to the City's retention schedule, and provides other pertinent standards.
- E. It is in the public interest for the City to establish policies and procedures to identify which Commercial Communications and sponsorships are acceptable.

SECTION 2: **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 Resolution.

- A. "Designated Social Media" means personal property, including communication media, owned, managed or otherwise controlled by the City.
- B. "Commercial Communication" means any Communication other than a Government Communication that is placed on Designated Social Media

and has as its primary purpose the promotion or solicitation of a commercial transaction, such as the sale of real or personal property, services, or entertainment.

- C. "Communication" means any visual message that consists of words, numbers, or images and is placed on Social Media for the purpose of communicating with the public.
- D. "Director" means the City Manager, or designee.
- E. "Effective Date" means the date this Resolution becomes effective.
- F. "Government Communication" means a Communication that is:
 - 1. Related to City services, programs, or events;
 - 2. Related to events co-sponsored by the City; or
 - 3. Is a Public Service Announcement.
- G. "Person" means any individual, firm, association, organization, partnership, business trust, corporation or company.
- H. "Political campaign speech" means speech that
 - 1. Supports or opposes or appears to support or oppose a ballot measure, initiative, or referendum; or
 - 2. Supports or opposes or appears to support or oppose any candidate for public office.
- I. "Public Service Announcement" means a Communication directed to the general public or a significant segment of the general public and relates to:
 - 1. Prevention or treatment of illnesses;
 - 2. Promotion of safety or personal well-being;
 - 3. Providing children and family services;
 - 4. Soliciting by broad-based employee contribution campaigns which provide funds to multiple charitable organizations (e.g., United Way); or
 - 5. Providing services and programs that support low income citizens and citizens with disabilities.

- J. "Social Media" means forms of electronic communication through which users create online communities to share information, ideas, personal messages, and other content. Current examples of Social Media include, without limitation, Facebook, Twitter, Instagram, Snapchat, and YouTube. When utilizing Social Media, the City acts in its proprietary capacity.
- K. "Sponsor" means a person who provides City with cash and/or an in-kind contribution to support a City project, event, facility, or activity, and which expects recognition in return.
- L. "Sponsorship" means support for a City project, event, facility, or activity by providing money or other support that may be quantified in money. The sponsorship is typically provided in return for the City providing more than nominal recognition of the sponsor's support.
- M. "Sponsorship Agreement" means an agreement, in a form approved by the City Attorney, between the City and a Sponsor. The sponsorship agreement will provide for sponsor recognition as determined by this Resolution.

SECTION 3: Personal Social Media. Any elected or appointed public official; City employee; City contractor; or City volunteer utilizing Social Media for personal uses is prohibited from:

- A. Utilizing any indicia of public office in their Social Media including, without limitation, the City's logo; City letterhead; title of public office; or any other, similar, suggestion that the use of Social Media is in a capacity other than a private citizen;
- B. Soliciting comments regarding matters within their subject-matter jurisdiction as a public official, City employee, or other capacity with the City; or
- C. Utilizing Social Media that is "closed," "private," or otherwise restricts its membership in order to circumvent the restrictions within this Resolution.

SECTION 4: Limited Public Forum Status.

- A. The City's acceptance of Commercial Communications in accordance with this Social Media Policy does not provide or create a general public forum for expressive activities. In keeping with its proprietary functions, the City does not intend its acceptance of Commercial Communications to convert its Designated Social Media into open public forums for public discourse and debate. Rather, the City's fundamental purpose and intent is to accept Commercial Communications as an additional means of generating

revenue to supplement the City's General Fund. In furtherance of that focused and limited objective, the City retains plenary control over the nature of the Communications accepted for posting on Designated Social Media; its Social Media is intended to be, and is, a limited public forum.

- B. The City Council adopts this Resolution with reference to well-established law supporting the City's ability to restrict Commercial Communications and sponsorships when acting in its proprietary capacity. Such cases include, without limitation, *Reed v. Town of Gilbert* (2015) 576 U.S. 155 ("on public property, the [City] may go a long way toward entirely forbidding the posting of signs, so long as it does so in an evenhanded, content-neutral manner"); *Heffron v. ISKCON* (1981) 452 U.S. 640; *Lehman v. Shaker Heights* (1977) 418 U.S. 298; *Children of the Rosary v. Phoenix* (9th Cir. 1998) 154 F.3d 972; *Page v. Lexington County School Dist. One* (4th Cir. 2008) 531 F.3d 275.

SECTION 5: Name and Purpose.

- A. *Name.* This Resolution may be referred to as the City's "Social Media Policy."
- B. *Public Purpose.* The City's primary purpose in adopting this Social Media Policy is to provide guidance to public officials and employees as to the use of Social Media and avoiding any potential City endorsement of the content or viewpoint of Communications.
- C. *Not a Public Forum.* In adopting this Resolution, the City is acting as a proprietor not as a regulator. The City does not intend to permit, and will not permit, any Communication that individually or in combination with other Communications would cause any Designated Social Media to become a traditional or designated public forum.
- D. *Revenue Enhancement.* To help promote economic development, and to ensure the City's continued success in providing public services, the City Council identified Commercial Communications and sponsorship revenue as a source of income for the City.
- E. This Social Media Policy is intended to provide clear guidance as to the types of Communications that will allow the City to generate revenue and provide public services including, without limitation, Public Service Announcements by:
1. Preventing the appearance of favoritism by the City;
 2. Preventing the risk of imposing views on a captive audience;

3. Maintaining a position of neutrality on controversial issues;
4. Preserving the marketing potential of the Social Media by avoiding content that the community could view as offensive, inappropriate or harmful to the public generally or to minors in particular; and
5. Preventing any harm or abuse that may result from running controversial or offensive Communications.

SECTION 6: Application of Policy.

- A. This Social Media Policy applies to the posting of all new Communications on Designated Social Media on or after the Effective Date.
- B. Pre-existing agreements for Communications, if any, on Designated Social Media cannot be extended or renewed unless amended to comply with this Resolution.

SECTION 7: Policies.

- A. The City may accept or reject any and all Communications in accordance with this Resolution.
- B. Decisions to accept or reject proposed Communications or Communications sponsorships will not be made on the basis of the sex, race, color, religion, ancestry, national origin, disability, medical condition, marital status, or sexual orientation of the person proposing the Communication.
- C. By accepting a Communication, the City does not waive or restrict its ability to accept any other Communications.
- D. Advertisers and sponsors will not receive extraordinary consideration relating to the City's procurement processes, regulatory activities, or other City business by providing a Commercial Communication.
- E. City may terminate any Communication should the Communication conflict with this Resolution. The City Manager is authorized to make a final determination regarding termination.
- F. Absent specific City Council approval, as evidenced by minute order or written resolution, the City's name and logo cannot be used as part of any official endorsement of a person's product, service, or company.
- G. The names and images of elected officials are prohibited on Designated Social Media.

SECTION 8: Creation, Maintenance and Termination of Designated Social Media.

The City generally utilizes commercially available Social Media for Communications. Creation, maintenance and termination of Designated Social Media must comply with the following:

- A. The Director must approve the Designated Social Media in writing before any City official or employee can open an account on the City's behalf.
- B. All Designated Social Media must utilize authorized City contact information for account set-up, monitoring and access. Such contact information must be provided to the City's Information Technology division. The use of personal email accounts or phone numbers by any City employee is not allowed for the purpose of setting-up, monitoring or accessing Designated Social Media.
- C. Each department director, where applicable, must appoint a specific staff member to maintain and monitor Designated Social Media for purposes of that department. Department directors are responsible for ensuring their employees follow this policy. If an employee assigned to maintain and monitor Designated Social Media separates from City employment, the department director must ensure that any password(s) to the Designated Social Media are revised and that another employee is assigned.
- D. The settings for Designated Social Media must be set to "no comments," or a substantially similar setting, if such setting is available so that unsolicited feedback cannot be received from Social Media.
- E. Employees administering Designated Social Media must understand its current terms of service. Designated Social Media must comply with usage rules and regulations required by the site provider, including privacy policies.
- F. All account information, including passwords and setting information, for all Designated Social Media must be provided to the City Manager, or designee. The City's use of any Designated Social Media may be terminated by the City Manager in his or her discretion at any time without notice. The City Manager, or designee, may remove content that is inappropriate or inconsistent with this policy.

SECTION 9: Authorized Communications. Upon the effective date of this Resolution, no Communication may be placed on Designated Social Media unless all of the following are satisfied:

- A. The Communication consists of a Commercial Communication, Government Communication, or Public Service Announcement.

- B. Commercial Communications cannot be placed on Designated Social Media until the third party and the City enter into a written agreement that is consistent with this Resolution and approved as to form by the City Attorney.
- C. Government Communications, other than those related to City services, programs, or events, may not be placed on Designated Social Media until the City Manager, or designee, authorizes the placement in writing.
- D. The sponsor of a Public Service Announcement must be a government entity or a nonprofit corporation that is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code.¹
- E. A Public Service Announcement cannot include a message that is commercial or retail in nature or related to a festival, show, sporting event, concert, lecture or event for which an admission fee is charged.
- F. The Communication is not otherwise prohibited by this Resolution.
- G. The City's official website will be maintained as the primary source of information for the City; Designated Social Media will contain supplemental information only. Designated Social Media cannot replace the City's required notices and traditional methods of communication.
- H. All Designated Social Media will display a prominent link to the City's official website and will direct site traffic to the City's official website, www.MontereyPark.ca.gov
- I. Designated Social Media will display a prominent official logo or identifying marker for the City and will include Communications noting that the page is maintained by the City.
- J. Designated Social Media will link back to the City's official website, when such feature is available, for forms, documents, online services, and other information necessary to conduct business with the City. The following content guidelines will be posted on all Designated Social Media or made available by hyperlink: "The content you see on this site is provided for informational purposes only. To conduct business with the City of

¹ 26 USC § 501(c)(3): "Corporations, and any community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary, or educational purposes, or to foster national or international amateur sports competition (but only if no part of its activities involve the provision of athletic facilities or equipment), or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation ... and which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of (or in opposition to) any candidate for public office."

Monterey Park you must visit City Hall in person, phone the City at (626) 307-1458, or use the services available on the City's website at www.MontereyPark.ca.gov.

- K. The City's Social Media Policy must be displayed to users or made available by hyperlink on both the social media sites and the official City website www.MontereyPark.ca.gov or any other domain owned by the City.
- L. Information posted to Designated Social Media becomes public information and there should be no expectation of privacy in regards to the information posted on Designated Social Media.

SECTION 10: ***Viewpoint Neutral Limitations.*** Communications are not permitted on Designated Social Media if it or information contained in it falls within one or more of the following categories:

- A. The Communication proposes a commercial transaction and is false, misleading, or deceptive.
- B. The Communication promotes or encourages, or reasonably appears to promote or encourage, the use or possession of unlawful or illegal goods or services.
- C. The Communication promotes, depicts, or encourages, or reasonably appears to promote, depict, or encourage, unlawful or illegal behavior or activities.
- D. The Communication implies or declares the City's endorsement of any service, product, or point of view without the City Manager's prior written authorization.
- E. The Communication contains obscene matter or any other matter that is prohibited under Penal Code §§ 311, *et seq.*, as amended.
- F. The Communication is profane or vulgar, or presents a clear-and-present danger of causing a riot, disorder, or other imminent threat to public safety, peace, or order.
- G. The Communication is so objectionable under contemporary community standards that it is reasonably foreseeable that it will harm, disrupt, or interfere with the City's services, programs, or events.
- H. The Communication holds up an individual or group to public ridicule, derision, or embarrassment; or is libelous; or is an infringement of a copyright, trademark, or registered mark. Advertisers and Commercial

Communications agencies assume all responsibility for any unauthorized use of names, photographs, devices, and words protected by copyright, trademark, or registered trademark.

- I. The Communication promotes or depicts the sale or use of tobacco or cannabis, or tobacco-related or marijuana-related products, except products that counteract symptoms of tobacco habituation.
- J. The Communication promotes or depicts the sale or consumption of wine, liquor, beer, or distilled spirits.
- K. The Communication directly or indirectly promotes the sale or use of a firearm.
- L. The Communication contains political campaign speech.
- M. The Communication advocates or opposes a religion or religious belief or a philosophy or philosophical belief.
- N. The Communication contains an image or description of graphic violence or the results of graphic violence including, without limitation, unless part of a law enforcement case and approval of the City Manager, to
 - 1. The depiction of human or animal bodies or body parts, or fetuses, in states of mutilation, dismemberment, decomposition, or disfigurement; and
 - 2. The depiction of weapons or other implements or devices associated in the Communication with an act or acts of violence or harm on a person or animal.
- O. The Communication promotes or encourages, or appears to promote or encourage, a transaction that is related to, or uses brand names, trademarks, slogans, or other materials that are identifiable with, any of the following: films rated "X" or "NC-17" by the Motion Picture Association of America; video games rated "A" or "M" by the Entertainment Software Rating Board; adult book stores or adult video stores; nude or topless clubs and other adult-entertainment establishments; adult telephone services or adult Internet sites; or escort services.
- P. The Communication advertises any good, service, or entertainment that competes with goods, services, or entertainment offered by the City.
- Q. The Communication directs viewers to a website or telephone number that provides access to material that violates this Social Media Policy. In addition, the website address or phone number itself may not violate this

Social Media Policy.

- R. The Communication, if communicated individually or in combination with other Communications, would cause the Social Media to become a public forum.
- S. The Communication fails to contain any disclaimer or attribution required by this Resolution.
- T. Commercial Communications that promotes or solicits the sale, rental, distribution or availability of firearms or firearms-related products.
- U. Any Commercial Communications that is intended to be (or reasonably could be interpreted as being) disparaging, disreputable, or disrespectful to persons, groups, businesses or organizations, including Commercial Communications that portrays individuals as inferior, evil or contemptible because of their race, color, creed, sex, pregnancy, age, religion, ancestry, national origin, marital status, disability, sexual orientation or any other characteristic protected under federal, state or local law.
- V. Any material directed at a person or group that is so insulting, degrading or offensive as to be reasonably foreseeable that it will incite or produce lawless action in the form of retaliation, vandalism or other breach of public safety, peace and order.

SECTION 11: ***Disclaimer.*** The City may, in all circumstances, require that a Communication on Designated Social Media include a disclaimer stating that the Communication is not sponsored by, and does not necessarily reflect the views of, the City. The disclaimer must read substantially as set forth in attached Exhibit "A," which is incorporated by reference.

SECTION 12: ***Commercial Communications; Applications.*** Applications for Commercial Communications or sponsorships must be filed on forms provided by the City. Applications made on the required forms will be considered on a first come first serve basis as indicated by date received and accepted.

SECTION 13: ***Commercial Communications; Approvals.***

- A. The Director may approve all Communications with a value of less than \$25,000. All other Communications must be approved by the City Council.
- B. All sponsorship agreements must be memorialized in a written agreement between the City and the sponsor. The City Manager is authorized to execute any written agreement for a donation or sponsorship where the value of the donation or sponsorship is less than \$25,000. No written donation or sponsorship agreements will be valid unless approved as to

form by the City Attorney.

SECTION 14: *Commercial Communications; Attribution.* All Communications on Designated Social Media must clearly and unambiguously identify the person or entity that has sponsored or paid for the Communication or it to be placed on the Designated Social Media. Website addresses or phone numbers by themselves are insufficient to satisfy this section.

SECTION 15: *Commercial Communications; Procedures.*

- A. All proposed Commercial Communications must be submitted to the Director for initial compliance review. The Director will perform a preliminary evaluation of the submission to assess its compliance with this policy. If, during its preliminary review of a proposed Communication, the Director is unable to make a compliance determination, the Director will forward the submission to the City Manager, or designee, for further evaluation.
- B. The Director may at any time discuss with the entity proposing the Communication one or more revisions to a Communication, which, if undertaken, would bring the Communication into conformity with this Social Media Policy. The Director will immediately remove any Communication that violates this Policy.
- C. The Director will review the proposed Communication for compliance with the guidelines set forth in this policy and will direct as to whether the proposed Communication will be accepted.
- D. The City Manager, or designee, will conduct a final review of proposed Commercial Communications at the Director's request. The City Manager's, or designee's, decision to approve or reject any proposed Commercial Communications is final.

SECTION 16: *Moratorium.* At the discretion of the City Manager, and subject to any contractual obligations, the City may declare a complete ban or moratorium on all Communications on Designated Social Media and direct that no Communications of any kind, other than Government Communications, be accepted for display and posting.

SECTION 17: *Disputes.* Any dispute concerning complying with this Resolution may be appealed to the City Manager within 15 days of the circumstances giving rise to the dispute. The City Manager must act upon the appeal within 30 days. The City Manager may refuse to allow, or may order the removal of, any Communication that does not comply with this Resolution. The City Manager may, but is not required to, bring the appeal to the City Council for a decision. Unless considered by the City Council, the City Manager's decision is the City's final decision without the ability for a City Council appeal.

SECTION 18: **Revenue.** Monies received by the City from Communications must be deposited in a separate account identified by the City Manager. Unless otherwise provided by a sponsorship agreement, funds in the separate account may be used for general purposes as determined by the City Manager.

SECTION 19: **Ralph M. Brown Act.** As noted in Section 7, Designated Social Media can only be utilized when the "comment" option is turned off. This is intended to reduce the potential for unintentional violations of applicable law including, without limitation, the Ralph M. Brown Act. To help ensure full compliance with the Ralph M. Brown Act, elected and appointed officials must comply with the following:

- A. All elected and appointed officials must avoid using Social Media to blog, discuss, deliberate, or express opinions on any issue within the subject matter jurisdiction of the legislative body. This includes, without limitation, posting comments on Social Media.
- B. If Social Media, including Designated Social Media, will significantly influence the views or opinions of an elected or appointed official acting in an adjudicatory or quasi-judicial matter, the official must disclose the Social Media and the content thereof as an *ex parte* contact.
- C. Elected and appointed officials are prohibited from excluding or blocking persons from Social Media, including Designated Social Media, for any purpose.

SECTION 20: **Public Records Act.** The content of Designated Social Media constitutes a "public record" under the Public Records Act and must be retained in accordance with the City's retention schedule.

SECTION 21: **Violations.** Violations of this policy may result in the termination of the City's participation with Designated Social Media and may cause disciplinary action to be taken as determined in accordance with the City's Personnel Rules and Regulations, Memoranda of Understanding, and other applicable policies and regulations.

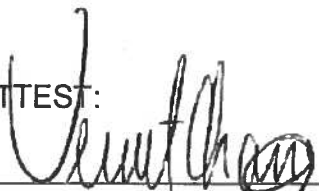
SECTION 22: **Authority.** The City Manager is authorized to implement this Resolution in accordance with applicable administrative policies and procedures that may be promulgated by the City Manager.

SECTION 23: **Amendment and Interpretation.** The City may amend this Resolution unilaterally at any time. The City Council has the sole and final authority to interpret and apply this Resolution.

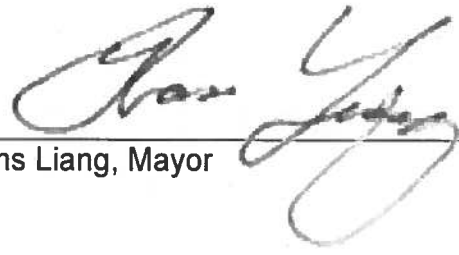
SECTION 24: **Effectiveness.** This Resolution will become effective immediately upon adoption and will remain effective unless superseded or repealed.

PASSED AND ADOPTED this 17th day of June, 2020.

ATTEST:

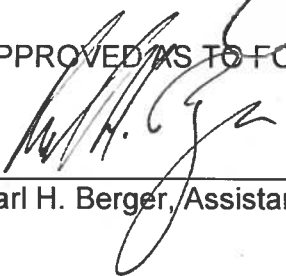


Vincent D. Chang, City Clerk



Hans Liang, Mayor

APPROVED AS TO FORM:



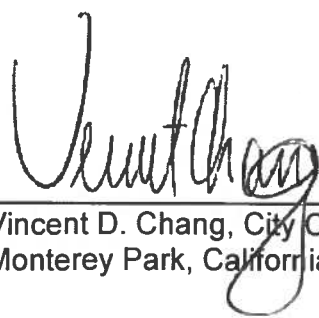
Karl H. Berger, Assistant City Attorney

State of California)
County of Los Angeles) ss.
City of Monterey Park)

I, Vincent D. Chang, City Clerk of the City of Monterey Park, California, do hereby certify that the foregoing Resolution No. 12167 was duly and regularly adopted by the City Council of the City of Monterey Park at a meeting held on the 17th day of June 2020, by the following vote:

Ayes:	Council Members: Yiu, Lo, Sornoso, Chan, Liang
Noes:	Council Members: None
Absent:	Council Members: None
Abstain:	Council Members: None

Dated this 17th day of June, 2020.



Vincent D. Chang, City Clerk
Monterey Park, California

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.

EXHIBIT A

CITY OF MONTEREY PARK SOCIAL MEDIA POLICY DISCLAIMER

The City of Monterey Park participates in social media pages in an effort to engage members of the community in open, interactive communications while effectively disseminating accurate information to target markets. The following disclaimer applies to all City of Monterey Park-maintained social media pages.

This page is monitored infrequently and only during regular business hours. DO NOT post emergency information; if you are experiencing an emergency, call 911.

Privacy Statement

This is an official social media page for the City of Monterey Park. In accordance with the City's Social Media Policy, the settings for this site do not allow for comments. However, anything you post here including comments, deleted posts, messages, and chat sessions, is subject to the California Public Records Act.

Notice to City

Communications made through this website do not constitute legal or official notice to the City, its elected or appointed officials, employees, representatives, or agents.

Materials and information on this City social media site are provided as a public service and intended to afford general guidelines on matters of public interest. Except for the third party materials described below, the materials and information on this site were generated, compiled, or assembled at public expense and are freely available for non-commercial, non-profit making use, provided the user keeps intact all associated copyright, trademark, and other proprietary notices. The materials and information on this site cannot be copied, reproduced, republished, uploaded, posted, transmitted, distributed, or "mirrored" on another server without the written permission of the City.

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Prohibited Content

Comments containing any kind of inappropriate content including, without limitation, the following, are not permitted on City of Monterey Park social media pages and will be removed: (1) profane, obscene, or pornographic content and/or language; (2) content that promotes, fosters or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, physical or mental disability, sexual orientation, national origin, as well as any other category protected by federal, state or local laws; (3) threats of physical harm to any person, property or organization; (4) comments related to or in support of, or in opposition to, any political campaigns or ballot measures except to announce election dates and voter registration locations; (5) conduct violating any law.

If you feel your comments have been unfairly deleted or would like to report inappropriate content, contact the City of Monterey Park at www.montereypark.ca.gov.

Disclaimer of Endorsement

A comment posted by a member of the public on any City of Monterey Park social media page is the opinion of the commentator or poster only, and publication of a comment does not imply endorsement of, or agreement by, the City of Monterey Park, nor do such comments necessarily reflect the opinions or policies of the City of Monterey Park. Likewise, City social media sites may contain content including, without limitation, advertisements or hyperlinks over which the City has no control. The City does not endorse any hyperlink or advertisement placed on City social media sites by the social media site's owners, vendors or partners. By using the City's Web site, the user acknowledges and accepts that the City is not responsible for any materials stored on other Internet sites, nor it is liable for any inaccurate, defamatory, offensive, or illegal materials found on other Internet sites, and that the risk of injury from viewing, hearing, downloading, or storing such materials rests entirely with the user.

Contacting the City of Monterey Park

To interact with the City of Monterey Park please visit the official City of Monterey Park webpage at www.MontereyPark.ca.gov, email MPCLerk@montereypark.ca.gov or call (626) 307-1359.

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