

JOINT COMMISSIONS, COMMITTEES, & BOARDS OF MONTEREY PARK AGENDA

REVISED

SPECIAL MEETING Hybrid (In-Person / Virtual)

**Wednesday
March 30, 2022
6:30 p.m.**

ASSEMBLY BILL NO. 361

This meeting will be partially conducted by electronic means pursuant to Government Code § 54953(e) as implemented by City Council Resolution.

Accordingly, Commissioners/Board Members will be present at City Hall for this meeting. However, no members of the public will be allowed in City Hall.

Public participation is encouraged utilizing the methods set forth below.

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 www.montereypark.ca.gov/AgendaCenter/City-Council-17.

The Special Meeting will not be televised on the city's cable channel MPKTV (AT&T U-verse, channel 99 or Charter Communications, channel 182) or on the city's website at <http://www.montereypark.ca.gov/133/City-Council-Meeting-Videos>.

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

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: **883 3178 8587** 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. As part of the virtual meeting protocols, anonymous persons will not be allowed to provide public comment.

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.

CALL TO ORDER:

FLAG SALUTE:

ROLL CALL:

Commission on Aging	Siu Fong, Paul Isozaki, Virginia Mason Greene, Charles Mau, Ryan Sprague, Alex Tang, Betty Wang
Business Improvement District Advisory Committee	Gene Jeng, Jessy Li, Josephine Louie, Elizabeth Yang
Community Participation Commission	Mary Ann Garcia-Barlow, Oriana Chan, Beth Chavez, Victoria Chavez, Sandra Hidalgo, Shirley Hwong, Annie Park, Carol Sullivan, Isabel Wu
Design Review Board	Dennis Lee, Matthew Lum, Philip Smith
Economic Development Advisory Commission	Alexander Fung, Dora Leung, Amy Newman, Billy Yeung, Tomas Wong
Environmental Commission	Danielle Sprague, Kathy Ko, Alice Chan
Library Board of Trustees	Lisa Duong, Jennifer Tang, Jason Dhing, Andrew Yam, Larry Sullivan
Personnel Board	Liane Kwan, Gustavo Reynoso, Grace Yeh
Planning Commission	Tammy Sam, Ricky Choi, Peter Fung, Jack Chiang
Recreation and Parks Commission	Philip Chang, Johnny Kwok, Paul Lee, Barbara Ngai, Grace Young
Traffic Commission	Allan Shatkin, Daisy Ma, Benkin Jong, Steven Klein, Paul Perez
Sister Cities	Morelia, Mexico – Gloria Enriquez, Dolores Rillos, Victoria Chavez Nachikatsuura, Japan – Francisco Alonso, David Ikeda, Quanzhou, China – Pedro Chan, David Lau, Charles Mau Yung Ho, Taiwan – Sabrina Peng, Jeremy Allred, David Lee Yeongdeungpo-Gu, Seoul Korea – David Lee, Karen Lee, Calvin Lee

PUBLIC COMMUNICATIONS. Pursuant to Government Code Section 54954.3(a), the public may address the Boards/Commissions 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 removing you from the meeting.

[1.] PRESENTATIONS

1-A. FINANCIAL FORECAST

[2.] NEW BUSINESS

2-A. MUNICIPAL ACADEMY - ROLES AND RESPONSIBILITIES OF COMMISSIONERS, SOCIAL MEDIA POLICIES AND OTHER EXPECTATIONS

[3.] CONSENT CALENDAR FOR THE PERSONNEL BOARD AND THE DESIGN REVIEW BOARD ONLY

3-A. MINUTES FOR THE PERSONNEL BOARD

It is recommended that the Board consider:

- (1) Approving the minutes from the regular meeting of October 13, 2021; and
- (2) Taking such additional, related, action that may be desirable.

3-B. MINUTES FOR THE DESIGN REVIEW BOARD

It is recommended that the Board consider:

- (1) Approving the minutes from the regular meetings of January 21, 2020, and February 18, 2020; and
- (2) Taking such additional, related, action that may be desirable.

ADJOURN



City Boards & Commissions Staff Report

DATE: March 30, 2022

AGENDA ITEM NO: 2A

TO: City Boards and Commissions
FROM: Karl H. Berger, City Attorney
SUBJECT: City Code of Conduct and Social Media Policy

RECOMMENDATION:

This is an informational item only. No action may be taken other than receiving and filing the report.

BACKGROUND:

The City Attorney's office was recently informed regarding activities on social media platforms undertaken by individuals appointed to the City's various Boards and Commissions. As the City moves from emergency operations related to the Pandemic toward restoring "normalcy" in conducting the public's business, it seems prudent to alert (or remind) public officials regarding the City's Code of Conduct and Social Media Policy. Please note that this is a very brief overview and intended only to remind public officials regarding the various rules and regulations that affect their public service. You may wish to seek additional clarification from the City Attorney's office or your staff liaison.

Resolution No. 12184 establishes the City's Code of Conduct; Resolution No. 12167 establishes the City's Social Media Policy (both are attached for reference). As noted in both Resolutions, the Code of Conduct and Social Media Policy apply to all Monterey Park public officials, whether elected or appointed.

Mayor Hans Liang first proposed the Code of Conduct in 2019; the City Council adopted it on August 5, 2020. There are four 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.

The Code of Conduct implements these Core Principles with mandatory policies applying to all boards and commissions. Among other things, boards and commissions may only address matters determined by the Monterey Park Municipal Code or by the City Council to be within their subject matter jurisdiction. Moreover, unless directed otherwise by the City Council, boards and commissions must refrain from consideration of policy issues that are under active consideration by the City Council. When making public utterances, public officials must make it clear whether they are presenting their own views or those of the body upon which they sit.

Please note that while the Code of Conduct is mandatory, i.e., it applies to all elected and appointed public officials, public officials also acknowledge their voluntary compliance with the Code of Conduct when assuming office by signing the “My Commitment to a Healthy Work Environment” pledge. Those pledges are on file with the City Clerk’s office and available for public review.

As to the Social Media Policy, public officials are prohibited from using their title of public office when utilizing social media platforms. Moreover, all public officials should avoid using social media to discuss, deliberate or express opinions within the subject matter jurisdiction of their respective board or commission – even if they wish to do so in a personal capacity. This includes, without limitation, posting comments on social media whether through their own account or on a third-party’s feed.

Also note that all electronic communications prepared by public officials – whether using public or private accounts – are subject to the California Public Records Act and (unless otherwise exempted) must be disclosed upon request when they relate to City business. This includes electronic mail, social media postings (whether in closed or open groups), and posted comments.

The reasons for these policies are not only for good government, but also to avoid legal complications for the City of Monterey Park. Among other things, the policies were adopted to help reduce the likelihood that a public official’s conduct violates the Brown Act or Conflict of Interest laws; that the City complies with the Public Records Act; that the City complies with its records retention schedule; that due process rights are protected; and to avoid potential City liability in civil lawsuits.

An overview of these matters is provided in the *Municipal Law Guidebook* (last update is February 20, 2020) prepared by the City Attorney’s office. You should have received a copy of that document when you assumed office; copies are available in the City Clerk’s office.

RESOLUTION NO. 12184

A RESOLUTION ESTABLISHING A CODE OF CONDUCT AND RULES FOR CONDUCTING CITY COUNCIL MEETINGS IN ACCORDANCE WITH GOVERNMENT CODE § 36813.

The City Council does resolve as follows:

SECTION 1: Code of Conduct; 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:

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

SECTION 2: 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:

A. 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.

B. 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.

C. 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.

D. 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.

E. 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.

F. 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.

G. 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.

SECTION 3: Substance Abuse Policy.

- A. 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.
- B. 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.

- C. 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.

SECTION 4: Anti-Harassment Policy.

- A. 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.
- B. 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:
 - 1. 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.
 - 2. 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.
 - 3. 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.
 - 4. 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.

SECTION 5: Expected Conduct.

- A. Public Officials will request administrative services only through the City Manager or designee.

1. Public Officials cannot direct, order, or make demands on any City employee, other than inquiries that can be answered routinely and without research.
 2. Public Officials cannot attempt to reorganize an employee's priorities or influence the manner by which City staff performs their assigned functions or duties.
 3. Public Officials cannot retaliate or threaten to retaliate against employees as a result of disagreements over policy recommendations.
 4. Public Officials cannot threaten a City employee with disciplinary action.
- B. 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.
1. 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.
 2. 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.
 3. Public Officials cannot interfere with the manner by which the City Manager performs his or her duties.
- C. Public Officials who are members of boards and commissions must limit their activities to matters within their subject matter jurisdiction.
1. 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.

2. The City Council as a whole will provide direction and guidance to its subsidiary bodies.
- D. City resources must be used solely for proper governmental purposes, and only with proper authorization.
1. City letterhead may only be used by Public Officials for official City business.
 2. City employees cannot be asked or directed to spend time on non-City business.
 3. Public Officials cannot use or disclose information obtained through City service for improper purposes.

SECTION 6: 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 Health Workplace Commitment. Such a program may be referenced as the "Monterey Park Healthy Workplace Environment Program."

SECTION 7: 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.

SECTION 8: 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. 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").
- B. 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:
 1. Take no action;

2. 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
 3. Place the matter on a future City Council agenda for consideration.
- C. If a complaint is placed on the City Council agenda, the City Council may take the following action:
1. Take no action;
 2. Initiate an investigation of the allegations before considering any discipline identified in this Resolution; or
 3. Based upon substantive evidence, take one of the disciplinary actions identified in this Resolution.
 4. Nothing in this policy precludes individual City Council Members from making public statements regarding alleged conduct.
- D. 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:
1. 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.
 2. 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.

3. 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.

SECTION 9: Amendment/Suspension. The City Council may amend or suspend these rules at any time upon majority vote of the City Council.

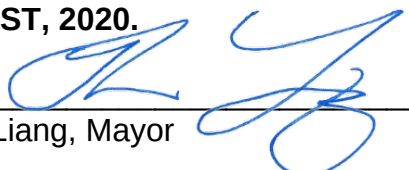
SECTION 10: **Amendments to Existing Policies.** Any existing policies – whether adopted by resolution or otherwise – governing the subject matter in this Resolution are amended to conform with this Resolution. Nothing in this Resolution is intended to, nor does it, supersede the City’s most recently adopted Conflict of Interest Code.

SECTION 11: **Authority.** The City Manager, or designee, is authorized to reproduce all City Council policies and procedures including, without limitation, this Resolution and its exhibits, in an appropriate font, form, and presentation (e.g., booklet format) for ease of use.

SECTION 12: **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.

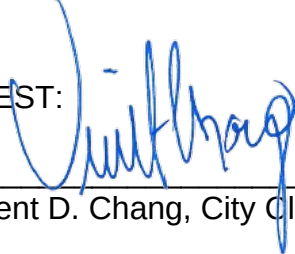
SECTION 13: **Effectiveness.** This Resolution will become effective immediately upon adoption.

**PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF
MONTEREY PARK THIS 5TH OF AUGUST, 2020.**



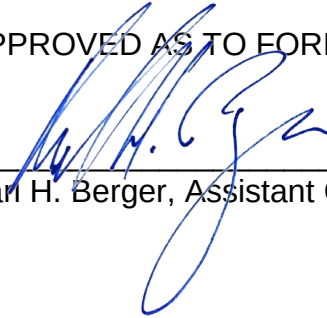
Hans Liang, Mayor

ATTEST:



Vincent D. Chang, City Clerk

APPROVED AS TO FORM:



Karl H. Berger, Assistant City Attorney

Exhibits:

Exhibit A – Healthy Workplace Environment

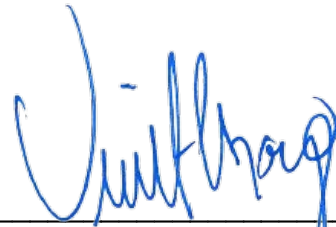
Exhibit B – Ex parte Communication Policy

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) §
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. 12184 was duly adopted by the City Council of the City of Monterey Park at a regular meeting held on the 5th day of August, 2020, by the following vote:

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

Dated this 5th day of August, 2020.



Vincent D. Chang, City Clerk
City of Monterey Park, California

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 decisionmaking 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.

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.

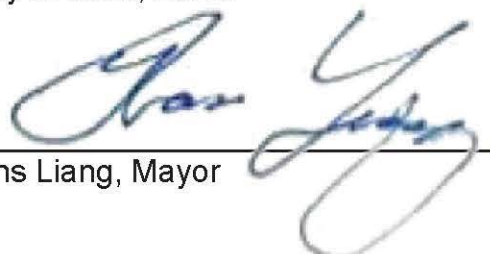
SECTION 24: *Effectiveness.* This Resolution will become effective immediately upon adoption and will remain effective unless superseded or repealed.

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

ATTEST:



Vincent D. Chang, City Clerk



Hans Liang, Mayor

APPROVED AS TO FORM:



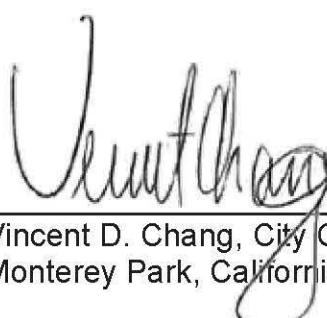
Karl H. Berger, Assistant City Attorney

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.

Copyright Notice

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If a copyright is indicated on a photo, graphic, or any other material, permission to copy these materials must be obtained from the original source.

Using or modifying this site's materials and information for commercial or profit making purposes is prohibited and may violate the copyrights and/or other proprietary rights of

the City or third parties.

By participating on this site you agree to grant a non-exclusive, irrevocable, royalty-free license to any information posted, abide by intellectual property standards and limit content to that which is rightfully posted.

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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CHANGES ARE MADE PERIODICALLY TO MANY CITY DOCUMENTS, INCLUDING MUNICIPAL CODES, CHARTER SECTIONS, REGULATIONS, GUIDELINES, AND SCHEDULES, AND THESE CHANGES MAY OR MAY NOT BE REFLECTED IN THE MATERIALS OR INFORMATION PRESENT ON THE CITY OF MONTEREY PARK'S WEB SITE. ADDITIONALLY, BECAUSE THE SITE IS FREQUENTLY UNDER DEVELOPMENT, MATERIALS AND INFORMATION MAY BE DELETED, MODIFIED OR MOVED TO A DIFFERENT PART OF THE SITE WITHOUT ADVANCE NOTICE.

IF YOU DO NOT AGREE TO OR UNDERSTAND ANY OR ALL OF THESE TERMS, PLEASE DO NOT USE THIS WEBSITE.

RESOLUTION NO. 12226

A RESOLUTION ESTABLISHING PROCEDURAL RULES FOR CONDUCTING CITY COUNCIL MEETINGS.

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

SECTION 1: The City Council adopts the following procedural rules for conducting City Council meetings:

“RULES OF PROCEDURE

Rule 1: Authority

The City Council establishes these by-laws, entitled “Rules of Procedure,” for conducting its meetings. The following Rules become effect upon the City Council’s adoption and remain effective unless amended or superseded. These Rules are intended to comply with, the Ralph M. Brown Act (Government Code §§ 54950-54962). The Brown Act will supersede any conflicting provision of the Rules.

Rule 2: General Rules

Rule 2.1: Public Meetings

All meetings (except closed sessions as provided by California law) of the Council are open to the public.

Rule 2.2: Rules of Order

- A. City Council proceedings should be governed by common sense and good taste. Pursuant to applicable laws, including, without limitation, the Monterey Park Municipal Code, any issue of procedure relating to the conduct of a meeting or hearing not otherwise provided for in these Rules may be determined by the Mayor, subject to a vote of the entire Council. In addition, the City Council may, upon majority vote, alter or modify any provision of this Policy when appropriate or desirable.
- B. City Council proceedings are generally governed by Rosenberg’s Rules of Order on all matters pertaining to parliamentary law (attached as Exhibit “A,” and incorporated by reference). Notwithstanding Rosenberg’s Rules of Order, motions will be voted upon in the order in which they are made. Moreover, nothing prevents the City Council expressly adopting a rule or procedure that may be inconsistent with Rosenberg’s Rules of Order. No City Council action can be invalidated, or the legality of otherwise affected, by the failure or omission to observe or follow Rosenberg’s Rules of Order or any other City Council approved rule of procedure.

- C. These Rules are adopted to expedite the City Council's business transactions in an orderly fashion and are procedural only. Failure to strictly observe these rules will not affect the Council's jurisdiction or invalidate any Council action conforming with applicable law.
- D. The Council will abide by those Rules of Decorum that may be adopted by the City Council for use by its boards, Councils, and committees.

Rule 2.3: Quorum

Three members of the Council constitute a quorum. Should less than a quorum be in attendance, the City Clerk will list the attendees in the minutes, and they will adjourn the meeting to a later set time. In the event no members of the Council are present the City Clerk will adjourn the meeting to a later set time pursuant to Government Code § 54955.

Rule 2.4: Vote

A majority of a quorum is required to transact business except that three affirmative votes of the Council's members are required to approve the following substantive applications: General Plan Amendments and Amendments to the MPMC, Zone Changes, Variances, Conditional Use Permits, Rezoning for Annexations, Subdivision Maps, and Parcel Maps. If a motion to approve a substantive matter fails because it does not receive three affirmative votes, the matter will be automatically continued to the next regular City Council meeting. If the substantive matter is neither approved nor denied at the next regular meeting, the project is deemed denied unless the applicant requests an additional vote at the next regular meeting. No appeal fee will be charged for an appeal required as a result of a tie vote or due to the lack of four affirmative votes to approve a matter which is not subsequently denied.

Rule 2.5: Minutes of Proceedings

The City Clerk will record an account of all public proceedings of the City Council into the Council's official minutes. These minutes will become public record after Council approval.

Rule 2.6: Right of Floor

Councilmembers wishing to speak must first be recognized by the Mayor and, with the exception of City Communications, limit any remarks to the agenda matter being considered.

Rule 2.7: City Manager

The City Manager will attend all meetings of the Council unless excused. In his/her absence, the City Manager will designate an Acting City Manager to attend. The City Manager may make recommendations and has the right to take part in all City Council discussions of the Council but cannot vote.

Rule 2.8: City Attorney

The City Attorney or designee should attend all meetings of the Council. The City Attorney, or designee, upon request, may give opinions, either written or oral, on questions of law and act as the Council's parliamentarian.

Rule 2.9: City Clerk

The City Clerk will attend all meetings of the Council unless excused. The City Clerk will record, prepare, and maintain the Council's official record and perform other related duties as prescribed by the Council and/or City Manager.

Rule 3: Mayor – Duties

Rule 3.1: Presiding Officer

The Mayor, if present, will preside at all meetings. In the Mayor's absence, the Vice Mayor will preside. In the absence of both, the Councilmembers present will select a Temporary Presiding Officer by majority vote.

Rule 3.2: Call to Order

The Mayor or Vice Mayor will bring the meeting to order at the time noticed in accordance with applicable law. In the absence of both, the meeting will be called to order by the City Clerk.

Rule 3.3: Point of Order

The Mayor will determine all points of order, subject to the right of any Councilmember to appeal to a vote of a majority of the quorum.

Rule 3.4: Motion to Be Stated

The Mayor will state all motions submitted for a vote and announce the result. A roll call vote must be taken upon the request of any Councilmember.

Rule 4: Preparation of Agenda

Rule 4.1: Agenda Preparation

The Agenda will be prepared in accordance with the procedure directed by the City Manager. The Agenda should be delivered to the Mayor and Councilmembers by 5:00 p.m. on the Friday before the Council's regular Wednesday meeting. In the event of a Special Meeting, Agendas should be delivered as promptly as is practicable.

Rule 4.2: Minutes

Unless requested by a majority of the quorum, minutes may be approved without reading.

Rule 4.3: Consent Calendar

Items listed under the Consent Calendar are those items the City Manager believes will not require Council discussion and are routine in content. Also listed under the Consent Calendar are resolutions confirming action from a previous meeting which are brought back for approval of form rather than approval of action. Items may be pulled for separate discussion or clarification at any Councilmember's request, or upon receipt of a written request for public comment on the item.

Rule 4.4: City Communications

Items of interest that are not on the Agenda, such as conference or meeting reports, may be discussed under this item. No action, other than to "receive or refer to staff" may be taken.

Rule 4.5: Actions Limited to Posted Agenda

The City Council cannot take action on any item not appearing on the posted Agenda except under the conditions permitted by Government Code § 54954.2.

Rule 4.6: Future Agenda Items

Each Agenda will include an Agenda item entitled "Future Agenda Items." During this section of the Agenda any Councilmember may make a motion only to place an item on a future Agenda. The motion is non-debatable. Placement of an item on a future Agenda requires a majority vote. The City Manager has discretion as to when the item will be placed on the Agenda, unless otherwise directed by the City Council.

Rule 5: Citizens' Rights

Rule 5.1: Addressing the Council

A. Any person may address the Council under the following portions of the Agenda:

- (1) Under the Public Comment portion of the Agenda.
- (2) Public Hearings.
- (3) With the consent of a majority of the quorum of the Council.

B. Persons seeking to address the Council must comply with the following:

- (1) Members of the public may address the Council only on items within the subject-matter jurisdiction of the Council. A determination of whether an item is appropriate for discussion will be made by the Mayor with the Council's consent and upon advice by the City Attorney or designee.
 - (2) Each person addressing the Council must submit such written information as the City Clerk may require for the record, step to the podium and give their name and address for the record.
 - (3) Each speaker is limited to five minutes on Public Comment and a total of five minutes on all other items on the Agenda. Exception - See Public Hearing Procedures under Section 7 and following.
 - (4) All remarks must be directed to the Mayor and Council as a body and not to any particular Councilmember.
 - (5) No person, other than Councilmembers and the person having the floor, are permitted to participate in the discussion except as otherwise requested by the Mayor.
 - (6) No question may be asked of Councilmembers or City staff except through the Mayor.
- C. When any identifiable group of persons, as distinguished from the general public, seeks to address the Council on the same agenda item, the Mayor has the discretion to ask that the group select a spokesperson to address the Council. If additional issues are to be presented at the hearing by any other member of such group, the Mayor may limit the number of persons to address the Council to avoid unnecessary repetition of information presented to the Council.

Rule 5.2: Disrupting legal meetings

Any member of the public making disruptive remarks or who becomes disruptive while addressing the Council or attending the Council meeting so as to disrupt, disturb or otherwise impede the orderly conduct of the Council meeting will be removed forthwith by the Presiding Officer and barred from further audience before the Council at that meeting unless permission to continue is granted by a majority vote of the Council.

Rule 6: Document Preparation

Unless otherwise directed by the Council or City Manager, all documents must, before being placed on the Agenda, be approved as to form and legality by the City Attorney or designee. Such approval must be indicated by a signature on the last page of the document.

Rule 7: Procedures Regarding Public Hearings

Rule 7.1: Introduction

Mayor announces subject of the Public Hearing, confirms with the City Clerk that the Public Hearing was correctly noticed, and declares the Public Hearing open. Conflicts, if any, are declared and ex parte contacts, if any, are disclosed.

Rule 7.2: Staff and Written Material Presentation

- A. Staff summary report and other written material included in the Agenda packet is received and filed. Written comments (e.g. protest) are noted for the record.
- B. Written material not in the Agenda packet, if any, is received and filed.
- C. Oral staff report, if any, is presented by staff member.
- D. Staff responds to Councilmember questions.

Rule 7.3: Public Testimony

- A. Purpose is to provide opportunity to interested persons wishing to support or oppose the matter being considered.
- B. Mayor instructs members of the audience:
 - (1) To fill out a form prepared by the City Clerk;
 - (2) To speak from the podium;
 - (3) To give their name and address before speaking;
 - (4) That the time limit for each speaker is generally five minutes; and
 - (5) That repetition should be avoided.
- C. The applicant/representative will normally speak first. Applicant/representative presentation is limited to ten minutes, any portion of which can be used for rebuttal.
- D. Questions by speakers will be noted and, if possible, answered before Council deliberation.
- E. Following public testimony, the applicant/representative will have an opportunity for rebuttal.

Rule 7.4: Council Deliberation

- A. After the Mayor determines that no other member of the audience wishes to speak, the City Council may deliberate.
- B. The Council may ask questions of speakers for clarification.
- C. Staff and/or Council answers prior speakers' questions.
- D. The Council makes a motion and debates.

Rule 7.5: Council Action

- A. The Council may, at this time, continue the open Public Hearing.
 - (1) This should be done if any additional information is requested (e.g., a staff report).
 - (2) Continuing a Public Hearing to a specific date does not require additional notice.
- B. Vote on the item.
- C. Offer amendments or substitute motions allowing additional public comment.
- D. Close the Public Hearing and continue the matter to a later date for a decision (note that no additional reports or testimony may be received if the Public Hearing has been closed).

Rule 8: Miscellaneous Rules

Rule 8.1: Silence

During a collective vote (Ayes and Nays), silence of any Councilmember denotes an affirmative vote.

Rule 8.2: Continuance of an Item

- A. Continuance by a Councilmember.

Upon a Councilmember's request and by majority vote, an item (not subject to a deadline) may be continued to the next agreed upon meeting.

- B. Continuances Requested by Someone Not a Councilmember.

Anyone may request a continuance of an item and the Council, by majority vote, may grant a continuance.

Rule 8.3: Failure to Vote

Every Councilmember should vote unless disqualified by reason of a Conflict of Interest. If a member abstains because of a legal conflict of interest, he/she is not counted as part of the quorum and is not deemed to be voting.

If a member abstains for reasons other than a legal conflict of interest, he/she will be counted in establishing a quorum. Such an abstention will counted with the majority vote of the quorum unless there is no majority in which case it will not be counted as a vote.

Rule 8.4: Lost Motions

A lost motion is one that fails to receive the necessary number of votes to carry. To revive a lost motion at the same meeting, the proper action is a motion to reconsider.

Rule 8.5: Motion to Reconsider

A motion to reconsider any action taken by the Council may be made in accordance with the following:

- A. The motion must be made by a Councilmember the majority vote, or, in the case of a lost motion, by any Councilmember and may be seconded by any Councilmember.
- B. The motion must be made before the adjournment of the meeting at which the original action was taken.
- C. The motion is debatable and has precedence over a pending motion.
- D. Except as otherwise provided, if the action to be reconsidered is a Public Hearing item, it must be re-noticed in the event the motion to reconsider passes. Where it is clearly established that all interested members of the public are still present, the item may be reconsidered without further notice.

Rule 8.6: Tie Votes

If a tie vote occurs when a Member of the Council is absent, the item will be automatically continued once to the next regular meeting of the Council. Except in the event of an appeal to the Council, if a tie vote

occurs as a result of the abstention of a Councilmember, the motion is lost. If a tie vote on an appeal occurs as a result of the abstention of a Councilmember, the appeal is deemed denied.

Rule 8.7: Changing the Vote

A Councilmember may change his/her vote only if the change is made immediately following the announcement of the vote by the Mayor and before the next agenda item is announced.

Rule 8.8: Abstention

A Councilmember who publicly announces that he/she is abstaining from voting on a particular matter will not subsequently be allowed to withdraw the abstention.

Rule 8.9: Presentation of Evidence

A. Oral Evidence

Oral evidence may be taken on oath or affirmation if requested by the Council.

B. Exhibits and Documents

Documentary evidence, exhibits, written communications, and documents used and relied upon by the Council during Council meetings must be made part of the record.

C. Communications and Petitions

All communications and petitions must be read aloud either in full or in summary. A reading in full must be made at the request of a majority of the Council. All such communications and petitions may be placed into evidence at the Council's discretion.

D. Staff Reports

A written staff report should be prepared and orally reviewed as part of the staff presentation. Such report is evidence and part of the record.

E. Large Maps and Displays

Large size maps and displays presented for use at the hearing should be displayed in full view of the Council. When practicable, such maps or displays, or their authentic reductions, will be placed into the record.

F. Admissible Evidence

A Public Hearing need not be conducted according to legal rules of evidence. Any relevant evidence may be accepted if it relevant and the type of evidence upon which reasonable persons rely upon in conducting serious affairs. Irrelevant and unduly repetitious evidence will be excluded.

Rule 8.10: Personal Privilege

The right of a Councilmember to address the Council on a question of personal privilege is limited to cases where the integrity, character, or motives of the Councilmember is in question or where the Council's welfare is concerned. The Councilmember may not interrupt the speaker, however, until recognized by the Mayor.

Rule 8.11: Protests

Any Councilmember has the right to enter into public record reasons for dissent or protests against any motion carried by the majority.

Rule 9: Rules of Debate

Rule 9.1: Mayor as Presiding Officer

The Mayor may move, second, and debate from the Chair, retains all rights and privileges of a Councilmember.

Rule 9.2: Appeals

Any ruling of the Mayor may be appealed at the request of any Councilmember. The Mayor must call for a roll call vote to determine if the ruling is upheld.

Rule 9.3: Motions

A motion may be debated by the Council after it is made. During debate, any Member of the Council may "Call for a second." If a second is not forthcoming, the motion dies for lack of a second. If the motion is seconded, the debate may continue.

Rule 10: Adjournment

At 11:00 p.m., if the business has not concluded, the Mayor will poll all Councilmembers and upon majority vote, the meeting will be extended for a maximum of one hour. If business has not been concluded after a

subsequent hour, the meeting may be further extended by one-hour increments upon a majority vote.

Rule 11: Amendment/Suspension

The Council may amend or suspend these rules at any time upon majority vote of the Council.

Rule 12: Certificates and Proclamations

Rule 12.1: Presentation of Certificates and Proclamations

Presentation of Certificates of Achievement, Appreciation, Recognition, and so forth, will be publicly presented on Tuesday evenings at a special meeting scheduled for 6:00 p.m. and conclude by 6:45 p.m. These meetings are not regular meetings; they are special meetings. Requests for such meetings must be made to the City Manager at least seven days before the requested date.

Rule 12.2: Time Allotment for Certificate Presentations

To provide an equitable time allotment for each Councilmember to present his/her certificates, each Councilmember has accorded nine minutes to conduct his/her presentation(s).

In the event a Councilmember does not wish to use his/her time to conduct a presentation(s), his/her time allotment will then be equally distributed to the remaining Councilmembers, with a maximum time allotment of 15 minutes per Councilmember.

Rule 12.3: Presentations Concerning City-Sponsored Events

The Mayor or Presiding Officer will conduct all presentations concerning events, groups, individuals, and organizations that are sponsored all, or in part, by the City of Monterey Park and/or affiliated with the City of Monterey Park.

Rule 12.4: Proclamation Presentations

The Mayor or Presiding Officer will conduct presentations concerning the announcements of an official position of the City Council at the regularly scheduled City Council meetings commencing at 6:30 p.m.

Rule 12.5: Certificate and Proclamation Signatures

Certificates and proclamations scheduled for City Council regular meeting presentations must include the signatures of all Council Members.

For specific events and galas in which a Councilmember(s) has been invited to attend:

1. One Councilmember is invited – the certificate requires only the attendee's signature.
2. If more than one Councilmember is invited and/or attending a specific event, the certificate requires the signature of all Councilmembers.

Rule 12.6: Specific Events – Requests for Certificates

To ensure timely and appropriate completion of certificates and to avoid duplication of certificate preparation, all requests for certificates should be provided to the City Manager's executive assistant."

SECTION 2: Technology Protocols. This Resolution adopts the "Technology Protocols" promulgated by the City Clerk's office on or about March 31, 2020 attached as Exhibit "B," and incorporated by reference. These Technology Protocols will continue in effect until the cessation of the COVID-19 Pandemic as determined either by the State of California or a subsequent City Council resolution. Upon termination of the Pandemic, the Technology Protocols will be of no further force or effect.

SECTION 3: Supersession. This Resolution supersedes all previous resolutions purporting to establish rules and procedures for conducting City Council meetings. Accordingly, those resolutions are rendered moot upon adoption of this Resolution and are repealed.

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

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

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

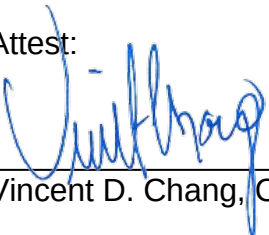
SECTION 7: Effective Date. This Resolution will become effective immediately upon adoption and will remain effective unless repealed or superseded.

PASSED AND ADOPTED this 17th of February, 2021.



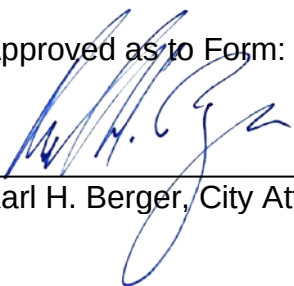
Yvonne Yiu, Mayor

Attest:



Vincent D. Chang, City Clerk

Approved as to Form:



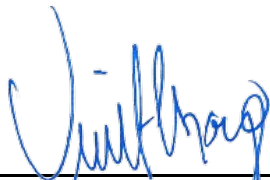
Karl H. Berger, City Attorney

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. 12226 was duly and regularly adopted by the City Council of the City of Monterey Park at a regular meeting held on the 17th day of February, 2021, by the following vote:

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

Dated this 17th day of February, 2021.



Vincent D. Chang, City Clerk
Monterey Park, California

Rosenberg's Rules of Order: Simple Parliamentary Procedures for the 21st Century

by Dave Rosenberg

The rules of procedure at meetings should be simple enough for most people to understand. Unfortunately, that hasn't always been the case. Virtually all clubs, associations, boards, councils and bodies follow a set of rules, *Robert's Rules of Order*, which are embodied in a small but complex book. Virtually no one I know has actually read this book cover to cover.

Worse yet, the book was written for another time and purpose. If you are running the British Parliament, *Robert's Rules of Order* is a dandy and quite useful handbook. On the other hand, if you're running a meeting of a five-member body with a few members of the public in attendance, a simplified version of the rules of parliamentary procedure is in order. Hence, the birth of "Rosenberg's Rules of Order."

This publication covers the rules of parliamentary procedure based on my 20 years of experience chairing meetings in state and local government. These rules have been simplified and slimmed down for 21st century meetings, yet they retain the basic tenets of order to which we are accustomed.

"Rosenberg's Rules of Order" are supported by the following four principles:

1. **Rules should establish order.** The first purpose of the rules of parliamentary procedure is to establish a

framework for the orderly conduct of meetings.

2. **Rules should be clear.** Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate and those who do not fully understand and do not fully participate.
3. **Rules should be user-friendly.** That is, the rules must be simple enough that citizens feel they have been able to participate in the process.
4. **Rules should enforce the will of the majority while protecting the rights of the minority.** The ultimate purpose of the rules of procedure is to encourage discussion and to facilitate decision-making by the body. In a democracy, the majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself (but not dominate) and fully participate in the process.

The Chairperson Should Take a Back Seat During Discussions

While all members of the governing body should know and understand the rules of parliamentary procedure, it is the chairperson (chair) who is charged with applying the rules of conduct. The chair should be well versed in those

rules, because the chair, for all intents and purposes, makes the final ruling on the rules. In fact, all decisions by the chair are final unless overruled by the governing body itself.

Because the chair conducts the meeting, it is common courtesy for the chair to take a less active role than other members of the body in debates and discussions. This does *not* mean that the chair should not participate in the debate or discussion. On the contrary, as a member of the body, the chair has full rights to participate in debates, discussions and decision-making. The chair should, however, strive to be the last to speak at the discussion and debate stage, and should not make or second a motion unless he or she is convinced that no other member of the body will do so.

The Basic Format for an Agenda Item Discussion

Formal meetings normally have a written, published agenda; informal meetings may have only an oral or understood agenda. In either case, the meeting is governed by the agenda and the agenda constitutes the body's agreed-upon road map for the meeting. And each agenda item can be handled by the chair in the following basic format.

First, the chair should clearly announce the agenda item number and should clearly state what the subject is. The chair should then announce the format that will be followed.

Second, following that agenda format, the chair should invite the appropriate people to report on the item, including any recommendation they might have. The appropriate person may be the chair, a member of the governing body,

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire to move on.

a staff person, or a committee chair charged with providing information about the agenda item.

Third, the chair should ask members of the body if they have any technical questions for clarification. At this point, members of the governing body may ask clarifying questions to the people who reported on the item, and they should be given time to respond.

Fourth, the chair should invite public comments or, if appropriate at a formal meeting, open the meeting to public input. If numerous members of the public indicate a desire to speak to the subject, the chair may limit the time of each public speaker. At the conclusion of the public comments, the chair should announce that public input has concluded (or that the public hearing, as the case may be, is closed).

Fifth, the chair should invite a motion from the governing body members. The chair should announce the name of the member who makes the motion.

Sixth, the chair should determine if any member of the body wishes to second the motion. The chair should announce the name of the member who seconds the motion. It is normally good practice for a motion to require a second before proceeding with it, to ensure that it is not just one member of the body who is interested in a particular approach. However, a second is not an absolute requirement, and the chair can proceed with consideration and a vote on the motion even when there is no second. This is a matter left to the discretion of the chair.

Seventh, if the motion is made and seconded, the chair should make sure everyone understands the motion. This is done in one of three ways:

1. The chair can ask the maker of the motion to repeat it;
2. The chair can repeat the motion; or
3. The chair can ask the secretary or the clerk of the body to repeat the motion.

Eighth, the chair should now invite discussion of the motion by the members of the governing body. If there is no desired discussion or the discussion has ended, the chair should announce that the body will vote on the motion. If there has been no discussion or a very brief discussion, the vote should proceed immediately, and there is no need to repeat the motion. If there has been substantial discussion, it is normally best to make sure everyone understands the motion by repeating it.

Debate on policy is healthy; debate on personalities is not. The chair has the right to cut off discussion that is too personal, too loud or too crude.

Ninth, the chair takes a vote. Simply asking for the “ayes” and then the “nays” is normally sufficient. If members of the body do not vote, then they “abstain.” Unless the rules of the body provide otherwise or unless a super-majority is required (as delineated later in these rules), a simple majority determines whether the motion passes or is defeated.

Tenth, the chair should announce the result of the vote and should announce what action (if any) the body has taken. In announcing the result, the chair should indicate the names of the members, if any, who voted in the minority on the motion. This announcement might take the following form: “The motion passes by a vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring 10 days’ notice for all future meetings of this governing body.”

Motions in General

Motions are the vehicles for decision-making. It is usually best to have a motion before the governing body prior to discussing an agenda item, to help everyone focus on the motion before them.

Motions are made in a simple two-step process. First, the chair recognizes the member. Second, the member makes a motion by preceding the member’s desired approach with the words: “I move ...” A typical motion might be: “I move that we give 10 days’ notice in the future for all our meetings.”

The chair usually initiates the motion by:

1. Inviting the members to make a motion: “A motion at this time would be in order.”
2. Suggesting a motion to the members: “A motion would be in order that we give 10-days’ notice in the future for all our meetings.”
3. Making the motion.

As noted, the chair has every right as a member of the body to make a motion, but normally should do so only if he or she wishes a motion to be made but no other member seems willing to do so.

The Three Basic Motions

Three motions are the most common:

1. **The basic motion.** The basic motion is the one that puts forward a decision for consideration. A basic motion might be: “I move that we create a five-member committee to plan and put on our annual fundraiser.”
2. **The motion to amend.** If a member wants to change a basic motion that is under discussion, he or she would move to amend it. A motion to amend might be: “I move that we amend the motion to have a 10-member committee.” A motion to amend takes the basic motion that is before the body and seeks to change it in some way.

- 3. The substitute motion.** If a member wants to completely do away with the basic motion under discussion and put a new motion before the governing body, he or she would “move a substitute motion.” A substitute motion might be: “I move a substitute motion that we cancel the annual fundraiser this year.”

Motions to amend and substitute motions are often confused. But they are quite different, and so is their effect, if passed.

A motion to amend seeks to retain the basic motion on the floor, but to modify it in some way.

A substitute motion seeks to throw out the basic motion on the floor and substitute a new and different motion for it.

The decision as to whether a motion is really a motion to amend or a substitute motion is left to the chair. So that if a member makes what that member calls a motion to amend, but the chair determines it is really a substitute motion, the chair's designation governs.

When Multiple Motions Are Before The Governing Body

Up to three motions may be on the floor simultaneously. The chair may reject a fourth motion until the three that are on the floor have been resolved.

When two or three motions are on the floor (after motions and seconds) at the same time, the *first* vote should be on the *last* motion made. So, for example, assume the first motion is a basic “motion to have a five-member committee to plan and put on our annual fundraiser.” During the discussion of this motion, a member might make a second motion to “amend the main motion to have a 10-member committee, not a five-member committee, to plan and put on our annual fundraiser.” And perhaps, during that discussion, a member makes yet a third motion as a “substitute motion that we not have an annual fundraiser this year.” The proper procedure would be as follows.

First, the chair would deal with the *third* (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion *passes*, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be complete. No vote would be taken on the first or second motions. On the other hand, if the substitute motion (the third motion) *failed*, the chair would proceed to consideration of the second (now the last) motion on the floor, the motion to amend.

If the substitute motion failed, the chair would then deal with the second (now the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be five or 10 members). If the motion to amend *passed*, the chair would now move to consider the main motion (the first motion) as *amended*. If the motion to amend failed, the chair would now move to consider the main motion (the first motion) in its original format, not amended.

The challenge for anyone chairing a public meeting is to accommodate public input in a timely and time-sensitive way, while maintaining steady progress through the agenda items.

Third, the chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (five-member committee) or, if amended, would be in its amended format (10-member committee). And the question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

To Debate or Not to Debate

The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the body to move on. The following motions are *not* debatable (that is, when the following motions are made and seconded, the chair must immediately call for a vote of the body without debate on the motion):

A motion to adjourn. This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. This motion requires a simple majority vote.

A motion to recess. This motion, if passed, requires the body to immediately take a recess. Normally, the chair determines the length of the recess, which may range from a few minutes to an hour. It requires a simple majority vote.

A motion to fix the time to adjourn.

This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: “I move we adjourn this meeting at midnight.” It requires a simple majority vote.

A motion to table. This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to

be placed on "hold." The motion may contain a specific time in which the item can come back to the body: "I move we table this item until our regular meeting in October." Or the motion may contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.

A motion to limit debate. The most common form of this motion is to say: "I move the previous question" or "I move the question" or "I call for the question." When a member of the body makes such a motion, the member is really saying: "I've had enough debate. Let's get on with the vote." When such a motion is made, the chair should ask for a second to the motion, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the body. Note that a motion to limit debate could include a time limit. For example: "I move we limit debate on this agenda item to 15 minutes." Even in this format, the

the motion fails. If one member is absent and the vote is 3-3, the motion still fails.

All motions require a simple majority, but there are a few exceptions. The exceptions occur when the body is taking an action that effectively cuts off the ability of a minority of the body to take an action or discuss an item. These extraordinary motions require a two-thirds majority (a super-majority) to pass:

Motion to limit debate. Whether a member says, "I move the previous question," "I move the question," "I call for the question" or "I move to limit debate," it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a two-thirds vote to pass.

Motion to close nominations. When choosing officers of the body, such as the chair, nominations are in order either from a nominating committee or from the floor of the body. A motion to close nominations effectively cuts off the right of the minority to nominate officers, and it requires a two-thirds vote to pass.

pend the rules for a particular purpose. For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or on a particular agenda item.

The Motion to Reconsider

There is a special and unique motion that requires a bit of explanation all by itself: the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to reconsider is made.

A motion to reconsider requires a majority vote to pass, but there are two special rules that apply only to the motion to reconsider.

First is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon or at the very next meeting of the body. A motion to reconsider made at a later time is untimely. (The body, however, can always vote to suspend the rules and, by a two-thirds majority, allow a motion to reconsider to be made at another time.)

Second, a motion to reconsider may be made only by certain members of the body. Accordingly, a motion to reconsider may be made only by a member who voted *in the majority* on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the body may second the motion). If a member who voted *in the minority* seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of the minority could make a motion to reconsider, then the item could be brought back to the body again and again, which would defeat the purpose of finality.

If you are running the British Parliament, *Robert's Rules of Order* is a dandy and quite useful handbook.

motion to limit debate requires a two-thirds vote of the body. A similar motion is a *motion to object to consideration of an item*. This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a two-thirds vote.

Majority and Super-Majority Votes

In a democracy, decisions are made with a simple majority vote. A tie vote means the motion fails. So in a seven-member body, a vote of 4-3 passes the motion. A vote of 3-3 with one abstention means

Motion to object to the consideration of a question. Normally, such a motion is unnecessary, because the objectionable item can be tabled or defeated straight up. However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a two-thirds vote to pass.

Motion to suspend the rules. This motion is debatable, but requires a two-thirds vote to pass. If the body has its own rules of order, conduct or procedure, this motion allows the body to sus-

If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.

Courtesy and Decorum

The rules of order are meant to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly and with full participation. And at the same time, it is up to the chair and the members of the body to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every

It is usually best to have a motion before the governing body prior to discussing an agenda item, to help everyone focus.

lege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person's ability to hear.

Order. The proper interruption would be: "Point of order." Again, the chair would ask the interrupter to "state your point." Appropriate points of order

Withdraw a motion. During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

Motions to amend and substitute motions are often confused. But they are quite different, and so is their effect, if passed.

speaker to be first recognized by the chair before proceeding to speak.

The chair should always ensure that debate and discussion of an agenda item focus on the item and the policy in question, not on the personalities of the members of the body. Debate on policy is healthy; debate on personalities is not. The chair has the right to cut off discussion that is too personal, too loud or too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the chair may, however, limit the time allotted to speakers, including members of the body. Can a member of the body interrupt the speaker? The general rule is no. There are, however, exceptions. A speaker may be interrupted for the following reasons:

Privilege. The proper interruption would be: "Point of privilege." The chair would then ask the interrupter to "state your point." Appropriate points of privi-

relate to anything that would not be considered appropriate conduct of the meeting; for example, if the chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

Appeal. If the chair makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the chair. If the motion is seconded and after debate, if it passes by a simple majority vote, then the ruling of the chair is deemed reversed.

Call for orders of the day. This is simply another way of saying, "Let's return to the agenda." If a member believes that the body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the chair discovers that the agenda has not been followed, the chair simply reminds the body to return to the agenda item properly before them. If the chair fails to do so, the chair's determination may be appealed.

Special Notes About Public Input

The rules outlined here help make meetings very public-friendly. But in addition, and particularly for the chair, it is wise to remember three special rules that apply to each agenda item:

Rule One: Tell the public what the body will be doing.

Rule Two: Keep the public informed while the body is doing it.

Rule Three: When the body has acted, tell the public what the body did.

Public input is essential to a healthy democracy, and community participation in public meetings is an important element of that input. The challenge for anyone chairing a public meeting is to accommodate public input in a timely and time-sensitive way, while maintaining steady progress through the agenda items. The rules presented here for conducting a meeting are offered as tools for effective leadership and as a means of developing sound public policy. ■

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.