

**PLANNING COMMISSION OF MONTEREY PARK  
AGENDA**

**REGULAR TELECONFERENCE MEETING**

**TUESDAY  
February 8, 2022  
7:00 PM**

**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.**

**ASSEMBLY BILL NO. 361**

These meetings will be conducted pursuant to Government Code § 54953(e) as implemented by City Council Resolution.

Accordingly, Commissioners will be provided with a meeting login number and conference call number; they will not be physically present at City Hall Council Chambers.

Pursuant to the City Council resolution, the public may provide public comment utilizing the methods set forth below.

Note that City Hall is currently closed to the public. You will not be admitted to City Hall.

**GENERAL INFORMATION**

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

**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 24 hours before the meeting via email to [planning@montereypark.ca.gov](mailto:planning@montereypark.ca.gov) and, when feasible, read into the record during public comment.

### 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: **878 2754 2567** 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 Department of Community and Economic Development will be notified, and you will be in the rotation to make a public comment. Participants are encouraged to join the meeting 15 minutes before the start of the meeting. You may speak up to 5 minutes on Agenda item. Speakers will not be allowed to combine time. The Chair and Commission/Board Members may change the amount of time allowed for speakers. As part of the virtual meeting protocols, anonymous persons will not be allowed to provide public comment.

### Important Disclaimer

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

Per the Americans with Disabilities Act, if you need special assistance to participate in this meeting please call the Department of Community and Economic Development at 626-307-1315 for reasonable accommodation at least 24 hours before a meeting. Council Chambers are wheelchair accessible.

|                      |                                                    |
|----------------------|----------------------------------------------------|
| <b>CALL TO ORDER</b> | Chairperson                                        |
| <b>FLAG SALUTE</b>   | Chairperson                                        |
| <b>ROLL CALL</b>     | Tammy Sam, Ricky Choi, Dr. Kevin K. Lo, Peter Fung |

### **AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS**

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

### **ORAL AND WRITTEN COMMUNICATIONS**

#### **[1.] PRESENTATIONS**

##### **1-A. SWEARING IN OF NEW PLANNING COMMISSIONER – JACK CHIANG**

#### **[2.] CITY OF MONTEREY PARK- CONSENT CALENDAR – None.**

#### **[3.] PUBLIC HEARING – None.**

#### **[4.] OLD BUSINESS – None.**

#### **[5.] NEW BUSINESS**

##### **5-A. Discussion of Planning Commission By-Laws/Procedural Rules**

**5-B. Conduct of Mandatory AB 1234 Ethics Training for Planning Commission by  
Office of City Attorney**

**[6.] COMMISSION COMMUNICATIONS**

**ADJOURN**

Next regular scheduled meeting is on February 22, 2022.



# Planning Commission Staff Report

**DATE:** February 8, 2022

**AGENDA ITEM NO:** 5-A

**TO:** The Planning Commission  
**FROM:** Steve Sizemore, Interim Director of Community Development  
Jessica Serrano, Planning Manager  
**SUBJECT:** Discussion of Potential Modifications to Planning Commission By-Laws/Procedural Rules.

## **RECOMMENDATION:**

It is recommended that the Planning Commission consider:

1. Discussing potential modifications to its By-Laws/Procedural Rules; and
2. Taking such additional, related, action that may be desirable.

## **BACKGROUND:**

On May 12, 2020, the Planning Commission Adopted Resolution No. 02-20 establishing procedural rules for conducting Planning Commission meetings in accordance with Monterey Park Municipal Code Sections 2.56.050 and 2.82.080(C), and applicable laws. A copy of the adopted resolution is contained in Attachment 1.

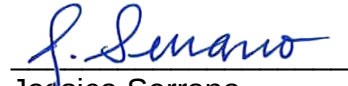
This purpose of this item is to discuss the Planning Commission By-Laws/Procedural Rules and determine whether any amendments are warranted specifically in relation to the general rules which identify the frequency in which the Planning Commission meets and clarifying the required number of votes needed for certain types of projects.

Respectfully submitted,

A handwritten signature in blue ink, reading "Steve Sizemore", is positioned above a horizontal line.

Steve Sizemore  
Interim Director of  
Community Development

Prepared by:



Jessica Serrano  
Planning Manager

Reviewed by:



Joaquin Vazquez  
Deputy City Attorney

Attachment:

Attachment 1: Planning Commission By-Laws/Procedural Rules

# ATTACHMENT 1

Planning Commission By-Laws/Procedural Rules

## **RESOLUTION NO. 02-20**

### **A RESOLUTION ESTABLISHING PROCEDURAL RULES FOR CONDUCTING PLANNING COMMISSION MEETINGS IN ACCORDANCE WITH MONTEREY PARK MUNICIPAL CODE §§ 2.56.050 AND 2.82.080(C), AND APPLICABLE LAW.**

BE IT RESOLVED by the Monterey Park Planning Commission as follows:

SECTION 1: Pursuant to Monterey Park Municipal Code ("MPMC") §§ 2.56.050 and 2.82.080 and applicable law, the Planning Commission adopts the following procedural rules for conducting Planning Commission meetings:

#### **"RULES OF PROCEDURE**

##### **Rule 1: Authority**

Pursuant to MPMC §§ 2.56.050 and 2.82.080, and applicable law, the Planning Commission establishes these by-laws, entitled "Rules of Procedure," for conducting its meetings. The following Rules become effect upon the Planning Commission'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 State law) of the Commission are open to the public.

###### **Rule 2.2: Rules of Order**

- A. Planning Commission 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 Chairperson, subject to a vote of the entire Commission. In addition, the Planning Commission may, upon majority vote, alter or modify any provision of this Policy when appropriate or desirable.
- B. These Rules are adopted to expedite the Planning Commission's business transactions in an orderly fashion and are procedural only.

Failure to strictly observe these rules will not affect the Commission's jurisdiction or invalidate any Commission action conforming with applicable law.

- C. The Commission will abide by those Rules of Decorum that may be adopted by the City Council for use by its boards, commissions, and committees.

#### Rule 2.3: Meeting Dates/Times

Regular meetings will be held on the second and fourth Tuesdays of each month. Adjourned regular or special meetings may be called by the Chairperson or a majority of the Commission. All regular meetings will convene at 7:00 p.m. unless noticed at a different time by publishing a notice and/or posting a notice in at least three conspicuous places.

#### Rule 2.4: Quorum

Three members of the Commission constitute a quorum. Should less than a quorum be in attendance, the Secretary 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 Commission are present the Secretary will adjourn the meeting to a later set time pursuant to Government Code § 54955.

#### Rule 2.5: Vote

A majority of a quorum is required to transact business except that three affirmative votes of the Commission'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 Planning Commission 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 2.6: Minutes of Proceedings

The Secretary will record an account of all public proceedings of the Planning Commission into the Commission's official minutes. These minutes will become public record after Commission approval.

**Rule 2.7: Right of Floor**

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

**Rule 2.8: City Planner**

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

**Rule 2.9: City Attorney**

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

**Rule 2.10: Secretary**

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

**Rule 3: Chairperson – Duties**

**Rule 3.1: Chairperson – Elect**

The Chairperson is elected by a majority vote of the Commission for a one-year term in May of each year. The Chairperson must be a Member of the Planning Commission and retains all the powers of a Commissioner.

**Rule 3.2: Vice Chairperson**

The Vice Chairperson is elected by a majority vote of the Commission for a one-year term in May of each year. The Vice

Chairperson must be a Member of the Planning Commission and retains all the powers of a Commissioner.

**Rule 3.3: Presiding Officer**

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

**Rule 3.4: Call to Order**

The Chairperson or Vice Chairperson 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 Secretary.

**Rule 3.5: Point of Order**

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

**Rule 3.6: Motion to Be Stated**

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

**Rule 4: Preparation of Agenda**

**Rule 4.1: Agenda Preparation**

The Agenda will be prepared in accordance with the procedure directed by the City Planner. The Agenda should be delivered to the Chairperson and Commissioners by 5:00 p.m. on the Friday before the Commission's regular Tuesday meeting. In the event of a Special Meeting, agenda materials 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 Planner believes will not require Commission 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 Commissioner'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 Planning Commission 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 Commissioner 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 Planner has discretion as to when the item will be placed on the Agenda, unless otherwise directed by the Planning Commission.

**Rule 5: Citizens' Rights**

**Rule 5.1: Addressing the Commission**

- A. Any person may address the Commission 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 Commission.
- B. Persons seeking to address the Commission must comply with the following:

- (1) Members of the public may address the Commission only on items within the subject-matter jurisdiction of the Commission. A determination of whether an item is appropriate for discussion will be made by the Chairperson with the Commission's consent and upon advice by the City Attorney or designee.
  - (2) Each person addressing the Commission must submit such written information as the Secretary 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 Chairperson and Commission as a body and not to any particular Commissioner.
  - (5) No person, other than Commissioners and the person having the floor, are permitted to participate in the discussion except as otherwise requested by the Chairperson.
  - (6) No question may be asked of Commissioners or City staff except through the Chairperson.
- C. When any identifiable group of persons, as distinguished from the general public, seeks to address the Commission on the same agenda item, the Chairperson has the discretion to ask that the group select a spokesperson to address the Commission. If additional issues are to be presented at the hearing by any other member of such group, the Chairperson may limit the number of persons to address the Commission to avoid unnecessary repetition of information presented to the Commission.

**Rule 5.2: Disrupting legal meetings**

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

**Rule 6: Document Preparation**

Unless otherwise directed by the Commission or City Planner, 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**

Chairperson announces subject of the Public Hearing, confirms with the Secretary 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, etc.) 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 Commissioner 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. Chairperson instructs members of the audience:
  - (1) To fill out a form prepared by the Secretary;
  - (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 Commission deliberation.
- E. Following public testimony, the applicant/representative will have an opportunity for rebuttal.

**Rule 7.4: Commission Deliberation**

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

**Rule 7.5: Commission Action**

- A. The Commission 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 Commissioner denotes an affirmative vote.

#### Rule 8.2: Continuance of an Item

##### A. Continuance by a Commissioner.

Upon a Commissioner'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 Commissioner.

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

#### Rule 8.3: Failure to Vote

Every Commissioner 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 Commission may be made in accordance with the following:

- A. The motion must be made by a Commissioner the majority vote, or, in the case of a lost motion, by any Commissioner and may be seconded by any Commissioner.
- 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 Commission is absent, the item will be automatically continued once to the next regular meeting of the Commission. Except in the event of an appeal to the Commission, if a tie vote occurs as a result of the abstention of a Commissioner, the motion is lost. If a tie vote on an appeal occurs as a result of the abstention of a Commissioner, the appeal is deemed denied.

#### Rule 8.7: Changing the Vote

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

#### Rule 8.8: Abstention

A Commissioner 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 Commission.

##### B. Exhibits and Documents

Documentary evidence, exhibits, written communications, and documents used and relied upon by the Commission during Commission 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 Commission. All such communications and petitions may be placed into evidence at the Commission'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 Commission. 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 Commissioner to address the Commission on a question of personal privilege is limited to cases where the integrity, character, or motives of the Commissioner is in question or where the Commission's welfare is concerned. The Commissioner may not interrupt the speaker, however, until recognized by the Chairperson.

**Rule 8.11: Protests**

Any Commissioner 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: Chairperson as Presiding Officer**

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

**Rule 9.2: Appeals**

Any ruling of the Chairperson may be appealed at the request of any Commissioner. The Chairperson 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 Commission after it is made. During debate, any Member of the Commission 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 9.4: Precedence of Motions

When a motion is before the Commission, no other motion may be considered except:

A. Motion to Amend - (debatable only as it relates to the amendment).

An amendment which modifies the motion is an order, however, a substitute motion is in order if the intent is changed. Amendments are voted on first, the main motion vote is last. A motion may be amended more than once with each amendment being voted on separately. There shall only be one amending motion on the floor at any one time.

B. Motion to Postpone - (A motion to postpone indefinitely is debatable).

If such a motion is adopted, the principal question is lost. Motion to postpone to a definite time is subject to debate and amendment as it relates to propriety of the postponement and time set.

C. Motion to Table - (Undebatable and not subject to amendment).

The purpose of a motion to table is to temporarily bypass the item. If a motion to table is adopted, the item may be taken from the table at any time before the adjournment of the next regular meeting. If the item is not taken from the table in the time specified, the business of the item is lost.

D. Motion for Previous Question

A motion for previous question closes debate on the main motion and is non-debatable. If motion fails, debate is reopened; if motion passes, then vote must be taken on the main motion.

## **Rule 10: Election of Chairperson and Vice Chairperson**

### **Rule 10.1: Time of Election.**

The election of the Chairperson and Vice Chairperson will take place at the first regular meeting of the Planning Commission in May of each year.

### **Rule 10.2: Procedure for Chairperson election.**

- A. The Secretary will state the procedures for electing the Chairperson and Vice Chairperson.
- B. The election of the Chairperson will be conducted by the Secretary or an appointed Deputy Secretary (collectively "Secretary").
- C. The Secretary will declare that the office of Chairperson is vacant and that nominations are open.
- D. Any member of the Planning Commission may nominate any member of the Planning Commission as Chairperson, including him or herself. A second to a nomination is not required.
- E. Any member of the City Commission may move to close the nominations at any time after all Commissioners have had the opportunity to make a nomination. The motion requires a second and must receive a vote of a majority of the Planning Commission to pass.
- F. After nominations have been closed, the Secretary will call for the vote on the election of the Chairperson.
- G. The nominees will be voted on in the order the nominations were made.
- H. The first Commissioner receiving the vote of a majority of the Planning Commission is the Chairperson and the election will be closed.
- I. If no member of the Planning Commission receives a majority vote, the Secretary will re-open the nominations and conduct a new election until a Chairperson is elected.

### **Rule 10.3: Procedure for the Vice-Chairperson Election.**

The election of the Vice Chairperson will be conducted in the same manner as the election of the Chairperson, except that the Chairperson, not the Secretary, will conduct the election.

**Rule 11: Adjournment**

At 9:30 p.m., if the business has not concluded, the Chairperson will poll all Commissioners 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 12: Amendment/Suspension**

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

**Rule 13: Appeals to City Council**

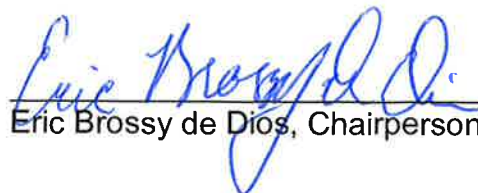
Persons who are dissatisfied with a decision of the Planning Commission may have the right to seek review of that decision by the City Council. Such an appeal must be perfected within 10 days of the Commission's decision."

SECTION 2: This Resolution supersedes all previous resolutions purporting to establish rules and procedures for conducting Planning Commission meetings. Accordingly, those resolutions are rendered moot upon adoption of this Resolution and are accordingly repealed.

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

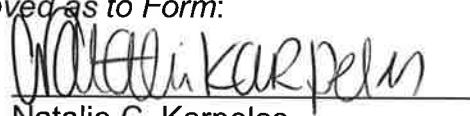
SECTION 4: This Resolution will become effective immediately upon adoption and will remain effective unless repealed or superseded.

PASSED AND ADOPTED this 12<sup>th</sup> day of May, 2020.

  
Eric Brossy de Dios, Chairperson

*Approved as to Form:*

By:

A handwritten signature in dark ink, appearing to read 'Natalie C. Karpeles', written over a horizontal line.

Natalie C. Karpeles,  
Deputy City Attorney



# Planning Commission Staff Report

**DATE:** February 8, 2022

**AGENDA ITEM NO:** 5-B

**TO:** Planning Commission  
**FROM:** Joaquin Vazquez, Deputy City Attorney  
**SUBJECT:** Receive and file of AB 1234 ethics training presentation.

## **RECOMMENDATION:**

It is recommended that the Planning Commission consider:

- (1) Receiving and filing the AB 1234 ethics training presentation from the City Attorney's Office; and
- (2) Taking such additional, related, action that may be desirable.

## **BACKGROUND AND ANALYSIS:**

On October 7, 2005, the Governor signed Assembly Bill No. 1234 ("AB 1234") into law. The bill's main impetus is to require certain public officials to take two hours of training in ethics principles and laws every two years.<sup>1</sup> The training requirement applies to local officials who either receive compensation for their service to the City or are reimbursed for their expenses.<sup>2</sup>

Newly elected or appointed officials must receive this ethics training within one year of assuming office.<sup>3</sup> After the initial training, officials must receive additional training within two years of the initial training.<sup>4</sup>

The training has certain mandatory elements; it must cover general ethics principles relating to public service and ethics laws.<sup>5</sup> "Ethics laws" are defined as including:<sup>6</sup>

- Laws relating to personal financial gain by public officials (including bribery and conflict of interest laws);
- Laws relating to office-holder perks, including gifts and travel restrictions; personal and political use of public resources; and prohibitions against gifts of public funds;

<sup>11</sup> Gov. Code § 53235, subd. (a).

<sup>2</sup> *Ibid.*

<sup>3</sup> Gov. Code § 53235.1, subd. (b).

<sup>4</sup> *Ibid.*

<sup>5</sup> Gov. Code § 53234, subd. (d).

<sup>6</sup> *Ibid.*

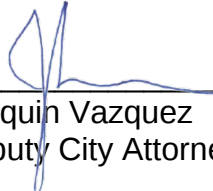
- Governmental transparency laws, including financial disclosure requirements and open government laws (the Brown Act and Public Records Act); and
- Laws relating to fair processes, including fair contracting requirements, common law bias requirements, and due process.

After completing the training, the participating Planning Commissioners will receive certificates of completion showing their proof of participation.<sup>7</sup> The official must provide the completed proof of participation to the City Clerk who must maintain them as records subject to public disclosure for a period of at least five years.<sup>8</sup>

In lieu of the AB 1234 ethics training provided at this meeting, Planning Commissioners can utilize self-study options, including:

- Self-study materials are available at <https://www.ca-ilg.org/post/ab-1234-self-study>. The materials require that the official read articles on public service ethics laws and principles, take a self-assessment test and then submit it to the Institute for Local Government with a processing fee for each test. The Institute of Local Government will review your test and provide the correct answers to the questions with a proof of participation certificate.
- The Fair Political Practices Commission offers free online training at <http://localethics.fppc.ca.gov/login.aspx>. This option requires the official to log onto the FPPC's website, review various screens of materials, take periodic tests to assure retention of the information and print out the completion certificate.

Prepared by:



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Joaquin Vazquez  
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<sup>7</sup> Gov. Code § 53235, subd. (e).

<sup>8</sup> Gov. Code § 53235.2.