

**CITY OF MONTEREY PARK**

**RESOLUTION NO. 12179**

**A RESOLUTION ADDING A PROPOSITION TO THE BALLOT FOR THE PREVIOUSLY CALLED NOVEMBER 3, 2020, SPECIAL ELECTION PURSUANT TO ELECTIONS CODE § 9222**

**THE CITY COUNCIL RESOLVES AS FOLLOWS:**

**SECTION 1.** The City Council finds as follows:

- A. Government Code §§ 65300-65302 require the City to adopt and maintain a General Plan that contains certain elements, describes its long-term goals, and develops policies and programs to achieve those goals. By statute, a General Plan is required to be updated “periodically.” The last update to the Land Use Element of the General Plan (the “LUE”) occurred in 2001;
- B. By Resolution No. 12124, adopted December 5, 2019, the City Council certified a Final Environmental Impact Report (“FEIR”) for the LUE (filed as State Clearing House No. 2001-01-1074) and approved a new LUE (the “2019 LUE”) subject to voter approval;
- C. On March 3, 2020, voters rejected the 2019 LUE (designated as Measure II on the ballot);
- D. By Resolution No. 12172 adopted June 17, 2020, the City Council amended the 2019 LUE so that it conformed with the LUE originally vetted by the General Plan Advisory Committee (“GPAC”) and proposed by the Planning Commission (the “2020 LUE”); and
- E. The FEIR certified by Resolution No. 12124 is incorporated into this Resolution by reference. Because this Resolution was adopted after certification of the FEIR, and because the FEIR completely analyzed the 2020 LUE, the City Council complied with CEQA in accordance with all applicable law including, without limitation, *Friends of Sierra Madre v. City of Sierra Madre* (2001) 25 Cal.4<sup>th</sup> 165.

**SECTION 2.** Pursuant to Elections Code § 9222, the City Council places a proposition on the ballot for the Special Election scheduled for Tuesday, November 3, 2020, as previously established and implemented by City Council Resolution Nos. 12177 and 12178 adopted on July 1, 2020.

**SECTION 3.** A copy of the proposition to be considered by the voters is attached as Exhibit “A,” and incorporated by reference.

**SECTION 4.** Pursuant to Elections Code §§ 9222, 9603, and 13119, the exact form of the question to be voted on at the election as it should appear on the ballot is as follows:

<b>Revised Monterey Park 2040 Land Use Element Proposition</b>	<b>YES</b>
	<b>NO</b>

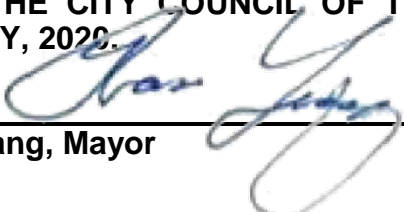
Shall the Revised Monterey Park 2040 Land Use Element Proposition be adopted?

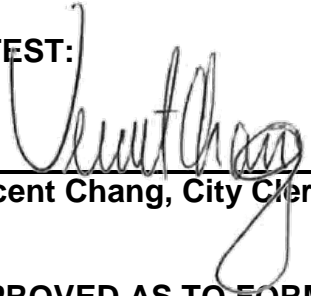
**SECTION 5.** The City Clerk must certify to the passage and adoption of this Resolution; enter the same in the book of original Resolutions; and make a minute of the passage and adoption thereof in the records of the proceedings of the City Council in the minutes of the meeting at which the same is passed and adopted.

**SECTION 6.** The Mayor, or presiding officer, is hereby authorized to affix a signature to this Resolution signifying its adoption by the City Council of the City of Monterey Park, and the City Clerk, or designee, is directed to attest thereto.

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

**PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE  
CITY OF MONTEREY PARK ON THIS 1<sup>st</sup> DAY OF JULY, 2020.**

  
\_\_\_\_\_  
Hans Liang, Mayor

ATTEST:  
  
\_\_\_\_\_  
Vincent Chang, City Clerk

**APPROVED AS TO FORM:**  
  
\_\_\_\_\_  
**Karl H. Berger, Assistant City Attorney**

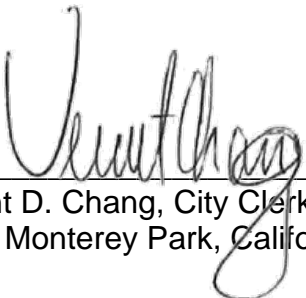
**Attachment:**  
  
Exhibit A – Full Text of the Ballot Measure

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. 12179 was duly adopted by the City Council of the City of Monterey Park at a regular meeting held on the 1<sup>st</sup> day of July, 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 1<sup>st</sup> day of July, 2020.

  
\_\_\_\_\_  
Vincent D. Chang, City Clerk  
City of 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**

**BALLOT PROPOSITION TO BE SUBMITTED DIRECTLY TO THE VOTERS**

The People of the City of Monterey Park do ordain as follows:

**SECTION 1:** *Title.* This proposition is entitled the “Revised Monterey Park 2040 Land Use Element Proposition.”

**SECTION 2:** *Adoption of Land Use Element of the General Plan.* The Land Use Element of the Monterey Park General Plan approved by the City Council on June 17, 2020 (the “2020 LUE”) is adopted by this reference as if fully set forth. Because the 2020 LUE is voluminous (more than 100 pages), the full text of the measure may be accessed on the City’s website at the following web site address: [www.montereypark.ca.gov/MPKLUE/Nov2020](http://www.montereypark.ca.gov/MPKLUE/Nov2020).

**SECTION 3:** *Implementation of this Proposition.*

A. *City Council Authority.* Pursuant to Elections Code § 9217, the People authorize and direct the City Council to promptly take appropriate actions needed to implement this Proposition including, without limitation, adopting all zoning regulations needed to effectuate this Proposition by ordinance. Upon the effective date of this Proposition and notwithstanding any limitation on the City Council’s authority set forth in this Proposition or the Monterey Park Municipal Code, all land use regulations adopted by the City Council that are consistent with this Proposition are retroactively ratified and validated by the People.

B. *Reconciliation with Competing Proposition.* In the event another ballot measure (a “Competing Proposition”) appears on the same ballot as this Proposition that seeks to adopt, impose, or amend any limitations or restrictions, or other regulations or requirements, including, without limitation, those with respect to the actions authorized by this Proposition, that differ in any respect to or supplement, those contained in this Proposition, the People declare their intention that, if both the Competing Proposition and this Proposition receive a majority of votes cast, the Competing Proposition and this Proposition be fully adopted except to the extent that specific provisions contained in each measure are deemed to be in direct conflict with each other on a “provision by provision” basis pursuant to *Yoshisato v. Superior Court* (1992) 2 Cal. 4th 978. With respect to any such directly conflicting provisions, the specific provisions of the Proposition receiving the greater number of votes will prevail.

SECTION 4: Interpretation. This Proposition must be interpreted to be consistent with all federal and state laws, rules, and regulations. If any section, sub-section, sentence, clause, phrase, part, or portion of this Proposition is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this Proposition. The People declare that this Proposition, and each section, sub-section, sentence, clause, phrase, part, or portion thereof, would have been adopted or passed irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, phrases, part, or portion is found to be invalid. If any provision of this Proposition is held invalid as applied to any person or circumstance, such invalidity does not affect any application of this Proposition that can be given effect without the invalid application.

SECTION 5: Repeal and Supersession. The People adopt this Proposition with the specific intent of superseding any contrary regulation, including those previously adopted by the People, or administrative policy and procedure. Consequently, all regulations that conflict with this Proposition are repealed or modified to reconcile them with this Proposition.

SECTION 6: Construction. This Proposition must be broadly construed to achieve the purposes stated in this Proposition. It is the People's intent that the provisions of this Proposition be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Proposition.

SECTION 7: Enforceability. Repeal of any provision of the previous LUE, MPMC, or other ordinance implemented by this Proposition does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Proposition's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Proposition.

SECTION 8: Validity of Previous Code Sections. If this entire Proposition or its application is deemed invalid by a court of competent jurisdiction, any repeal or amendment of the 2020 LUE, MPMC, or other ordinance implemented by this Proposition will be rendered void and cause such previous LUE, MPMC provision, or other the ordinance to remain in full force and effect for all purposes.

SECTION 9: Severability. If any portion of this Proposition is held by a court of competent jurisdiction to be invalid, the remainder of the Proposition and the application of such provision to other persons or circumstances will not be affected thereby. We the People indicate our strong desire that: (i) the City Council use its best efforts to sustain and reenact that portion, and (ii) the City Council implement this Proposition by taking all steps possible to cure any inadequacies or deficiencies identified by the court in a manner consistent with the express and implied intent of this Proposition, and then adopting or reenacting such portion as necessary or desirable to allow its implementation.

SECTION 10: Effective Date. This Proposition will be submitted to a general election on November 3, 2020 for voter approval. If a majority of voters favor of this Proposition, it will become valid and binding 10 days after the date that the City Council certifies the election results in accordance with Elections Code § 9217. The Mayor will sign this Proposition and the City Clerk will attest and certify to the passage and adoption of this Proposition.

PASSED AND ADOPTED this 1<sup>st</sup> day of July, 2020.

\_\_\_\_\_  
Hans Liang, Mayor

ATTEST:

\_\_\_\_\_  
Vincent D. Chang, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Karl H. Berger, Assistant City Attorney