

**CITY OF MONTEREY PARK**

**RESOLUTION NO. 12125**

**A RESOLUTION ADDING A PROPOSITION TO THE BALLOT FOR THE PREVIOUSLY CALLED MARCH 3, 2020, REGULAR MUNICIPAL 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. On December 5, 2019, the City Council conditionally approved a new LUE (the “Project”) subject to voter approval;
- C. Before approving the Project, the City Council certified a Final Environmental Impact Report (“FEIR”) for the Project which was filed as State Clearing House No. 2001-01-1074;

**SECTION 2.** Pursuant to Elections Code § 9222, the City Council places a proposition on the ballot for the regular municipal election scheduled for Tuesday, March 3, 2020, as previously established and implemented by City Council Resolution No. 12112 adopted on October 16, 2019.

**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>Monterey Park 2040 Land Use and Urban Design Element Proposition</b>	<b>YES</b>
Shall the Monterey Park 2040 Land Use and Urban Design Element Proposition be adopted?	<b>NO</b>

**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 5<sup>th</sup> DAY OF December, 2019.**



---

Hans Liang, Mayor

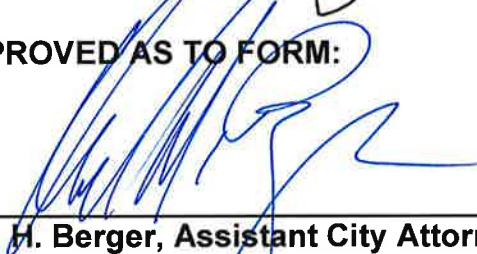
**Attest:**



---

Vincent D. Chang, City Clerk

**APPROVED AS TO FORM:**



---

Karl M. Berger, Assistant City Attorney

**Attachment:**

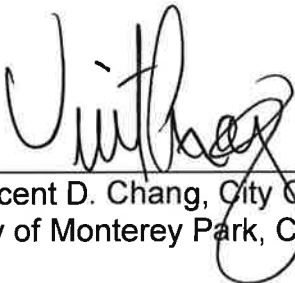
Exhibit A – Full Text of the Ballot Measure

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. 12125 was duly adopted by the City Council of the City of Monterey Park at a special meeting held on the 5<sup>th</sup> day of December, 2019 by the following vote:

Ayes:	Council Members: Chan, Lam, Real Sebastian, Liang
Noes:	Council Members: Ing
Absent:	Council Members: None
Abstain:	Council Members: None

Dated this 5<sup>th</sup> day of December, 2019.



---

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

**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 “Monterey Park 2040 Land Use and Urban Design 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 December 5, 2019 (the “LUE”) is adopted by this reference as if fully set forth. Because the 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](http://www.montereypark.ca.gov/MPKLUE).

**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. ***State Imposed Land Use Legislation.*** Pursuant to Elections Code § 9217, the People authorize and direct the City Council to undertake appropriate actions needed to implement state legislation affecting land use regulations 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 needed to be adopted or amended in response to state legislation including, without limitation, the land use element and zoning regulations, may be adopted upon the City Council’s own authority.

**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 in order 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 MPMC 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 LUE, MPMC, or other ordinance 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 March 3, 2020 for voter approval. If a majority of voters vote in 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 \_\_\_\_ day of \_\_\_\_\_, 2020.

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

ATTEST:

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

APPROVED AS TO FORM:

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