

**ORDINANCE NO. 3542 C.S.**

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF MONTEREY**

**ADD MONTEREY CITY CODE SECTION 2-3.4  
AND AMEND SECTIONS 1-11.1, 1-11.2, 1-11.3, 2-8, 26-4, AND 26-23,  
TO ADOPT REMEDIES FOR FAILURE TO COMPLY WITH STATE AND LOCAL  
ETHICS TRAINING REQUIREMENTS FOR MEMBERS OF LEGISLATIVE BODIES**

THE COUNCIL OF THE CITY OF MONTEREY DOES ORDAIN, as follows:

**SECTION 1:**

WHEREAS, California Government Code Sections 53235 (a) and (b) state that if a member of a legislative body receives any type of compensation or reimbursement from a local agency in the performance of official duties, then every local agency official shall receive at least two hours of training in general ethics principles and ethics law relevant to his or her public service every two years;

WHEREAS, the City Council's Policy on Appointing Members of Boards, Commissions, and Committees, adopted September 15, 2015, states that AB 1234 Local Ethics Training must be completed, with proof of completion signed and filed with the City Clerk's office, within 30 days of assuming office;

WHEREAS, the Fair Political Practices Commission (FPPC) offers a free online training to satisfy laws requiring ethics training for local officials, and local opportunities for in-person training also exist;

WHEREAS, the City of Monterey determined that the proposed action is not a project as defined by the California Environmental Quality Act (CEQA)(CCR, Title 14, Chapter 3 ("CEQA Guidelines), Article 20, Section 15378). In addition, CEQA Guidelines Section 15061 includes the general rule that CEQA applies only to activities which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Because the proposed action and this matter have no potential to cause any effect on the environment, or because it falls within a category of activities excluded as projects pursuant to CEQA Guidelines section 15378, this matter is not a project. Because the matter does not cause a direct or any reasonably foreseeable indirect physical change on or in the environment, this matter is not a project. Any subsequent discretionary projects resulting from this action will be assessed for CEQA applicability.

NOW THEREFORE, the Monterey City Council declares as follows:

SECTION 2: The foregoing recitals are adopted as findings of the City Council as though set forth fully herein.

SECTION 3: Monterey City Code, Chapter 2, Section 2-3.4 is hereby added to read as follows:

**“Additional Responsibilities**

Elected and appointed officials who are compensated for their service or reimbursed for expenses undertaken in the performance of official duties shall take two hours of training in ethics principles and laws every two years as required by Government Code sections 53234-53235. The training shall occur, and an original, signed certificate of completion filed with the City Clerk, within 30 calendar days of assuming office, and every two years thereafter.

The City Clerk shall report a legislative body member’s non-compliant status within five working days after the compliance deadline to the Finance Department and the body’s identified staff liaison. During a period of non-compliance, all meeting attendance stipends and expense reimbursements shall cease. Meeting stipends and expense reimbursement shall resume when compliance is obtained, but the member shall not be paid for any service or expense undertaken during the period of non-compliance.”

SECTION 4: Monterey City Code, Chapter 1, Section 1-11.1 (E) is hereby amended to read as follows:

“Each member of the Board, if in compliance with the ethics training requirements specified by Government Code section 53235, shall be paid the sum of twenty-five dollars (\$25) per meeting for each meeting attended up to a maximum of fifty dollars (\$50) per month.”

SECTION 5: Monterey City Code, Chapter 1, Section 1-11.2 (E) is hereby amended to read as follows:

“Each member of the Board, if in compliance with the ethics training requirements specified by Government Code Section 53235, shall be paid the sum of twenty-five dollars (\$25) per meeting for each meeting attended up to a maximum of fifty dollars (\$50) per month.”

SECTION 6: Monterey City Code, Chapter 1, Section 1-11.3 (E) is hereby amended to read as follows:

“Each member of the Board, if in compliance with the ethics training requirements specified by Government Code section 53235, shall be paid the sum of twenty-five dollars (\$25) per meeting for each meeting attended up to a maximum of fifty dollars (\$50) per month.”

SECTION 7: Monterey City Code, Chapter 2, Section 2-8 is hereby amended to read as follows:

“As compensation for their services, regular members of the Parks and Recreation Commission, if in compliance with the ethics training requirements specified by Government Code section 53235, shall receive \$25.00 for each regular, special, or

adjourned meeting attended, provided the total compensation shall not exceed \$75.00 in any calendar month.”

SECTION 8: Monterey City Code, Chapter 2, Section 26-4 is hereby amended to read as follows:

“As compensation for their services, members of the Planning Commission, if in compliance with the ethics training requirements specified by Government Code Section 53235, shall receive \$25.00 for each regular, special or adjourned meeting attended, provided the total compensation shall not exceed \$75.00 in any calendar month.”

SECTION 9: Monterey City Code, Chapter 2, Section 26-23 is hereby amended to read as follows:

“As compensation for their services, members of the Architectural Review Committee, if in compliance with the ethics training requirements specified by Government Code section 53235, shall receive \$25.00 for each regular, special or adjourned meeting attended, provided the total compensation shall not exceed \$75.00 in any calendar month.”

SECTION 10: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 11: This ordinance shall be in full force and effect thirty (30) days from and after its final passage and adoption.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF MONTEREY this 21st day of June, 2016, by the following vote:

AYES:	5	COUNCILMEMBERS:	Barrett, Downey, Haffa, Smith, Roberson
NOES:	0	COUNCILMEMBERS:	None
ABSENT:	0	COUNCILMEMBERS:	None
ABSTAIN:	0	COUNCILMEMBERS:	None

APPROVED:

ATTEST:



Mayor of said City

  
City Clerk thereof