



CITY OF IRWINDALE

5050 N. IRWINDALE AVE., IRWINDALE CA 91706 • PHONE: (626) 430-2200

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CHAIR

CASEY J.
MIRANDA
VICE-CHAIR

ALBERT
ACOSTA
COMMISSIONER

RICHARD
CHICO
COMMISSIONER

JUSTIN
KELLY
COMMISSIONER

AGENDA FOR THE REGULAR MEETING OF THE

PLANNING COMMISSION

FEBRUARY 18, 2026

6:30 P.M.

IRWINDALE COUNCIL CHAMBER

Join Webinar at

<https://us02web.zoom.us/j/86349691359>

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In the event that a Zoom broadcast is unavailable, staff will promptly notify the public through its social media platforms. The public meeting will proceed in accordance with The Brown Act.

Submit public comments by email to planning@irwindaleca.gov prior to the start of the meeting. Comments will be read by the Administrative Secretary during public comment. Lengthy public comment may be summarized in the interest of time.

Spontaneous Communications: The public is encouraged to address the Planning Commission on any matter listed on the agenda or on any other matter within its jurisdiction. The Planning Commission will hear public comments on items listed on the agenda during discussion of the matter and prior to a vote. The Planning Commission will hear public comments on matters not listed on the agenda during the Spontaneous Communications period.

Pursuant to provisions of the **Brown Act**, no action may be taken on a matter unless it is listed on the agenda, or unless certain emergency or special circumstances exist. The Planning Commission may request staff to investigate and/or schedule certain matters for consideration at a future Commission or City Council meeting.

Americans with Disabilities Act: In compliance with the ADA and Government Code section 54953(g), the City Council has adopted a reasonable accommodation policy to swiftly resolve accommodation requests. The policy can be found on the City's website: <https://www.irwindaleca.gov/DocumentCenter/View/8075/AB-2449-Reasonable-Accommodation-Policy>. If you need special assistance to participate in a City Council or Commission meeting or other services offered by this City, including an electronic or printed copy of the City's reasonable accommodation policy, please contact City Hall at (626) 430-2200. Notification of at least 48 hours prior to the meeting or time when services are needed will assist the City staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service. **Note:** Staff reports are available for inspection at the Planning Division Counter, 16102 Arrow Highway or at City Hall, 5050 N. Irwindale Avenue, during regular business hours (8:00 a.m. to 6:00 p.m., Monday through Thursday) by appointment only, and by contacting the Planning Division at 626-430-2208.



Code of Ethics

As City of Irwindale Planning Commissioners, our fundamental duty is to serve the public good. We are committed to the principle of an efficient and professional local government. We will be exemplary in obeying the letter and spirit of Local, State and Federal laws and City policies affecting the operation of the government and in our private life. We will be independent and impartial in our judgment and actions.

We will work for the common good of the City of Irwindale community and not for any private or personal interest. We will endeavor to treat all people with respect and civility. We will commit to observe the highest standards of morality and integrity, and to faithfully discharge the duties of our office regardless of personal consideration. We shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of others.

We will inform ourselves on public issues, listen attentively to public discussions before the body, and focus on the business at hand. We will base our decisions on the merit and substance of that business. We will be fair and equitable in all actions, claims or transactions. We shall not use our official position to influence government decisions in which we have a financial interest or where we have a personal relationship that could present a conflict of interest, or create a perception of a conflict of interest.

We shall not take advantage of services or opportunities for personal gain by virtue of our public office that are not available to the public in general. We shall refrain from accepting gifts, favors or promises of future benefit that might compromise our independence of judgment or action or give the appearance of being compromised.

We will behave in a manner that does not bring discredit or embarrassment to the City of Irwindale. We will be honest in thought and deed in both our personal and official lives.

Ultimate responsibility for complying with this Code of Ethics rests with the individual elected official. In addition to any other penalty as provided by law, violation of this Code of Ethics may be used as a basis for disciplinary action or censure of a Commissioner.

These things we hereby pledge to do in the interest and purposes for which our government has been established.

IRWINDALE PLANNING COMMISSION



A. CALL TO ORDER**B. PLEDGE OF ALLEGIANCE****C. INVOCATION****D. ROLL CALL: Commissioners: Albert Acosta, Richard Chico, Justin Kelly; Vice-Chair Casey J. Miranda; Chair Maricela Frymark****E. AB 2449 DISCLOSURES**

Remote participation by a member of the legislative body for just cause or emergency circumstances.

F. ANNOUNCEMENTS**1. CONSENT CALENDAR**

The Consent Calendar contains matters of routine business and is to be approved with one motion unless a member of the Commission requests separate action on a specific item. At this time, members of the audience may ask to be heard regarding an item on the Consent Calendar.

A. Minutes

Recommendation: Approve the following minutes:

1. Regular meeting held January 21, 2026

2. SPONTANEOUS COMMUNICATIONS

This is the time set aside for members of the audience to speak on any item not on this agenda that is within the Planning Commission's subject matter jurisdiction. The Planning Commission is an advisory body appointed by the City Council to review and provide recommendations on matters related to land use, planning, and development within the City. Except for very limited circumstances, state law prohibits any Commission discussion or action on items that are not on the agenda.

All members of the public are asked to observe the City's Rules of Procedure and Public Meeting Decorum. The City's Rules of Procedure and Public Meeting Decorum can be found on the City's website, and Chapter 2.40 of the Irwindale Municipal Code. You may also contact the City Clerk's Office for copies.

Each speaker will be limited to 3 minutes unless such time limits are extended. If a member of the public wishes to donate their time to another speaker, both persons must be physically present and in attendance of the meeting. The Presiding Officer may, in his or her discretion, extend the 3-minute time limitation for the particular subject for all speakers. In no event shall the total amount of speaking time exceed 6 minutes per person for the subject under discussion. Organized groups of persons wishing to address the Board on the same subject should select a spokesperson to represent the group, so as to avoid unnecessary repetition.

The Commission may regulate a speaker who is speaking too long or out of order, being unduly repetitious, discussing irrelevancies, or extending to items not within the subject matter jurisdiction of the Commission. Please be reminded that discrimination, abusive use of profanity, unruly disruption, and violent or physically threatening conduct is discouraged. Members of the public shall not disrupt the orderly conduct of the meeting. The Presiding Officer will request that a person cease any disruptive conduct, and if not immediately stopped, will direct the person to be removed from the meeting.

In the hybrid format, both in-person and hybrid audience members will participate in the following order:

Tier 1: In-person attendees

Tier 2: Teleconference attendees

Tier 3: In-person and teleconference attendees who have not previously provide comments on the matter(s) being discussed by the legislative body

4. **COMMUNITY DEVELOPMENT DIRECTOR REPORT**
5. **LEGAL COUNSEL COMMENTS**
6. **COMMISSIONER COMMENTS**
7. **ADJOURN**

AFFIDAVIT OF POSTING

I, Jesus Hernandez, Management Analyst, certify that I caused the agenda for the regular meeting of the Irwindale Planning Commission to be held on February 18, 2026, to be posted at the City Hall, Library, and Post Office on February 12, 2026.

Jesus Hernandez

Jesus Hernandez,
Management Analyst

**IRWINDALE COUNCIL CHAMBER
5050 N. IRWINDALE AVENUE
IRWINDALE, CALIFORNIA 91706**

**January 21, 2026
Wednesday
6:31 P.M.**

The Irwindale **PLANNING COMMISSION** met in a regular session at the above time and place.

CHAIR FRYMARK Good evening everyone, I would like to call this Planning Commission to order. Today is January 20... January 21, 2026, and we're calling this meeting to order at 6:31 PM. If able let's rise for the Pledge of Allegiance. Ready begin.

PLEDGE OF
ALLEGIANCE I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

INVOCATION
COMMISSIONER
MIRANDA Heavenly Father, we give thanks and praise and we lift up the City of Irwindale and all its people. And give us some wisdom tonight. Quicken our minds and hearts, that we make good decisions tonight. Help us have a wonderful and bountiful season this year, this fiscal year, and also healthy for our residents. A blanket of coverage for all of them and healing. We thank you and ask you and your son and savior, Jesus Christ. Amen.

CHAIR FRYMARK Roll Call, please.

ROLL CALL: Present: Commissioners: Albert Acosta; Casey Miranda; Justin Kelly; Richard Chico; Maricela Frymark

Also present: City Attorney; Adrian Guerra; Marilyn Simpson, Community Development Director; Brandi Jones, Senior Planner; Luis Pimentel, Associate Engineer; Jarrod Palmer, Assistant Planner; Cynthia Largaespada, Office Specialist; Randy Silva, Senior Code Enforcement Officer; Jorge Cardenas, Code Enforcement Officer

**AB 2449
DISCLOSURES**

CHAIR FRYMARK Moving on to Item E, AB 2449 Disclosures, but seeing that we are all here we're going to go ahead and move on to Item 4, which is the reorganization of the Planning Commission. Cynthia.

REORGANIZATION OF PLANNING COMMISSION

OFFICE SPECIALIST
LARGAESPADA The re-organization of the Planning Commission. At this time, it is appropriate to reorganize the Planning Commission including the selection of a Chair and Vice Chair. Any commissioner may nominate another Commissioner or themselves and no second to the nomination is required. I will start off with opening the nominations for Office of Chair. After receiving all nominations, I will close the nominations and conduct the election of Roll Call Vote for Chair in the nominated order. Do we have any nominations for Office of Chair?

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COMMISSIONER MIRANDA	I'm going to name Marcella Frymark, for Chair.
COMMISSIONER CHICO	Second.
OFFICE SPECIALIST LARGAESPADA	Chair Frymark, do you accept or decline?
CHAIR FRYMARK	I accept.
OFFICE SPECIALIST LARGAESPADA	Thank you. Do we have any other nominations for Office of Chair? Okay thank you. We'll go ahead and do Roll Call for Office of Chair. Commissioner Chico?
COMMISSIONER CHICO	Yes.
OFFICE SPECIALIST LARGAESPADA	Commissioner Miranda?
COMMISSIONER MIRANDA	Yes.
OFFICE SPECIALIST LARGAESPADA	Commissioner Kelly?
COMMISSIONER KELLY	Yes.
OFFICE SPECIALIST LARGAESPADA	Vice-Chair Acosta?
VICE-CHAIR ACOSTA	Yes.
OFFICE SPECIALIST LARGAESPADA	Chair Frymark?
CHAIR FRYMARK	Yes.
OFFICE SPECIALIST LARGAESPADA	Thank you and welcome Chair Frymark.
CHAIR FRYMARK	Thank you and thank you to my fellow Commissioners.
OFFICE SPECIALIST LARGAESPADA	Chair Frymark, would you like to open up the nominations for Vice Chair?

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CHAIR FRYMARK	Yes, I'd like to open up the nominations for Vice Chair at this time.
OFFICE SPECIALIST LARGAESPADA	Would anybody like to nominate someone for Vice-Chair?
COMMISSIONER CHICO	Yes, I would like to nominate Commissioner Miranda as Vice Chair.
OFFICE SPECIALIST LARGAESPADA	Is there a second?
COMMISSIONER ACOSTA	I second.
OFFICE SPECIALIST LARGAESPADA	Commissioner Miranda do you accept or decline?
COMMISSIONER MIRANDA	I accept.
OFFICE SPECIALIST LARGAESPADA	Thank you. Do we have any other nominations? Thank you, we can go ahead and do Roll Call for Vice Chair. Commissioner Chico?
COMMISSIONER CHICO	Yes.
OFFICE SPECIALIST LARGAESPADA	Commissioner Miranda?
COMMISSIONER MIRANDA	Yes.
OFFICE SPECIALIST LARGAESPADA	Commissioner Kelly?
COMMISSIONER KELLY	Yes.
OFFICE SPECIALIST LARGAESPADA	Vice Chair Acosta?
VICE-CHAIR ACOSTA	Yes.
OFFICE SPECIALIST LARGAESPADA	Chair Frymark?
COMMISSIONER CHICO	Former Vice-Chair.

OFFICE SPECIALIST LARGAESPADA I know, I know. Chair Frymark?

CHAIR FRYMARK Yes.

OFFICE SPECIALIST LARGAESPADA Okay. Welcome, Vice-Chair Miranda.

VICE-CHAIR MIRANDA Thank you.

OFFICE SPECIALIST LARGAESPADA Okay, so at this moment would you like to reorganize or would you like to do it after? As far as moving seats?

CHAIR FRYMARK I really like to give Vice-Chair Miranda the opportunity, reorganize if you'd like to.

VICE CHAIR MIRANDA I like...I'm happy where I'm at.

CHAIR FRYMARK Okay, so we'll stay as is. So, we're going to go ahead and move on. Thank you, Cynthia, for leading us in that portion of our meeting. We will go ahead and continue with Announcements, and I believe we have a couple of introductions.

ANNOUNCEMENTS

COMMUNITY DEVELOPMENT Thank you Chair and Commission. So yeah, I guess you haven't met our Code Enforcement Division. We have two (2) people in here. But I'm

DIRECTOR SIMPSON going to introduce our newest member. Okay, this is Jorge Cardenas. Jorge comes to us; he has a Bachelor 's degree in Criminal Justice from Cal State Northridge. He's had over 5 years' experience in Code Enforcement in various cities, you know, so he knows his way around with that. Let's see. If any of you listen to the Council Meeting with that, he says he has no hobbies. Okay, with that. And then after, I don't want to say grilling him but waiting him out, he finally admitted to motorcycles. Okay, that he rides them repairs them, street bikes, right? You know, so he's not in any kind of motorcycle club. I did check with that, you know so. But I don't know, if the City Attorney is open to this, could we have an impromptu resolution that the Commission could give him some ideas for a hobby for that? I told him I would embarrass him but anyway. No, he hit the ground running. He is doing really well, you know. We've had quite a few things come up. I don't know if you've seen all the graffiti, you know, that had been around. He and Randy jumped on it, but anyway I'd like to welcome Jorge Cardenas.

VICE-CHAIR MIRANDA Welcome.

CHAIR FRYMARK Welcome.

CODE ENFORCEMENT OFFICER CARDENAS Thank you. It's a pleasure to meet all of you and I look forward to any future collaborations that we may have. Thank you.

CHAIR FRYMARK Thank you.

COMMUNITY DEVELOPMENT DIRECTOR SIMPSON Now our Senior Code Enforcement Officer. I don't think you guys have met him, Randy Silva. So I would like to introduce you to him. Randy has been here for it and I always mess it up eight (8), almost eight (8) years. And he started out as the Code Enforcement Officer to provide Jeff Tyler some help, and then when Jeff moved into Planning then the promotion was given to Randy. A hard worker, really good, uh fairly new father, with that you know. So yeah, he's just been part of the team, and I can't believe I'm kind of ashamed I didn't introduce him sooner to you.

SENIOR CODE ENFORCEMENT OFFICER SILVA Thank you again yeah, my name is Randy Silva, so I'm looking forward to collaborating with you guys as well, thank you.

CHAIR FRYMARK Hi welcome, we're happy to have you.

VICE-CHAIR MIRANDA We've had you eight (8) years, welcome.

CHAIR FRYMARK And congrats on the baby.

VICE-CHAIR MIRANDA The Baby. Yes. Now there's a hobby.

CONSENT CALENDAR

CHAIR FRYMARK Hey, well that's exciting. Thank you, Marilyn. So, we will move on to Item Number 1 on our Agenda, which is our Consent Calendar and we do have one Item under Consent. We have Minutes from our Regular Meeting that was held on December 17, 2025.

COMMISSIONER ACOSTA Motion to approve the minutes as stated.

CHAIR FRYMARK I second.

COMMISSIONER CHICO Second.

CHAIR FRYMARK Sounds good. So, we have a first, by Commissioner Acosta and a second, by Commissioner Chico. Roll Call please. Do we need a Roll, yes, we do need a Roll Call. Thank you. Call Roll please.

OFFICE SPECIALIST LARGAESPADA Commissioner Chico?

COMMISSIONER CHICO	Yes.
OFFICE SPECIALIST LARGAESPADA	Commissioner Kelly?
COMMISSIONER KELLY	Abstain.
OFFICE SPECIALIST LARGAESPADA	Commissioner Miranda? Sorry, Vice-Chair Miranda.
VICE-CHAIR MIRANDA	Yes.
OFFICE SPECIALIST LARGAESPADA	Sorry, Vice-Chair Miranda.
COMMISSIONER CHICO	One demerit.
OFFICE SPECIALIST LARGAESPADA	Commissioner Acosta?
COMMISSIONER ACOSTA	Yes.
OFFICE SPECIALIST LARGAESPADA	Chair Frymark?
CHAIR FRYMARK	Yes.
VICE CHAIR MIRANDA	I thought Jesus was gone.
CHAIR FRYMARK	We're going to move on to Spontaneous Communication.

**SPONTANEOUS
COMMUNICATIONS**

OFFICE SPECIALIST LARGAESPADA	This is the time set aside for members of the audience to speak on any item not on this agenda that is within the Planning Commission's subject matter jurisdiction. The Planning Commission is an advisory body appointed by the City Council to review and provide recommendations on matters related to land use, planning, and development within the city. Except for very limited circumstances, state law prohibits any Commission discussion or action on items that are not on the agenda. All members of the public are asked to observe the City's Rules of Procedure and Public Meeting Decorum. The City's
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CHAIR FRYMARK Do we have any in person attendees under Tier 1 that would like to come forward and speak under Spontaneous Communication? Okay, how about in Tier 2.

OFFICE SPECIALIST
LARGAESPADA No one in Tier 2.

CHAIR FRYMARK Thank you Cynthia, and last call for Tier 3.

OFFICE SPECIALIST
LARGAESPADA No one in Tier 3.

NEW BUSINESS

CHAIR FRYMARK Thank you. We will move on to New Business. Under New Business, we have one Item to discuss today. It's a Civility and Decorum training session, it sounds like or it seems.

COMMUNITY
DEVELOPMENT
DIRECTOR Thank you Chair and Commission. So, the presentation today will be given by Gabriela Kamran, from Liebert Cassidy Whitmore, a law firm.

SIMPSON

CHAIR FRYMARK

Welcome.

GABRIELA KAMRAN

Thank you, nice to meet you all. So, my name is Gabriela. I'm an associate at the L.A. office of Liebert Cassidy Whitmore. And so we are a full service public agency employment and labor law firm and as part of that we do these kinds of presentations. So, we do the mandatory Harassment Trainings, we do Ethics Trainings, all sorts of trainings, supervisory, etcetera. But this is one of the pretty interesting ones. It's not a legally required training but it's a highly recommended training. It's separate from the mandatory ethics and harassment trainings, although we will touch on some of those legal requirements because they're kind of part of that universe of decorum and civility. And when we're talking about decorum and civility, we're talking about kind of bilateral relationship between Commissions and Councils and other governing bodies, and the people whom they represent, and the community that they work in, and also the employees of the city where they work the agency where they work. Or so I guess it's more like a triangular relationship and so there's an expectation of civility and respectful behavior on the part of those in the community, you know, interacting with their leadership. And there's also, on the other hand, an expectation that those who are in positions of leadership, whether they're elected or appointed, are modeling the kind of behavior that we want to see among members of the public, and in order to promote the best possible functioning of the City and its operations in all facets. And so, with that, we'll begin. So, we say starting at the top because as I just mentioned there's an important modeling function of those who are elected and appointed and in positions of leadership, and that's in part because these days with social media there is kind of a more of a phenomenon of scrutiny on those who are in positions of leadership. And so, anyone can come in and post, you know, a recording of a meeting or even the behavior of an employee or a leader in a community on social media, and it could go viral and circulate and a blog could pick it up. A blog that posts about local news or things that are happening in the community. And so, there's a lot of scrutiny as far as both your conduct in your seats as Commissioners, and also in your personal conduct that applies to employees as well, as some of you may know. I mean there's... If there is a nexus to the workplace.... And we're getting into the, you know, the law with regard to employee discipline and all of that. If there is a nexus to the workplace there are grounds for the City to take some kind of action, even when it comes to the conduct of a commissioner or a council member or an employee outside of their work hours. And so essentially people are always watching and sometimes they're trying to find reasons to criticize or to pick at elected officials, and so it's important to kind of get a refresher on some of these principles of civility and decorum, even though some of them might seem like common sense. We want them to seem like common sense that's a good thing. But we'll speak about certain case

studies that focuses on some of the nuances or the ambiguities in this area specifically as it relates to this kind of the separation of powers within a public government and I guess in informal terms, staying in one's lane. Kind of carrying out the role that you are appointed or elected to carry out. And not infringing on the duties and the roles of other people in city governance. So yeah, national media attention. I mean it's at all levels of government, national, state, local. And there's an important example setting function in part because, you know... So, employee discipline, right. So, if an employee makes a complaint about another employee and that's investigated at the city level. And there's potentially discipline that follows the public's not going to be privy to that because it's personal information. It's confidential. And so, a lot of times the opportunity for the City to kind of model accountability for ethics and for appropriate behavior is going to come into play when it is more of a public figure, who is engaging in potentially inappropriate conduct. And so, there's kind of extra weight in the reaction that the City has when it comes to enforcing expectations of appropriate behavior. So again, I mean there's an expectation that elected and appointed officials, people in positions of power, are held accountable and part of that is that there needs to be credibility on the part of the City and the governing boards, that if and when some kind of behavior that's inappropriate occurs among members of the public, there's credibility to actually enforce that against members of the public. If people in leadership are not being held accountable, then there's a sense that what is the credibility? What right do they have to hold members of the public accountable to expectations of proper behavior? So, I mentioned the kind of separation of powers, and this is something that comes up. I think because a lot of times inappropriate behavior in the context of city governance looks like people overstepping their roles. Think kind of a great illustration of this principle and kind of what we're going to be talking about throughout. I'll give it to you as kind of a case study that we can follow throughout the presentation, is that I was working with another city and the mayor had actually engaged in some conduct that was concerning to the rest of council. He had gone directly to an employee of, I'm forgetting her department, but he went directly to her and said to her "the community really wants this project done I need you to step it up and step up the pace and get this done," and that was concerning because he overstepped the role of a City Council Member. And really that would be the purview of the City Manager who's the liaison to the public, excuse me, to employees. Commissioners, and boards, and City Council they're the liaisons to the public. The nexus between the City and the public, but the City Manager is the person who's a liaison between the City and the employees. And so by going directly to an employee and giving directives, it was overstepping his role. And what ended up happening in that case, there was an investigation and then after that we discussed with the rest of City Council, in Closed Session with that person recused, what would be the consequences. And they considered the options and they went with censure. So, there was a vote and basically on the open record, there was a kind of

condemnation of his behavior. And then afterwards there was a reorganization, so he was no longer the mayor. They reorganized so he no longer had that title. So, those are just a couple of the kind of options for accountability because when it comes to, especially, elected officials they're elected by the public so you can't fire them as you would or discipline them as you would an employee. Also, when it comes to appointed officials, theoretically, City Council could remove them from the appointment. But when it comes to City Council the options are more limited as far as accountability and oftentimes you will see something like what happened in that situation I just described, an investigation, a discussion among the rest of council and some sort of statement on the part of the city that this doesn't represent our values or this should not be happening. So again, the Municipal Code for the City of Irwindale explicitly says, as do many municipal codes in cities across the state, they say that the City Manager will be the administrative head of the government of the city and is responsible for personnel matters. And so elected or appointed officials should not be interfering or getting involved in personnel matters, unless it's brought to them in Closed Session. Most of the time that's going to be a City Council function, you know, you can go into Closed Session for personnel actions like discipline or termination of an employee or pre litigation and all of those Brown Act exceptions, but most of the time there's probably not a reason that a member of a Commission or other governing board would need to provide input onto a specific personnel matter. And when it comes to the consequences of acting individually. So, when I say acting individually, I mean acting without the mandate of a majority vote because each one of you, as you know, you don't have power to bind the City or to take action as an individual, that power and authority comes with your role as a member of the governing body. And so, when it comes to acting individually, the consequences are... First, there's a basic consequence of the action might not actually be effective. So, it might be an action without a mandate and therefore void. And you would have to redo an action if it was done without the appropriate majority vote. But it also could result in certain legal ramifications both for the City and for the individual who acted individually. So there's loss of legislative immunity when a person acts in the scope of their government duty. So, when each of you acts by taking a vote as a member of the Commission, there's legislative immunity in the law that attaches to that because you are exercising your discretion as a member of government. If you act alone, that doesn't imply because you weren't acting within the scope of your duties as a Commissioner. And then it also... We'll talk about some other, some other liabilities that could fall on the City but there's also a potential violation of City Policies, I mean that kind of goes without saying, including the Municipal Code and the separation of authority and duties. So, kind of apart from the legal ramifications, there's kind of softer or more amorphous consequences to acting individually. And one of those is undermining the credibility and the authority of those who are responsible for let's say a personnel action. So, we'll look at a case

study in a moment. But if someone who isn't supposed to be involved in personnel decisions does get themselves involved it could undermine the authority of the City Manager, the Human Resources Director, the supervisor who supervises that employee, and sometimes you don't know the whole story. You don't know what the situation is or why it might be appropriate to take a certain personnel action. And so that's why it can kind of confuse the command structure or the hierarchy that is set forth by the Municipal Code. And then admission against city interest also is a legal ramification, and oftentimes that looks like sharing information that could be used by someone later against the City, particularly if it's maybe like Closed Session information. Then that could again be used by a member of the public or someone who was not supposed to receive that information against the City. As far as individual legal liability as well so, in the mandatory training that you receive for harassment and discrimination and retaliation, you might have learned that the City can be liable for those things, but individuals can be liable as well. So, you'll oftentimes see in a harassment or retaliation case someone will name the City as the employer, but then they'll also sometimes name an individual person who works for the City. Usually that is more of a P.R. or an optical kind of decision because it's a strategic decision, because the City is the one who's going to be able to satisfy a potential judgment. But let's say it's a claim that has to do... Let's say a firefighter is suing the City, they might also name the Fire Chief, or the Police Chief, or whatever it is, someone who has authority. Sometimes the Mayor is the one who is named or the City Manager. Kind of a statement of here's the individual face of this action that I believe was unlawful that the City took against me. Invasion of privacy is actually one that cannot be alleged against public agencies. So only individuals can be responsible for invasion of privacy and that would be the case, I guess mostly in the context of releasing confidential information. And then it's free speech rights so, members of the public obviously have free speech rights. So do every one of you and also employees of the City. It's a little bit limited based on whether they're speaking in their personal capacity versus in their role as an employee, but even if they are speaking about something related to their work, if they come here and they speak about something that touches upon their work but they feel passionately about it they believe it has relevance to the public, they do have free speech rights. And in theory if an individual member of the board or anyone in a governing position in the City were to take action, that they believe is adverse or unfair about their job, they could claim that there's a violation of free speech rights. So, an individual can be liable for that as well. And then finally for unfair labor practices that has to do with union activity. So, if there's collective bargaining activity that's protected by labor laws then there could be an allegation that if one of the members of the board or Commission or City Council, kind of acted outside the usual channels of labor negotiations. Maybe there could be a claim of direct dealing which is speaking directly to employees rather than going through their union or their representative, and that can get you a charge in perp. And so

we see that as well when maybe the council member or the commissioner kind of wants to, maybe they explicitly want to shore up votes, if they're if it's an election year, or maybe they think that they have a great idea that they can kind of put under the table and feel out whether it could get a contract done or something like that. That is oftentimes going to lead to a charge of unlawful direct dealing. A member of the City's Parks and Rec. Commission receives a complaint from an employee in the recreation department that he should not have received a written reprimand from his supervisor. The member promises the employee that the city will immediately look into his concern about his written reprimand. Is there a problem? Yeah. So, this is an example of going outside of the authorized role of a commissioner and overstepping what should be the responsibility of the City Manager, and those who report to the City Manager. So, in this situation the commissioner should say, you know, sorry to hear that maybe you can go to the Human Resources Director or the City Manager, and to direct them to the appropriate person to take care of the issue because... This is a good example of undermining the authority of the supervisor. The supervisor is the one who knows details about the employee's performance. If a commissioner kind of inserts themselves into that disciplinary action, then the supervisor might not have credibility later on when there is a legitimate performance issue and further action needs to be taken. A twist, the member believes an employee who received the written reprimand is performing poorly. At the next Commission Meeting the member raises the issue of the employee's performance in open session, is there a problem? Yeah, definitely. Why? Does anyone want to offer their thoughts?

VICE-CHAIR MIRANDA Privacy.

GABRIELA KAMRAN Privacy, right. So, there's confidentiality in that person's personnel information. They could very well bring an action for invasion of privacy and other causes of action. And in this situation, if it's not brought before the body in Closed Session then it's not something that should be spoken about in Open Session. But what if the employee is performing poorly or performed poorly in a specific event or project or something that's relevant to the commission's work? So, it's within your purview maybe there was an event or like I said a specific project, and because of that person's poor performance something went wrong. Something overt and you feel like it's incumbent on you as a member of the Commission to point that out and to speak about it, so it doesn't happen again. There is a difference between talking about the problem and the consequences of the problem, versus the individual employee and how they and their performance issues led to that issue. So, you can talk about it in general terms. But as long as you're not singling out the employee, using their name, and talking about the specific things that they did or did not do then that is when it could result in legal ramifications. So legal obligations. And like I said this isn't the mandatory trainings that are required for all governing bodies to

receive, but obviously these things exist in the world of civility and decorum, they're part of this discussion. So, harassment, discrimination, retaliation those are all examples of commonly recognized uncivil or disrespectful behavior that we do not want to see from those in positions of leadership. So, the AB 1661 mandated training is that required harassment training, and it addresses both protected class-based discrimination and harassment. As well as what we refer to as abusive conduct or bullying, which is inappropriate or offensive behavior that's not related to someone's protected classification. And the reason that that is included in this list, is the legislature determined that if they were to make bullying illegal in the workplace, that would really open up the floodgates of litigation. It would be pretty unmanageable because, as is, a lot of people will bring a claim of, you know, they don't like their supervisor, they don't like their co-worker, they're having conflict in the workplace, and they'll come to HR and say I feel harassed or I feel like this is a hostile work environment. And then because they use the magic words the whole machinery goes into action, there's an investigation and so on. And that's not to say that not appropriate, sometimes it is a big problem, abusive conduct and bullying, and does need to be addressed by the Human Resources Director, whoever it is. But it's not illegal. And so, the legislature kind of struck a compromise. They said, "we're not going to make it illegal but we're going to require that it's addressed in the mandatory harassment training." So that the hope is that it will be addressed by City Policy at the city level, at the employer level. So, there are Codes of Conduct, Standards of Performance, expectations, whatever it is. I mean it's phrased in different ways, entitled in different ways across cities. But the bottom line is inappropriate disrespectful conduct, whether it's towards members of the public or coworkers, whatever it is, is not welcome in the workplace and can be a basis for personnel action. And then there's the ethics training, which you also are obligated to receive. And that speaks about different types of conflicts of interest, so whether that's financial familial, or receipt of gifts, travel, etc. But it's also about bias and neutrality, and kind of that concept. There are different sorts of bias, right? There's conflict of interest type bias. You might be biased towards a particular community member, or business, or something because of your ties with that person and that's what this ethics training addresses. But there's also prejudice type bias. There's that kind of behavior that might not rise to the level of legal harassment, like it might not create a hostile work environment, that is recognized under the law, but it could be offensive. It could make someone feel uncomfortable and feel... It could undermine trust that those in positions of power or authority really have their best interests in mind. And that also falls within the scope of the kind of civil behavior that we're talking about. So again, these are the other topics that AB 1234 training, it covers and a lot of it has to do with campaign finance, and receipt of gifts, and those kinds of financial transparency laws. So yeah. And then so the Brown Act. This also isn't Brown Act training, so I won't go into depth. Hopefully you have

received separate Brown Act training. But we're talking about it in this context because, when we're talking about civility and decorum in open government, especially on the part of those who are participating in open government, so community members, we're always keeping in mind that value of public participation. So, when we're weighing, you know, maintaining those expectations of appropriate behavior maybe if there's disruptive behavior and you need to remove the person, we'll talk about that in a moment, but it's always weighed against that value of fundamentally people have the right to be participating and criticizing sometimes in uncomfortable and heated terms the conduct of their government. So, the Brown Act is that law that guarantees the public's right to attend and participate in any meeting of a legislative body. Some people, I think kind of assume that the right to participate in government is a fundamental kind of constitutional level right, and it's actually not. It's statutory, so every state has an equivalent of the Brown Act that allows people to participate in meetings of government. And you submit PRA requests and all of those things that we think of as transparency in government. And so, there are some exceptions and those are the Brown Act Closed Session except options. But the overarching principle is unless there's like a good reason, a specifically exempted reason, the business of the government should be out in the open. So, a meeting is any time board members, the majority of a governing board is hearing, or discussing, or deliberating about any item within its subject matter jurisdiction. So, if a majority of you are talking about, you know, a family barbecue over the weekend that's not an open meeting. But if you're talking about something, you're listening to a speaker for example or you're listening to me talk to you about something within the kind of scope of your duties, that needs to be agendaized and an Open Session, even if there are no decisions made. So, the public has the right to see the agenda, to attend the meetings, to record and broadcast. So that's important most of these meetings are recorded and broadcast already by the City, but someone has the right to come in here with their iPhone and record whatever's going on. And then there's also the right to inspect documents. So that's the PRA, Public Records Act. And then to address the board in spontaneous comments about items within its jurisdiction. So, some of the limitations on a city's ability to regulate these public comments and public participation. You can't make people register or write their name down in order to attend and participate. They can do that voluntarily, like if they want to sign up for an e-mail list or something like that. And they're also is... So, in COVID times this was clarified that these meetings can take place virtually, but there are certain expectations, you know, they have to still be accessible, the location and the zoom link has to be posted, there has to be audio and visual type of access, and ability to speak to the governing body. And then the public has the right to address items on the agenda before they're voted on so then it actually matters, the body can actually take it into account but there are limitations on that. It's not a Town Hall where someone can come up and start talking about a fight that they had with their neighbor, like

that's not within the scope of your jurisdiction, that's not what you're here for. Similarly, you can place a limit on time limits. So that's what we might call a time place and manner restriction when it comes to constitutional law. Everybody can speak for X number of minutes and then you have to sit down. And then there... And like I said you can prohibit making comments outside of the body's jurisdiction. One thing that is not permitted, as you might imagine, is public criticism of staff, policies, procedures, whatever it is that goes on in the city. That's part of the core right to criticize and again exercise the right to free speech when it comes to government. And sometimes that can be really uncomfortable, sometimes it can be offensive. Hate speech, racist, sexist, anti, you know, Islamophobic, anti-Semitic, all of these types of speech are protected under the First Amendment. And so, unless there is a basis in the law, and we'll talk about SB 1100, which is part of the Brown Act in a moment, to remove that person from the meeting it is technically protected speech, even though it is very uncomfortable but that is part of the value of public participation. So public participation and disruption, I mentioned SB 1100. It's a law that amended the Brown Act in 2022. It took effect in 2023 and prior to SB 1100 there was a provision in the Brown Act that said, if there is a disruption to the meeting of a governing body, then you can remove the person. But there was a lack of clarity about when that was acceptable and how governing bodies can go about doing that. This actually was prompted by when... During COVID, meetings were all online, and there was a problem of Zoom bombing. People would come in to like drop into random meetings and say racist offensive obscene things in the meetings, and there wasn't really a consensus on how this could be controlled, or whether it could be controlled. Like if the person's speech was protected or not or if you could remove them from the meeting. And so, this was an attempt by the legislature to clarify that. And what it did, like I said, the pre-existing law said individuals who willfully interrupt so as to render the orderly conduct of such meeting unfeasible, that was the old language. It's a little bit archaic. It's not really intuitive what that would look like and so there was an attempt in this law to define disruptive behavior. And it also provided that removal is acceptable if a person is engaging in disruptive behavior, but a warning has to come first. So, there's a warning and then if that person doesn't heed the warning the body will take a vote on removal. And then we'll remove the person and that could look like, first just asking them to leave and then if they don't follow that then if there's a Sergeant at Arms, they could remove the person. And then the last resort would be calling law enforcement to come and remove the person. If that doesn't work and there's still chaos and pandemonium in the meeting, then you can also clear the room. Basically, hit the reset button. And this is meeting by meeting, also it's important to note. If there's a person who engaged in horribly disruptive behavior one time and they come back at the next meeting, they still have the right to be there. If they continue to engage in that disruptive behavior, then you would do the process again. You'd issue the warning and potentially remove them. And this also does

apply to teleconference meetings, so essentially kicking someone off of Zoom, but you have to give them a warning first. So, what is disrupting? So actually disruptive. What is actually disruptive mean. It means, actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meetings and either is one of two things. A failure to comply with reasonable regulations that the legislative body has adopted, and we'll talk about the Irwindale policies in a second, or its behavior that constitutes a use of force or true threat of force. The second one's a little easier. We know what that looks like. If there's a credible threat of violence or an actual use of violence, then that's grounds for removal. And that's a threat with sufficient intent and seriousness that a reasonable observer would perceive it to be an actual threat. So that's basically designed at clarifying that if someone is just using maybe aggressive language, but you don't really believe that they're going to commit an act of violence in the moment that's not sufficient to remove them. If there is a threat of violence you can remove them without a warning. Obviously if there's someone who's imminently going to commit an act of violence you're not going to take the time to warn them, and so on. So, you can skip straight to the removal provision. But when it's... When we're talking about non physically violent types of conduct that is disruptive to the meeting, it has to violate a policy. And so that policy comes in the form of the City's Charter. The Charter authorized the City Council to establish rules for the conduct of its meetings, including the punishment of people who engage in disorderly conduct at a Council Meeting. And so, the City Council did that and issued the City of Irwindale City Council Procedures. And even though it applies expressly only to Council Members, employees, and members of the public you can reasonably interpret it to also apply to Commissions, and the foundation board, and other governing bodies. So, I think it's pretty smart how it divides up the policy. It has one section that applies to Council Members, one that applies to employees, and then one that applies to members of the public. And I say that's smart because there are different rights that attach to each of those statuses. Members of the public obviously can speak more freely in the context of a meeting than the people who actually sit on the board or the council. And then employees also have more limited rights and they also have more clearer consequences. So, if an employee is saying or doing something that's really inappropriate in the context of a meeting like this could have job related consequences. But as I mentioned earlier if it's a Council Member or a Commissioner the options are a little bit limited, when it comes to holding them accountable for inappropriate behavior. But there is an expectation in the policy of Council Members, and Commissioners, and board members, and employees that they refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments and or statements as to motives and personalities. And what you can kind of gather from this definition, the theme is individual attacks on character. It's about individualizing the criticism rather than criticizing more broadly maybe the conduct of the City or the person in their

capacity as a leader of the City. So, it is different to, you know, criticize the City Manager or City Council member for a certain action that they took, or their behavior at a public event, or whatever it is, that's fair game for criticism by the public. But if you're talking about like how they treat their wife or something, that's kind of outside the scope of respectful behavior and what we want to be promoting as far as open government. And so, what this provision provides is that it is... This is an expectation of Council Members and employees to not engage in that kind of conduct and this is there because members of the public could not be held to that standard. Because like I said, if they want to get up here and talk about like how someone treats their wife or like their kids or whatever it is that's within the right of free speech, you know. And what really your only options as far as holding them accountable and enforcing these policies is to ask them to leave, if it meets the SB 1100 standards. Otherwise, you kind of got to let it run its course, that's kind of it comes with the territory. On the other hand, if it's a Council Member or an employee there can be those kinds of consequences that we talked about in the same way that violation of any city policy would lead to a consequence. And that's because you know there's more of nexus to employment or to your capacity as a Commissioner or a Council Member. And then when it with respect to the public, it adopts the definition in SB 1100. So, the language it uses for disorderly behavior is identical to the actually disruptive definition in SB 1100. And it states that per SB 1100, disorderly behavior may result in removal. These policies were updated right after the passage of SB 1100. Okay so I mentioned censure. So, what is censure? It's most often taken against elected officials because there is pretty much not that many other options of what you can do in order to hold someone accountable, apart from you know the public just not electing them again because they have that informed decision-making ability. But... So, censure is a formal resolution of an official reprimand of a board member or a City Council member, and it states disapproval of the conduct of course, you know, when drafting that resolution you want to consult with counsel about how much you want to reveal about what conduct actually happened. Is there personnel information that shouldn't be shared, so on and so forth. But it states disapproval of the board of members' conduct and shows kind of symbolically that the board and the City don't condone the behavior of this person. And so it would look like a recommendation of censure. The person who's the subject should ideally get an opportunity to respond and then there is a vote on the resolution, that does not include the person who is the subject of it. And then an Open Session there would be the formal censure on the record. Case study, a city employee stands in the back at a Council Meeting and repeats the word liar at normal volume while the mayor speaks. The employee posts a video of the incident, and it gains traction online. The employee later claims that they were attending as a private citizen. Is there a problem? Do we think that this meets the standards of SB 1100 as far as actually disruptive? No, I don't think. No, he's standing in the back of the room and he's repeating

the word liar at a normal volume, so it's probably not actually disrupting the ability of the meeting to happen, for people to hear each other, for you guys to conduct your business.

CHAIR FRYMARK You also don't know who the employee is referencing either.

GABRIELA KAMRAN Yeah.

CHAIR FRYMARK One could argue that it he's speaking of somebody else, not necessarily the mayor.

GABRIELA KAMRAN Yeah, right that's true, could be talking about anyone. And for this purpose it also doesn't really matter. Right? Like whether they're criticizing the mayor or someone else they have the right to do that, especially because it doesn't matter also that they're attending as a private citizen. Yes and no. It matters for free speech consequences if they're actually bringing like a free speech lawsuit. In our firm we deal with those and we really dive into the facts of what were you wearing and what did you introduce yourself as an employee and all of those things. But from a more practical standpoint it doesn't matter if they were attending as a private citizen 'cus even if they were attending as a private citizen their conduct on their own time could still reflect on their employment. I mean it could be... There's a concept of conduct unbecoming of an employee that reflects poorly on the city and so on. And so, it might be a basis for job action, but it doesn't seem like that would necessarily be the case here, but just in theory that could be a consequence. But anyway, so SB 1100 probably does not apply here. Probably not rising to the level of removal. So, what are the City Council's options short of removing the person?

MEMBER OF THE
AUDIENCE (Inaudible)

GABRIELA KAMRAN That is definitely one option yeah that would be appropriate. Also, in the moment I do think it would be appropriate to potentially issue a warning. a warning is not an action that infringes on someone's ability to participate necessarily in government. There's nothing wrong with council or governing body kind of stating its values, or its expectations, or however you want to frame it. You could say, you know, "can you please stop this behavior" and then not proceed to the step of removal at the end of the day. And I think yeah especially, we'll get to it later case I won't spoil it we'll get there. Sure.

- VICE-CHAIR MIRANDA Also would you address them to come forward? Is there something on your mind? You have a passion about something? Do you want to speak on this issue? Invite them up possibly.
- GABRIELA KAMRAN Yeah if it's the appropriate time. I think if it's during public comment yeah you can have them. You can have them or you can say something like public comment period is at this time, or Spontaneous Comments are on the agenda feel free to say that. You know and point them to kind of the appropriate procedure for that, that would be another option yeah. What if the employee engaged in the same exact conduct but at a community event not a council meeting? What difference does that make in our analysis here? It's really just that SB 1100 doesn't apply because SB 1100 is only for governing body meetings. It's a Brown Act amendment. So, when you're talking about community event it's not a government function or activity or meeting, then you're not going to have the option to remove. So, our remaining options are not... Well, you can't remove them. So, the remaining options are speaking to the City Manager about potential discipline and kind of your normal conflict resolution skills.
- CHAIR FRYMARK Basically it is not a good look.
- GABRIELA KAMRAN Yeah, for sure on many levels. Yeah. As soon as the City Council begins their public meeting, a community member named Sam starts playing a sound so loud on his phone that it stops the meeting. Can the mayor ask Sam to stop?
- CHAIR FRYMARK You have to at that point.
- GABRIELA KAMRAN Yeah so here's an example of a pretty clear example of something that does meet the SB 1100 standard. It stopping the meeting people can't... Actually it maybe, it would be interfering with the recording as well. People who are online need to be able to hear the meeting. So those are all bases to issue the warning in SB 1100. What can the mayor say to Sam? If it were one of you who were exercising your ability to warn someone under SB 1100 what would you say?
- CHAIR FRYMARK Tell them to turn it down, they are disturbing the flow of the meeting or maybe even the audio.
- GABRIELA KAMRAN Exactly. I think that's great because it asks them to stop and it also points out why. Because it's disruptive. You know in that situation it's pretty clear that it's disruptive but it's always... (inaudible) Oh I didn't do that on purpose. But, you know, to point to the consequences of not being able to hear what's going on at the meeting in case the person kind of pushes back and maybe asserts you, "I have the right to free speech I could say whatever I want." Whatever it is. And then yeah, you can also refer to the policy if you'd like, but I think that would be sufficient to just say it's disrupting. Sam then begins to yell every time

that someone on council tries to speak. May Sam be removed from the meeting at this?

CHAIR FRYMARK
GABRIELA KAMRAN

Not without warning.
Yeah, right. Exactly, so there would have to be a second warning because this is a different type of conduct. So, if he had continued to play the noise on his phone, then you could proceed to removal. But in fairness you want to give them an opportunity to kind of address and modify this specific behavior. So, it's per behavior really and also per meeting. So, you would say, you know, you're yelling is disrupting the meeting as well and if he doesn't stop, then he could be removed.

CHAIR FRYMARK

Sam is having a bad day.

GABRIELA KAMRAN

Sam is having a bad day, but we all know a Sam. Right?

VICE-CHAIR MIRANDA

Yes.

GABRIELA KAMRAN

Every city has a Sam. Sam doesn't stop his behavior and continues to yell. Now the mayor can remove Sam from the room after making the following statement and having a successful vote. So, here's like a script that like a lawyer drafted that isn't really how people speak in daily life. And so you don't have to say this exact thing, but the important points are, you know, here's the effect it's disrupting, you've been asked to stop twice. And that's important because it kind of like for the record, you're creating a little recap of what's happened. You're creating the procedural history of we already asked you twice and it didn't work so we're going to ask you to leave now. And then you make the motion to find that there's a violation of the policy. And then you can reference, you don't have to memorize the government code, but you could say pursuant to the Brown Act we're requiring you to leave the meeting. And then after there's a vote then you can ask them to leave and potentially ask the Sergeant at Arms to escort them out. During a City Council meeting a community member goes to the podium during the time for public comment and begins to use several racial slurs directed towards City Council members. The mayor warns a community member that their words violate the city's attendee rules and that the individual needs to stop. The community member stops and sits down without another incident. What do you think? Do we have a violation of SB 1100 here?

CHAIR FRYMARK

Clearly this individual can't say what they want to say.

GABRIELA KAMRAN

Right so this is an example when it's very offensive personal attack, really inappropriate, and not the kind of behavior we want to see but as far as legally permissible ways to regulate that person's behavior we're a little bit limited here, because they're obeying the kind of standards for public comment. They sit down and they're not... If they continued over the 3-minute limit or whatever it is and they didn't stop, then that would

CHAIR FRYMARK be a basis to remove them. But if it's just really offensive speech that is part of their First Amendment right. If they were an employee obviously different story. An employee should not be exhibiting prejudice or bias in any context that's related to their work or to the city 's conduct. Does the same apply if the slurs or the comments are being made towards a council member's family?

GABRIELA KAMRAN No it doesn't but another option that I haven't really spoken about is also a workplace violence restraining order so that's kind of when something becomes either violent or harassing so we talked about removal when something becomes violent but workplace violence. Training orders allow the city to pursue a restraining order against anyone whether that's an employee a member of the public whatever it is. If they're harassing or threatening one of their employees and so it was actually recently amended within the past couple of years to include harassment and not just threats of violence before it was just credible threat of violence or actual act of violence now it's a repeated campaign of harassing behavior that looks more like stalking like what we might think of as? Like really incessantly like bombarding someone with emails or showing up outside their house that kind of behavior could be the grounds for a workplace violence restraining order so when you mention it being directed against their family members if they if you look at it and it might meet the legal criteria of this person's harassing or stalking. The family maybe releasing confidential information about them that makes them fear for their safety all of that I can imagine that going forward as a workplace violence restraining order but as far as literal removal from the meeting I don't think that that would necessarily meet the standards. During the next City Council meeting the same community member goes to the podium during the time for public comment, and again uses several racial slurs directed towards City Council members. Can the mayor remove the community member from the meeting? No, same incident. Just because it happens twice even though it might be even more frustrating, and there might be a sense of like you know this is really a problem employee, like or not employed sorry, this is a problem member of the public we got to do something about this, the reality is that sometimes it is a limited unless and until it becomes actually threatening or they're disrupting the conduct of the meeting. I'll tell you an interesting case that has to do with restraining orders. So there was a member of the public who was kind of like a repeat offender at City Council meetings. He's the kind of person who always came and made a lot of noise and used profanity and all of that and they knew him, and he would always come. And I think he started to reveal the addresses of people on council, the city attorney, and all of that. Like it's really inappropriate behavior and so they did pursue a workplace violence restraining order, because there was a threat. I think he like referenced something like. I don't know if you referenced the name of a mass shooting or something. He made some kind of illusion to a shooting and so then there was a workplace violence restraining order, and the court balanced the interest in

obviously wanting to keep people safe and restrain his behavior versus his First Amendment rights and his ability to speak at council. And so they actually fashioned like a compromise. And the order required that he can't... So like a usual restraining order he can't come within however many yards of the council members or the City Attorney, but he could attend online. He could make public comment and participate in council or government meetings online and make comments. Same rules would apply to him then as far as removing only if it's disruptive. So I think in that case if someone does start to let's say reveal information like that. Then you want to put a stop to it because that's illegal, and it's not appropriate conduct. I think in that case you can, number one exercise your ability to rein them into the subject matter of why they are there. Using profanity, revealing people's confidential information, stuff like that, that's not within the scope of your business as the Commission. So, you could potentially cut off his public comment for that reason. You also could kind of make a statement and say this is inappropriate and we don't condone this, you are revealing confidential information. Might not get him to stop but at a minimum it kind of establishes that's not the City's position and you think, as Council, that he should stop. And there is an extent to which you have your own exercise of free speech and your ability to respond to members of the public. Obviously limited by the Brown Act and what you actually can say based on the agenda, but you can make a statement like that. That brings us to the end, and I mean this principle that I've mentioned what is really fundamental here, is leading by example and modeling the kind of civil behavior you want to see. In my work, you know, we represent so many public agencies in California we really do see what it looks like for those in positions of leadership to set an example of respectful governance, and how that has a trickledown effect. I also say when I give these kinds of trainings to employees, I say that it's also bottom up. I mean every single person has a role in establishing the kind of workplaces and communities that we want to see. So again, for reasons of both self-interest and also just moral responsibility as members of the Commission, thank you for your time today and yeah that is all. Thank you.

CHAIR FRYMARK	Thank you Ms. Karmen. We appreciate your time and all your knowledge and information that you shared with us today.
GABRIELA KAMRAN	My pleasure.
CHAIR FRYMARK	Now we know what to do when someone from the public becomes unruly.
PUBLIC HEARINGS	
NONE	
DISCUSSION ITEMS/	

PRESENTATIONS

NONE

CHAIR FRYMARK Now we are going to move on to Item Number 4, which is the Community Development Director Report.

COMMUNITY
DEVELOPMENT
DIRECTOR REPORT

CHAIR FRYMARK Marilyn, do you have something for us?

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON Yes thank you Chair and Commission, just a reminder about the Planning Commissioners Academy. I believe that you've signed up. March 11th to the 13th and it's fairly local it's Anaheim with that. So anyone else you know who's had some other thoughts please contact Jesus in Community Development. And then the other thing that I wanted to tell you is we're putting together the Updated Comprehensive Zoning Code for you. And so, we'll be hand delivering that to you. We've had a couple of things with numbering, and page numbers, and that stuff. So, we want to get it nice and clean for you. And also, the same thing with the General Plan, that we have the new Housing Element, the Safety Element, the EJ element. So, we'll be getting that to you. So right now, the delay has been a little bit in the formatting of that, but when you get it we want to make sure... So what I would like to ask is if there's a consensus about just paper copies, just electronic like on a flash drive, or both.

CHAIR FRYMARK I am old school and I like paper. I don't know how everybody feels.

COMMISSIONER
ACOSTA Both.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON Rock, paper, scissors.

CHAIR FRYMARK It sounds like the majority of us at the very least want paper.

COMMISSIONER
ACOSTA Yeah, I would like paper or both.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON Oh, okay.

VICE-CHAIR MIRANDA Whatever makes it harder for you Marilyn.

CHAIR FRYMARK Sorry Cynthia.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON Vice-Chair Miranda's copies might be blank. Oh I am sorry that's on record.

VICE-CHAIR MIRANDA Touché.

COMMISSIONER KELLY Put his with Mirndana.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON That is all I have for you, thank you.

SIMPSON

CHAIR FRYMARK Thank you, Marilyn. Are they any comments from our legal counsel Adrian?

LEGAL COUNSEL
COMMENTS

CITY ATTORNEY
GUERRA Nothing tonight, thank you.

CHAIR FRYMARK Alright, Commissioner Comments.

COMMISSIONER
COMMENTS

VICE-CHAIR MIRANDA Like to welcome our Justin here. Kelly thank you for first night had to go.

COMMISSIONER
KELLY Good.

VICE-CHAIR MIRANDA I watched him in the Park and Rec Commission. He's very involved and I am excited about him being our colleague so welcome.

COMMISSIONER
KELLY Thank you.

CHAIR FRYMARK Yeah, I'd like to echo that welcome Commissioner Kelly to the team. Excited to work with you. There's a lot that we do here is very important

work, and I look forward to seeing your contributions, and all your ideas and perspective to this Commission. I'd also like to congratulate Vice-Chair Miranda on your appointment. I think that Commissioner Acosta has also done a great job. And so I want to thank you for your service as well. And I look forward to continuing to do this work alongside you as your Chair. And thank you for your support. All of you and your trust in my ability to lead this Commission. So, if there are no further comments from our Commissioners I'd like to adjourn this meeting at 7:37 PM.

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 7:37 p.m.

Maricela Frymark, Planning Commission Chair
Attest:

Jesus Hernandez, Management Analyst