



Mass Casualty Events: What Nobody Taught You and You Didn't Want to Learn

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Mass Casualty Incidents: What Nobody Taught You and You Didn't Want to Learn

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I. Background

Every year, cities in California and throughout the U.S. tragically experience mass casualty incidents (MCIs), which are events that overwhelm local governments and healthcare systems because the number of casualties vastly exceeds the local resources and capabilities in a short period of time.¹ MCIs include active shooter incidents, which involve one or more individuals actively engaged in killing or attempting to kill people in a populated area.² In a 20-year review between 2000 and 2019, California had the highest number of active shooter incidents (42), significantly higher than the states with the next three highest number of incidents: Florida (27), Texas (25), and Pennsylvania (21).³ Most recently, in 2020-2022, California still had the overall highest number of active shooter incidents.⁴ Most of the incidents in the last two decades, both nationally and in California, occurred at business locations.⁵

This paper focuses on three active shooter incidents as examples of MCIs that occurred in California cities in recent years. These active shooter incidents are considered mass shootings due to their substantial number of casualties,⁶ and occurred in the following commercial locations in California:

- On November 7, 2018, a mass shooting occurred in Thousand Oaks when a single shooter attacked individuals inside Borderline Bar and Grill.⁷ The shooter killed 12 people, in addition to himself, and injured 16 others.⁸

¹ Renee L. DeNolf and Chadi I. Kahwaji. *EMS Mass Casualty Management*. StatPearls Publishing (2022), available at: <https://www.ncbi.nlm.nih.gov/books/NBK482373> (last visited Mar. 20, 2024).

² Fed. Bureau of Investigation, U.S. Dep't of Justice, *Active Shooter Incidents 20-Year Review, 2000-2019*, 2 (May 2021) [hereinafter FBI].

³ *Id.* at 5.

⁴ The Advanced Law Enforcement Rapid Response Training (ALERRT) Center at Tex. State Univ. and the FBI, U.S. Dep't of Justice, *Active Shooter Incidents in the United States in 2020*, 7 (July 2021); ALERRT and FBI, *Active Shooter Incidents in the United States in 2021*, 7, May 2022; ALERRT and FBI, *Active Shooter Incidents in the United States in 2022*, 6 (Apr. 2023).

⁵ ALERRT and FBI, *supra* note 2 at 7.

⁶ As there is no widely accepted definition of "mass shooting," this paper borrows the FBI definition of "mass killings," which defines active shooter incidents with three or more killings in a single incident. ALERRT and FBI, *supra* note 2 at 2.

⁷ ALERRT and FBI, *Active Shooter Incidents in the United States in 2018*, 12 (Apr. 2019).

⁸ *Id.*

- On January 21, 2023, a mass shooting occurred in Monterey Park when a single shooter attacked individuals at Star Ballroom Dance Studio.⁹ The shooter killed 11 people and injured nine others.¹⁰ The shooter left the scene in Monterey Park and drove to Lai Lai Ballroom & Studio in Alhambra where he attempted to replicate his crime.¹¹ Fortunately, the shooter’s weapon jammed and he was disarmed by Brandon Tsay before fleeing the scene. The shooter subsequently took his own life in Torrance, California. The victims ranged in age from 57 to 76, with six women and five men among those killed.
- Two days later, on January 23, 2023, a mass shooting occurred in Half Moon Bay and San Mateo County when a single shooter attacked individuals at a plant nursery along Cabrillo Highway South in Half Moon Bay, and at another nursery along Highway 92 in nearby San Mateo County.¹² The shooter killed seven people, and critically injured one person. As of the publication date of this paper, the alleged gunman remains in custody and is awaiting a trial date.

While hoping such tragedies will never occur, cities can plan and prepare for MCIs by applying lessons learned from these events, anticipating immediate aftermath needs of the community, and coordinating a response. Cities can include in such a response plan several key actions to take during and after an incident to assist victims and heal communities such as establishing a victim compensation fund and implementing policy changes that reduce harm associated with the MCI (e.g., deterring gun violence) and support directly affected communities. Cities should also take preventative measures and prepare for potential lawsuits under public agency liability. Cities cannot act alone and often work in tandem with local nonprofits and community foundations to support victims and their families. The process is complex, and cities would benefit from legislative efforts that standardize the victim compensation fund process. This paper examines these lessons and best practices while sharing perspectives from a community foundation and local governments from three city case studies.

II. Anticipated Aftermath and Coordinated Responses – Case Studies

A. Anticipated Aftermath

⁹ Richard Winton; Jeong Park; Libor Jany; Summer Lin; Summer Ellis, *10 people killed, 10 injured in mass shooting at Monterey Park dance studio*, L.A. TIMES (Jan. 22, 2023), <https://www.latimes.com/california/story/2023-01-22/la-me-monterey-park-mass-shooting> (last visited Mar. 19, 2024).

¹⁰ *Id.*

¹¹ *Id.*

¹² *Resolution Declaring a Local Emergency Related to the January 23, 2023 Mass Shooting Event and Authorizing City Manager to Sign Executive Order*, HALF MOON BAY CITY COUNCIL (Feb. 7, 2023).

Much like experiencing the fallout of a natural disaster, cities should anticipate and prepare for the immediate aftermath needs of the community in the hours, days and weeks following an MCI.

The expected aftermath includes events such as heightened media focus, state and federal official visits, and community members convening in need of support. Note that in each example, multiple crises occurred around the same time, such as wildfires, rainstorms, and the COVID-19 pandemic.

1. Community Foundation Response: Thousand Oaks

At 11:18 p.m. on the night of November 7, 2018, a shooter attacked patrons and employees of the Borderline Bar & Grill of Thousand Oaks, California using a weapon equipped with a high-capacity magazine. An investigation into the mass shooting concluded that the gunman was motivated by “a strong disdain for civilians,” particularly college students, according to a Ventura County Sheriff’s Office report.¹³

At the request of the City of Thousand Oaks, the Ventura County Community Foundation (VCCF) established the Conejo Valley Victims Fund on the early morning hours of November 8, and began processing contributions via its website, phone, and mail immediately thereafter.

Several hours later, at approximately 2:00 p.m. on November 8, a significant wildfire known as the “Hill Fire” began approximately five miles away from the bar. The fire spread quickly and both mandatory and voluntary evacuations were in place, affecting many of the individuals present and injured by the gunman. The “Woolsey Fire” also started on November 8 at around the same time, approximately 30 miles from the Hill Fire. The Woolsey Fire affected locations in both Ventura and Los Angeles counties.

VCCF activated its Sudden and Urgent Needs Fund in support of those affected by the two fires at approximately 9:00 a.m. on November 9. Some donors making contributions from the period from November 8 – 10 intended that their contributions be split between the two funds: Conejo Valley Victims Fund and Sudden and Urgent Need Fund. VCCF followed its policy of attempting to contact donors by telephone or email if donor intent is not clear.

As part of its support for the Conejo Valley Victims Fund, VCCF committed to distribute all funds received (minus credit card processing fees) to the Borderline victims, without taking any administrative fees from that fund. VCCF raised and distributed more than \$4 million in accordance with the published Final Protocol. As a fiduciary, VCCF committed to

¹³ Mike Harris, *12 victims of Borderline mass shooting remembered on third anniversary of tragedy*, VENTURA CTY. STAR (Nov. 7, 2021), <https://www.vcstar.com/story/news/local/communities/conejo-valley/2021/11/08/victims-borderline-bar-grill-mass-shooting-thousand-oaks-remembered-anniversary/6247538001> (last visited Mar. 25, 2024).

have its independent accounting firm perform procures, or conduct an audit, on both contributions received and distributions from the fund.¹⁴

There were three phases of disbursement of funds raised:

- VCCF made the first disbursement in the immediate aftermath of the shooting by providing all those present at the emergency victims center with \$500 in a pre-paid Visa debit card. These funds were essential to help victims purchase cell phones, get keys made, get identification cards remade, and obtain essentials.
- VCCF made the second disbursement by distributing \$25,000 to each of the 12 families who had loved ones taken from them to help with memorial costs, including additional security needed due to the public nature of tragedy.
- VCCF made the third disbursement in accordance with the final protocol, which prioritized payments based on severity of injuries, including individual death claims, individual physical injury claims requiring overnight hospitalization, individual physical injury claims of victims treated on an emergency out-patient basis, and individual claims of victims present inside the bar.¹⁵

2. Local Government Response: Monterey Park

In Monterey Park, the mass shooting occurred at approximately 10:21 p.m. on January 21, 2023 on Lunar New Year's Eve, and led to a regional search by multiple federal, state and local law enforcement agencies. Initial reports suggested that the mass shooting may have been a hate crime as Monterey Park's population includes a significant Asian and Pacific Islander community. The mass shooting was the deadliest in Los Angeles County history and resulted in overwhelming attention from federal, state and local officials.¹⁶ The day after the mass shooting, City Hall was flooded with representatives from the FBI, U.S. Marshall's Office, the Secret Service, Los Angeles Sheriff's Department, U.S. Attorney Office, Los Angeles County District Attorney Office, California Governor's Office, California Attorney General Office, U.S. Representatives Judy Chu and Adam Schiff, State Senators, California Assemblymembers, and Alhambra City Council Members. These officials were in addition to the City's own City Council Members, Police Department, Fire Department, and other agencies.

¹⁴ Conejo Valley Victims Fund, *Attestation Report* (Mar. 31, 2019), available at <https://vccf.org/wp-content/uploads/2019/10/vccf-conejo-valley-attestation-report-final.pdf>.

¹⁵ Conejo Valley Victims Fund, *Final Protocol* (Jan. 8, 2019), available at <https://conejovalleyvictimsfund.org/wp-content/uploads/2019/01/Conejo-Valley-Victims-Fund-Final-Protocol.pdf>.

¹⁶ KCAL News Staff, *Monterey Park mass shooting: Reaction pours in after LA County's worst mass shooting since 2008*, CBS NEWS (Jan. 22, 2023), <https://www.cbsnews.com/losangeles/news/monterey-park-mass-shooting-reaction-pours-in-after-la-countys-worst-mass-shooting-since-2008/> (last visited Mar. 26, 2024).

The City was not prepared for the number of officials and media present at City Hall. Asserting local control over the response to the shooting was difficult; much of the City's local assets were subsumed by, for example, the Los Angeles County Sheriff's Office which utilizes a full public information team, homicide investigation unit, and other regional assets. Additionally, the community's need to heal after the shooting – through community vigils and establishing a resiliency center – was tempered by high profile visits by President Joe Biden; Vice-President Kamala Harris; and Governor Gavin Newsom.

Because of the high-profile nature of the shooting, the City was delayed in making some crucial decisions such as the formation of a victim compensation fund. The 2018 Thousand Oaks mass shooting allowed City officials to tap into the experience of the City of Thousand Oaks and later form the "Monterey Park Community Healing Fund." But the timing of fund creation and implementation¹⁷ was delayed to the extent that most donations were already directed to multiple donation sites established by various nonprofits.¹⁸

3. Local Government Response: Half Moon Bay

In Half Moon Bay, both shootings occurred at local farms that employed and housed farmworkers and farmworkers' families, displacing nearly 20 households and 40 individuals.¹⁹ Localized flooding caused by catastrophic storm events in December 2022 and January 2023 complicated response efforts. The storm had caused the closure of local highways on December 31, 2022 due to landslides, mudslides, and fallen trees. The City was still recovering from these events, including responding to a sinkhole that had developed on Highway 92.

In the aftermath of the mass shooting, the City immediately worked to establish a reunification center in downtown Half Moon Bay at the IDES Hall. Learning that there were Latino and Chinese farmworkers among the victims, the City staff provided interpretation and cultural support at the reunification center by offering Spanish language services and contacting Senior Coastsiders for a Mandarin-speaking liaison.

On the day after the shooting, the City set up space and provided culturally appropriate flower arrangements for the seven victims at MacDutra Park. Hundreds of people visited the memorial and left candles and flowers, and other remembrances. The City maintained the space for many weeks. The City assisted with a candlelight vigil at MacDutra Park and provided seating, sound equipment, programs, candles, and other support before, during, and after the vigil. The City supported a larger indoor memorial event at the Boys and Girls Club to

¹⁷ City Council of the City of Monterey Park, *Resolution No. 2023-R7*, CITY OF MONTEREY PARK (Jan. 31, 2023).

¹⁸ See e.g., Asian Americans Advancing Justice, *Monterey Park Lunar New Year Victims' Fund Eligibility*, available at <https://www.ajsocal.org/monterey-park-lunar-new-year-victims-fund-eligibility>.

¹⁹ Memo to San Mateo County Supervisor Ray Mueller from City staff members Karen Decker and Jill Ekas, *Response to January 23, 2023 Shooting*, CITY OF HALF MOON BAY (May 22, 2023).

honor the victims in collaboration with local faith leaders, nonprofits, regional elected officials, and community members. The City also provided a dedicated space and interpreters to provide information and mental health resources to the shooter's spouse.

To provide immediate temporary housing, the City relocated the affected families to two local hotels procured by San Mateo County Human Services Agency (HSA) staff. City staff started regular morning huddles at the hotel for HSA staff and nonprofit partners to coordinate meals and resources for the upcoming day and coordinate each other's roles in addressing the needs of the displaced families. The City Public Works Department procured and delivered a Red Cross trailer and staff staged supplies and cots.

The City next transitioned to short-term housing due to lack of amenities and a (then) increasing risk of exposure to the COVID-19 virus. The City contacted Airbnb.org, the nonprofit branch of Airbnb, which issued free 30-day vouchers to cover Airbnb rentals. City staff created email addresses and accounts, and matched families based on household size, proximity to school and work, and transportation needs. The City sent hotel exit forms and contacted the District Attorney Office, HSA, Coastside Hope, and Ayudando Latinos A Soñar (ALAS) to coordinate food, resources, transportation, and move out schedules. The City and partners assisted families with moving into Airbnb properties through extensive case management, including walking families through access, technology, trash collection days, etc. The City also worked with the District Attorney Victims Unit and Self Help for the Elderly to start information sharing related to ongoing case management needs.

For long-term housing, the City contacted local property owners and compiled a list of potential unoccupied units as the County developed a contract with Abode, a local nonprofit, for interim, transitional housing solutions. City staff found a local property owner with rental units who could provide rental units for some of the displaced households. City staff also expedited permitting for renovation of a bed and breakfast lodging into studio apartments available for lease for individual farmworkers. Lastly, the City, Coastside Hope, and ALAS coordinated procurement of household items and toiletries.

A. Coordinated Responses

As soon as practicable after the incident, cities should advise elected officials and staff, contact families and victims, create a core support team, and if possible, procure crisis risk services. Cities can develop advance preparedness plans that instruct how to advise elected officials at local, state and federal levels; establish a process to contact impacted individuals; and identify personnel for the core support team. Cities should immediately establish a reunification center to help families find missing individuals, provide translation and cultural support, stage areas for supplies, and coordinate community vigils and memorial services. Cities may be called upon to support efforts to provide emergency housing, cover funeral costs, and provide physical and mental health services, etc. and should coordinate with community foundations and nonprofit organizations to identify the best way to meet these needs.

1. Lessons Learned

Public relations/media: Cities should maintain local control over the narrative; separate emergency operations related to the MCI from politicians, media, entourage, etc.; prevent mission creep – the focus should be on responding to the aftermath of the MCI, not to accommodating media spotlight; make sure the community knows that the City officials are in charge; and activate an emergency operations center (EOC).

As these examples illustrate, crises of natural, health, political, social, and other causes can occur simultaneously with MCIs. Where possible, cities should consider existing resources for responding to natural disasters and identify applicable resources. For example, Cal Cities offers “Avoiding Total Disaster: The Law and Emergencies,” which provides disaster preparedness training for local government legal advisors.²⁰ Resources include a playbook of documents, forms, and materials to help local governments before, during, and after a disaster.²¹ Considerations of how to balance new, around the clock workload with existing staff capacity; how to establish or activate an EOC; whether to proclaim a local emergency; and how to address immediate and long-term shelter needs²² may be helpful.

Unanticipated lessons include the following: be prepared for personnel investigations of City officials and employees; make sure to care for the staff and community; and anticipate the lottery mentality of litigation. As to the former (see hardcopy attachment in Appendix B), the City of Monterey Park was required to undertake an investigation of an official regarding that individual’s conduct the night of the shooting and the day after. Additionally, investigation regarding conduct of a high-ranking public safety employee is still pending.

As to litigation, while the City of Monterey Park avoided lawsuits (thus far), that did not prevent 64 claims from being filed (see hardcopy attachment in Appendix B regarding response). These filed claims do not include the multiple individuals who provided public comment during City Council meetings seeking compensation for various maladies.

Lastly, while cities should work closely with community foundations to set up victim compensation funds to ensure equitable distribution and accountability (discussed below), they should also immediately connect with local and regional nonprofit organizations to utilize their established social media presence, memberships, networks, and fundraising expertise to raise and direct funds to victim compensation funds.²³

²⁰ League of California Cities, *Avoiding Total Disaster: The Law and Emergencies*, <https://www.calcities.org/resource/avoiding-total-disaster-the-law-and-emergencies> (last visited Mar. 20, 2024).

²¹ *Id.*

²² *Id.*

²³ For example, according to their GoFundMe pages, a fundraising team of 30 nonprofits and individuals raised \$1,017,869 for Monterey Park victims while a fundraising team of 12 nonprofits and individuals raised \$200,641 for the Half Moon Bay victims, both separately from the cities’ victim compensation funds. Many of these nonprofits, such as Stop AAPI Hate, and Hate is a Virus, were Asian American racial justice organizations already experienced in (footnote continued on next page)

III. Victim Compensation Funds

Cities should consider establishing victim compensation funds to ensure that victims can access financial aid and prevent fraud, which frequently occurs after an MCI. A detailed discussion on how victim compensation funds can qualify for tax exemptions is provided in Appendix A.

A. Community Foundation

There are more than 800 community foundations across the United States, each serving as a trusted guardian of charitable resources.²⁴ These organizations possess a unique blend of local knowledge, credibility, and operational capabilities, which allows them to effectively address the complex challenges that arise in the aftermath of an MCI.

Community foundations play a crucial role in safeguarding the dignity of those affected by tragedy by ensuring that their voices are heard and respected. They prioritize fairness in distributing aid, and adjust their responses based on the nature of the disaster. For instance, while natural disasters often call for needs-based philanthropy, MCIs necessitate funding allocation based on the severity of injuries, irrespective of individual financial circumstances. Moreover, community foundations promote transparency, accountability, and community resilience through active participation and fostering a culture of giving.

It is essential that strong relationships between local government and community foundations be formed prior to an MCI. Fostering trust and collaboration beforehand increases the efficiency of response efforts and the success of fundraising efforts when tragedy does occur. Cities should consider preparing a draft executive order establishing a victim compensation fund that can be shared with local community foundations in advance of any tragic event. Such efforts would be used to clarify the tax-exempt status of a victim compensation fund in advance, and therefore eliminate uncertainty, confusion, and delay in the process. Example executive orders are listed in Appendix B.

1. Thousand Oaks

The disbursement strategy for the victim compensation fund, known as the Conejo Valley Victims Fund, was developed by VCCF based on precedents set by similar tragedies. Before finalizing the guidelines, opportunities were provided for public and victim feedback on the draft protocol.²⁵ This feedback opportunity was crucial because many

fundraising for victims of anti-Asian discrimination associated with the COVID-19 pandemic. See *Monterey Park Lunar New Year Victims Fund*, available at <https://www.gofundme.com/f/monterey-park-lunar-new-year-victims-fund>; see also *Half Moon Bay Victims Fund*, available at <https://www.gofundme.com/f/half-moon-bay-victims-fund>.

²⁴ See Council on Foundations, *About us*, <https://cof.org/about> (last visited April 10, 2024).

²⁵ See Ventura Cty. Cmty. Found. *CV Victims Fund Morning Town Hall – Conejo Valley Victims Fund Overview of Draft Final Protocol* (Jan. 3, 2019), https://www.youtube.com/watch?v=9L_2mPGn6dM (last visited Mar. 25, 2024).

individuals injured by the gunman were unable to seek immediate medical attention due to fires that erupted shortly after the shooting. After careful consideration of all comments received, the Final Protocol was adopted.²⁶

As outlined in the protocol, 100% of the funds raised were allocated according to the severity of the victims' injuries. This included families who lost loved ones (70%), those who sustained physical injuries (20%), and individuals present at the time of the shooting (10%). The specific amounts for each category were determined based on factors such as the fund balance, updated injury data, review of submitted claims, and approval by the relevant authorities.

The designation of a Special Oversight Committee – comprised of community leaders, board members, and victims' advocates – played a crucial role in governing the fund. They worked alongside a Fund Administrator, both of whom were entrusted with developing a distribution protocol for providing financial assistance to the most severely affected individuals.

To facilitate the claims process, uniform Claim Forms²⁷ were made available to all known and potential claimants, with assistance provided by local law enforcement and other agencies in notifying eligible individuals.

Give An Hour, a 501(c)(3) nonprofit organization, provided no cost mental health services, including hosting three Victim Assistance Clinics that were established to aid those in need with completing the Claim Form. These clinics were staffed with licensed mental health clinicians to offer support, and support groups and trauma-informed therapists were also available to assist those impacted by the tragedy.

2. Monterey Park

Consistent with best practices, the City Council established an Oversight Board to oversee the Monterey Park Community Healing Fund. A concern raised by the City Attorney was whether the solicitation for donations by elected officials (or the administration of the Oversight Board by an elected official) might cause a conflict for those officials. On July 20, 2023, the FPPC issued Advice Letter No. A-23-035 which provides guidance as to these concerns.²⁸

3. Half Moon Bay

City of Half Moon Bay staff consulted with staff from Monterey Park, Thousand Oaks, and VictimsFirst and decided to establish a centralized victims fund following the

²⁶ Conejo Valley Victims Fund, *supra* note 15.

²⁷ Ventura Cty. Cmty. Found. *Conejo Valley Victims Fund Claim Form*, available at <https://conejovalleyvictimsfund.org/wp-content/uploads/2018/12/Conejo-Application-Form-for-Deceased-Victims.pdf>.

²⁸ Advice Letter to City Attorney Karl H. Berger, *Your Request for Advice Our File No. A-23-035*, STATE OF CALIFORNIA FAIR POLITICAL PRACTICES COMMISSION (July 20, 2023), <https://fppc.ca.gov/content/dam/fppc/documents/advice-letters/2023/23035.pdf>.

examples from other communities.²⁹ The City Council adopted a resolution on February 7, 2023, declaring a local emergency, recognizing its burden to collect and distribute funds and limited ability to do so, and authorizing an executive order to establish a Coastside Victims and Family Support Fund as a disaster relief fund at the San Mateo Credit Union (SMCU) Community Fund in partnership with Mavericks Community Foundation (MCF). This was informed by best practices following the September 11, 2021 related fund, the Boston One Fund, and funds for many other incidents. VictimsFirst and the Ventura County Community Foundation provided invaluable advice to the City. The fund distributed all of the donations directly to victims' families and survivors. There were no fees or complicated eligibility/application processes, and allocations were made regardless of immigration status.

The City worked closely with the SMCU Community Fund and MCF to recommend potential members to serve on the Oversight Committee that was created to allocate funds to victims and survivors. The City contributed \$10,000 of its general fund to the Coastside Victims Fund and helped facilitate additional donations from the College of San Mateo, California Wellness Foundation, and other philanthropic and private donors. The City promoted the Coastside Victims Fund through HMB Radio interviews, its newsletter, Coastside Buzz, and presentations to various groups, including California Wellness, neighboring cities, etc. In total, the fund raised \$254,142 for distribution to 46 victims following the distribution protocols set by the fund Oversight Committee. The fund has been fully distributed and is now closed.

IV. Policy Changes

Cities can use MCIs as opportunities to consider, implement and adopt relevant protocols, policies and ordinances. For mass shootings, relevant policies include gun control measures and code enforcement.

A. Monterey Park

In the wake of the mass shooting, the City considered various amendments to the Monterey Park Municipal Code ("MPMC") that might reduce the likelihood of another shooting.³⁰ Ultimately, the City adopted several of these amendments³¹ including: creating a health protection zone, requiring safe firearm storage within City limits, prohibiting firearms on City-owned property, adopting various policies related to Gun Violence Restraining Orders ("GVROs"), establishing standard conditions of approval for firearms dealers, ensuring the destruction of all seized weapons, and supporting new legislation regarding mass shootings and

²⁹ City Council of the City of Half Moon Bay, *Staff Report* (Feb. 7, 2023), available at https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/1777110/STAFF_REPORT.pdf.

³⁰ City Council of the City of Monterey Park Resolution No. 2023-R15.

³¹ Note that concerns regarding preemption – both by California law and recent decisions by the United States Supreme Court – were openly discussed during the City Council meetings at which these ordinances and resolutions were considered.

firearm regulation.³² A summary of the actions taken are listed below and links to documents are provided in Appendix B:

- Health protection zone: Prohibits “gunsmiths” and “armorers,” as defined by the Penal Code, from locating within 1,000 feet of a sensitive receptor which includes a residence, education resource, community resource center, health care facility, or live-in housing;³³
- Safe storage: Prohibits a firearm from being stored in a residence unless it is in a locked container or disabled with a trigger lock;³⁴
- GVRO: Authorized the City Manager to lend the City’s resources to participate in the “Increasing Access to Gun Violence Restraining Orders” campaign initiated by the Los Angeles County Board of Supervisors; and
- New legislation: Authorized the Mayor to sign a letter on the City’s behalf supporting Assembly Bill (AB) 1406 and AB 1420 related to the U.S. Department of Justice’s authority concerning firearm transfers.

Additionally, the City Council adopted a firearms pledge to take all legal actions within its authority to help reduce the incidence of gun violence.

B. Half Moon Bay

San Mateo County and City of Half Moon Bay staff addressed life/safety code violations at the two farms involved in the shooting and established a program for inspecting other farms to ensure farmworker safety.³⁵ County and City staff coordinated and jointly conducted site inspections, working together to prepare and serve all required notices which were delivered via email, certified mail, and hand delivery. With County staff as lead, a City staff inspection team conducted two inspections of the Terra Gardens Farm site. The City inspection team included a Building Official, Building Inspector, Community Preservation Specialist (code enforcement), City Engineer/Public Works Director, and Community Development Director. Other agencies were consulted due to the range of identified code violations, and coordination is ongoing. Following the site inspections, County and City staff prepared and served notices of violation as applicable (County served notices to both farms; City served a notice to Terra Gardens Farm). Enforcement continues and is expected to take many months.

City staff supported the creation of the San Mateo County Farmworker Safety Task Force, with weekly meetings frequently attended by the City Attorney, Community Preservation Specialist, and Community Development Director. City staff also attend County’s Agriculture Commission and Farmworker Advisory Committee. The City prepared an inventory of all the properties in the city limits in agricultural or related use (e.g., equestrian uses) to identify where

³² City of Monterey Park Ordinance Nos. 2234, 2235, 2236, 2243; Resolution No. 2023-R67.

³³ City of Monterey Park Ordinance No. 2234.

³⁴ City of Monterey Park Ordinance No. 2236.

³⁵ Ventura Cty. Cmty. Found. *supra* note 26.

farmworker or other housing is, or may be, located. This inventory was shared with the County to include in their larger inventory and coordinate inspection efforts.

The City is currently developing several properties for long-term farmworker housing, expediting permitting process, requesting state and federal funding for housing, and encouraging interested parties to invest in farmworker housing development.

V. Public Agency Liability

Public agencies should be prepared for litigation following an MCI. In general, public agency exposure is limited based on the defenses available under the California Supreme Court case, *Zelig v. County of Los Angeles* (2002) 27 Cal.4th 1112. In *Zelig*, the California Supreme Court held that the decedent's children could not state a claim for negligence in the death of a woman shot in the Central Courthouse by her ex-husband. The County owned Eileen Zelig no duty, either under state common law or a federal civil rights statute, to conduct weapons screening that would have revealed that Harry Zelig, then a San Fernando Valley physician, was carrying a gun.

The Court rejected defendants' potential liability for the death of plaintiffs' mother based on the alleged conduct of individual employees of defendants County and the Sheriff's department. The Supreme Court explained

As a general rule, one owes no duty to control the conduct of another, nor to warn those endangered by such conduct. A duty to control the conduct of another or to warn persons endangered by such conduct may arise, however, out of what is called a 'special relationship,' [...] Such a duty may arise if (a) a special relation exists between the actor and the third person which imposes a duty upon the actor to control the third person's conduct, or (b) a special relation exists between the actor and the other which gives the other a right to protection. This rule derives from the common law's distinction between misfeasance and nonfeasance, and its reluctance to impose liability for the latter.³⁶

In most instances, these general rules bar recovery when plaintiffs, having suffered injury from third parties who were engaged in criminal activities, claim that their injuries could have been prevented by timely assistance from a law enforcement officer.

The Court also rejected plaintiffs' claims for liability based on a dangerous condition. Government Code Section 835 details the conditions under which a public entity may be liable for creating a dangerous condition. That statute provides in pertinent part that "a public entity is liable for injury caused by a dangerous condition of its property if the plaintiff establishes that the property was in a dangerous condition at the time of the injury, that the injury was proximately caused by the dangerous condition, that the dangerous condition created a reasonably foreseeable risk of the kind of injury which was incurred, and either: [¶] (a) A negligent or wrongful act or omission of an employee of the public entity within the scope of his employment created the dangerous condition; or [¶] (b) The public entity had actual or

³⁶ *Zelig v. County of Los Angeles* (2002) 27 Cal.4th 1112, 1129 1130 [citations omitted].

constructive notice of the dangerous condition under Section 835.2 a sufficient time prior to the injury to have taken measures to protect against the dangerous condition.”³⁷

While it is possible for a public entity to be liable for a negligent or illegal act of a third party on its property, it must be related in some way to the condition or physical characteristics of the property. “Third party conduct, by itself unrelated to the condition of the property, does not constitute a dangerous condition for which a public entity may be liable.”³⁸ There must be some defect in the physical condition of the property and that defect must have some causal relationship to the third-party conduct that injures the plaintiff. “Public liability lies under Section 835 only when a feature of the public property has increased or intensified the danger to users from third party conduct.”³⁹

A. Case Studies

Despite the limitation for public agency liability as discussed above, plaintiffs are likely to pursue lawsuits against local governments following an MCI. As with any other claim against a local agency, persons seeking to file suit against a city for an MCI must comply with the Government Claims Act. Due to the nature of MCIs, claims often include a tenuous description of the alleged injuries and the city’s alleged liability for the incident. Accordingly, many law firms representing claimants are unable to comply with the Act, whether due to a lack of experience with the Act or inability to articulate the circumstances that give rise to the claim.

1. Monterey Park

Approximately six months after the City’s mass shooting, it received claims from a law firm representing 64 individuals seeking damages for emotional distress resulting from the mass shooting. Although the claims sought to hold the City liable for the incident, they merely alleged the exact same boiler-plate language without regard to any of the claimants’ particular circumstances. For instance, the claims alleged that each claimant was a survivor of the shooting, but failed to identify whether each claimant was present during the shooting or was physically wounded. The City denied these claims for failure to comply with the basic requirements of the Government Claims Act, including the time within which to file the claims.

Additionally, approximately ten months after the shooting, the City received an application to file a late claim from one of the original 64 claimants. The application alleged that the claimant was unaware of the City’s involvement in the planning and preparation for the Lunar New Year Celebration. The application was denied for failure to make the showing required by Government Code Section 911.6(b).

³⁷ Gov. Code § 835.

³⁸ *Zelig*, 27 Cal.4th at 1134.

³⁹ *Bonanno v. Central Contra Costa Transit* (2003) 30 Cal.4th 139, 155.

To date, the City has not been served with any lawsuit concerning the shooting and it is unlikely that a lawsuit will ensue because every claim submitted under the Government Claims Act was defective.

2. Half Moon Bay

The City of Half Moon Bay was named in one lawsuit brought by the daughter of two of the decedent farmworkers. The lawsuit alleges claims of negligence, wrongful death, and implied warranty of habitability against the two farms where the shootings took place, the City of Half Moon Bay, and the County of San Mateo. The City has subsequently been dismissed.

B. Best Practices

The Public Agency Risk Management Association (PARMA) offers guidance based on its analysis of a mass shooting related lawsuit that has moved forward with trial.⁴⁰ As of February 2023, the trial court had granted defendants' motion for summary judgment in the main case on the ground of foreseeability.⁴¹ PARMA reports that it expects appeals to be filed.⁴²

PARMA recommends the following preventative measures to limit public agency liability: seek indemnification from third parties; maintain proper risk transfer and insurance levels; establish security measures and emergency action plans for large community events; and retain legal counsel specialized in MCI response, activate emergency operation centers, provide gun safety education to the public, adopt local gun policies (e.g., controlling procurement, conducting trace reports, requiring inspections), etc.⁴³

VI. Support for Cities through Laws and Policy

Even if cities apply every lesson learned and take all precautionary measures, they still cannot address MCIs alone. Local governments need support from other local, state, and federal agencies, as well as community foundations and local nonprofits, to mitigate the immediate effects of such events. Communities are often called upon to establish victim compensation funds but are often unfamiliar with the process to establish these funds and charitable organizations may have concerns regarding the federal income tax implications. Local agencies would benefit from legislation that simplified the victim compensation fund process and tax implications. At a logistical level, cities are consistently overwhelmed in the immediate

⁴⁰ The Gilroy Garlic Festival mass shooting took place on July 28, 2019. The perpetrator killed three people and then killed himself by a self-inflicted gunshot wound. Subsequent litigation was filed against the City of Gilroy, the Gilroy Garlic Festival Association, and First Alarm Security. Namely, there had been no prior history of gun violence at the festival. Public Agency Risk Management Association, *Lessons Learned in the Aftermath of an Active Shooter Incident*, PARMA Annual Conference (Feb. 20, 2024) [hereinafter PARMA].

⁴¹ PARMA, *supra* note 39.

⁴² *Id.*

⁴³ *Id.*

aftermath of an MCI. Cities would benefit from a hotline or central contact with the California Governor's Office of Emergency Services and Federal Emergency Management Agency to provide immediate assistance.

APPENDIX A: TAX EXEMPTION FOR VICTIM COMPENSATION FUNDS⁴⁴

Cities can facilitate tax exempt status for victim compensation funds by a) establishing the fund as a charitable organization, b) using an existing charitable organization to administer the fund, or c) establishing a qualified disaster relief fund.

A. Charitable Organization

To establish a victim compensation fund as a charitable organization, the fund must be organized and operated exclusively for exempt purposes.⁴⁵ Exempt purposes are those that are charitable (including lessening the burdens of government), religious, educational, scientific, literary, testing for public safety, fostering national or international amateur sports competition, or preventing cruelty to children or animals.⁴⁶ Note that new organizations may take many months to process and must show that it will assist a large number of people to demonstrate that it is providing a public, rather than private benefit.⁴⁷

Victim compensation funds most likely fall under the purpose of lessening the burdens of government. The standard for lessening the burdens of government is met when a) the government considers the activities to be its burdens, and b) the activities actually lessen the governmental burden.⁴⁸ For example, a nonprofit organization that organized and operated as a volunteer fire company to provide fire protection and ambulance and rescue services to a community lessened the burdens of government because the government considered such services as part of its own burden and thus would have needed to provide those services in the absence of the nonprofit.⁴⁹ In another example, an organization that funded a county's law enforcement agency to police illegal narcotics trafficking lessened the burdens of government because the government saw the funded activities as an integral part of its narcotics trafficking prevention program and the funding reduced the government's need to appropriate additional government funds.⁵⁰ Lastly, an organization that provided legal advice and training to guardians

⁴⁴ Legal research provided by former Shute, Mihaly & Weinberger LLP law clerk Kat King.

⁴⁵ Internal Revenue Serv., *Exemption Requirements – 501(c)(3) Organizations*, <https://www.irs.gov/charities-non-profits/charitable-organizations/exemption-requirements-501c3-organizations> (last visited Mar. 20, 2024).

⁴⁶ 26 U.S.C. § 501(c)(3).

⁴⁷ See Susan L. Abbott & Lisa A.H. McChesney, *Disaster Relief: The One Fund Boston Model*, Bos. Bar J. (Apr. 2014), <https://bostonbar.org/journal/disaster-relief-the-one-fund-boston-model> (last visited Mar. 20, 2024).

⁴⁸ Robert Louthian and Amy Henchey, Internal Revenue Serv., *B. Lessening the Burdens of Government*, EO Topic B-93, 2-3 (1993), available at <https://www.irs.gov/pub/irs-tege/eotopicb93.pdf>.

⁴⁹ Internal Revenue Serv., Rev. Rul. 74-361, 1974-2 C.B. 159 (1974) <https://www.irs.gov/pub/irs-tege/rr74-361.pdf>.

⁵⁰ Internal Revenue Serv., Rev. Rul. 85-1, 1985-1 C.B. 177 (1985) <https://www.irs.gov/pub/irs-tege/rr85-001.pdf>.

ad litem lessened the burdens of government because the juvenile court viewed the training as its own burden, and the court could not continue its guardian ad litem program without the organization's training.⁵¹

In contrast, a nonprofit organization that provided rental housing and related services at cost to a city as temporary housing for families whose homes were destroyed by fire did not lessen the burdens of government because although the government saw the temporary housing as its own burden, it was still providing the housing at cost.⁵²

To meet this test, a city should show that it has a burden to support victims from an MCI and to field inquiries for community support and donations. The city should then show that provision of these funds through the victim compensation fund would lessen the burden of the city by outsourcing the administration of relief aid to the charitable organization.

If possible, cities may want to use existing organizations to administer the victim compensation fund so that victims may receive financial assistance more quickly. These organizations must meet certain conditions, such as not earmarking funds for the benefit of a particular individual or family and having full control and authority over the donated funds.⁵³ Cities should proactively identify local charitable organizations as candidates to administer victim compensation funds in the event of an MCI.

B. Qualified Disaster Relief Fund

Per Internal Revenue Code Section 139, qualified disaster relief payments that reimburse or pay individuals' specified expenses in connection with a qualified disaster are not taxable as income and are not subject to employment taxes or withholding.⁵⁴ A city must first show that the disaster a) results from terrorist or military actions, b) results from an accident involving a common carrier, c) is a Presidentially declared disaster, d) is an event that the Secretary of the Treasury determines is catastrophic, or e) is an event that a governmental authority determines to require governmental assistance.⁵⁵ Qualified disaster relief payments include payments received for reasonable and necessary personal, family, living, or funeral expenses incurred as a result of a qualified disaster.⁵⁶ For example, in 2019, after a mass

⁵¹ Internal Revenue Serv., Rev. Rul. 85-2, 1985-1 C.B. 177 (1985) <https://www.irs.gov/pub/irs-tege/rr85-002.pdf>.

⁵² Internal Revenue Serv., Rev. Rul. 77-3, 1977-1 C.B. 140 (1977) <https://www.irs.gov/pub/irs-tege/rr77-3.pdf>.

⁵³ Internal Revenue Serv., *Disaster Relief – Providing Assistance Through Charitable Organizations*, 3 (Dec. 2014), available at <https://www.irs.gov/pub/irs-pdf/p3833.pdf>.

⁵⁴ *Id.* at 14.

⁵⁵ *Id.* at 15.

⁵⁶ *Id.* at 15.

shooting in El Paso, Texas, the City of El Paso declared a disaster and cited Section 139 as authority to establish a victim compensation fund.⁵⁷

⁵⁷ See City of El Paso, Texas, *Minutes for Regular Council Meeting* (Aug. 20, 2019), at 32-35, http://legacy.elpasotexas.gov/muni_clerk/agenda/09-03-19/1.1.3.pdf (resolution establishing the One Fund El Paso and declaring that contributions to it be considered “qualified disaster relief payments pursuant to Section 139 of the U.S. Internal Revenue Code”).

APPENDIX B: RESOURCES

Thousand Oaks

[Conejo Valley Victims Fund Final Protocol.](#)

[Conejo Valley Victims Fund Attestation Report.](#)

Monterey Park⁵⁸

[Ordinance No. 2234: An ordinance adding Chapter 21.55 entitled “Firearm Protection Zone” to the Monterey Park Municipal Code.](#)

[Ordinance No. 2235: An ordinance adding a new Chapter 13.18 to the Monterey Park Municipal Code prohibiting the presence of firearms on City-owned property.](#)

[Ordinance No. 2236: An ordinance adopting safe firearm storage within the City of Monterey Park.](#)

[Ordinance No. 2243: An ordinance incorporating Los Angeles County Code Chapter 7.46 into the Monterey Park Municipal Code by adding Chapter 5.90 governing to gun dealer licenses.](#)

[Resolution No. 2023-R7: A resolution declaring a local emergency resulting from the mass murder on January 21, 2023, and authorizing the City Manager to execute an executive order dated January 31, 2023.](#)

[Resolution No. 2023-R15: A resolution adopted by the City Council supporting certain proposed federal and state legislation regulating the sale and availability of firearms and directing the City Manager and City Attorney to provide options for city regulations needed to protect public health and safety from mass casualty incidents \(as defined\).](#)

[Resolution No. 2023-R41: A resolution of the City Council of the City of Monterey Park declaring June 2, 2023, National Gun Violence Awareness Day, and June 3rd and 4th as Wear Orange Weekend in Monterey Park.](#)

[Resolution No. 2023-R67: A resolution declaring the City Council’s commitment to lend the City’s support to all reasonable federal, state, and local legislation that is intended to protect public health and safety while maintaining an individual’s constitutional rights as to owning firearms; approving a pledge for all elected officials reflects this intent; approving standard conditions of approval for certain conditional use permits; and authorizing the City Manager to implement this resolution.](#)

⁵⁸ All executed Monterey Park Ordinances and Resolutions are accessible through the City’s online archive at:

[https://grmservices.grmims.com/CityofMonterey/\(S\(xo5hvl4czgzcyncct1mkdr5r\)\)/orc.aspx](https://grmservices.grmims.com/CityofMonterey/(S(xo5hvl4czgzcyncct1mkdr5r))/orc.aspx)

Letter from Monterey Park Mayor Jose Sanchez, *Report regarding violation of the Code of Conduct*, CITY OF MONTEREY PARK (June 29, 2023) [Hardcopy attached].

Letter from Monterey Park City Attorney Karl H. Berger, *Denial of Claims for Damages*, CITY OF MONTEREY PARK (Aug. 3, 2023) [Hardcopy attached].

Half Moon Bay

[Coastside Victims Fund, Mavericks Community Foundation FAQs.](#)

[Coastside Victims Fund Protocol.](#)

[February 7, 2023 Staff Report: Declaration of Local Emergency and Executive Order Establishing a Centralized Coastside Victims and Family Support Fund.](#)

[February 7, 2023 Executive Order establishing the Coastside Victims and Family Support Fund at the SMCU Community Fund and in partnership with the Mavericks Community Foundation.](#)

[Resolution No. C-2023-: Resolution declaring a local emergency related to the January 23, 2023 mass shooting event and authorizing city manager to sign executive order.](#)

[ATTACHMENT: Letter from Monterey Park Mayor Jose Sanchez (2 pages)]

[ATTACHMENT: Letter from Monterey Park City Attorney Karl H. Berger (2 pages)]

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CITY OF MONTEREY PARK

320 West Newmark Avenue • Monterey Park • California 91754-2896
www.montereypark.ca.gov



City Council
Henry Lo
Vinh Ngo
Jose Sanchez
Thomas Wong
Yvonne Yiu

City Clerk
Maychelle Yee

City Treasurer
Amy Lee

August 3, 2023

VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED

Jonathan J. Haderlein
Haderlein and Kouyoumdjian LLP
19749 Nordhoff Street
Northridge, California 91324

Re: **Denial of Claims for Damages**

Dear Mr. Haderlein:

I am the City Attorney for Monterey Park. I write in response to the 64 claims submitted by your office related to mass casualty incident in the City (Monterey Park Claims Nos. 2285 and 2286, collectively referred to as the "Claims").

These Claims are not timely filed. Claims related to death or personal injury must be filed not later than six months after the accrual of the cause of action.¹ The mass shooting occurred on January 21, 2023, and the claims were received on July 24, 2023. Accordingly, the Claims are untimely and any potential lawsuit is time barred.

Sanctions for frivolous actions or delaying tactics may be warranted when the opposing party's action or tactic was totally and completely without merit, measured by the objective, "reasonable attorney" standard.² Here, filing a lawsuit without compliance with the Government Claims Act cannot objectively meet the "reasonable attorney" standard. Having been duly informed of this fatal and uncorrectable flaw, pursuing a lawsuit is obviously indefensible.

Your clients lack any reasonable cause to maintain an action against the City.³ Should your clients unwisely choose to maintain an action against the City based on the Claims, this office will recover its defense costs by all available legal means, including, without limitation, under California Code of Civil Procedure § 128.5, Civil Code § 1038, and any other applicable law. Further, the City may also recover significant damages and penalties from your clients for, among other things, violations of the Government False Claims Act.⁴ Be assured the City will exercise all available remedies should it be forced to defend against meritless lawsuits.

¹ Government Code § 911.2

² Civil Procedure Code § 128.5; *see also*, *Wallis v. PHL Associates, Inc.* (2008) 168 Cal.App.4th 882.

³ *See*, *Kobzoff v. Los Angeles County Harbor/UCLA Medical Center* (1998) 19 Cal.4th 851.

⁴ *See*, Government Code § 12651

Of course, this is not the route the City prefers taking, and hopefully more reasonable minds will prevail regarding the Claims. In this regard, your clients are encouraged to review the community resources that may be available to them. Among other things, note that the City of Monterey Park partnered with the California Community Foundation to establish the Monterey Park Community Healing Fund, with a clear purpose: To support Monterey Park and its neighbors through aid to community members affected by this tragedy as well as support for programs, initiatives and organizations designed to help Monterey Park heal and rebuild. Additional information about the Community Healing Fund and available resources can be found on the City's website.⁵

If you have questions regarding the denial of the Claims, you may contact Assistant City Attorney Tim Campen at (619) 814-6799 or via email at tcampen@bwslaw.com.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Karl H. Berger', is written over the typed name and title.

Karl H. Berger
Monterey Park City Attorney

KHB:JAT

c: Inez Alvarez, Interim City Manager
Christine Tomikawa, Risk Manager
Scott Wiese, Police Chief

⁵ <https://www.montereypark.ca.gov/1483/Heal-MPK-Resources-for-Victims-and-the-C>

CITY OF MONTEREY PARK

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City Council
Jose Sanchez
Thomas Wong
Vinh Ngo
Henry Lo
Yvonne Yiu

City Clerk
Maychelle Yee

City Treasurer
Amy Lee

June 29, 2023

THIS IS A PUBLIC DOCUMENT AND MAY BE DISCLOSED IN ACCORDANCE WITH THE CALIFORNIA PUBLIC RECORDS ACT

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Re: Report regarding violations of the Code of Conduct

Dear [REDACTED]:

This is a follow-up to my notice dated April 19, 2023 regarding a complaint filed with me in accordance with the Code of Conduct (Resolution No. 12184, adopted August 5, 2020). Section 8 of the Code of Conduct authorizes the Mayor to take certain action in response to that complaint.

As you are aware, the complaint is that you violated the City's Code of Conduct (the "Complaint") on January 21 and January 22 during the circumstances related to the mass casualty incident that occurred on January 21, 2023 (the "MCI"). On May 5, 2023, the Mayor pro tem and I met with you to discuss these allegations because of your pledge to adhere to a healthy workplace environment (signed March 15, 2023¹). After that conversation (and at your request), I asked the City's third-party investigator [REDACTED] to interview you regarding the Complaint in accordance with the Code of Conduct. Multiple attempts to interview you were unsuccessful.

Following an investigation (per Section 8(B)(2) of the Code of Conduct), the Mayor may take no action or refer the matter to the City Council with a recommendation as to next steps. I considered this matter and am opting not to present this matter to the City Council.

The enclosed public report from [REDACTED] confirms this statement in my April 19th letter to you:

¹ I am aware of your public statements that you were not informed on March 15, 2023 that the Healthy Work Environment Pledge was voluntary. That assertion, however, cannot be reconciled with either the written staff report or the presentation made during that meeting. It is quite apparent from the staff report (see, p.6 of 367 ["Signing the attached pledge **also demonstrates the officials' voluntarily desire** [sic] to comply with the Code of Conduct. **Such action helps promote a healthy and professional work environment** for all of us serving the City of Monterey Park."] and the comments made by the Assistant City Manager and the Mayor that this pledge was voluntary (see, e.g., video at 1:26:12 ["**If they would like to sign that...**"] and 1:26:22 ["**might** be a good time now **if we wanted** ... if the Councilmembers and elected officials who would were just recently elected to kind of sign this and just turn these over the ACM."]); emphasis added).

City of Monterey Park

██████████
June 29, 2023

Page 2

“your interactions with staff on January 21 and 22 violated Sections 2(A) [Conduct of Public Officials]; 2(B) [Respect for Process]; 2(G) [Policy Role of Public Officials]; 5(A)(1) and (2) [Expected Conduct] of the Code of Conduct. Among other things, you engaged in “abusive conduct, personal charges, or verbal attacks” against City employees; attempted to restructure work priorities of City employees; and sought to by-pass the council-manager structure of City government.”

Your public comment² on April 5, 2023, included this observation: “we need to cultivate and encourage open dialogue ... our city staff should not feel threatened or fear retaliation when speaking up.” Additionally, you reminded the City Council of its responsibility to “protect and serve ... the employees who work so hard for you.” I agree. Which is exactly why the City investigated the Complaint.

That duty and responsibility, however, is tempered by the events on January 21st and 22nd. The MCI was unprecedented in the City and was the worst shooting event in Los Angeles County history. A multitude of federal, state, and local agencies responded to the MCI along with various dignitaries including the personal appearance of the President and Vice-President of the United States. Within this context, I believe it is forgivable if stress, anguish, and lack of sleep may have contributed to the conduct leading to filing of the Complaint. Accordingly, I do not believe that it is necessary to bring this to the City Council for consideration.

Note, however, that this letter (and its enclosure) is a public record and may be released in accordance with applicable law including the California Public Records Act. Moreover, the conclusions in the attached report may be considered if there are future complaints against you regarding any alleged violations of the Code of Conduct.

I encourage you to observe to the commitment you made on March 15, 2023:

“to adhere to the Code of Conduct ... and demonstrate professional communications with all Public Officials, employees, residents, businesses and customers of the City of Monterey Park. If at any time it is brought to my attention that my behavior is not professional, I agree to listen to the feedback and commit to work on improving the issue brought to my attention.”

Sincerely,



Jose Sanchez
Mayor

C: Thomas Wong, Mayor pro tem

² I am aware of your public (and private) allegations that the Complaint is actually an attempt by City Council Members and City officials seeking to retaliate against you for making public comments during City Council meetings. As may be read, the only matters investigated by ██████████ were those regarding the Complaint.