



AGENDA

SPECIAL MEETING CYPRESS CITY COUNCIL

June 10, 2022

2:00 P.M.

www.cypressca.org

**Council Chambers
5275 Orange Avenue
Cypress, California**

PUBLIC PARTICIPATION

Members of the public may participate in this meeting as follows:

1. Attend In-Person. First-come, first-served seating is available in the Council Chambers. Face coverings are strongly recommended and all in-person attendees must be free of any symptoms associated with COVID-19.
2. Attend Virtually via Webinar. This option provides the ability to provide live public comments during Oral Communications or Public Hearings and view slideshow presentations. Please register at <https://attendee.gotowebinar.com/register/6391935405362907915> to receive an email containing a link to join the webinar. Advance registration is recommended.
3. Listen to the Meeting. The public may participate via the listen-only teleconference mode by calling (415) 655-0052 and entering Access Code 401-888-736 when prompted. No registration or audio pin is necessary.

CALL TO ORDER

2:00 P.M.

Council Chambers

ROLL CALL

Cypress City Council, also acting as the Ex-Officio Governing Board of Directors of the Cypress Recreation and Park District

Mayor Paulo Morales
Mayor Pro Tem Anne Hertz-Mallari
Council Member Frances Marquez
Council Member Scott Minikus
Council Member Jon Peat

ORAL COMMUNICATIONS (Three minutes per speaker, unless extended by the City Council)

The public may address the City Council on any matters prior to any action taken on the agenda. Although Council Members may provide brief responses, the City Council may not discuss or take action on items that are not on its agenda.

If you would like to address the City Council in person, please complete a Speaker's Card. If you would like to address the City Council via the meeting webinar, please click the 'hand raise' button, unmute your microphone and wait for the Mayor or City Clerk to call on you.



= Hand Raise



= Unmute

Speakers providing comments in person will be called first. Speakers are requested to limit their comments to no more than three minutes.

ITEMS FROM CITY COUNCIL MEMBERS

1. **Direct Council Member Marquez to Comply with the California Public Records Act**

Agendized by: Paulo Morales, Mayor

Recommendation:

1. Direct Council Member Marquez to immediately provide the City Clerk with a complete response to the request by Fortis, LLP under the Public Records Act;
2. Direct Council Member Marquez to immediately provide the City Attorney with a complete response to questions from Fortis, LLP regarding her claim of attorney client privilege for city-held records requested by Fortis, LLP under the Public Records Act;
3. Direct the City Clerk to release all records for which Council Member Marquez claimed attorney client privilege with personal legal counsel by Monday, June 13 at 9:00 AM if Council Member Marquez has not provided a complete written legal justification in response to Fortis, LLP;
4. Direct Council Member Marquez to immediately provide the City Clerk with records requested by Californians Aware under the Public Records Act; and
5. Direct Council Member Marquez to adhere to all Public Record Act request deadlines from city management.

2. **Require Council Members to Adhere to Public Records Act Response Deadlines Established by City Management**

Agendized by: Paulo Morales, Mayor

Recommendation: Require Council Members to adhere to Public Records Act response deadlines established by City management.

3. **Authorize the City Manager to Retain Special Legal Counsel to Assist in Responding to Public Records Act Requests**

Agendized by: Paulo Morales, Mayor

Recommendation: Authorize the City Manager to retain special legal counsel to assist in responding to Public Records Act requests.

4. **Place a Resolution on the June 13, 2022, City Council Agenda Censuring Council Member Marquez for Violating the Laws of the State of California by Failing to Respond to Public Records Act Requests, Failing to Respond to Public Records Act Requests in a Timely Manner, and Disclosing Confidential Information from Closed City Council Session(s); Violating the Charter; Violating the Code of Ethics; and Violating the Civility, Conduct And Governance Policy**

Agendized by: Paulo Morales, Mayor

Recommendation: Place a Resolution on the June 13, 2022, City Council agenda censuring Council Member Marquez for violating the laws of the State of California by failing to respond to Public Records Act requests, failing to respond to Public Records Act Requests in a timely manner, and disclosing confidential information from Closed City Council Session(s); violating the Charter; violating the Code of Ethics; and violating the Civility, Conduct And Governance Policy.

ADJOURNMENT

The next meeting will be an adjourned Regular Meeting, to be held on Monday, June 13, 2022, beginning at 5:30 p.m. in the Executive Board Room.

I hereby certify under penalty of perjury under the laws of the State of California, that the foregoing Agenda was posted on the City Hall bulletin board not less than 24 hours prior to the meeting. Dated this 9th day of June, 2022.

Alisha Farnell, City Clerk

In compliance with the Americans With Disabilities Act, if you need special assistance to participate in this meeting, you should contact the City Clerk at (714) 229-6685 at least 72 hours prior to the meeting to enable the City to make reasonable arrangements to assure accessibility to this meeting.



CITY OF CYPRESS

CITY COUNCIL REPORT

City Council Special

1.

FROM: Paulo Morales, Mayor

DATE: 06/10/2022

SUBJECT: Direct Council Member Marquez to Comply with the California Public Records Act

RECOMMENDATION

1. Direct Council Member Marquez to immediately provide the City Clerk with a complete response to the request by Fortis, LLP under the Public Records Act;
2. Direct Council Member Marquez to immediately provide the City Attorney with a complete response to questions from Fortis, LLP regarding her claim of attorney client privilege for city-held records requested by Fortis, LLP under the Public Records Act;
3. Direct the City Clerk to release all records for which Council Member Marquez claimed attorney client privilege with personal legal counsel by Monday, June 13 at 9:00 AM if Council Member Marquez has not provided a complete written legal justification in response to Fortis, LLP;
4. Direct Council Member Marquez to immediately provide the City Clerk with records requested by Californians Aware under the Public Records Act; and
5. Direct Council Member Marquez to adhere to all Public Record Act request deadlines from city management.

DISCUSSION

The City Clerk has received three requests for records under California's Public Records Act. One each from Keep Cypress United, Fortis, LLP, and Californians Aware.

On March 29, 2022, Council Member Marquez was asked to provide records in response to the Keep Cypress United request by April 5, 2022. Council Member Marquez failed to meet the April 5, 2022 deadline and did not complete her response until April 11, 2022.

On May 9, 2022, Council Member Marquez, was asked to provide records in response to the Fortis, LLP request by June 3, 2022. Council Member Marquez failed to provide a complete response to the request. For example, no completed affidavit was returned per the City Manager's request.

On May 20, 2022, Fortis, LLP challenged the appropriateness of the City's response to its request, presented a series of questions to the City and Council Member Marquez, and threatened legal action if records for which Council Member Marquez asserted attorney-client privilege with her personal legal counsel were not produced. On May 22, 2022, the City Attorney referred the questions from Fortis,

LLP to Council Member Marquez and her separate attorney. Council Member Marquez has failed to provide a complete response to Fortis, LLP.

On May 31, 2022, Council Members, including Council Member Marquez, were asked to provide records in response to the Californians Aware request by June 6, 2022. Mayor Morales, Mayor Pro Tem Hertz-Mallari, Council Member Minikus and Council Member Peat responded to the request by June 6, 2022. Council Member Marquez has failed to provide any response to the request.

Council Member Marquez has repeatedly failed to communicate in a timely manner with City management about the Public Records Act requests; failed to provide responses to the Public Records Act requests; failed to provide timely responses to the Public Records Act requests; failed to earnestly comply with the Public Records Act requests; and failed to respond to questions about her responses to Public Records Act requests. Council Member Marquez's failure to respond (or respond timely) to the requests, as required by the Public Records Act, exposes the City to litigation; damages its reputation; wastes valuable City resources; and violates laws of the State of California, the Charter, the Code of Ethics, and the Civility, Conduct and Governance Policy.

It is recommended that the City Council direct Council Member Marquez to immediately and fully comply with these Public Records Act requests; and immediately and fully respond to all the questions posed by Fortis, LLP. It is also recommended that, if Council Member Marquez has not fully responded to all Fortis, LLP's questions and provided a complete written legal justification in response to Fortis, LLP for her claim of attorney client privilege with personal legal counsel by Monday, June 13 at 9:00 AM, that the City Clerk release all records for which Council Member Marquez claimed attorney client privilege with personal legal counsel. Finally, it is recommended that the City Council direct Council Member Marquez to adhere to all Public Record Act request deadlines from city management.

BUDGET IMPACT

None.

LEGAL REVIEW

N/A

APPROVED BY:



CITY OF CYPRESS

CITY COUNCIL REPORT

City Council Special

2.

FROM: Paulo Morales, Mayor

DATE: 06/10/2022

SUBJECT: Require Council Members to Adhere to Public Records Act Response Deadlines Established by City Management

RECOMMENDATION

Require Council Members to adhere to Public Records Act response deadlines established by City management.

DISCUSSION

The California Public Records Act (PRA) states that the Legislature, mindful of the right of individuals to privacy, finds and declares that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state. In general, the PRA provides public agencies 10 days to acknowledge a PRA request and a reasonable amount of time thereafter to provide responsive records. Despite this flexibility, it is the city's goal and (typically) its practice to complete its response to a PRA request in 10 days.

PRA requests sometimes require Council Members to search personal accounts, devices and records. When this occurs, it is important Council Members assist the city in complying with its PRA obligations. To ensure Council Members cooperate with city management when a PRA request requires records held by an individual Council Member, it is recommended that the City Council require Council Members to adhere to all PRA request deadlines established by city management; and provide all responsive records, justifications for records that are withheld, affidavits, and all other required information by the deadline. If a Council Member is concerned about their ability to meet a PRA request deadline, they must inform the City Manager in writing within 24 hours of receiving the deadline and negotiate a reasonable adjustment to the deadline. Council Members who fail to adhere to PRA request deadlines shall be subject to sanctions identified in the Civility, Conduct and Governance Policy.

BUDGET IMPACT

None.

LEGAL REVIEW

N/A

APPROVED BY:



CITY OF CYPRESS

CITY COUNCIL REPORT

City Council Special

3.

FROM: Paulo Morales, Mayor

DATE: 06/10/2022

SUBJECT: Authorize the City Manager to Retain Special Legal Counsel to Assist in Responding to Public Records Act Requests

RECOMMENDATION

Authorize the City Manager to retain special legal counsel to assist in responding to Public Records Act requests.

DISCUSSION

Processing Public Records Act (PRA) requests usually represents about 10% of the annual workload in the City Clerk's office. Over the past several months, PRA requests have commanded 40% of the two-person City Clerk's office's time (the equivalent of nearly one full-time position), plus countless hours from the City Manager, departments and City Attorney. Processing these requests is impacting the organization's productivity and morale. The recent requests are expansive, complicated, request records held outside the city's direct control and have, unfortunately, become somewhat adversarial.

It is recommended the City Council authorize the City Manager to retain special legal counsel to assist in responding to Public Records Act requests and to ensure Council Members respond to Public Records Act requests consistent with their Oath of Office, State law, the Charter, the Civility, Conduct and Governance Policy, and policies, procedures and deadlines established by city management.

BUDGET IMPACT

Sufficient funding in the General Fund is available (in the City Manager's contingency) for the cost of the special counsel. The PRA does not permit public agencies to recover costs associated with responding to requests (beyond negligible reproduction costs).

LEGAL REVIEW

The City Attorney will assist the City Manager to identify the special counsel, negotiate the agreement and approve it as to form.

APPROVED BY:



CITY OF CYPRESS

CITY COUNCIL REPORT

City Council Special

4.

FROM: Paulo Morales, Mayor

DATE: 06/10/2022

SUBJECT: Place a Resolution on the June 13, 2022, City Council Agenda Censuring Council Member Marquez for Violating the Laws of the State of California by Failing to Respond to Public Records Act Requests, Failing to Respond to Public Records Act Requests in a Timely Manner, and Disclosing Confidential Information from Closed City Council Session(s); Violating the Charter; Violating the Code of Ethics; and Violating the Civility, Conduct And Governance Policy

RECOMMENDATION

Place a Resolution on the June 13, 2022, City Council agenda censuring Council Member Marquez for violating the laws of the State of California by failing to respond to Public Records Act requests, failing to respond to Public Records Act Requests in a timely manner, and disclosing confidential information from Closed City Council Session(s); violating the Charter; violating the Code of Ethics; and violating the Civility, Conduct And Governance Policy.

DISCUSSION

It is the duty of all Council Members to act in the public's interest; respect good governance processes; and perform their duties professionally and ethically. Unfortunately, as the recommended Resolution establishes, Council Member Marquez has violated the laws of the State of California, the City of Cypress Charter, the Code of Ethics, and the City Council's Civility, Conduct and Governance Policy. Council Members have spoken to Council Member Marquez on multiple occasions, without success, to try to resolve concerns regarding her misconduct.

Regrettably, I recommend that the City Council find that Council Member Marquez has repeatedly and intentionally violated the laws of the State of California, the Charter, the Code of Ethics, and the Civility, Conduct and Governance Policy and that the City Council formally censures Council Member Marquez for the reasons stated in the attached Resolutions.

I have attached two Resolutions for the City Council's consideration. The first Resolution presents a comprehensive account of Council Member Marquez's violations and misconduct. The second Resolution focuses on violations and misconduct related to recent Public Records Act requests.

BUDGET IMPACT

None.

LEGAL REVIEW

If the City Council approves the Mayor's recommendation, the City Attorney will review the Resolution prior to it appearing on the June 13, 2022 agenda.

APPROVED BY:

Attachments

Resolution 1
Resolution 2

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CYPRESS, CALIFORNIA, CENSURING COUNCIL MEMBER FRANCES MARQUEZ FOR FAILING TO RESPOND TO PUBLIC RECORDS ACT REQUESTS, FAILING TO RESPOND TO PUBLIC RECORDS ACT REQUESTS IN A TIMELY MANNER; DISCLOSING CONFIDENTIAL INFORMATION FROM CLOSED CITY COUNCIL SESSION(S); VIOLATING THE CHARTER; VIOLATING THE CODE OF ETHICS; AND VIOLATING THE CIVILITY, CONDUCT AND GOVERNANCE POLICY

WHEREAS, it is the duty of all Council Members to act in the public's interest; respect good governance processes; and perform their duties professionally and ethically; and

WHEREAS, the laws of the State of California, the City of Cypress Charter, the Code of Ethics, and the City Council's Civility, Conduct and Governance Policy establish legal and other obligations on Council Members' behavior, conduct, and compliance with requests and direction from the city management; and

WHEREAS, Council Member Marquez has repeatedly and intentionally violated laws of the State of California, the City of Cypress Charter, the Code of Ethics, and the City Council's Civility, Conduct and Governance Policy; and

WHEREAS, from November 2020 through the first quarter of 2021, Council Member Marquez repeatedly interfered with the City Manager's selection of a department director by insisting in being included in the selection process and pressured the City Attorney to intervene in the selection process on her behalf; and

WHEREAS, this is a direct violation of the Charter requirement that, "Neither the Council or any of its members shall interfere with the execution by the City Manager of his powers and duties, or order, directly or indirectly, the appointment by the City Manager or by any of the departmental officers in the administrative service of the City, of any person to an office or employment or his removal therefrom"; and

WHEREAS, the Charter also requires that the City Manager shall, "Appoint and remove administrative officers, except those appointed by the Council, and when he deems it necessary for the good of the service suspend or remove any employee"; and

WHEREAS, on November 15, 2021, in a meeting with a department director, Council Member Marquez made the director feel pressure to retire and told the director which city employee to appoint to fill the vacancy arising from the director's retirement; and

WHEREAS, this is a direct violation of the Charter requirement that, “Neither the Council or any of its members shall interfere with the execution by the City Manager of his powers and duties, or order, directly or indirectly, the appointment by the City Manager or by any of the departmental officers in the administrative service of the City, of any person to an office or employment or his removal therefrom”; and

WHEREAS, on January 4, 2022, Council Member Marquez directly engaged with a consultant regarding the California Voting Rights Act/Election System community forum presentation.

WHEREAS, Council Member Marquez contacted the consultant despite clear direction from the City Council at its December 27, 2021 meeting that all input regarding the presentation was due directly to the City Manager and was to be provided no later than January 3, 2022; and

WHEREAS, on January 10, 2022, Council Member Marquez revealed information from a closed City Council session in violation of the Brown Act; and

WHEREAS, on January 13, 2022, Council Member Marquez made complaints to the Human Resources Administrator against Council Members and the City Manager; threatened a civil rights lawsuit against the City Council for racial discrimination; and made a verbal complaint of harassment against other Council Members; and

WHEREAS, this is a direct violation of the Charter requirement that, “the Council and its members shall deal with the administrative service under the City Manager solely through the City Manager;” and

WHEREAS, Council Member Marquez violated the Charter when she made her complaint to an administrator-level position rather than the City Manager or City Attorney; and

WHEREAS, the Charter requires that, “Neither the Council or any of its members shall interfere with the execution by the City Manager of his powers and duties, or order...”; and

WHEREAS, Council Member Marquez violated the Charter when she complained to a city employee about the City Manager; and

WHEREAS, Council Member Marquez violated the City Council’s longstanding commitment to conduct City Council business through the City Manager or department directors; and

WHEREAS, Council Member Marquez violated the City Council's commitment to address the City Manager's performance directly with him and likely violated the employment agreement between the city and City Manager; and

WHEREAS, the City Council has received training, and been advised by the City Manager and City Attorney that filing any verbal or written complaint to the Human Resources Division is not a right Council Members have per the City of Cypress Personnel Rules and Regulations; and

WHEREAS, on January 26, 2022 these Charter and other procedural violations forced the City Manager to protect the city, the Charter, and ensure the proper administration of all affairs of the city by requiring that Council Member Marquez conduct all City Council business exclusively and directly through the City Manager; and

WHEREAS, Council Member Marquez has repeatedly violated the January 26, 2022 requirements that she conduct all City Council business exclusively and directly through the City Manager; and

WHEREAS, the City Council adopted the City of Cypress Civility, Conduct and Governance Policy on February 28, 2022 to promote mutual respect, civility, and orderly conduct among elected and appointed City officials, City staff, and our community; and

WHEREAS, the City Council required Council Members to sign the Civility, Conduct and Governance Policy by March 8, 2022; and

WHEREAS Mayor Morales, Mayor Pro-Tem Hertz-Mallari, Council Member Minikus and Council Member Peat signed the Civility, Conduct and Governance Policy by March 8, 2022; and

WHEREAS, Council Member Marquez failed to sign the Civility, Conduct and Governance Policy by March 8, 2022; and

WHEREAS, Council Member Marquez signed the Civility, Conduct and Governance Policy on March 28, 2022 after Mayor Pro-Tem Hertz-Mallari placed an item on the City Council agenda to "Issue Direction to Correct to Council Member Marquez for refusing to sign the Civility, Conduct and Governance Policy and Code of Ethics as required by City Council action at its February 28, 2022 regular meeting"; and

WHEREAS, Council Member Marquez has consistently failed to follow Code of Ethics and Civility, Conduct and Governance Policy protocols, especially those requiring Council Members to treat City staff professionally; prepare for and engage in meetings; preserve order and decorum during meetings; keep comments clear, concise, and on-topic; alert the City Manager or City Attorney in advance when asking questions about an

agenda item; speak directly to the City Manager in a timely manner about concerns about City operations, City staff analyses, or City staff performance; and support a positive and constructive workplace environment for City employees and for citizens and businesses dealing with the City; and

WHEREAS, the City Clerk has received three requests for records under California's Public Records Act. One each from Keep Cypress United, Fortis, LLP, and Californians Aware; and

WHEREAS, on March 29, 2022, Council Member Marquez was asked to provide records in response to the Keep Cypress United request by April 5, 2022; and

WHEREAS, Council Member Marquez failed to meet the April 5, 2022 deadline and did not complete her response until April 11, 2022; and

WHEREAS, on May 9, 2022, Council Member Marquez, was asked to provide records in response to the Fortis, LLP request by June 3, 2022; and

WHEREAS, Council Member Marquez has failed to provide a complete response to the request; and

WHEREAS, on May 20, 2022, Fortis, LLP challenged the appropriateness of the City's response to its request, presented a series of questions to the City and Council Member Marquez, and threatened legal action if records for which Council Member Marquez asserted attorney-client privilege with her personal legal counsel were not produced; and

WHEREAS, on May 22, 2022, the City Attorney referred the questions from Fortis, LLP to Council Member Marquez and her separate attorney; and

WHEREAS, Council Member Marquez has failed to provide a complete response to Fortis, LLP; and

WHEREAS, on May 31, 2022, Council Members, including Council Member Marquez, were asked to provide records in response to the Californians Aware request by June 6, 2022; and

WHEREAS, Mayor Morales, Mayor Pro-Tem Hertz Mallari, Council Member Minikus and Council Member Peat responded to the request by June 6, 2022; and

WHEREAS, Council Member Marquez has failed to provide any response to the request; and

WHEREAS, Council Member Marquez has repeatedly failed to communicate in a timely manner with City management about the Public Records Act requests; failed to provide timely responses to the Public Records Act requests; and failed to earnestly comply with the Public Records Act requests; and

WHEREAS, Council Member Marquez's failure to respond (or respond timely) to the requests, as required by the Public Records Act, exposes the City to litigation; damages its reputation; wastes valuable City resources; and violates State law, the Charter, the Code of Ethics, and the Civility, Conduct and Governance Policy; and

WHEREAS, records discovered and provided in response to the Public Record Act requests include communications between Council Member Marquez and third parties that disparage other Council Members; include racist language; and otherwise demonstrate that Council Member Marquez has violated the City's Code of Ethics' requirements that Council Members' professional and personal conduct must be above reproach and should avoid even the appearance of impropriety; and that Council Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of the City Council, City staff or public; and

WHEREAS, Council Members have spoken to Council Member Marquez informally on multiple occasions to try to resolve concerns regarding her misconduct; and

WHEREAS, on January 6, 2022, Mayor Morales and the City Attorney met with Council Member Marquez for approximately two hours to resolve concerns regarding her misconduct;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CYPRESS DOES HEREBY FIND, DETERMINE, RESOLVE AND ORDER AS FOLLOWS:

Section 1. The recitals set forth above are incorporated herein by this reference.

Section 2. The City Council finds that Council Member Marquez has repeatedly and intentionally violated the Public Records Act, the Charter, the Code of Ethics, and the Civility, Conduct and Governance Policy.

Section 3. The City Council formally censures Council Member Marquez for the reasons stated herein.

Section 4. This Resolution shall be effective on upon its adoption. The City Clerk shall certify the adoption of this Resolution.

PASSED, APPROVED and ORDERED by the City Council of the City of Cypress, California at a regular meeting held on ____ day of June, 2022.

MAYOR OF THE CITY OF CYPRESS

ATTEST:

CITY CLERK OF THE CITY OF CYPRESS

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS

I, Alisha Farnell, City Clerk of the City of Cypress, DO HEREBY CERTIFY that the foregoing Resolution was duly adopted at a regular meeting of the said City Council held on the ____ day of June, 2022, by the following roll call vote:

AYES:	COUNCIL MEMBERS:
NOES:	COUNCIL MEMBERS:
ABSENT:	COUNCIL MEMBERS:

CITY CLERK OF THE CITY OF CYPRESS

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CYPRESS, CALIFORNIA, CENSURING COUNCIL MEMBER FRANCES MARQUEZ FOR VIOLATING THE LAWS OF THE STATE OF CALIFORNIA BY FAILING TO RESPOND TO PUBLIC RECORDS ACT REQUESTS AND FAILING TO RESPOND TO PUBLIC RECORDS ACT REQUESTS IN A TIMELY MANNER; VIOLATING THE CHARTER; VIOLATING THE CODE OF ETHICS; AND VIOLATING THE CIVILITY, CONDUCT AND GOVERNANCE POLICY

WHEREAS, it is the duty of all Council Members to act in the public's interest; respect good governance processes; and perform their duties professionally and ethically; and

WHEREAS, the laws of the State of California, the City of Cypress Charter, the Code of Ethics, and the City Council's Civility, Conduct and Governance Policy establish legal and other obligations on Council Members' behavior, conduct, and compliance with requests and direction from the City management; and

WHEREAS, Council Member Marquez has repeatedly and intentionally violated laws of the State of California, the City of Cypress Charter, the Code of Ethics, and the City Council's Civility, Conduct and Governance Policy; and

WHEREAS, the City Clerk has received three requests for records under California's Public Records Act. One each from Keep Cypress United, Fortis, LLP, and Californians Aware; and

WHEREAS, on March 29, 2022, Council Member Marquez was asked to provide records in response to the Keep Cypress United request by April 5, 2022; and

WHEREAS, Council Member Marquez failed to meet the April 5, 2022 deadline and did not complete her response until April 11, 2022; and

WHEREAS, on May 9, 2022, Council Member Marquez, was asked to provide records in response to the Fortis, LLP request by June 3, 2022; and

WHEREAS, Council Member Marquez has failed to provide a complete response to the request; and

WHEREAS, on May 20, 2022, Fortis, LLP challenged the appropriateness of the City's response to its request, presented a series of questions to the City and Council Member Marquez, and threatened legal action if records for which Council Member

Marquez asserted attorney-client privilege with her personal legal counsel were not produced; and

WHEREAS, on May 22, 2022, the City Attorney referred the questions from Fortis, LLP to Council Member Marquez and her separate attorney; and

WHEREAS, Council Member Marquez has failed to provide a complete response to Fortis, LLP; and

WHEREAS, on May 31, 2022, Council Members, including Council Member Marquez, were asked to provide records in response to the Californians Aware request by June 6, 2022; and

WHEREAS, Mayor Morales, Mayor Pro-Tem Hertz Mallari, Council Member Minikus and Council Member Peat responded to the request by June 6, 2022; and

WHEREAS, Council Member Marquez has failed to provide any response to the request; and

WHEREAS, Council Member Marquez has repeatedly failed to communicate in a timely manner with City management about the Public Records Act requests; failed to provide responses to the Public Records Act requests; failed to provide timely responses to the Public Records Act requests; failed to earnestly comply with the Public Records Act requests; and failed to respond to questions about her responses to Public Records Act requests; and

WHEREAS, Council Member Marquez's failure to respond (or respond timely) to the requests, as required by the Public Records Act, exposes the City to litigation; damages its reputation; wastes valuable City resources; and violates laws of the State of California, the Charter, the Code of Ethics, and the Civility, Conduct and Governance Policy; and

WHEREAS, records discovered and provided in response to the Public Record Act requests include communications between Council Member Marquez and third parties that disparage other Council Members; include racist language; and otherwise demonstrate that Council Member Marquez has violated the City's Code of Ethics requirements that Council Members' professional and personal conduct must be above reproach and should avoid even the appearance of impropriety; and that Council Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of the City Council, City staff or public; and

WHEREAS, Council Members have spoken to Council Member Marquez informally on multiple occasions to try to resolve concerns regarding her misconduct; and

WHEREAS, on January 6, 2022, Mayor Morales and the City Attorney met with Council Member Marquez for approximately two hours to resolve concerns regarding her misconduct;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CYPRESS DOES HEREBY FIND, DETERMINE, RESOLVE AND ORDER AS FOLLOWS:

Section 1. The recitals set forth above are incorporated herein by this reference.

Section 2. The City Council finds that Council Member Marquez has repeatedly and intentionally violated the laws of the State of California, the Charter, the Code of Ethics, and the Civility, Conduct and Governance Policy.

Section 3. The City Council formally censures Council Member Marquez for the reasons stated herein.

Section 4. This Resolution shall be effective on upon its adoption. The City Clerk shall certify the adoption of this Resolution.

PASSED, APPROVED and ORDERED by the City Council of the City of Cypress, California at a regular meeting held on 13th day of June, 2022.

MAYOR OF THE CITY OF CYPRESS

ATTEST:

CITY CLERK OF THE CITY OF CYPRESS

STATE OF CALIFORNIA }
COUNTY OF ORANGE } SS

I, Alisha Farnell, City Clerk of the City of Cypress, DO HEREBY CERTIFY that the foregoing Resolution was duly adopted at a regular meeting of the said City Council held on the 13th day of June, 2022, by the following roll call vote:

AYES:	COUNCIL MEMBERS:
NOES:	COUNCIL MEMBERS:
ABSENT:	COUNCIL MEMBERS:

CITY CLERK OF THE CITY OF CYPRESS