

Recommendations to the Pomona City Council from the Pomona Ethics Commission

Summary: By a vote of the Pomona Ethics Commission, and in consultation with City staff, we do hereby make the following recommendations.

Recommendations fall into four different categories (ethics code update, additional rules and expectations, investigative process and implementation of policies) and can be implemented by the Council in different phases.

The most recent Ethics Policy adopted by the city was in 2006; and because there have been a number of state, federal, and local charter changes that affect ethics; and because several regional cities have since developed new Ethics policies and Ethics Commissions that have resulted in best practices; we recommend that:

- 1) The City Council designate the Pomona Ethics Commission as the main point for advice and information for Ethics related matters; and that they further establish a communication process for the Ethics Commission to provide advice and information to City Commissioners and the public on Ethics related issues; and require the Ethics Commission to prepare and publish an annual report; and to establish required training and education of Ethics and related matters such as the Brown Act for all Commissioners.
- 2) The City updates the code of ethics for adoption by the City Council in *clear and simple terms* that can be understood by all members of our community and includes the City's Code of Interest and Revolving Door Rules as set forth by existing law; and work with the City's Ethics Commission on developing a companion guide to the updated Ethics Code *similar* to the guide developed by the City of Los Angeles which provides clear examples and real-world scenarios under each policy and process by the end of January 2026.

Ethics laws set the minimum legal standards to protect the integrity of the decision-making process and use of resources by government officials; City ethics codes have the opportunity to go beyond the minimum standard and set additional rules and expectations to promote the public trust; and that the financial disclosure section of Ethics Codes provide the opportunity to set forth additional standards; therefore we recommend that:

- 1) The City Council ask the City to review and update the existing gifts and gifts disclosure policy in the Ethics Code to be in compliance with existing law; and add a section for the disclosure of behest payments for any elected official as required by existing law.
- 2) The City Council adopt a requirement that lobbyists register with the City as the cities of Los Angeles and Long Beach require; this new requirement would not only allow the general public and city staff to easily look up lobbyists but also provides an opportunity for the City to clearly define who is a lobbyist. (See notes in Addendum - Lobbyists Registration Requirements)
- 3) The City establishes an "appearance standard" in the Ethics Code *similar* to the one developed by the City of Los Angeles to determine that a City official's or employee's participation in a manner "is not in the public interest." The City Attorney and Ethics Commission would be able to recommend to the City Council on Ethics matters that are not in the public interest for an individual to participate in a manner when the facts are such that the public might well question an individual's objectivity and the public interest prevents them from acting even when they would not be disqualified by statutory or common law. (See notes in Addendum - Appearance Standard)

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4) The City Council ask the City to research and consider adding additional restrictions for Ethics Commissioners that restrict them from engaging in certain political activity on behalf of a City officeholder, a candidate for City office, or a City controlled committee (unless the activity is on behalf of their own candidacy) *similar* to the rules required by the City of Los Angeles in an effort to deter bias or the appearance of bias from Commissioners when dealing with Ethics matters directly impacting elected officials that appointed them as Commissioners. (See notes in Addendum - Political Activity)

5) That the City Council ask the City to research and consider adding a Recusal Notification requirement for Commissioners; add requirement for Disclosure of City action affecting officials financial interest; and additional required financial disclosure forms *similar* to the ones developed and implemented by the City of Los Angeles and making all required Ethics forms easily available to the general public *similar* to the City of Long Beach and require the Ethics Commission to track and review recusal notifications. When a Commissioner submits 5 or more recusal notifications within a 365 day period, the Ethics Commission would conduct a review to determine whether the member's financial interests create a significant and continuing conflict with a member's duties on the commission. (See notes in Addendum - Additional Disclosure)

6) That the City Council ask the City to review the existing Supplier and Vendor (Procurement) Code of Conduct policy and align as needed with the updated City's Code of Ethics.

7) That the City Council ask the City Manager and HR department to review and update as needed the definition of "immediate family" in the disclosing of family members section for city employees.

As the Ethics Code is being updated, the Ethics reporting and investigative process needs to simultaneously be in the development process; we recommend that:

1) The City Council ask the City and the Ethics Commission to develop an intake and reporting process that allows for anonymous reporting and is clear for Elected Officials, City Employees, Commissioners and the general public to comprehend; and that clearly defines the roles of all parties involved; and clearly defines potential Ethics violations by the end of January 2026.

2) The City Council ask the City and the Ethics Commission to work together and develop and launch a website for reporting potential Ethics violations by the end of January 2026. The development process may be a phased in approach that includes a basic process that is available early on and a more extensive process and system that will take longer to develop

After the Ethics Code is updated and new policies begin to be implemented; we recommend that:

That the city council ask the City to work with the appropriate parties including but not limited to HR department, labor partners and Ethics Commission to

1. develop a plan to introduce new Ethics resources and/or new Ethics requirements and trainings for city employees;
2. develop a plan to introduce new Ethics resources and/or new Ethics requirements and trainings for Elected Officials, Commissioners and the general public;
3. develop a compliance tracking system;

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4. research and consider the benefit of assigning an “ethics liaison” in every city department *similar* to what the cities of Los Angeles and Long Beach have done. (See notes in Addendum - Ethics Liaisons)

DRAFT ETHICS COMMISSION SCOPE OF WORK:

The Pomona Ethics Commission is the main point for advice, education, policy review, campaign matters (including proactive audits on select campaign contributions and expenditures) and general information for Ethics related matters for Elected Officials, Commissioners and the general public. The Ethics Commission is responsible for developing and implementing an Ethics enforcement policy that applies to Elected Officials and Commissioners and begins after City staff conduct an investigation and intake process and provide the findings to the Ethics Commission for review and enforcement action (including required penalties and disciplinary actions to be imposed per law or necessary referrals to other agencies).

In Pomona the City Attorney, City Clerk and HR Department staff also play distinct roles in Ethics matters working alongside the Ethics Commission. The City Attorney is the legal advisor to the City. They provide legal services and support for the City and advice for the Ethics Commission, including in areas like campaign finance, lobbying, and conflicts of interest laws.

The City Clerk is the local official who administers democratic processes such as elections, access to City records, and all legislative actions ensuring transparency to the public. Their responsibilities include but are not limited to conducting regular and special municipal elections and campaign disclosure and conflict of interest statement filings. The City Clerk works with the Ethics Commission by providing status updates on Ethics related filings by Commissioners and Elected Officials and providing information as requested regarding campaign disclosures and local campaign rules.

The HR Department staff are the assigned staff liaisons to the Ethics Commission. The HR staff works closely with the Ethics Commission and provides Ethics related information and policies to City employees.

ADDENDUM

#5 LOBBYIST REGISTRATION REQUIREMENTS:

City of Long Beach

[Long Beach Municipal Code Section 2.08 LOBBYISTS](#)

Lobbyists shall register with the City Clerk within fifteen (15) days after qualifying as a lobbyist under Section [2.08.020](#). A lobbyist shall renew his or her registration by January 15 or each year unless he or she has terminated their status as a lobbyist pursuant to Section [2.08.050](#), by such date.

[Long Beach Office of the City Clerk:](#)

As outlined in Long Beach Municipal Code [Chapter 2.08](#) (Lobbyists), you may be required to register your lobbying activities with the City of Long Beach. The purpose of the Lobbyist Registration and Reporting Ordinance is two-fold: 1) To ensure the public has full knowledge of who is attempting to influence the decisions that affect City policy; and 2) To ensure that elected City officials are informed of what interests each lobbyist represents.

[City of Long Beach: Lobbying Ordinance](#): Defines who is a lobbyist and who is exempt.

City of Los Angeles

[City of Los Angeles Ethics Handbook Chapter 7: Lobbying \(page 51-54\)](#)

To foster public confidence in the integrity of City decisions, City law requires lobbying entities to disclose their activity and limits the ability of certain City officials to attempt to influence City action.

An individual is a City lobbyist if the individual contacts a City official or employee in an attempt to influence City action on behalf of another person and is compensated for at least 30 hours of lobbying activity in a three-month period. Lobbying firms employ lobbyists to lobby on other behalf of third parties. Lobbyist employers employ lobbyists in-house to lobby on the Organization on behalf. Lobbyists, lobbying firms, and lobbyist employers must register with the Ethics Commission and file quarterly disclosure statements.

#6 APPEARANCE STANDARD:

City of Los Angeles

[City of Los Angeles Ethics Handbook Chapter 3: Conflicts of Interest \(page 31\)](#)

The City Charter has a conflicts provision, which authorizes the City Attorney to determine that a City Official's or employee's participation in a manner "is not in the public interest". The City Attorney has opined that it is not in the public interest for an individual to participate in a manner when the facts are such that the public might well question an individual's objectivity. An actual conflict is not necessary to be disqualified under this standard. The City Attorney may decide that the public interest prevents you from acting even when you would not be disqualified by statutory or common law. If the City Attorney concludes that you cannot act as a result of the public interest standard, you are disqualified from acting in the matter.

City of Long Beach

[City of Long Beach Ethics Commission Action Plan: Oversight of City Ethics Program page 13](#)

5.7 Ethics Commission to conduct Proactive Audits on Select Campaign Contributions and Expenditures.

ADDENDUM

#7 POLITICAL ACTIVITY

City of Los Angeles

[City of Los Angeles Ethics Handbook Chapter 5: Political Activity \(page 45\)](#)

General Managers, Department Heads, Board Members and Commissioners may not do any of the following:

- Solicit, direct, or receive a contribution from a person who has, or in the preceding 12 months had a matter involving a City action before you.
- Engage in any of the following on behalf of a City officeholder, a candidate for City Office, or a City controlled Committee (unless the activity is on behalf of your own candidacy):
 - Ask someone to make a contribution
 - Invite someone to a fundraising event
 - Supply names to be used for a fundraising event
 - Permit your name, signature, or official title to appear on a solicitation for contributions, or in an invitation for a fundraising event.
 - Pay for 20 percent or more of the costs of a fundraising event.
 - Hire someone to conduct a fundraising event.
 - Deliver someone else's contribution to a City officeholder, a candidate for City office, or a City controlled committee.

Additional restrictions for Ethics Commissioners

- Participate in or contribute to the election campaign of anyone running for City or School Board office.
- Participate in or contribute to the election campaign of a City official or School Board Member running for any office.

#2 ADDITIONAL DISCLOSURE

City of Los Angeles

[City of Los Angeles Ethics Handbook Chapter 2: Financial Disclosure \(page 19-20\)](#)

City and state laws prohibit public officials from making, participating in, or attempting to use an official position to influence City matters in which they have a real or apparent conflict of interests. When a conflict exists, you must disqualify or recuse yourself from the City matter. Disqualification may or may not be related to interests reported on your SEI. Board and commission members are required to file Form 51 each time they recuse. A separate form must be filed for each item from which they recuse themselves, and a separate form must also be filed each time the same item appears on a separate agenda. In addition, a Form 51 must be filed even if the member is not present at the meeting at which the conflicting matter is considered. The original Form 51 and a copy of the meeting agenda must be filed with the Ethics Commission within 15 days after the meeting.

About the Notification Recusal Review Process

City law requires the Ethics Commission to track and review recusals. When a Board or Commission member submits 3 or more form 51s within a 365-period, the Ethics Commission conducts a review to determine whether the member's financial interests create a significant and continuing conflict with a member's duties on the board or commission. If the Ethics Commission determines that there is a significant and continuing conflict, it is required to order divestment of the financial interest causing the conflict. Divestment can be avoided by resigning from the board or commission. Recusal reviews may be viewed online through the Ethics Commission meeting agendas, Statement of City-related Business (Form 44)

ADDENDUM

[City of Los Angeles Ethics Handbook Chapter 2: Financial Disclosure \(page 21\)](#)

Some City officials are required to file Form 44 within 10 days after a City action affects their financial interests. The individuals who must file Form 44 include elected officials, board and commission members, the heads of City agencies, and individuals who hold an appointed office that is identified in the Charter. City actions that trigger reporting include the sale of real or personal property to the City; the purchase of real or personal property from the City; the approval or denial of an application for a City license, certificate, permit, franchise, change of zone, variance, credential, or other benefit; the award or denial of a City Contract; and the receipt of a City grant, loan, or forgiveness of debt. Interests must be reported when they are held by the official, the official's spouse or registered domestic partner, or a business in which either the official or the official's spouse or registered domestic partner holds an ownership interest of five percent or more.

City of Long Beach

[City of Long Beach Office of the City Clerk Disclosure Reports and Ethics Portal](#)

Public Official Form 700 Filings and the 800 form series (behested payments, gifts to agencies, ceremonial roles and ticket distributions, etc) are available for the public to easily access and review.

#2 ETHICS LIAISONS

City of Los Angeles

[Executive Directive No. 7 of the Villaraigosa Series: Governmental Ethics: Departmental Liaison, Training, and Compliance](#)

Appoint a Departmental Liaison to the City Ethics Commission

The City Ethics Commission is charged with administering the City of Los Angeles Governmental Ethics Ordinance through training, advice and technical assistance to City departments and officials, as well as through enforcement of the law, when necessary. To assist in the Commission's critical mandate, I direct each Department Head to designate from among his or her departmental management an individual to act as liaison to the City Ethics Commission. That individual must have the authority and responsibility to effectively coordinate the department's programmatic work with the Ethics Commission, and to monitor departmental compliance with all ethics laws and requirements. The duties of the Ethics Liaison will include:

- Reviewing the agency Conflict of Interest Code biennially so that it remains current;
- Ensuring full compliance of departmental personnel with requirements to file financial disclosure statements, statements of City related business, and any other similar public filing required by law;
- Ensuring that staff and department-related commissioners have completed required ethics training;
- Ensuring full compliance with this Executive Directive and Executive Directive Number 1, including posting of the City Ethics Code and filing of recusal notices;
- Disseminating ethics-related materials to staff;
- Remaining up to date on emerging ethics issues, concerns and relevant enforcement matters while working with the Department Head to devise approaches to broadening compliance with ethics laws and principles; and
- Working with the City Ethics Commission and the Office of the Mayor when necessary to fulfill these duties.